



COMMONWEALTH of VIRGINIA

Bradley Copenhaver
Commissioner

Department of Agriculture and Consumer Services

Division of Consumer Protection

Office of Pesticide Services

PO Box 1163, Richmond, Virginia 23218

Phone: 804/786-3798 • fax: 804/786-9149 • Hearing Impaired: 800/828-1120

www.vdacs.virginia.gov

August 20, 2021

CERTIFIED MAIL

Mr. Mitchell Bottomley, Owner
Ms. Michele A. Bryant, Director of Compliance
Mr. Esteban Mejia, Applicator
Bottomley Evergreens & Farms
6460 Glade Valley Rd
Ennice, NC 28623

NOTICE OF VIOLATION

Case Number: 69504

Dear Ms. Bryant and Gentlemen:

This letter is a Notice of Violation of the Virginia Pesticide Control Act. Actions taken herein have been delegated to the Office of Pesticide Services by the Board of Agriculture and Consumer Services and are in accordance with the Virginia Pesticide Control Act and other laws, regulations and guidelines. A copy of these laws, regulations and guidelines are available at <http://www.vdacs.virginia.gov/pesticides.shtml>. Hard copies are available upon request.

A. Factual Basis of Action

On July 15, 2020, Pesticide Investigator James Atwell initiated an investigation in response to a complaint.

On July 15, 2020, Investigator Atwell visited [REDACTED] where he observed conditions, took site photographs, and collected residue samples. The samples were sent to the Division of Consolidated Laboratory Services (DCLS) to be analyzed for the presence of pesticides. The DCLS analysis report revealed the following –

- Sample #: 247001420 – Vegetation sample [REDACTED].
Result: 0.014 parts per million (ppm) of sulfentrazone (active ingredient in *Spartan Charge Herbicide*) and 0.089 ppm of oxyfluorfen (active ingredient in *Goal 2XL*).

On July 16, 2020, Investigator Atwell received the pesticide application record from Food Safety Officer Kelli Worrall. On July 17, 2020, Investigator Atwell interviewed Mr. Bottomley via telephone and reviewed the pesticide application made on July 12, 2020. The investigator learned that on July 12th, Mr. Mejia under the supervision of Mr. Bottomley (VA Pesticide Applicator Certification #: 145811) applied *Goal 2XL* (EPA Registration #: 62719-427), *Spartan Charge Herbicide* (EPA Registration #: 279-3337), *Warhawk* (EPA Registration #: 34704-857), and *Gramoxone SL 3.0* (EPA Registration #: 100-1652) to the field between Edmunds and Red River Lane in Galax, VA.

A records check revealed that Mr. Bottomley's Virginia pesticide applicator certificate expired on December 31, 2019, and that Mr. Mejia has never applied for or held a Virginia pesticide applicator certificate.

On June 1, 2021, this office sent you a letter notifying you of the potential violation and providing you with an opportunity to document your good faith efforts to correct the adverse condition. On July 29, 2021, we received your good faith response.

B. Virginia Pesticide Control Act Sections Violated

(1) Failure to Follow Certification Requirements for Supervising the Use of a Restricted Use Pesticide.

Please note that the *Warhawk* label violation that was listed separately in the Notice of Alleged Violation has been combined with the Virginia Code §3.2-3932(A) violation.

Virginia Code §3.2-3932(A) states that:

It is unlawful to use or supervise the use of any pesticide classified for restricted use on any property, unless the applicator (i) has first obtained certification for the Commissioner as a private applicator; (ii) is exempt or excepted from the requirement to be certified; or (iii) is producing an agricultural commodity while under the direct supervision of a private applicator on property owned or leased by that private applicator.

The pesticide label for restricted use pesticide *Warhawk* also has a specific requirement for who may apply the product:

"For retail sale to and use only by Certified Applicators or person under their direct supervision and only for those uses covered by the Certified Applicator's certification."

