

CASE SUMMARY

Case #2004/0115

Complainant: Scott Wiedeman (F-23975)
Turfmaster by Wiedeman (B-25500)
2307 Aberdeen Way
Lafayette, IN 47909-9179
(765) 474-7770

Suspect: Timothy Scott Bolton (F-32210, expired 12/31/2001)
10 Tahoe Court South
Lafayette, IN 47909
(765) 477-0645

Victim: Wendall Whitaker
500 Rosa Lane
Lafayette, IN 47905
(765) 589-8457

Victim: James Carney
2612 Henderson
West Lafayette, IN 47906
(765) 463-2368

Victim: Shirley Blair
716 Carrolton Blvd.
West Lafayette, IN 47906
(765) 463-1273

Victim: O. L. Siebenthal
515 Parkridge Drive
West Lafayette, IN 47906
(765) 463-1066

Victim: Leslie Weaver
6128 Naschette Parkway
West Lafayette, IN 47906
(765) 567-4511

Victim: Marilyn Sameh
40 Carrington Court
West Lafayette, IN 47906
(765) 463-4447

The Office of Indiana State Chemist (OISC) received a call from Scott Wiedeman, owner of “Turfmaster by Wiedeman”, a licensed pesticide business. Mr. Wiedeman stated that an employee that he fired during the fall of 2001 had recently been making contact with Turfmaster customers. The former employee, Tim Bolton, had allegedly told customers that he (Bolton) had recently made a pesticide application to their property. Mr. Bolton requested payment for that application.

I spoke with Mr. Wiedeman. He stated that at least six customers had contacted him over the past several months asking about Mr. Bolton. Mr. Wiedeman stated that the customers stated that Mr. Bolton had asked for payment of services in the form of a personal check made out to him (Tim Bolton). Mr. Wiedeman stated that he had fired Bolton 2 years ago, during the fall of 2001. He stated that he has not had any contact with Bolton since that time. He also stated that he did not renew Mr. Bolton’s pesticide applicator’s license in 2002, Mr. Wiedeman supplied me with a list of individuals that had contacted him about Mr. Bolton.

I spoke with Wendall Whitaker of 500 Rosa Lane. Mr. Whitaker and his wife stated that they had paid Bolton a total of \$160.00. Mrs. Whitaker stated that Bolton contacted her in the fall of 2003 and wanted another \$40.00. He claimed that he had undercharged the Whitakers. The Whitakers were

uncertain if they ever received the services from Mr. Bolton. I attempted to make contact with the Whitakers on numerous occasions to take a taped statement and obtain copies of the checks, to no avail.

I spoke with Shirley Blair of 716 Carrolton St., West Lafayette, IN. She stated that Bolton stopped at her house approximately a year ago (fall of 2003) and stated that he wanted to make a grub control application for her. She paid him for the application with a personal check made out to Bolton. She stated that on another occasion Bolton stopped by her home, driving a Jeep. At that time he stated that he had made a tree and shrub application and wanted payment. Mrs. Blair did not wish to make a statement or supply copies of the checks.

I spoke with Leslie Weaver of 6128 Naschette Parkway, West Lafayette, IN. She stated that she received a call late fall of 2003. The caller stated, "This is Scott with Turfmaster". He wanted to make a grub application, even though the leaves were very deep on her property. Ms. Weaver insisted that he wait until they had a chance to clean up the yard. The caller stated that he had negotiated a treatment cost of \$40.00 with her husband and that it was his "own mixture". Bolton wanted the check made out to him and left in the mailbox so he could get it when he was done treating the yard. Ms. Weaver later spoke with her husband and learned that he had not negotiated anything with Bolton. Ms. Weaver stated that she contacted Bolton and insisted that she get her money back. Bolton first told her that he "had applied just what your yard needed." After a second call Ms. Weaver got a money order from Bolton for \$40.00. I left several messages attempting to set up a time for a statement from Ms. Weaver, to no avail. She did fax me a copy of the canceled check.

I met with Marilyn Sameh of 40 Carrington Court, West Lafayette on 1-22-04. She stated that on Feb. 4, 2003, Bolton advised her that he was starting his own company and gave her a bid of \$318.00 for lawn care treatments. Ms. Sameh wrote him a check for that amount as Bolton wanted "prepaid". On April 26 Bolton returned and wanted an additional \$45.00. Mr. Sameh, Marilyn's husband, gave him a check for \$45.00. Mrs. Sameh had previously told Bolton to wait until he had done some work. Bolton did give her a label and a partial analysis for a treatment that he claimed he did on 4-17-03, although he gave it to her well after 4-17-03. Ms. Sameh never observed Bolton doing any work nor did she see the granules from the 4-17-03 application. On 5-02-03 Ms. Sameh learned that Bolton had been fired from Turf Master. Ms. Sameh attempted to get a refund of her money but never heard from Bolton. Ms. Sameh gave me copies of the original quote, her personal notes, and the analysis that was dated 4-17-03 and signed "thanks, Tim". Ms. Sameh also gave me a taped statement that was transcribed by Cathie Hardebeck and attached to this report.

George Saxton of OISC and I met with O.L. Siebenthal of 515 Parkridge Drive, West Lafayette, IN on 1-23-04. Mr. Siebenthal stated that on 12-22-03 Bolton called him. He stated, "this is Tim, who does applications in your yard." He went on to say that he was doing the last Turfmaster application when he noticed sod web worms in the yard. He treated for the insect while making the last herbicide application in mid November. Bolton stated that he did "the application on my own" and requested a personal check for \$70.00. Siebenthal left the check for Bolton to pick up and then contacted Wiedeman. He learned that Bolton had not worked for Wiedeman for over two years. He attempted to retrieve the check, but Bolton had already picked it up. Siebenthal stopped payment on the check. December 27, 2003 Bolton stopped at the Siebenthal home to give a receipt and ask for another \$55.00. Mr. Siebenthal gave me the "receipt". It appears to be a partial piece of paper from "Orkin", a pest control company. I also obtained a copy of the check and a taped statement. The statement was transcribed by Cathie Hardebeck and attached to this report.

