ARKANSAS STATE PLANT BOARD

Minutes

June 5, 2025
8:30 a.m.

Chairman Reynold Meyer called the quarterly board meeting to order.

Members present: Bruce Alford, Sammy Angel, Kyle Baltz, George Dunklin, Garrett Frost, David Gammill, Reynold Meyer, Robin Ralston, Dr. Nathan Slaton, Sam Stuckey, Robert Thorne, David Wallace, Jr.

Members present via Zoom: Dr. Ken Korth, Matthew Miles, Travis Senter, Caleb Wall

Member(s) absent: Jon Bierbaum, Nathan Reed

Scott Bray, Director, Plant Industries Division, and other Arkansas Department of Agriculture staff were in attendance.

1. **Opening comments and introductions**

   Chairman Meyer welcomed all who were in attendance and asked each member to introduce themselves and state who they represent.

2. **Consider the minutes of the March 18, 2025 meeting**

   Moved by Alford, seconded by Dunklin to approve the minutes as presented.

   Motion carried.

3. **Pest Control Section**

   Committee Chair Dr. Ken Korth summarized the minutes of the May 8, 2025, Pest Control Committee meeting. **Attachment 3a.**

   Committee Chair Dr. Korth, stated the committee met at the request of Mr. Travis Martin. Mr. Martin acquired a termite contract on his property through a real estate transaction, and during remodeling found damage. Some of the damage was associated with termites and some damage associated with moisture and ants.

Mr. Martin contacted the termite contract provider, Adams Pest Control. After inspecting the damage, Adams Pest took the position that the damage was hidden and not visible during the original inspection, therefore, they were not responsible for disclosing the damage or making repairs. Mr. Martin disagreed and contacted the Arkansas Department of Agriculture (Department), requesting an inspection and assessment.

Department staff inspected but due to the state of deconstruction at the time of inspection it could not be determined if the damage would have been visible during Adam's initial inspection. Department inspectors did determine that there was evidence that the property may not have been treated according to pest control rule standards. Department staff issued a notice to make treatment related corrections to Adams Pest Control. Mr. Martin did not allow Adams Pest Control back on the property to complete the corrections.

During the committee meeting, Mr. Martin voiced his concerns about how he was displeased with the work Adams Pest Control performed and did not want them back on his property. Mr. Martin also noted that he found inaccurate information associated with treatment methods noted on the contract he received from Adams Pest Control. Representatives from Adams Pest Control stated that the employee that issued the report is no longer employed and that they are not sure why he made the errors. The Adams representatives stated that they are willing to re-treat the entire property. Mr. Martin stated that he has already hired another pest control firm to treat the building and does not want to do business with Adams Pest Control. Mr. Martin stated that he wanted to see the Department provide more oversight and monitoring of pest control businesses.

No action was taken by the committee.

Moved by Alford, seconded by Angel to approve the minutes as presented.

Motion carried.

Dr. Korth presented the pest control examination results from March and April 2025, for approval. **Attachment 3b**

Moved by Baltz, seconded by Alford to approve the pest control exam results as presented.

Motion carried.

4. **Pesticide Section**

Committee Chair George Dunklin summarized the minutes of May 27, 2025, Pesticide Committee meeting. **Attachment 4a**

The committee received an update on 2025 pesticide complaint case files. Corey Seats, Arkansas Department of Agriculture General Counsel, requested that the review of proposed enforcement actions be deferred to the full Plant Board meeting to allow for consideration of multiple recommendations.

Scott Bray, Director, Plant Industries Division, presented the board with a packet of proposed warning letters and signed settlement agreements. **Attachment 4b**

Bray stated items 1 – 14 are level 1 minor violations. Warning letters have been issued.

Moved by Baltz, seconded by Stuckey to approve the committee's recommendation on items 1 – 14, as presented.

Motion carried.

Bray referenced items 15 – 226. Bray stated staff is proposing to resolve cases from 2017 through 2021 with a settlement agreement of a warning letter and then resume normal operating procedures with case files beginning in 2022.

During the board discussion, Dunklin asked if the staff's proposal could be presented to the Attorney General's office for an opinion.

Following board discussion, moved by Dunklin, seconded by Baltz to ask the Attorney General's office for an opinion on staff's proposal as presented on items 15 – 226.

Motion carried.

The committee received an update on the feral hog rule. A proposed rule has been drafted, however, during this process it was discovered that the existing rules needed to be updated, and it has been requested that the committee defer this to the Plant Board at their upcoming meeting.

Bray stated that the propose feral hog rule will require some clean-up of language. The proposed rule will be brought to the board later.