As stated previously, Mr. Bottomley held a Virginia private applicator certificate that expired on December 31, 2019. He also was listed as the "licensed supervisor" for the pesticide application Mr. Mejia made on July 12, 2020. Because Mr. Bottomley held an expired certificate, he was not validly certified to supervise Mr. Mejia's pesticide application of *Warhawk* in Galax, VA on July 12, 2020. This is direct violation of the statute referenced above.

In your good faith response you stated that Case #: 69804 resolved the Virginia pesticide applicator certification issues. In Case # 69804, Mr. Bottomley was supervising a different applicator (Mr. A Axel Tadeo) who was applying completely different pesticides (*Swagger*, *Stinger*, *Belay Insecticide*, *Cuprofix Ultra 40 Disperss*, and *Dipel DF Biological Insecticide*). In his good faith response for Case #: 69804, Mr. Bottomley stated he was aware that he had to take the Virginia private applicator exam in order to reinstate, and that he would be taking the exam in front of Symthe County Extension Agent Andy Overbay sometime around February 17, 2021. Our office took it on good faith that Mr. Bottomley was

going to follow through on taking his test with Mr. Overbay when the certification penalty for Case #: 69804 was assessed. However, there is no evidence that Mr. Bottomley has followed through on taking the private applicator exam.

It is the applicator's responsibility to monitor the status of their Virginia pesticide applicator certification. Virginia private applicator certifications will always expire every 2 years on December 31st as listed on the certificate. Our office did send out a courtesy notice to Mr. Bottomley in September 2019, letting him know that his Virginia private applicator certification was up for renewal. Unfortunately, since he failed to renew with our office in a timely manner, the private applicator certification lapsed. 2VAC5-685-130 of the Regulations states that any certified applicator who fails to renew their certification within 60 days after its expiration, must be re-examined in order to reinstate their certification.

Mr. Bottomley can either take the Virginia private applicator exam or alternatively he can take North Carolina's equivalent private applicator exam. Upon passing the exam (whether in Virginia or North Carolina), then he can submit a reciprocal application to reinstate his Virginia certificate. To avoid a reoccurrence of this issue, he must maintain his North Carolina certificate and meet the renewal requirements for Virginia before the expiration date. For more information regarding private applicator renewal, contact Joan Hammond (804-371-0209).

While our office appreciates that Mr. Bottomley has stopped supervising pesticide applications since being notified of the issue, it seems he has been aware of the issue since last year. It also seems he has been aware of how to resolve the certification issue for some time, but has yet to take the necessary steps to reinstate his Virginia private applicator certification.

(2) Failure to Follow Label Directions.

The evidence shows that Bottomley Evergreens & Farms violated Virginia Code § 3.2-3939(B) several times by not following the directions on the pesticide label. The statute states that "*it is unlawful for any person to use or cause to be used any pesticide inconsistent with its labeling or regulations of the Board...*"

i. Failure to Follow the Certification Requirement for Restricted Use Pesticide *Gramaxone SL 3.0*

The label for the restricted use pesticide *Gramaxone SL 3.0* makes the following mandate regarding who may apply the product:

"FOR RETAIL SALE TO AND USE ONLY BY CERTIFIED APPLICATORS – NOT TO BE USED BY UNCERTIFIED PERSONS WORKING UNDER THE SUPERVISION OF A CERTIFIED APPLICATOR."

This violation was separated from the other certification violation because the label clearly states that even when under the supervision of a certified applicator, an uncertified persons cannot apply the product. As stated previously, the pesticide application record listed Mr. Bottomley as the supervisor for Mr. Mejia's pesticide application and our records showed that Mr. Mejia is not a certified applicator. The label clearly states in bold capital letters that uncertified persons cannot apply *Gramaxone SL 3.0* while under the supervision of a certified applicator.