I met with James Carney of 2612 Henderson Street, West Lafayette, IN on 2-04-04. Mr. Carney stated that Tim Bolton called him on Nov. 28, 2003. Bolton stated that he had noticed an infestation while making the last fertilizer application. He requested \$75.00. Mr. Carney asked for a bill and Bolton claimed that he made the application on "his own with chemicals that he got from Purdue University." He requested that a check be made out to him. Mr. Carney made out the check, but realized that something was amiss. He returned home to retrieve the check before Bolton had the chance to get it. He learned that Bolton had called again and told his wife that the treatment was actually \$85.00. Mr. Carney contacted Scott Wiedeman and learned that Bolton had been fired two years ago. When Bolton came to get the check, Mr. Carney confronted him with the fact he knew he (Bolton) no longer worked for Wiedeman. Bolton insisted that he did still work for Wiedeman and that he was shocked Scott would say such a thing.

It should be noted that all the homeowners recognized Bolton as the man who did, at one time, work for Scott Wiedeman. They recognized him as having made pesticide applications in their yards. Bolton was described to me as being between 20-30 years old, 6'2" to 6'4" tall, husky build approximately 240 pounds, blonde hair.

On 1-23-04 Agent George Saxton and I went to 10 Tahoe Court to attempt to make contact with Timothy Scott Bolton. Upon knocking on the door we were met by a man matching the description given to me of Bolton. I identified myself as being an investigator with OISC and asked if he was Tim Bolton. Mr. Bolton replied that he was. Mr. Saxton and I went into the residence to talk to Mr. Bolton. I displayed my credentials and issued a Notice of Inspection to Mr. Bolton. I explained to Mr. Bolton that we had information that he may have been making unlicensed pesticide applications. Mr. Bolton stated that he may have made a single application of "Scotts Fertilizer with Halt" (a pre-emergent herbicide) in April of 2003. He stated that he had purchased the pesticide at "Rural King" and did it for a friend. He stated that he did not remember who or where he made the application. I asked Mr. Bolton if he would be willing to give me a statement regarding the allegations. Mr. Bolton stated that he did not feel it was in his best interest to give a statement or cooperate further.

DISPOSITION: The case report was filed with the Tippecanoe County Prosecutor's Office for criminal review under the Indiana Pesticide Use and Application Law as well as any other criminal charges that would be appropriate. In addition, Timothy Scott Bolton was cited for six (6) counts of violation of section 14(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire or professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,500.00 was assessed for these violations.

Leo A. Reed
Pesticide Investigator

Date: December 22, 2004

A handwritten signature in black ink that reads "Leo A. Reed". The signature is written in a cursive, flowing style with a large loop at the end.

CASE SUMMARY

Case #2004/0246

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

Business: Home Depot
1814 E. Tipton
Seymour, IN 47274

1. On 4-6-2004, I performed a pesticide registered consultant inspection at the above business. A sign was posted at the store entrance indicating only trained employees may offer pesticide selection and use advice to customers. I asked for and received pesticide selection advice from "Angie" in the lawn and garden section of the store.
2. A Notice of Inspection was then issued to operations manager Gary Keinsley. Vickie Brunello, who handles training for store employees, was also present. According to Ms. Brunello, several employees attended pesticide training on two occasions, most recently on March 16, 2004 in Indianapolis. "Angie" was one of the employees who attended the training, which was provided by the Scott's Corporation.
3. I informed Mr. Keinsley and Ms. Brunello that, according to records at the Office of Indiana State Chemist (OISC), the Seymour store was not registered as a consultant. Ms. Brunello indicated that she thought the Scott's Corporation was to pay the fee and submit the registration form to OISC as part of their training. At the time of the inspection, there was no sign posted reminding employees they must be trained prior to making pesticide selection and use advice to customers.
4. I instructed Mr. Keinsley to post copies of the sign from the front of the store in the pesticide section of the store and to register the store with OISC. He indicated he would do so.

Disposition: Home Depot was cited for violation of section 14(6) of the Indiana Pesticide Use and Application Law for failure to comply with the rule regarding registered consultants. A civil penalty in the amount of \$250.00 was assessed for this violation.

Andrew R. Roth
Pesticide Investigator 

Date: February 7, 2005

CASE SUMMARY

Case #2004/0318

Complainant: Mike Brown
3841 S. Old Hwy 60
Salem, IN 47167

Applicator: John Baker, Jr. (F41278)
Jackson-Jennings Co-op (B11441)
6648W. SR 56
Salem, IN 47167

1. On 5-6-2004, Mike Brown called the Office of Indiana State Chemist (OISC) to report that Jackson-Jennings Co-op sprayed a corn field south of his property on a windy day and his trees are showing herbicide exposure symptoms. Mr. Brown stated he spoke with former Washington County extension educator, Byron Fagg, who referred him to OISC.
2. On 5-11-2004, I met with Mr. Brown at his residence. Mr. Brown stated he contacted Jackson-Jennings Co-op about the incident and manager Michael Trueblood inspected his property and photographed the site. Mr. Brown stated that his wife and children were home at the time of the application. He indicated he is concerned about the health of his family and animals, as well as his trees. Mr. Brown has several dogs on the property as well as one horse. He stated that some of the dogs, which were tied up on the property during the application, had loose, bloody stools in the days following the application.
3. As I walked the 7.7-acre rectangular property, I observed leaf curl, chlorosis, wilting and foliar spotting on the majority of the trees. As I walked toward the southwest corner of the property, near the target field, the foliar symptoms were visibly more severe. The symptoms were observed across species on mature tulip poplars, maples and chestnuts, and were also visible on younger dogwood, oak, pear and sassafras trees. Mr. Brown had not yet put out his garden plants at the time of my visit, but grape vines and weeds in the garden area exhibited symptoms similar to those observed on Mr. Brown's trees. Weeds in the target field and vegetation in the fence row separating the target field and the Brown property were also curled and dying. An intermittent stream, which held water at the time of my inspection, borders a portion of the field adjacent to the garden area. The stream is approximately 40 feet from the edge of the field, and runs through the Brown property from north to south.
4. I took photos of the site and collected plant samples from a variety of plant species, including chestnut, oak, tulip poplar, pear, dogwood, and grape vine. The samples were turned into the Plant and Pest Diagnostic Lab (PPDL) at Purdue for assessment.
5. I spoke with Mr. Trueblood about the incident. He indicated one of his applicators, John Baker, made the application on 4-28-2004. I sent Mr. Trueblood a Pesticide Investigation Inquiry (PII), which was completed and returned to OISC with an aerial photo, a narrative, application records and wind data. The wind data indicates the average wind speed for the day

was 6.3 mph from the southwest, with a peak wind at 26 mph at 12:30 p.m. According to the PII, Mr. Baker sprayed the entire 125-acre field with a tank mix containing the following:

