

Delaware Department of Agriculture
Pesticides Section, Enforcement
2320 South DuPont Highway
Dover, Delaware 19901
Enforcement Action/Violation

Respondent:

TruGreen
1350 First State Boulevard
Wilmington, Delaware 19804

Violations:

§1224(a)(2); Making false or fraudulent records, invoices or reports.

Penalty:

Respondent signed a consent agreement September 23rd 2016. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$1,400.00 (One thousand four hundred dollars).

STIPULATED FACTS

1. TruGreen (“Respondent”) is a commercial pesticide applicator business with an office located at 1350 First State Boulevard, Wilmington, DE 19804. Respondent is licensed (License No. 247) by the Delaware Department of Agriculture (“the Department”). Daryl Mergenthaler is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 05-002), in Category 7.3, Ornamental and Turf Pest Control (03), Category 7.6, Right-of-Way (06).
2. Respondent employs Tyrone Manigo (“Manigo”) as a lawn care technician. Manigo is a registered service employee for the Respondent.
3. The Pesticide Section of the Department (“Complainant,”) is bringing this enforcement action against Respondent. Stephen McReynolds, (“McReynolds”), is employed as an Environmental Scientist II with the Department.
4. On May 26, 2016, the Delaware Department of Agriculture received an email from Brian Ashby, Program Manager, DNREC-Surface Water Discharges Section. The email contained a forwarded email from Mrs. Lisbeth Denner. In Mrs. Denner’s email she addressed concerns over a pesticide application that was made by the Respondent to her property located at 140 Liborio Drive, Middletown, DE 19709. Mrs. Denner stated that the applicator was seen on video walking around the street with his dry spreader.

5. On June 10, 2016, McReynolds received the video surveillance from Mrs. Denner's security camera. The Respondent had already been contacted about the complaint and records had been requested.
6. While reviewing the video, McReynolds noted discrepancies between the video evidence and what had been reported on the application records. The application records dated 5/23/16 stated that Tyrone Manigo, applicator, had applied 21.1 pounds of The Anderson's Turf Product Fertilizer with 0.2% Merit Insecticide and NutriSphere-N, EPA Reg. No. 432-1349-9198 and 7.04 gallons of a dilution of Escalade 2, EPA Reg. No. 228-442 to the entire lawn of 3518 square feet. The video shows that the front lawn was not treated. The video also shows that no liquid treatment of any kind was made. Liquid application equipment was never removed from the service vehicle.
7. The Anderson's Turf Product Fertilizer with 0.2% Merit Insecticide and NutriSphere-N, EPA Reg. No. 432-1349-9198 is a registered pesticide with the Department.
8. Escalade 2, EPA Reg. No. 228-442 is a registered pesticide with the Department.
9. In the past 5 years, Respondent has been charged by the Department for non-compliance of 3 Del.C. Chapter 12, and/or the Delaware Pesticide Rules and Regulations. Respondent was charged with violating 3 Del. C. § 1224(a)(1).