In your good faith letter, you stated that it was unclear whether the Bottomley container contained the old or updated labeling (which has the above-referenced requirement). However, we have an email Investigator Atwell received from Ms. Worrall verifying that the labels we have in the case file matched the labels on the products listed in the pesticide application record she provided to him. It would seem that the Bottomley

container used had the updated label language for the paraquat product. Therefore, the evidence does support that there is a direct violation of the label directions when Mr. Mejia applied a mixture that included *Gramoxone SL 3.0* on July 12, 2020 under Mr. Bottomley's supervision.

ii. Failure to Complete Paraquat Dichloride Training Prior to Mixing *Gramoxone SL 3.0*

Under the EPA's Paraquat Dichloride Human Health Mitigation Decision and amended paraquat dichloride (AKA paraquat) product labels, certified applicators must complete an EPA-approved training before mixing, loading, or applying paraquat products.

The label for *Gramoxone SL 3.0* states that:

"Applicators must complete an EPA-approved paraquat training listed on the following Website: <https://www.epa.gov/pesticide-worker-safety/paraquat-dichloride-training-certified-applicators>. The training must be completed a minimum of every three years."

As the label states and as legally required by the EPA, applicators must complete EPA-approved paraquat training prior to mixing, loading, or applying paraquat products. The firm did not provide the investigator with any records that showed that Mr. Bottomley who mixed the tank mixture containing *Gramoxone SL 3.0* completed the legally mandated paraquat training prior to the July 12, 2020 pesticide application. While in your response, Mr. Bottomley recalls taking the training, there is no record confirming the existence of the training. Our office appreciates that both Mr. Bottomley and Mr. Mejia have since taken the mandatory paraquat training.

iii. Exceeded Maximum Application Rate Permitted in a Single Application for *Gramoxone SL 3.0*

The label for the restricted use pesticide *Gramoxone SL 3.0* states the following regarding maximum application rate for a single application:

"Maximum single application rate: 2.7 pt/A"

On the pesticide application record, Ms. Kelli Worrall made the correction that 48 oz/A of *Gramoxone SL 3.0* was applied to the field located at Edmunds and Red River Lane in Galax, VA. When converted into pints, 48 ounces equates to 3 pints. Thus, it appears that the application rate for the July 12, 2020 pesticide application was 3 pt/A. This is greater than what is listed as the allowable maximum single application rate (2.7 pt/A) for *Gramoxone SL 3.0* on the label

While it is true that the active ingredient for *Gramoxone SL 3.0* was not found in the sample evidence, the absence of the active ingredient for *Gramoxone SL 3.0* does not negate the fact that the pesticide label was not followed. The label clearly states that the maximum single application rate for *Gramoxone SL 3.0* is 2.7 pt/A.

iv. Failure to Follow Spray Drift Requirements for *Spartan Charge Herbicide* and *Goal 2XL*

While failing to follow label directions for both *Spartan Charge Herbicide* and *Goal 2XL* could be two separate label violations, our office decided to combine the two violations into one label violation.

Both of the pesticide labels for *Spartan Charge Herbicide* and *Goal 2XL* make statements regarding spray drift with non-target areas –

Spartan Charge Herbicide Label:

"Avoid all direct, and/or indirect spray contact with non-target plants. [emphasis in original] Do not apply near desirable vegetation. Allow adequate distance between target area and desirable plants to minimize exposure."

Goal 2 XL Label:

"Do not allow spray to drift from the application site and contact people, structures people may occupy at any time and the associated property, parks and recreation areas, non-target crops, aquatic and wetland areas, woodlands, pastures, rangelands, or animals."

The investigator's photos of [REDACTED] showed that [REDACTED] ornamental plants had dieback and discoloration, and that [REDACTED] vegetable plants were showing spotting. Additionally, Sample #: 247001420, which was collected by the investigator from [REDACTED], contained 0.014 ppm of sulfentrazone (active ingredient in *Spartan Charge Herbicide*) and 0.089 ppm of oxyfluorfen (active ingredient in *Goal 2XL*). Thus, the evidence proves that both *Spartan Charge Herbicide* and *Goal 2XL* [REDACTED] on July 12, 2020, which is a direct violation of both pesticide labels.