Atrazine 4L	(EPA Reg.#1381-158)
Simazine 4L	(EPA Reg.#9779-296)
Gramoxone Max	(EPA Reg.#100-1074), active ingredient paraquat
SWB 2,4-D LV4	(EPA Reg.#42750-22-9779)
Pounce 3.2EC	(EPA Reg.#279-3014), active ingredient permethrin

6. An examination of recorded wind data indicates the wind during the application was from the south-southwest, blowing toward the Brown property, varying from 14-25 mph.
7. The PPDL report for the samples submitted indicates there was no evidence of infectious disease. Further, it states, **“The symptoms presented are consistent with the herbicides reportedly applied to the upwind property.”**
8. The Atrazine 4L label reads, in part, **“This product may not be applied aerially or by ground within 66 feet of the points where field surface water runoff enters perennial or intermittent streams and rivers or within 200 ft. around natural or impounded lakes or reservoirs.”** Further, it states, **“Do not apply when weather conditions favor drift from treated areas.”** The Simazine 4L label states, in part, **“To avoid spray drift, do not apply under windy conditions.”** The Gramoxone Max label states, in part, **“DO NOT use around home gardens, schools, recreational parks, or playgrounds.”** The SWB 2,4-D label states, in part, **“Do not use with atrazine, oil or other adjuvants.”**

DISPOSITION: John Baker Jr. and Jackson-Jennings Co-op were cited for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions for applying within sixty-six (66) feet of an intermittent stream. A civil penalty in the amount of \$250.00 was assessed for this violation.

John Baker Jr. and Jackson-Jennings Co-op were cited for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to comply with drift label language. A civil penalty in the amount of \$250.00 was assessed for this violation.

John Baker Jr. and Jackson-Jennings Co-op were cited for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to comply with label language regarding tank mixing of SWB 2-4,D and Gramoxone. A civil penalty in the amount of \$250.00 was assessed for this violation. Total civil penalty assessed is \$750.00.

Andrew R. Roth
Pesticide Investigator

Date: March 24, 2005



CASE SUMMARY

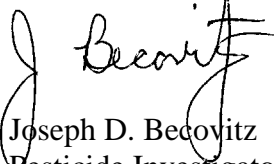
Case #2004/0358

Complainant: Office of Indiana State Chemist (OISC)
175 S University St.
West Lafayette, IN 47907-0163

Applicator: James Hudson
1815 Southeastern Ave.
Indianapolis, IN 46201

1. On May 5, 2004, I observed Mr. Hudson making a pesticide application to a residential lawn located at 10645 Torrey Pines in Carmel, Indiana, and I initiated a routine use inspection. He was applying Lesco Three-Way herbicide (**EPA Reg.#10404-43**, active ingredients of **2,4-D, MCPP and dicamba**). Mr. Hudson admitted to making "a few" pesticide applications for hire. A check of state chemist records showed Mr. Hudson was neither a certified applicator nor a registered technician and that he did not have the required pesticide business license. I issued Mr. Hudson a modified Stop Sale, Use or Removal order instructing him to cease all for hire pesticide applications until he becomes properly licensed.

DISPOSITION: James Hudson was cited for violation of section 14(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation. Mr. Hudson failed to pay the civil penalty.


Joseph D. Becovitz
Pesticide Investigator

Date: February 7, 2005

CASE SUMMARY

Case #2004/0402

Complainant: Tracy Barnhart
4152 W. 800 S.
Claypool, IN 46510

Business: Stan Heeter
6963 E. 1200 N.
Roann, IN 46974

1. On June 15, 2004, this office received a complaint that Stan Heeter had treated Ms. Barnhart's home for the control of termites and that the termite problem persists. Mr. Heeter is not a licensed pesticide applicator in the state of Indiana.
2. On July 5, 2004, I went with Ms. Barnhart at her home. Ms. Barnhart was shown credentials and issued a Notice of Inspection (N.O.I.). Ms. Barnhart stated that prior to buying the home, they had an inspection completed. The inspection indicated evidence of termites and she requested from the sellers that they have the home treated as a condition of purchase. The sellers provided a document to Ms. Barnhart indicating that the home had been treated for termites by Stan Heeter, a General Contractor. Ms. Barnhart gave me a copy of this document along with a copy of the Wood Destroying Insect Inspection Report performed by Warsaw Pest Control. Ms. Barnhart also had documentation from an inspection completed by Arab Pest Control indicating active termites in the structure and several areas of termite damage.
3. Ms. Barnhart showed me an active termite infestation in the kitchen archway wall, behind the trim. The wall area visible behind the trim had an active termite infestation. In addition, several areas of the hardwood floor in the family room showed signs consistent with termite damage. Ms. Barnhart stated that they discovered the damaged floor after removing the carpet shortly after moving into the home. Ms. Barnhart also stated that they had swarmers in the home after the first warm day in the spring of this year. Photographs of these areas were taken. An inspection of the exterior of the home was completed. No visible signs consistent with a termiticide application were observed.
4. On July 20, 2004, I went to the home of Mr. Stan Heeter in Roann, IN. At the time of my inspection, Mr. Heeter was not at home. I was able to contact Mr. Heeter later that day and discussed the issues of the complaint with him. I informed Mr. Heeter that the Office of Indiana State Chemist records indicated he did not have a business license to make pesticide application for hire. Mr. Heeter was informed that I would mail him a Pesticide Investigative Inquiry (P.I.I.) form to complete and return to me. Mr. Heeter stated that he had made an application to this property at the request of the former home owners, but had never been paid for his services. Mr. Heeter stated that he had used the product **Spectricide Terminate**

(EPA Reg. #9688-85-8845; Active Ingredient: Permethrin) he purchased at a Lowes Home Improvement store. Mr. Heeter also stated that he was not sure that he would complete the form, because he did not want to be "hassled" about this issue. A P.I.I. form and cover letter was sent to Mr. Heeter on July 21, 2004, by Certified Mail.

5. On August 7, 2004, was returned to the Office of the Indiana State Chemist for failure to be unclaimed by Mr. Heeter. On August 18, 2004, another letter was sent by regular mail to Mr. Heeter. Mr. Heeter was instructed to return this letter by September 2, 2004. As of September 3, 2004, Mr. Heeter had failed to complete and return the P.I.I. information.

DISPOSITION: Stan Heeter was cited for violation of section 14(9) of the Indiana Pesticide Use and Application law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation. This case was forwarded to the Indiana Attorney General's office for collection of the civil penalty.


