

**Delaware Department of Agriculture
Pesticides Section
2320 S. DuPont Highway Dover, Delaware 19901
Pesticide Enforcement Action**



Respondent:

Bailey's Lawn and Landscape
5101 Summit Bridge Road
Middletown, DE 19709

Violations:

§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 on August 13th, 2019. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$600.00 (six hundred dollars).

STIPULATED FACTS

1. Baileys Lawn & Landscape, (“Respondent”) is a commercial business with an office located at 5101 Summit Bridge Road Middletown, DE 19709. Respondent has an expired license (License No. 1761) that was issued by the Delaware Department of Agriculture (“the Department”).
2. Dan Bailey is the owner of Bailey’s Lawn & Landscape. Mr. Bailey does not have a certification issued by the Delaware Department of Agriculture.
3. Ryan Leh is an employee for the Respondent. Mr. Leh is not a certified applicator or a registered service employee of the Delaware.
4. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Erin Yorston (“Yorston”) is employed as an Environmental Scientist I with the Department.
5. On June 24th, 2019 Yorston stopped to inspect the Respondent. Yorston was on routine patrol in New Castle County when she noticed Mr. Leh wearing a backpack

sprayer. Yorston interviewed Mr. Leh after presenting her credentials and issuing a notice of inspection. Mr. Leh explained that he was applying an herbicide. Yorston issued a cease and desist order to Mr. Leh.

6. Bailey's Lawn & Landscape previously held a Delaware Department of Agriculture Pesticide Business License. This license expired on December 31st 2017.
7. Yorston received a phone call from the owner, Dan Bailey on Monday June 24th 2019. Mr. Bailey acknowledged the receipt of the paperwork from Mr. Leh.
8. In the past 5 years, Respondent has no pesticide compliance violations with the Department.