Our office appreciates that both Mr. Bottomley and Mr. Mejia took a recertification class regarding drift.

C. Conclusion of Law

- (1) Based on the evidence, the Office of Pesticide Services concludes that Bottomley Evergreens & Farms violated Virginia Code §3.2-3932(A) when Mr. Mejia applied *Warhawk* under the supervision of Mr. Mitchell Bottomley who was not certified in Virginia to supervise the application on July 12, 2020.
- (2) Based on the evidence, the Office of Pesticide Services concludes that Bottomley Evergreens & Farms violated Virginia Code §3.2-3939(B) when Mr. Mejia who was not certified on July 12, 2020 applied *Gramoxone SL 3.0* under the supervision of Mr. Bottomley, which is prohibited by the pesticide label.
- (3) Based on the evidence, the Office of Pesticide Services concludes that Bottomley Evergreens & Farms violated Virginia Code §3.2-3939(B) when Mr. Bottomley who mixed *Gramoxone SL 3.0* failed to take the mandatory paraquat training prior to mixing.
- (4) Base on the evidence, the Office of Pesticide Services concludes that Bottomley Evergreens & Farms violated Virginia Code §3.2-3939(B) when Mr. Mejia under the supervision of Mr. Bottomley applied *Gramoxone SL 3.0* at a rate above the maximum rate for a single pesticide application on July 12, 2020.
- (5) Based on the evidence, the Office of Pesticide Services concludes that Bottomley Evergreens & Farms violated Virginia Code §3.2-3939(B) when both *Spartan Charge Herbicide* and *Goal XL* [REDACTED] from the July 12, 2020 pesticide application.

D. Penalty Assessment

Virginia Code § 3.2-3943(A) provides for the assessment of monetary civil penalties when violations of the Act and regulations occur. For supervising an application of a restricted use pesticide without certification, Bottomley Evergreens & Farms is assessed a penalty of \$350.00.

- (1) For failing to follow the label direction prohibiting supervision of an application of *Gramaxone SL 3.0* by an uncertified person, Bottomley Evergreens & Farms is assessed a penalty of \$1500.00.
- (2) For failing to follow the label direction regarding mandatory paraquat training, Bottomley Evergreens & Farms is assessed a penalty of \$650.00.
- (3) For failing to follow the label direction regarding the permissible maximum rate for a single application of *Gramaxone SL 3.0*, Bottomley Evergreens & Farms is assessed a penalty of \$1500.00.
- (4) For failing to follow the label directions regarding drift for *Spartan Charge Herbicide* and *Goal XL*, Bottomley Evergreens & Farms is assessed a penalty of \$800.00.

Enclosed is an itemized explanation of each penalty assessment along with a payment statement for the total amount assessed of \$4800.00. **This penalty reflects good faith credit.**

E. Appeal Procedure

You have the right to appeal this case decision by requesting a Fact-Finding Conference or requesting to waive the Fact-Finding Conference and proceed directly to a formal hearing under Virginia Code § 2.2-4019. This will allow you to present additional information or arguments challenging the violation or the civil penalty. Either request must be submitted on the enclosed form to the Program Manager, Office of Pesticide Services, Virginia Department of Agriculture and Consumer Services. If you request a Fact-Finding Conference, a Conference Officer will be assigned to your case, and, if the civil penalty is upheld, you will have a further opportunity for appeal to a formal hearing.

Pursuant to Virginia Code §3.2-3943(D) of the Virginia Pesticide Control Act, “[t]he person to whom a civil penalty is issued shall have 15 days to request an informal fact-finding conference ...to challenge the fact or amount of the civil penalty.” Thus, the request for or waiver of a Fact-Finding Conference must be postmarked within 15 calendar days from receipt of this case decision.