The committee requested an explanation on how staff is going to get the word out that there would be no dicamba in crop use product available this summer. Bray stated that information is being pushed out through the Marketing section, press releases, social media, etc.

Committee Chair stated the committee has asked if the Plant Board had a stance on banning certain pesticides in relation to the "Make America Healthy Again" report. Secretary Wes Ward provided insight from the perspective of the National Association of State Departments of Agriculture (NASDA).

Moved by Dunklin, seconded by Angel to approve the minutes as presented.

Motion carried.

5. **Bureau of Standards**

Committee Chair Ralston summarized the minutes of May 20, 2025, Bureau of Standards Committee meeting. **Attachment 5**

Staff presented 74 civil penalties to the committee for review and recommendation to the State Plant Board:

Sixty-seven for expired or no decal – Table 1
Fifty-two first offense
Ten second offense
Four third offense
One fourth offense

One for misrepresentation of pricing – Table 2
One first offense

Six for water contamination in the fuel – Table 3
Six first offense

Moved by Ralston, seconded by Alford to approve the committee's recommendation as presented.

Motion carried.

A request was received to reduce the civil penalty of Case BS 25-0143, Bassett Food & Fuel, Bassett, AR, from $350 to $100.

The committee's recommendation is to reduce the civil penalty from $350 to $100.

Moved by Ralston, seconded by Alford to approve the committee's recommendation as presented.

Motion carried.

A request was received to withdraw the civil penalty assessment in Case 25-0181 and Case 25-0182, Cherry Street Food Mart, Pine Bluff, AR.

The committee's recommendation is to approve the withdraw of the civil penalty assessment in Case BS 25-0181 and Case BS 25-0182.

Moved by Ralston, seconded by Alford to approve the committee's recommendation as presented.

Motion carried.

Moved by Ralston, seconded by Stuckey to approve the minutes as presented.

Motion carried.

6. **Boll Weevil Eradication Program**

Committee Chair Stuckey summarized the Boll Weevil Subcommittee meeting held May 6, 2025. **Attachment 6**

Case file summaries were presented to the committee on the cotton gins that ginned cotton without grower certificates.

The committee recommends a warning letter be sent to Lee Wilson & Co., LLC.

The committee recommends sending a letter to Tripp Gin, notifying them of being on probation for three years, along with the option to pay assessment fees in the amount of $8837.00 within two weeks of notice, or pay an enforcement penalty of up to $50 per bale to the Arkansas State Plant Board.

The committee recommends sending a letter to RHM Gin notifying them of being on probation for three years along with the option to pay assessment fees in the amount of $1480.30 within two weeks of notice or pay an enforcement penalty of up to $50 per bale to the Arkansas State Plant Board.

Since the committee met on May 6, it was reported that RHM ginned another grower's cotton with an incorrect gin certificate. The grower had received a rebate check from the Arkansas Boll Weevil Eradication Foundation for his 2024 acres with the wrong entity name. The grower requested a new check to be issued with the correct entity name. After further discussion it was reported that RHM ginned cotton with an incorrect gin certificate. The committee will discuss this further at the next meeting to be held in July.

Moved by Stuckey, seconded by Dunklin to approve the recommendations of the committee as presented.

Motion carried.

Moved by Stuckey, seconded by Dunklin to approve the minutes as presented.

Motion carried.

7. **Plant Industries Division update**

Bray stated that this would be his final Plant Board meeting as Director of the Plant Industries Division and took a moment to invite the board to share any thoughts or ask him any questions. He also emphasized the dedication and hard work of the staff, making sure to highlight the significance of their contributions to the division and the diverse nature of their roles. In response, Chair Meyers expressed his appreciation for Bray's leadership over the past six years, recognizing his efforts and the impact he has had on the division.

8. **Other business**

Bray presented a draft proposal of the Bylaws for the Conduct of Business of the Arkansas State Plant Board. **Attachment 8**

Bray stated that legislation has passed that will be effective August 5, 2025, concerning board and commission members attending meetings remotely. It is

proposed to strike Section Four and add the writing in red as shown in **Attachment 8**. This change will address members attending meetings remotely.

Moved by Dunklin, seconded by Angel to approve the changes as presented.

Motion carried.

9. **Date for the next quarterly board meeting**. The next quarterly board meeting is scheduled for September 4, 2025, at 9:30 a.m.

Meeting adjourned.