Scott M. Farris
Pesticide Investigator

Date: November 30, 2004

CASE SUMMARY

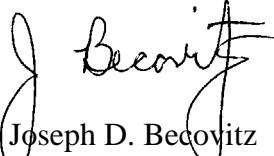
Case #2004/0453

Complainant: Office of Indiana State Chemist
Purdue University
175 S. University St.
West Lafayette, IN 47907-2063

Applicator: Mike Groce F-29578
Country Gardens
2285 Shadowbrook Drive
Plainfield, IN 46168-4709

1. On July 9, 2004, this office received information that Country Gardens was making pesticide applications to a residential lawn in Plainfield, Indiana. According to state chemist records, Country Gardens did not have the required Pesticide Business License.
2. On or about July 22, 2004, I spoke with Mike Groce, owner of Country Gardens, regarding the alleged unlicensed application complaint. Mr. Groce stated he made a pesticide application to a lawn in Plainfield, but thought he was covered because he was licensed through his old employer, TruGreen. I explained that his old pesticide applicator license at TruGreen was not valid since he was no longer in their employ. I further explained the Pesticide Business licensing process to him. Mr. Groce promised to send me a copy of the invoice for the pesticide application he made, and to obtain a Pesticide Business License for Country Gardens.
3. I received a copy of the pesticide application invoice on October 5, 2004. According to information supplied on the invoice, Country Gardens made an application of fertilizer and broadleaf weed control to the Austin Lakes neighborhood common areas in Plainfield on July 19, 2004. Country Gardens was issued a Pesticide Business License on October 7, 2004. It should be noted that it took at least two follow up contacts to Mr. Groce before he submitted a license application and provided documentation of the unlicensed application to this office.

DISPOSITION: Mike Groce and Country Gardens were cited for violation of section 14(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana Pesticide Business License. A civil penalty in the amount of \$250.00 was assessed for this violation.


Joseph D. Becovitz
Pesticide Investigator

Date: March 24, 2005

CASE SUMMARY

Case #2004/0508

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

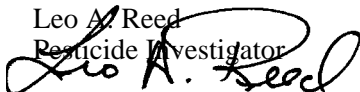
Business: Rural King
4000 Bethel Avenue
Muncie, IN 47303
(765) 381-0440

1. I visited the above business on 8/18/04. I spoke with Larry Miller, the assistant manager of the Muncie Rural King.
2. I explained that the purpose of my visit was to see if the business was in compliance with both the bulk pesticide containment rules as well as the consultant rule. Mr. Miller and I spoke with the receiving manager, Steve Caudill. Mr. Caudill showed us two 275 gallon shuttles of **"ClearOut 41 Plus", EPA Reg. #70829-3, active ingredient glyphosate**. Mr. Caudill stated that he thought the shuttles had sat in the receiving area in the back of the store for approximately two months. He stated that those two shuttles did not sell as fast as the others. Mr. Caudill and Mr. Miller were unaware of the containment requirement for bulk pesticides. Mr. Caudill was able to provide me with a shipping invoice indicating that he took possession of the shuttles on June 24-04. The shuttles were out of containment a total of 56 days.
3. I also spoke with Mr. Miller about the consultant rule. Mr. Miller stated that they do have several employees that provide pesticide advice. Further conversation revealed that one employee, Scott Donnelly, has been to a two-day seminar provided by "The Scotts Company". The facility has not registered as a consultant business nor have they posted the two required signs. Mr. Miller stated that he will have additional employees trained, register the business and post the signs immediately. Mr. Miller stated that he was unaware of the requirements.
4. It should be noted that while I was at the business, Mr. Miller made arrangements with his corporate headquarters to have the bulk pesticides removed immediately. I was provided with a "transfer request" from the store.

DISPOSITION: Rural King was cited for violation of section 14(6) of the Indiana Pesticide Use and Application Law for failure to comply with the registered consultant rule. A civil penalty in the amount of \$250.00 was assessed for this violation.

Rural King was also cited for 26 counts of violation of section 14(6) of the Indiana Pesticide Use and Application Law for failure to comply with the rule regarding secondary containment. A civil penalty in the amount of \$2,600.00 was assessed for this violation. However, this civil penalty was reduced to \$1,300.00. Consideration was given to the fact that Rural King cooperated during the investigation; corrective action was taken; and there were no restricted use products involved. The total civil penalty assessed for these two violations is \$1,550.00.

Leo A. Reed
Pesticide Investigator



Date: March 24, 2005

CASE SUMMARY

Case #2004/0520

Complainant: David Zintel
812 East Drive, Woodruff Place
Indianapolis, IN 46201

Applicator: W. Lew Fields F-207397
Beau T Lawn B-208645
4367 Sellers Street
Indianapolis, IN 46226

1. On August 24, 2004, David Zintel phoned this office to report that Beau T Lawn applied Finale herbicide around his gas meter. According to Mr. Zintel, the application killed or injured desirable plants and was made without his permission.
2. On August 27, 2004, I met with Mr. Zintel at his residence. I observed the following:
 - a. The gas meter was located on the outside of the north wall of the Zintel home.
 - b. There was boston ivy growing on most of the north wall. The ivy within three feet to four feet of the gas meter was dead or dying. In addition, several other plants close to the gas meter had yellowed and browned leaf tips and edges.
 - c. The pattern of symptoms suggested that a herbicide had been applied to the Zintel ivy and that the application had dripped or misted onto other plants located below the target ivy.
 - d. At the time of my inspection I could not detect any poison ivy, either living or dead, near or around the gas meter.

I took a swab sample from the window located directly above the gas meter. I also photographed the site and took plant samples from the ivy and the hostas for submission to the Purdue Plant and Pest Diagnostic Laboratory (PPDDL).

3. According to information provided by Beau T Lawn, Finale herbicide (**EPA Reg.#432-1229**, active ingredient of **glufosinate ammonium**) was applied around the Zintel gas meter by registered technician Delmer Edmonds. The application was made to control poison ivy.
4. The PPDDL report stated the necrotic spots on the leaves of the boston ivy and the hostas were consistent with exposure to Finale herbicide.
5. No glufosinate ammonium, the active ingredient in Finale, was detected on the swab sample taken from the Zintel window.

6. A check of state chemist records revealed Beau T Lawn was licensed to apply pesticides to turf only (category 3b). The application made around the gas meter on the Zintel property was made to control weeds and ornamental plants in a landscape bed (category 3a).
7. The Finale label states, "**GENERAL INFORMATION**, ...Avoid all contact with foliage or green tissue of desirable vegetation."

DISPOSITION: W. Lew Fields and Beau T Lawn were cited for violation of section 14(12) of the Indiana Pesticide Use and Application Law for applying pesticides in category 3a without obtaining that certification.