F. Payment of Civil Penalty

If you do not request a fact-finding conference or a formal hearing within 15 calendar days following receipt of this notice, the civil penalty becomes final, due and payable within 15 calendar days from receipt of this notice. Payment of the penalty may be made by either check (certified or cashier's) or money order made payable to the Treasurer of Virginia. Please print the invoice number on the check or money order.

The Virginia Department of Agriculture and Consumer Services also offers the option of “**Online Bill Pay**”. To use the Online Bill Pay option, please visit <https://portal.vdacs.virginia.gov>.

- View all outstanding invoices on your account

August 16, 2021

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- Securely pay in full invoices less than 60 days past due
- Pay by credit card (VISA, MC Discovery) – an additional \$3.00 convenience fee per bill will be added to check out.
- Pay by e-Check / ACH (no additional fees)
- Obtain online confirmation and receive email receipt.

For questions or assistance with the Online Payment Portal, contact VDACS by email at:

VDACSPaymentPortal@vdacs.virginia.gov.

If you have any questions concerning this violation, the appeal procedure, or payment of the civil penalty, you may reach me by email (christine.trostler@vdacs.virginia.gov) or by phone (804-371-8485)

Sincerely,



Christine Wang Trostler
Compliance Officer

Enclosures

cc: Larry M. Nichols, Division Director
Liza Fleeson Trossbach, Program Manager
Clinton T. Shettle, Supervisor, Enforcement & Field Operations
James Atwell, Pesticide Investigator
Allison Jewell, Finance Office

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Office of Pesticide Services
P. O. Box 1163, Richmond, Virginia 23218

PENALTY ASSESSMENT EXPLANATION

PERSON/FIRM NAME: Mr. Mitchell Bottomley, Owner
Ms. Michele A. Bryant, Director of Compliance
Mr. Esteban Mejia, Applicator
Bottomley Evergreens & Farms
6460 Glade Valley Rd
Ennice, NC 28623

APPLICATOR CERTIFICATION NUMBER: 145811

PESTICIDE BUSINESS LICENSE NUMBER: N/A

CASE NUMBER: 69504

<u>VIOLATION 1 OF 5</u>		<u>POINTS ASSESSED</u>
A. Type of Violation Certification	RANGE 1 → 10 PTS	2
B. Damage Caused by Violation Slight actual or potential damage to property or the environment, or such threat to human health and safety.	RANGE 0 → 10 PTS	1
C. Culpability Knowing	RANGE 0 → 6 PTS	3
D. History of Previous Violations 1 PT / PREVIOUS VIOLATION Case #: 69804 (Not Certified and Negligence)		2
E. Good Faith Credit for Prompt Compliance RANGE 0 → 4 PTS Upon notice of lapse, Mr. Bottomley has not applied or supervised pesticide applications in Virginia until certification is reinstated.		-3
TOTAL POINTS:		5
BASE PENALTY AMOUNT:		\$350.00
F. Reduction of base penalty by 20%, if no previous violation None		-\$0.00
G. Additional Penalty for Serious Damage/Injury/Death No additional penalty.		+0.00
TOTAL PENALTY AMOUNT:		\$350.00

Compliance Manager: Christa Way Truett Date: 8 / 20 / 21

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Office of Pesticide Services
P. O. Box 1163, Richmond, Virginia 23218

PENALTY ASSESSMENT EXPLANATION

CASE NUMBER: 69504

VIOLATION 2 OF 5

POINTS ASSESSED

A. Type of Violation	RANGE 1 → 10 PTS	3
Misuse (<i>Gramaxone SL 3.0</i> prohibits applications by supervised uncertified persons)		
B. Damage Caused by Violation	RANGE 0 → 10 PTS	2
Slight actual or potential damage to property or the environment, or such threat to human health and safety.		
C. Culpability	RANGE 0 → 6 PTS	3
Knowing		
D. History of Previous Violations	1 PT / PREVIOUS VIOLATION	2
Case #: 69804 (Not Certified and Negligence)		
E. Good Faith Credit for Prompt Compliance	RANGE 0 → 4 PTS	-0
None		
TOTAL POINTS:		10
BASE PENALTY AMOUNT:		\$1500.00
F. Reduction of base penalty by 20%, if no previous violation		-\$0.00
None		
G. Additional Penalty for Serious Damage/Injury/Death		+0.00
No additional penalty.		
TOTAL PENALTY AMOUNT:		\$1500.00

