



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
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MICHAEL T. SCUSE
SECRETARY

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Respondent:

Precision Landscaping and Lawn Care
286 Judith Road
Hartly, DE 19953

Violations:

§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 on May 2023. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$840.00.

STIPULATED FACTS

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1. Precision Landscaping and Lawn Care (“Respondent”) is a commercial pesticide applicator business with an office located at 286 Judith Road, Hartly, DE 19953. Respondent holds a valid license (License No. 1595) that was issued by the Delaware Department of Agriculture (“the Department”). This license was expired at the time of the inspection.
2. Michael Nagyiski (“Nagyiski”) is the owner of Precision Landscaping and Lawn Care.
3. Elder Garcia is employed by the Respondent as a field worker. Mr. Garcia was not listed as a registered service employee in the Departments Salesforce database at the time of the inspection.
4. Bonifacio Gomez Hernandez is employed by the Respondent as a field worker. Mr. Gomez was not listed as a registered service employee in the Departments Salesforce

database at the time of the inspection.

5. The Pesticide Section of the Department (“Complainant,”) is bringing this enforcement action against Respondent. Dustin Borntreger (“Borntreger”) is employed as an Environmental Scientist III with the Department.
6. On March 31st, 2023, while on patrol in Kent County Borntreger observed several of the Respondents employees making pesticide applications at 102 Quail Run, Camden-Wyoming, DE 19934. These workers were applying Snapshot 2.5TG (EPA Reg. No. 62719-175).
7. Snapshot 2.5 TG (EPA Reg. No. 62719-175) is a registered pesticide in the state of Delaware. This product can be sold and used within Delaware.
8. Borntreger identified himself and issued a notice of inspection to Mr. Gomez. During the inspection Borntreger asked to see their service employee cards. None of the workers on site had registered service employee cards and they had not been registered with the company. Borntreger asked Mr. Gomez when he started employment with Respondent, Mr. Gomez replied that he had worked for the respondent for three years. Mr. Garcia stated that he started with the respondent in 2022.
9. Borntreger then spoke with Mr. Nagyiski regarding the registered employee situation. It was at this time Borntreger discovered that the Respondents Pesticide Business License was expired.
10. 601 Delaware Pesticide Rules and Regulations, Section 4.2 Employee Registration states in part: 4.2 Employee Registration

4.2.1 Licensees shall register with the Department all employees who handle pesticides. Registration shall be made when making an application for a license or within 45 days after employment. The fee for registering an employee shall be \$25.00. However, the employee registration fee shall be waived if the employee is certified under the LAW.

4.2.2 Licensees shall be responsible for ensuring that all employees handling pesticides (other than a certified applicator) have successfully completed a training program approved by the Department. This training shall be completed within 45 days of employment and before the employees are registered with the Department.

4.2.2.1 The Department will not approve any training program that does not include the following subjects:

4.2.2.1.1 Pesticide Law and Regulations;

4.2.2.1.2 Label comprehension;

4.2.2.1.3 Safety and emergency procedures;

4.2.2.1.4 Proper pesticide handling, storage and disposal;

4.2.2.1.5 Pest identification and control procedures;

4.2.2.1.6 Pesticide application techniques;

4.2.2.1.7 Environmental and health concerns; and

4.2.2.1.8 Integrated pest management principles

4.2.2.2 Upon request by the Department, each licensee shall provide written verification that an employee has completed an approved training program.

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.

11. 3 DEL C §1206 – Licensing – Required; classification (a) No person shall engage in the business of applying pesticides to the lands or personal property of another unless such person has been duly licensed by the Department. Further no license shall be issued to any person, nor shall it remain valid, unless such person is certified or has a certified applicator in his employ at all times.
12. In the past 5 years, Respondent has no pesticide compliance violations with the Department.