W. Lew Fields, and Beau T Lawn were also cited for violation of section 14(2) for failure to follow label directions regarding application to desirable vegetation. A civil penalty in the amount of \$250.00 was assessed for this violation.

Joseph D. Becovitz
Pesticide Investigator

A handwritten signature in black ink, appearing to read "J Becovitz", with a stylized flourish at the end.

Date: January 12, 2005

CASE SUMMARY

Case #2004/0524

Complainant: John Beutter
61051 Hawthorne Trail
South Bend, IN 46114
574-536-2517

Applicator: Roger Horein (PA 43636)
Pick of the Chick Egg Farm
16901 Madison Road
South Bend, IN 46614
574-291-3398

1. Mr. Beutter contacted the Office of Indiana State Chemist (OISC) to report that he had herbicide drift damage on his soybean field.
2. I visited Mr. Beutter on 9-2-04. We went to the soybean field, located at the north west corner of SR 331 and Madison Road. I observed that the leaves of the plants were cupped and curled. I photographed and diagramed the field. It should be noted that the soybean field is 26 acres. Nine acres show symptoms of exposure. Those 9 acres are directly north of a corn field farmed by Pick of the Chick Egg Farm. The soybeans that are north east and north west of the corn field do not show any symptoms. I noted that the pattern of exposure lessened to the north (away from the corn field). I also took plant samples to the Purdue Plant and Pest Diagnostic Laboratory (PPDL). I also photographed and diagramed the field.
3. Mr. Beutter stated that he first noticed the symptoms around the middle of July. He stated that he believed the beans had been affected by a growth regulator type herbicide. At the time he noticed the symptoms, Mr. Beutter stated that he believed the beans would "grow out of the damage". Eventually it became apparent that they beans were not going to grow out of the damage. Mr. Beutter became concerned that he may experience reduced yields.
4. I spoke with Roger Horein on 9-2-04. I met with Mr. Horein at the egg farm. Mr. Horein had told me over the phone that he believed that he may have drifted onto the soybean field. Mr. Horein had no application records. He stated that he had applied "**Yukon**", **EPA Reg. #33906-11-524, active ingredients are halosulfuron-methyl and dicamba**, to his corn field. Mr. Horein did not know the date of application, but said it could have been June 25. Mr. Horein also stated that he remembered the wind as blowing towards the soybean field, from the south west. I left Mr. Horein a Pesticide Investigation Inquiry (PII) to be completed and returned within 10 days.
5. When I asked about restricted use pesticide (RUP) application records, Mr. Horein stated that he made a variety of RUP applications this spring, but did not have any records. Those

applications included, according to Mr. Horein, **“Balance Pro” EPA Reg. #264-600, active ingredient isoxaflutole, “Harness Xtra”, EPA Reg. #524-485, active ingredients acetochlor and atrazine, “Degree Xtra” EPA Reg. #524-511, active ingredients acetochlor and atrazine.** I asked Mr. Horein specifically if he had any information whatsoever recorded regarding those applications and he stated that he had nothing. Mr. Horein stated that he had kept records in the past, but got out of the habit a couple years ago.

6. I also noted that the mix load area was in a state of disarray. There were empty jugs, full pesticide jugs and jugs with heavy pesticide residue in the area. Some of the jugs had no caps on them. I also noted that there was a 250-gallon shuttle that was in a dilapidated trailer with no secondary containment. Mr. Horein and I agreed that there were approximately 30-50 gallons of pesticide in the shuttle. Mr. Horein stated that the shuttle contained **“Bicep II Magnum” EPA Reg. #100-817, active ingredients atrazine and S-metolachlor.** It should be noted that Bicep II Magnum is a RUP. Mr. Horein stated that the farm had gotten a delivery of Bicep II from Fulton Marshall Co-op in the spring of 2003. I advised Mr. Horein that they must remove the shuttle immediately, as it needed to be contained.
7. I spoke with Shawn Harley of Fulton Marshall Co-op in Bremen. He provided documentation indicating that the Bicep II Magnum (152 gallons) had been delivered to “Pick of Chick Egg Farm” on May 27, 2003. I also confirmed that Pick of the Chick Egg Farm returned the shuttle.
8. I received a diagnosis from PPDL that states, “ Some of the plants submitted display symptoms similar to those produced by growth regulator herbicides.” The causal factor listed was “chemical” and the certainty of identification was “most likely”.
9. Mr. Horein returned the PII indicating that he applied “Yukon” herbicide on 6-25-04. He wrote that he estimated the wind speed at 10 mph, from the south west (blowing towards the soybean field).
10. The “Yukon” herbicide label reads in part, “Avoid making applications when spray particles may be carried by air currents to areas where sensitive crops and plants are growing, when temperature inversions exist, or if the wind is gusty or in excess of 5 mph and moving in the direction of adjacent sensitive crops.”

DISPOSITION: Roger Horein and Pick of the Chick Egg Farm were warned for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to follow label language regarding drift.

Roger Horein and Pick of the Chick Egg Farm were cited for violation of section 14(7) of the Indiana Pesticide Use and Application Law for failure to keep records required by law.

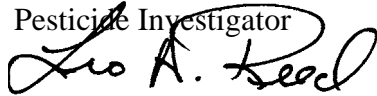
Roger Horein and Pick of the Chick Egg Farm were cited for violation of section 14(2) for failure to comply with label directions regarding disposal of containers.

Roger Horein and Pick of the Chick Egg Farm were cited for one hundred and eighty (180)

counts of violation of section 14(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 5-4-1(a), for failure to maintain the required secondary containment for all mini-bulk pesticide containers. A civil penalty in the amount of \$18,000.00 was assessed for this violation. Although it was documented that the mini-bulk was out of containment for a longer period of time, only one hundred and eighty (180) days were considered for a civil penalty.

On January 31, 2005, this case was forwarded to the Office of Indiana Attorney General for collection assistance.

Leo A. Reed
Pesticide Investigator

A handwritten signature in black ink that reads "Leo A. Reed". The signature is written in a cursive style with a large, looping "L" and "R".