Compliance Manager: Christa Way Truett Date: 8 / 20 / 21

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Office of Pesticide Services
P. O. Box 1163, Richmond, Virginia 23218

PENALTY ASSESSMENT EXPLANATION

CASE NUMBER: 69504

<u>VIOLATION 3 OF 5</u>		<u>POINTS ASSESSED</u>
A. Type of Violation	RANGE 1 → 10 PTS	3
Misuse (Lack of paraquat training prior to mixing <i>Gramoxone SL 3.0</i>)		
B. Damage Caused by Violation	RANGE 0 → 10 PTS	2
Slight actual or potential damage to property or the environment, or such threat to human health and safety.		
C. Culpability	RANGE 0 → 6 PTS	3
Knowing		
D. History of Previous Violations	1 PT / PREVIOUS VIOLATION	2
Case #: 69804 (Not Certified and Negligence)		
E. Good Faith Credit for Prompt Compliance	RANGE 0 → 4 PTS	-3
Both Mr. Bottomley and Mr. Mejia have taken the mandatory training.		
TOTAL POINTS:		7
BASE PENALTY AMOUNT:		\$650.00
F. Reduction of base penalty by 20%, if no previous violation		-\$0.00
None		
G. Additional Penalty for Serious Damage/Injury/Death		+0.00
No additional penalty.		
TOTAL PENALTY AMOUNT:		\$650.00

Compliance Manager: Chris Way Trost Date: 8 / 26 / 21

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Office of Pesticide Services
P. O. Box 1163, Richmond, Virginia 23218

PENALTY ASSESSMENT EXPLANATION

CASE NUMBER: 69504

VIOLATION 4 OF 5

POINTS ASSESSED

A. Type of Violation	RANGE 1 → 10 PTS	3
Misuse (Exceeded max single application rate for <i>Gramaxone SL 3.0</i>)		
B. Damage Caused by Violation	RANGE 0 → 10 PTS	2
Slight actual or potential damage to property or the environment, or such threat to human health and safety.		
C. Culpability	RANGE 0 → 6 PTS	3
Knowing		
D. History of Previous Violations	1 PT / PREVIOUS VIOLATION	2
Case #: 69804 (Not Certified and Negligence)		
E. Good Faith Credit for Prompt Compliance	RANGE 0 → 4 PTS	-0
None		
TOTAL POINTS:		10
BASE PENALTY AMOUNT:		\$1500.00
F. Reduction of base penalty by 20%, if no previous violation		-\$0.00
None		
G. Additional Penalty for Serious Damage/Injury/Death		+0.00
No additional penalty.		
TOTAL PENALTY AMOUNT:		\$1500.00

Compliance Manager: Christy Way Truett Date: 8 / 20 / 21

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Office of Pesticide Services
P. O. Box 1163, Richmond, Virginia 23218

PENALTY ASSESSMENT EXPLANATION

CASE NUMBER: 69504

VIOLATION 5 OF 5

POINTS ASSESSED

A. Type of Violation Misuse (Drift)	RANGE 1 → 10 PTS	3
B. Damage Caused by Violation Slight actual or potential damage to property or the environment, or such threat to human health and safety.	RANGE 0 → 10 PTS	2
C. Culpability Knowing	RANGE 0 → 6 PTS	3
D. History of Previous Violations 1 PT / PREVIOUS VIOLATION Case #: 69804 (Not Certified and Negligence)		2
E. Good Faith Credit for Prompt Compliance RANGE 0 → 4 PTS Both Mr. Bottomley and Mr. Mejia took recertification course on drift.		-2
TOTAL POINTS:		8
BASE PENALTY AMOUNT:		\$800.00
F. Reduction of base penalty by 20%, if no previous violation None		-\$0.00
G. Additional Penalty for Serious Damage/Injury/Death No additional penalty.		+0.00
TOTAL PENALTY AMOUNT:		\$800.00

