



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
AGRICULTURE.DELAWARE.GOV

MICHAEL T. SCUSE
SECRETARY
KENNETH M. BOUNDS
DEPUTY SECRETARY

TELEPHONE: (302) 698-4500
TOLL FREE: (800) 282-8685
FAX: (302) 697-6287

Respondent:

Critter Control Operations Inc.
155 Woolco Drive
Marietta, Georgia 30062

Violations:

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

§1224(a)(10) – Neglecting or, after notice, refusing to comply with the LAW, the rules adopted under the LAW, or any lawful order of the Department.

Penalty:

Respondent signed a consent agreement in December 2020. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$5040.00

STIPULATED FACTS

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1. Critter Control Operations Inc. (“Respondent Critter Control”) is a commercial pesticide applicator business with an office located at 24209 Club View Drive, Gaithersburg MD. 20882. Justin Rosenberger is the owner/operator. Respondent Critter Control is licensed (License No. 1665) by the Delaware Department of Agriculture (“the Department”). The license was expired at the time of the inspection.
2. Mr. Justin Rosenberger (“Mr. Rosenberger”) is certified by the Department in Category 8.3.5.3, Mosquito Control, 8.3.7.1.1 General Pest. This certification was issued 10/8/2020.
3. David Sullivan is employed by Respondent as an applicator. Mr. Sullivan was not and is still not listed as a registered service employee at the time of inspection and this case review.
4. David Cureton is employed by Respondent as an applicator. Mr. Cureton was not and is still not listed as a registered service employee at the time of inspection and this case review.

5. Travis Hall was/is employed by Respondent as an applicator. Mr. Hall was not and is still not listed as a registered service employee at the time of inspection and this case review.
6. Brandon Tyler was/is employed by Respondent as an applicator. Mr. Tyler was not and is still not listed as a registered service employee at the time of inspection and this case review.
7. Matthew Evans was/is employed by Respondent as an applicator. Mr. Evans was not and is still not listed as a registered service employee at the time of inspection and this case review.
8. John Massey was/is employed by Respondent as an applicator. Mr. Massey was not and is still not listed as a registered service employee at the time of inspection and this case review.
9. Eric Lafontaine was/is employed by Respondent as an applicator. Mr. Lafontaine was not and is still not listed as a registered service employee at the time of inspection and this case review.
10. Jeffrey Valentine was/is employed by Respondent as a applicator. Mr. Valentine was not and is still not listed as a registered service employee at the time of inspection and this case review.
11. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Christopher Wade, (“Mr. Wade”) is employed as an Environmental Program Administrator. Dustin Borntreger, (“Mr. Borntreger”) is employed as an Environmental Scientist II with the Department.
12. On October 6th 2020 Mr. Wade received an email and phone call questioning whether or not the Respondent was licensed with the Department to conduct pest control services within Delaware. Mr. Wade checked the Departments Salesforce database and the Respondents business license had expired 12/31/2018. Mr. Wade forwarded the complaint email with the customer contact information to Dustin Borntreger to follow up.
13. On October 6th 2020, Mr. Borntreger contacted the customer from the email. The customer was concerned that the Respondent had placed bait boxes right next to another company’s bait boxes so they contacted Respondent and spoke to David Sullivan. Customer was concerned because the salesman David Sullivan stated, “that it was not unusual for a customer to have two companies for mice and that the reason no mice droppings were seen is because the droppings turn to dust.” The homeowner provided Borntreger with an application record which contained the use of

rodenticide on their property. To verify the application of rodenticide Borntreger visited the property in question on October 10th, 2020. Upon arrival Borntreger issued inspection paperwork with the homeowner and walked the perimeter of the property. During this perimeter inspection Mr. Borntreger photographed the bait boxes which were marked “Critter Control.”

14. On October 10th 2020, Borntreger contacted Mr. David Sullivan using the business card that the homeowner had provided. Borntreger explained the reason for the phone call and Mr. Sullivan stated that the respondent did not need a pesticide business license because they worked under the umbrella of Rollins Inc. Borntreger explained the business license requirements for Delaware and Mr. Sullivan stated he would reach out to his district manager Justin Rosenberger. When Mr. Sullivan called back, he stated he would no longer answer questions from Borntreger and that he needed to call Justin Rosenberger.
15. Borntreger contacted Mr. Rosenberger and explained the situation, while on this call Borntreger requested two years of records from the time the expired license was documented to present day. Mr. Rosenberger complied with this request and agreed to send two years of records. On October 12th 2020 Borntreger received the excel file with the records. After reviewing these records, it was documented that from October 10th 2018 to December 31st 2018 that John Massey, Matthew Evans, Eric Lafontaine, Brandon Tyler all performed pesticide applications, none of these employees were listed on the pesticide business license as registered service employees. There was a total of 172 applications performed during this time period. From January 1st 2019 to October 8th 2020 the following employees performed application: Brandon Tyler, John Massey, Eric Lafontaine, Travis Hall, David Sullivan and David Cureton. None of these employees were listed as service employees during this time period and the Pesticide Business License was expired during this time period. There was a total of 1,286 pesticide applications performed during this time period.
16. On October 9th 2020, Justin Rosenberger updated his status from a registered service employee to a Reciprocal applicator and also renewed the Pesticide Business License.
17. In the past 5 years, Respondent has no pesticide compliance violations with the Department.