Date: January 31, 2005

CASE SUMMARY

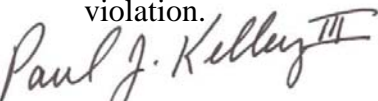
Case #2004/0569

Complainant: Teresia Perry
1723 Woodlawn Avenue
Indianapolis, IN 46203
317-631-8175

Applicator: John S. Lasiter (F-19196)
American Independent Pest Control (B-40554)
719 Hanna St.
Plainfield, IN 46168
317-838-7378

1. On September 24, 2004, the Office of Indiana State Chemist (OISC) received information that John Lasiter of American Independent Pest Control made pesticide applications for hire without a license prior to 2001. John Lasiter and American Independent Pest Control became licensed in April of 2001. Complainant states that she has cancelled checks for the applications.
2. On October 4, 2004, I met with Teresia Perry at her residence to investigate her complaint. I displayed my credentials and issued a Notice of Inspection (NOI). Ms. Perry stated that John Lasiter had performed pest control for her and her mother, Annie Anderson, for many years. Ms. Perry gave me copies of checks made out to John Lasiter and endorsed by John Lasiter. The copies of Annie Anderson's checks to John Lasiter referenced "pest control" in the memo section of the checks.
3. On October 11, 2004, I met with John Lasiter. I displayed my credentials and issued an NOI to Mr. Lasiter. I asked Mr. Lasiter to see all documents of applications prior to 2001. Mr. Lasiter was cooperative and stated he had applied pesticides for hire for Teresia Perry and Annie Anderson prior to 2001. Mr. Lasiter gave me a computer printout of the jobs he had performed prior to 2001.
4. Mr. Lasiter made six (6) applications to Annie Anderson's property at 415 Harlan Drive, Mooresville, Indiana. Mr. Lasiter made four (4) applications to Teresia Perry's residence. This information came from Mr. Lasiter's computer printout of work from 2000 to April of 2001.

DISPOSITION: John S. Lasiter was cited for violation of section 14(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.


Paul J. Kelley
Pesticide Investigator

Date: January 12, 2005

CASE SUMMARY

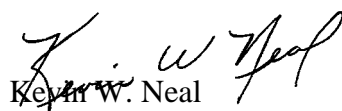
Case #2004/0590

Complainant: Ron Osburn
P.O. Box 413
Francesville, IN 47946
219-204-0011

Applicator: Jim Binney
Cutting Edge Lawn Care
12197 ½ N. Upper Lake Shore Dr.
Monticello, IN 47960
574-583-5687

1. On 9-23-04, the Office of Indiana State Chemist (OISC) received information from Mr. Osburn that Mr. Binney, doing business as Cutting Edge Lawn Care (CELC), was making pesticide applications for hire without having first obtained proper certification and licensing. According to OISC records, Mr. Binney does not possess the proper certification nor does CELC have a pesticide business license.
2. Mr. Osburn alleged that Mr. Binney had bid on and had been awarded a broadleaf weed control application to a cemetery in Salem Township of Pulaski County, IN
3. On 10-5-04, I spoke with Lana Anderson, Salem Township Trustee who confirmed that Mr. Binney had indeed treated the cemetery known as Roseland and had been paid for his services. Ms Anderson provided me with a copy of the invoice stating that CELC had been paid \$1,800.00 to "spray weeds in lawn @ Roseland".
4. I also spoke with Mr. Binney who confirmed the above information that he had been contracted to treat the cemetery for broadleaf weeds.

DISPOSITION: Jim Binney and Cutting Edge Lawn Care were cited for violation of section 14(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.


Kevin W. Neal
Pesticide Investigator

Date: March 24, 2005

MODIFIED CASE SUMMARY

Case #2004/0418

Dealer: Simplot Partners DE-1757
1720 E. Pleasant Street
Noblesville, IN 46060

Applicator: Joe Denning
Royal Oaks Country Club
2080 S. State Road 135
Greenwood, IN 46143-9496

1. On April 6, 2004, I performed a routine dealer records inspection at Simplot Partners in Noblesville, Indiana. As a result of the records inspection, I found four sales of restricted use pesticides (RUP's) to an apparently unlicensed pesticide applicator (Joe Denning). The sales were as follows:

Deltagard GC (EPA Reg.#432-835, active ingredient of delatamethrin) to Joe Denning at Winding River Golf Course on July 22, 2003,

Deltagard GC (EPA Reg.#432-835, active ingredient of deltamethrin) to Joe Denning at Cypress Run Golf Course on May 25, 2004,

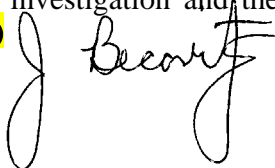
Deltagard GC (EPA Reg.#432-835,active ingredient of deltamethrin) to Joe Denning at Royal Oak Country Club on May 25, 2004 and

Scimitar GC (EPA Reg.#100-1088,active ingredient of lamda-cyhalothrin) to Joe Denning at Royal Oak Country Club on May 30, 2004.
2. A check of state chemist records showed that Joe Denning had not held a valid pesticide applicator license since December 31, 1995.
3. On August 16, 2004, I met with Joe Denning at Royal Oak Country Club. Mr. Denning stated that neither he nor anyone else at Royal Oak, Winding River or Cypress Run held a valid pesticide applicator license. He further stated that he was solely responsible for the RUP applications at the golf courses listed above and that no certified applicator supervised those applications. He stated that he was taking steps to get himself and other staff members certified and licensed as pesticide applicators.
4. It should be noted that the label for both Scimitar GC and Deltagard GC state, "For retail sale to and use only by certified applicators or persons under their direct supervision..."

DISPOSITION: Simplot Partners was cited for four (4) counts of violation of section 14(6) of the Indiana Pesticide Use and Application Law (specifically 357 IAC 1-3-2) for selling a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$2,750.00 was assessed for these violations.

Joe Denning and Royal Oaks Country Club were cited for four (4) counts of violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding using a restricted use pesticide without the direct supervision of a certified applicator. A civil penalty in the amount of \$1,000.00 was assessed for these violations, however, the civil penalty was reduced to \$700.00. Consideration was given to the fact that R.H. West Management cooperated during the investigation and there was no previous history of a similar nature. (See also: #2004/0536)

Joseph D. Becovitz
Pesticide Investigator



Date: March 24, 2005

CASE SUMMARY

Case #2005/0006

Complainant: Craig J. Kovich
3371 Cleveland Rd. Ste. 308
South Bend, IN 46628
574-251-9000

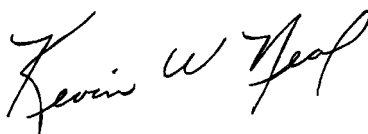
Applicator: Todd Collins
The Other Side
54984 Luan Dr.
Osceola, IN 46561
574-255-8111

1. On 10-5-04, the Office of Indiana State Chemist (OISC) received information from Mr. Kovich that Mr. Collins, doing business as The Other Side, was applying pesticides for hire in and around the South Bend area. OISC records indicate that Mr. Collins is not a certified applicator and that The Other Side does not possess a pesticide business license.
2. On 10-11-04, I went to the address listed above for The Other Side and there in the yard I observed and photographed a sign that advertised The Other Side as being Indiana Certified and providing liquid weed control and grub control. No one was home at the time so no records check could be performed.
3. Also attached to this report is a copy of a proposal made to Mr. Bob Bretz of 50764 Post Rd. in Granger, Indiana, wherein The Other Side quotes a price for curative insecticide and grub preventative. The date on the proposal is February 15, 2004.
4. On Mr. Collins', The Other Side invoices, customers are directed to his web site. The web site gives recommendations for weed and insect control as well as prices for these services. The web site address is: www.theothersidelawncafe.com.