Compliance Manager: _____

Chris Way Truitt

Date: 8 / 20 / 21



Pay Online at:
<https://portal.vdacs.virginia.gov>

Invoice #: 330264

Total Amount Due: \$4,800.00

Invoice Date: Aug 20, 2021

Due Date: Sep 19, 2021

Amount Remitted: \$ _____

Make Check Payable to:
TREASURER OF VIRGINIA

Mail Payment to: VDACS
PO Box 430
Richmond VA 23218-0430

BOTTOMLEY EVERGREENS & FARMS
6460 GLADE VALLEY RD
ENNICE NC 28623-
ATTN: MR. MITCHELL BOTTOMLEY, OWNER

Customer #4285438 RETURN THIS PORTION WITH PAYMENT FOR PROPER CREDIT
VDACS, PO BOX 430, RICHMOND VA 23218-0430, (804) 371-6560

Customer #4285438

Invoice #: 330264

Page 1 of 1

Date of Service	Description of Service	Unit Price	Qty	Line Total
Aug 20, 2021	PESTICIDE CIVIL PENALTY ASSESSMENT CASE #: 69504 CERTIFICATION 770-08319-CP-PSTENF	\$350.00	1	\$350.00
Aug 20, 2021	PESTICIDE CIVIL PENALTY ASSESSMENT CASE#: 69504 MISUSE (GRAMOXONE SL 3.0 PROHIBITS APPLICATIONS BY SUPERVISED UNCERTIFIED PERSONS) 770-08319-CP-PSTENF	\$1,500.00	1	\$1,500.00
Aug 20, 2021	PESTICIDE CIVIL PENALTY ASSESSMENT CASE # 69504 (LACK OF PARAQUAT TRAINING PRIOR TO MIXING GRAMOXONE SL 3.0) 770-08319-CP-PSTENF	\$650.00	1	\$650.00
Aug 20, 2021	PESTICIDE CIVIL PENALTY ASSESSMENT CASE #: 69504 (EXCEEDED MAX SINGLE APPLICATION RATE FOR GRAMOXONE SL 3.0) 770-08319-CP-PSTENF	\$1,500.00	1	\$1,500.00
Aug 20, 2021	PESTICIDE CIVIL PENALTY ASSESSMENT CASE #: 69504 MISUSE (DRIFT) 770-08319-CP-PSTENF	\$800.00	1	\$800.00

Total Amount Due: \$4,800.00

**OFFICE OF PESTICIDE SERVICES
FACT-FINDING CONFERENCE REQUEST**

Program Manager, Office of Pesticide Services
Virginia Department of Agriculture & Consumer Services
P O Box 1163
Richmond, Virginia 23218

Dear Program Manager:

☐ I request a Fact-Finding Conference for Case # **69504**.

I request the conference by: ☐ teleconference or ☐ meeting in Richmond

I dispute the fact of the violation(s) presented and/or any civil penalty assessed for the following reason(s):

☐ I waive my right to a Fact-Finding Conference and request to proceed directly to a Formal Hearing for Case # **69504**.

☐ I waive my right to a Fact-Finding Conference and Formal Hearing for Case # **69504**.

_____ printed name	_____ signature	_____ date
_____ business name		_____ daytime phone #

Attach additional pages(s) if needed:

DUE WITHIN 15 CALENDAR DAYS OF RECEIPT OF THE CASE DECISION
Please mail this form to:

**VDACS-Office of Pesticide Services
P O Box 1163, Room LL20
Richmond, VA 23218**

Please direct any questions to the Office of Pesticide Services at (804) 371-8485.