



STATE OF DELAWARE  
**DEPARTMENT OF AGRICULTURE**  
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SECRETARY

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**Respondent:**

**Jefferey A. Miller Catering Co.**  
**801 Carr Road**  
**Wilmington, DE 19804**

**Violations:**

§1224(c)(1) – Operating in a faulty, careless, or negligent manner.

**Penalty:**

Respondent signed a consent agreement on February 2023. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$675.00.

**STIPULATED FACTS**

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1. Jefferey A. Miller Catering Aka. JAM Catering (“Respondent JAM”) is a catering business with an office located at 801 Carr Road, Wilmington DE 19804. Josh Seidl is the Assistant Venue Manager. JAM is not licensed by the Delaware Department of Agriculture (“the Department”).
2. Mrs. Sherie Stiles is employed as a Gardener by the respondent. (“Mrs. Stiles”) is certified by the Department in Category 8.3.2 Forest Pest Control, 8.3.5.1. Aquatic Pest Control and 8.3.3 Ornamental and Turf Pest Control (Certificate Number 14-045).
3. Mika Drake is employed as the Superintendent of Bellevue State Park.
4. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Emmanuel Sempeles, (“Mr. Sempeles”) is employed as an Environmental Scientist II. Dustin Borntreger, (“Mr. Borntreger”) is employed as an Environmental Scientist III with the Department.

5. On August 9<sup>th</sup>, 2022, the Department received a complaint call from an anonymous person. During this call the caller explained how dead wildlife had recently been found at Bellevue State Park. The caller then attributed the recent deaths to the fact that poison baits had been placed in the garden of the park. Their main concern was the fact that a dog could possibly encounter the bait while visiting the park. The caller then stated that a woman named Sherie was responsible for putting the bait out.
6. On August 9<sup>th</sup>, 2022, Sempeles contacted Bellevue State Park and spoke to Mika Drake, Superintendent. Mrs. Drake confirmed that animals had been found dead but did not give details about any type of poison usage on park grounds. Mrs. Drake also explained that park workers had removed the dead animals from the park grounds.
7. On August 10<sup>th</sup>, 2022, Sempeles received a phone call from Mika Drake. Mrs. Drake explained that 2 foxes, a squirrel, and a rabbit were found dead on July 27<sup>th</sup> and 28<sup>th</sup> 2022. Mrs. Drake stated that Sherie Stiles who works for Jefferey A. Miller Catering Company who leases Bellevue Hall for weddings had admitted to DNREC officers that she had placed Tomcat Mole and Gopher Bait (EPA Reg. No. 90780-4) into a peanut butter sandwich and placed the sandwich in a groundhog hole.
8. On August 10<sup>th</sup>, 2022, Sempeles spoke to Josh Seidl of JAM about the alleged baiting of the groundhog hole. Mr. Seidl confirmed that Mrs. Stiles had placed a peanut butter sandwich laced with Tomcat Mole and Gopher bait down a groundhog hole to try and kill the groundhog.
9. On August 17<sup>th</sup>, 2022, Borntreger visited Bellevue State Park to interview Mrs. Stiles about the alleged poisoning of groundhogs. Mrs. Stiles explained that the groundhog was causing damage to Bellevue Hall and that she had placed the Tomcat Mole and Gopher bait in a peanut butter sandwich and then placed the sandwich down the burrow entrance and pushed it down further with a shovel. Mrs. Stiles then showed the product container to Borntreger. Photographs of the pesticide container were taken at this time.
10. Tomcat Mole & Gopher Bait is a registered pesticide for sale and use in Delaware.
11. The Tomcat Mole & Gopher Bait label states in part: "This product May Only be Used to Control Moles & Pocket Gophers in Manual Below Groud Applications in Lawns Intended for residential Use." Under the Use restriction section of the label, it states: "This product may only be used to control pocket gophers and moles in manual below ground applications in lawns." "Bait must be applied directly into the burrow or tunnel system." "Do not apply in gardens and areas where food or feed may become contaminated."
12. The Tomcat Mole & Gopher Bait label also states: "Predatory and scavenging mammals and birds might be poisoned if they feed upon animals that have eaten this bait."
13. In the past 5 years, Respondent has no pesticide compliance violations with the Department.