DISPOSITION: Todd Collins and The Other Side were cited for violation of section 14(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Kevin W. Neal
Pesticide Investigator

Date: March 24, 2005



CASE SUMMARY

Case#2005/0049

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

Applicator: Dave Allumbaugh
Hulman Links Golf Course
990 N. Chamberlain Street
Terre Haute, IN 47803

1. On 10-19-2004, I performed a routine golf course inspection at the above location. I discussed the scope of the inspection with golf course superintendent Dave Allumbaugh.
2. I inspected the mix/load area and the equipment cleaning areas. I observed no problems in these areas of the operation. Mr. Allumbaugh stated he makes most of the pesticide applications at the course. Mr. Allumbaugh stated he did not think there were any restricted-use pesticides used in the operation since the golf course does not employ a certified applicator.
3. In the pesticide storage area, I found several boxes containing the restricted-use pesticide **DeltaGard GC (EPA Reg.#432-835), active ingredient of deltamethrin**. The DeltaGard GC label reads, in part, **“RESTRICTED USE PESTICIDE Due To Acute Fish and Aquatic Organism Toxicity.”** Further, it 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.”**
4. Mr. Allumbaugh stated the DeltaGard product was received approximately two years ago. He stated all the purchasing of products for the golf course is done through a bidding process since the course is part of the Terre Haute Parks Department. Mr. Allumbaugh admitted applying the pesticide to turf areas on the golf course in July and August of 2002, 2003 and 2004.
5. Mr. Allumbaugh later provided a copy of the 2002 Chemical Bid from Turf Specialties Corporation and written documentation confirming he applied the product on the course in 2002, 2003 and 2004. No shipping documents or invoices could be produced for the purchase. I informed Mr. Allumbaugh he must employ a certified applicator in order to apply restricted-use pesticides, or hire a licensed commercial applicator for such applications in the future.

6. I later inspected the restricted-use pesticide sales records at Turf Specialties Corporation in Zionsville, IN. Manager, Brad Bolyard, stated the sales representative for the Terre Haute area in 2002 is no longer with the company. Recent sales records are kept in the office and were easily accessible. Mr. Bolyard indicated the information I was seeking had been transferred to boxes in storage. Mr. Bolyard later provided an itemized sales record for the Terre Haute Parks Department indicating DeltaGard GC was sold on 4-3-2002.

DISPOSITION: Dave Allumbaugh was cited for violation of section 14(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without an applicator certification. A civil penalty in the amount of \$250.00 was assessed for this violation.

A handwritten signature in cursive script that reads "Andrew R. Roth". The signature is written in dark ink and is positioned above the printed name and title.

Andrew R. Roth
Pesticide Investigator

March 24, 2005

CASE SUMMARY

Case #2005/0056

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

Business: Arab Termite & Pest Control
4035 Millersville Road
Indianapolis, IN 46205-2851
Glen Jable F-3182

1. On November 8, 2004, while investigating a separate complaint, it was discovered that Arab Termite & Pest Control had failed to properly license an applicator who applied pesticides for hire for approximately six (6) months, while employed at this business. I met with service manager Glen Jable on this date. Mr. Jable was shown credentials and issued a Notice of Inspection.
2. Mr. Jable informed me that an employee named Michael Meservy had made pesticide applications for their company from February 5, 2003, to June, 29, 2004. Mr. Jable stated that Mr. Meservy had informed Arab that he was licensed in categories 6 and 7a at the time he was hired. Mr. Jable stated that Mr. Meservy had gone through their training but that Arab had failed to get him properly licensed. Mr. Jable informed me that Mr. Meservy had only made category 7a applications while in their employment. Mr. Jable was asked to send me one application record for each day that Mr. Meservy performed applications alone.
3. On November 18, 2004, I received Mr. Meservy's application records from Arab. A review of these records indicated that Mr. Meservy had made pesticide applications, without an applicator's license and without site supervision of a certified applicator on eighty (80) separate days, while employed for Arab.

DISPOSITION: Glen Jable and Arab Termite & Pest Control were cited for eighty (80) counts of section 14(6) of the Indiana Pesticide Use and Application Law for failure to properly supervise a non-registered employee. A civil penalty in the amount of \$10,000.00 was assessed for this violation (80 counts x \$125.00 per count). However, the civil penalty was reduced to \$1000.00. Consideration was given to the fact that Arab cooperated during the investigation; corrective action was taken; there was no previous history of similar nature; no potential for damage; good faith effort to comply; and no restricted use pesticides were involved.



Scott M. Farris
Pesticide Investigator

Date: February 7, 2005

CASE SUMMARY

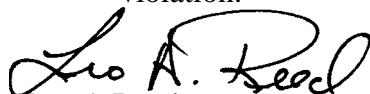
Case #2005/0069

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

Applicator: Jacey Paulson (F-35285)
Ag-Best (B-11429)
1746 E. 200 N.
Hartford City, IN 47348

1. I performed a routine license, facility and Worker Protection Standards (WPS) inspection at the above facility on 11/18/04. I spoke with Mr. Terry Raver, the facility manager and Jacey Paulson, an applicator.
2. During the WPS portion of the inspection and interview Mr. Raver stated that "they put a flag in most of the fields with the date, time and product name on it", for customer notification. I explained to Mr. Norris what information he is required to give all of his customers. We also discussed various methods that he could use to get the information to the customers just prior to, or at the time of application. I explained that the information he lacks is, the Restricted Entry Interval (REI), EPA registration number and the name of the active ingredient.
3. I obtained a copy of the invoice for the most recent pesticide application. **"2,4-D LV4", EPA Reg. #1381-102, active ingredient 2,4-D**, applied on 11-10-04. I also obtained the original label for "2,4-D LV4".
4. I also interviewed Jacey Paulson (F-35285), a certified applicator. Mr. Paulson was the applicator that made the 11-10-04 application. I asked Mr. Paulson to show and explain to me the decontamination supplies that he keeps on board his spray truck. Mr. Paulson stated that he was vaguely aware that he needed decontamination supplies but was certain that he did not have them on his sprayer. He was lacking soap, eye wash and a change of clothes. Mr. Raver indicated that all the spray trucks had decontamination kits at one time.

