

Respondent:

Lawns Plus, Inc.
200 Southern Blvd.
Camden-Wyoming, DE 19934

Violation:

§1224(a)(3) Engaging in the business of applying a pesticide on the lands of another without having a license granted by the Department;

Penalty:

Respondent signed a consent agreement August 28th 2018. In the agreement, Respondent agree to the imposition of disciplinary sanctions which included a civil penalty of \$840.00 for violating §1224(a)(3).

STIPULATED FACTS

1. Lawns Plus, Inc. ("Respondent") is a commercial pesticide applicator business with an office located at 200 Southern Blvd. Camden-Wyoming, DE 19934. Respondent is licensed (License No. 936) by the Delaware Department of Agriculture ("the Department").
2. Michael Marasco is the manager for Lawns Plus, Inc. and is a certified commercial applicator in category 7.3.1 (Ornamental and Turf Pest Control). Gilbert Arias is a registered service employee with Respondent.
3. The Pesticide Section of the Department ("Complainant,") is bringing this enforcement action against Respondent. Dustin Borntreger, ("Borntreger"), is employed as an Environmental Scientist II with the Department. Christopher Wade (Wade) is an employed as an Environmental Program Manager I with the Department.
4. On April 9th 2018, Borntreger observed Respondent's employee Gilbert Arias applying Greenyard Crabgrass Preventer with 0.1% Dimension (EPA Reg. No. 62719-486-534) at the intersection of Mallard Drive and Quail Run. Mr. Arias was advised that the Lawns Plus, Inc. license was expired and should cease any further pesticide application until the license was renewed. Borntreger asked Mr. Arias for his service employee card. Mr. Arias did not have his registered service employee card with him during the inspection. Section 4.2.3 of the Delaware Pesticides Rules and Regulations states: 4.2.3 the name and address of employees who have been trained according to this Section shall be provided to the Department by the licensee. The Department shall issue a registration card bearing the employee's name and the licensee's name, address and license number. The employee registration shall become null and void upon termination of employment with the licensee. This card is to be carried by the employee during working hours and is to be displayed upon

request. Borntreger also documented that the service vehicle did not display the Pesticide Business license number or name of company. Section 5.5 of the Delaware Pesticides Rules and Regulations states: All pest control business license numbers shall appear on all service vehicles used by persons holding a commercial pesticide applicators license with the exception of categories: 7.1.1 Agriculture Plant Pest Control; 7.1.2 Agriculture Animal Pest Control; 7.2 Forest Pest Control; 7.4 Seed Treatment; 7.5 Aquatic Pest Control; 7.8 Public Health Pest Control; 7.9 Regulatory Pest Control; 7.10 Demonstration and Research Pest Control. The license number shall be in bold readable numbers not less than 2 inches or more than 6 inches high. The full name of the business licensee shall be displayed on the vehicle.

5. During the inspection the applicator contacted Mr. Marasco. Borntreger explained to Mr. Marasco that his Pesticide business license was expired. Mr. Marasco visited the Department later that day to renew his license and certification.
6. On April 20th 2018, Borntreger conducted a certified applicator records and business license inspection with Respondent. The inspection was conducted at Respondent's office located at 200 Southern Blvd. Camden-Wyoming, DE. Respondent's pesticide application records did not have; the dilution rate, and the weather conditions.
7. In the past 5 years, Respondent has had one pesticide compliance violation with the Department. Respondent violated §1224(a) (3) of the Delaware Pesticide Law.

Greenyard Crabgrass Preventer with 0.1% Dimension (EPA Reg. No. 62719-486-534), is a pesticide registered for sale and use in the State of Delaware by the Department