DISPOSITION: Jacey Paulson and Ag-Best were cited for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to comply with the Agricultural Use Requirements on the label. A civil penalty in the amount of \$250.00 was assessed for this violation.


Leo A Reed
Pesticide Investigator

Date: February 7, 2005

MODIFIED CASE SUMMARY

Case #2005/0083

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

Business: Midland Impact Ag. (B-4695)
Manager: Dan Calvin (F-14681)
1005 Berryman Pike
Tipton, IN 46072
765-675-7529

1. I performed a routine facility and license inspection at the above business on 12/07/04. During the inspection I interviewed Beckie Hoffman and Daniel Powell.
2. During the facility inspection I found three "mini bulk shuttles" out of secondary containment. The shuttles were in the chemical building, outside of the diked area. There was 110 gallons of "**Teknoz Atrazine 4L**", EPA Reg. #66222-36-55467, **active ingredient atrazine**, a 110 gallon shuttle containing an unknown quantity of "**Bicep II**", EPA Reg. #100-710, **active ingredients atrazine and metolachlor** and a 200 gallon shuttle containing 25 gallons of "**RoundUp Weather Max**", EPA Reg. #524-537, **active ingredient glyphosate**. It should be noted that Mr. Powell and I could see product in the Bicep II shuttle and we were unable to move the shuttle, however we could not determine the exact amount due to poor lighting. It should also be noted that there was a hand written note on the RoundUp shuttle indicating that it contained a use dilution mixture of RoundUp and water to be applied at 10 gallons an acre.
3. Dan Calvin provided documentation that indicated the shuttles had been removed from the containment area for inventory purposes on August 31, 2004. The shuttles were inadvertently left on the concrete floor outside of the diked area for a total of 97 days. It should be noted that Mr. Powell moved the shuttles into containment while I was onsite.

DISPOSITION: Dan Calvin and Midland Impact Ag were cited for sixty-seven (67) counts of violation of section 14(6) of the Indiana Pesticide Use and Application Law for failure to follow the rules regarding secondary containment for mini-bulk pesticide containers. A civil penalty in the amount of \$16,750.00 was assessed for these violations (67 counts X \$250.00 per count). However, due to the fact that Midland Impact Ag cooperated during the investigation and corrective action was taken, the civil penalty was reduced to \$8,362.50.

Leo A. Reed
Pesticide Investigator



Date: March 24, 2005

CASE SUMMARY

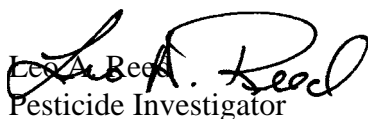
Case #2005/0084

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

Business: Helena Chemical (B-10986)
Manager: Adam Boeglin (F-35847)
8774 W. CR 500 N.
Pennville, IN 47369
260-731-8755

1. I performed a routine license, facility and Worker Protection Standards (WPS) inspection at the above facility on 12/08/04. I spoke with Kay Dehoff, the office coordinator, Lonnie Bell, the warehouse manager and Charles McClain, an applicator. Adam Boeglin is the certified applicator responsible for all pesticide applications for Helena Chemical.
2. During the WPS portion of the inspection and interview Ms. Dehoff stated that "they call the farmer and tell him the chemical that was applied and when they did the application". for customer notification. I explained to Ms. Dehoff what information he is required to give all of the customers. We also discussed various methods that they could use to get the information to the customers just prior to, or at the time of application. I explained that the information the business lacks in order to fully comply with WPS is, the Restricted Entry Interval (REI), EPA registration number and the name of the active ingredient. Ms. Dehoff stated that she did not realize that each pesticide that was applied had a REI that had to be passed along to the customer. She stated that she thought only products that required "field posting" had REI's. Ms. Dehoff and Mr. McClain stated that at best, the customer was getting the product name and date of application.
3. I obtained a copy of the invoice for the most recent pesticide application. **"2,4-D LV4", EPA Reg. #228-139-71368, active ingredient 2,4-D**, applied on 11-11-04. I also obtained the original label for "2,4-D LV4".

DISPOSITION: Adam Boeglin and Helena Chemical were cited for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to comply with the agricultural use requirements on the pesticide labels. A civil penalty in the amount of \$250.00 was assessed for this violation.


Lisa A. Reed
Pesticide Investigator

Date: February 7, 2005

CASE SUMMARY

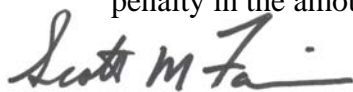
Case #2005/0110

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

Business: Scientific Control (No Business License)
P.O. Box 387
Lake Luzerne, NY 12846
(518) 743-0015
Jeffery Case (No Certification)

1. On January 3, 2005, this office received information that the above company had posted a termiticide pretreatment bid in Indiana, without having an Indiana pesticide business license. A copy of the submitted bid indicated that Scientific Control, submitted a bid for services to Helman Construction, in Warsaw, Indiana on April 22, 2004. The bid was in the amount of \$4,391.52 to complete a termiticide pretreatment application, to 109,788 total square feet at .04 cents per square foot, to a Lowes store being constructed in Plymouth, Indiana. The bid was signed by Jeffrey J. Case.
2. On January 3, 2005, I spoke to John Bennett of the New York State Department of Environmental Management. Mr. Bennett stated that Scientific Control was a licensed business in New York and that New York law also states that it is a violation to advertise or profess to be a pesticide business for hire without a pesticide business license.
3. On January 3, 2005, I spoke to Jeffrey Case of Scientific Control. Mr. Case stated that he did not specifically recall placing that bid for the Lowe's store in Indiana, but it was possible. Mr. Case stated that he has not done any pesticide work in Indiana. I informed Mr. Case that it is also a violation of Indiana pesticide laws to advertise or profess to be a pesticide business for hire, without an Indiana Pesticide Business license. Mr. Case stated he was unaware of this law.

DISPOSITION: Jeffery Case and Scientific Control were cited for violation of section 14(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.



Scott M. Farris
Pesticide Investigator

Date: March 24, 2005