Reynold Meyer, Chairman

Kyle Baltz, Secretary

Attachment 3a

Minutes for Pest Control Committee Meeting
May 8, 2025
Little Rock, Arkansas

Present via Zoom:

Dr. Ken Korth-Committee Chair
David Gammill-Board Member
Bruce Alford-Board Member
Garrett Frost-Board Member
Travis Senter-Board Member
Kyle Baltz-Board Member
Jon Bier-Board Member
Sherry Seiffert, Attorney
Linda Luebke, ADA
Susie Nichols, ADA
Seth Dunlap, ADA
Scott Bray, ADA
Mark Stoll, ADA
Lexie Felton, ADA
Yolanda Vault, ADA
Ryan Nichols, ADA
Linda Walker, ADA
Andrew Simpson, ADA
Jerry Lyons-Adams Pest Control
Timothy Adams-Adams Pest Control
Travis Martin-Property Owner

Dr. Ken Korth brought the meeting to order. The committee members introduced themselves followed by the rest of the present attendees.

Those presents were presented with the following:

1. Memorandum from Travis Martin (Attachment 1)
2. Case File Progression Document CF 25.053 (Attachment 2)
3. Circular 6, Arkansas Pest Control Law (Attachment 3)

Scott Bray started by summarizing the Pest Control Program, Rules and Standard Operating Procedures. Followed by the opening discussion concerning CF 25.053.

Mark Stoll gave a summary of the events from page 1 CF25.053. (See Attachment 2)

Mr. Travis Martin (Trale Properties) Requested a committee meeting to address the concerns of CF 25.053. Mr. Travis Martin also shares his concern with Adams Pest Control at 7805 Kampground Way. (See Attachment 1)

Jerry Lyons stated that the employee who inspected the property was no longer employed and was in fault. Adams Pest control was willing to correct the problem but not responsible for hidden damage.

The board members ask varies questions concerning the property and the procedures. for treatment.

Scott Bray talks concerning the procedures and Seth Dunlap discussed the Arkansas Laws. (See Attachment 3)

Dr. Ken Korth asks what needs to be done. Scott Bray states maybe change the rules and guidelines.

No other business.

Bruce Alford motions adjourn and David Gammill seconds. The meeting adjourns

Dr. Ken Korth
Committee Chairman

Attachment 1

TRALE PROPERTIES INC

(501) 773-4235
Travis@martincompanyav.com

7805 Kampground Way
North Little Rock, AR 72118

May 8, 2025

Board Meeting

Plant Industries
1 Natural Resources Dr.
Little Rock AR, 72205

Dear Plant Board,

I would like to thank the plant board this morning for giving me the opportunity to share my concerns with Adams Pest Control services at 7805 Kampground Way, which Trale Properties LLC purchased on September 11, 2024. Our initial plan was for a minor remodel, including flooring removal, patching and painting, minor electrical and HVAC adjustments, and exterior refreshing, with an initial budget of approximately $50,000.

However, during the initial cleanup, we discovered significant termite damage. Upon removing a partial wall in the area intended as the new warehouse.

On October 10th, I contacted Adams Pest Control of North Little Rock to request an inspection. The following week, Mr. Lyons from Adams visited the property without prior notice. He stated that the damage appeared to be primarily water damage with a few ants and indicated that there was nothing they could do. At this point we had owned the property for over 30 days and Mr. Lyons never mention that they had not treated, or was in the process treating the property.

On November 7th, while preparing to replace the vanity and toilet, we discovered that the entire back wall shifted, revealing severely rotten framing with active termites. I contacted Adams Pest Control a second time, and Mr. Lyons came to the property. He acknowledged the termite damage but immediately stated that their policy does not cover hidden damage. At this point, I informed him that there was nothing further to discuss. Still at this point no mention of non treatment or any attempt on his part to do so.

Further investigation uncovered additional termite damage in both offices, near the front door, and in the lobby. As a result, we decided to remove all sheetrock and insulation. This revealed a complex repair process. Temporary walls are necessary, and exterior walls must be lifted to replace the deteriorated base plates. Given the building's age (over 40 years) and the exposed structure, North Little Rock City Code now requires all electrical, plumbing, and mechanical systems to be brought up

to current code. Following inspection and approval, we would need to insulate, install new sheetrock, tape, mud, and paint.

Given these findings, I contacted the Plant Board, the governing body for pest control businesses, and met with Inspector Ryan Nichols on November 15th. He thoroughly documented the property with interior and exterior photographs and collected soil samples for pesticide analysis, related to the chemicals Adams Pest Control claimed to have used in their contract.

On November 18th, Inspector Nichols informed me that he had spoken with Mr. Lyons from Adams Pest Control. Mr. Nichols mentioned taking soil samples for analysis, at which point Mr. Lyons admitted that the termite treatment had not been performed. Mr. Nichols requested a written statement from Mr. Lyons and asked him to contact me to find a resolution. I have provided Mr. Nichols with two written statements from my perspective, which are included in his report.

I spoke with Mr. Lyons on November 19th. His proposed resolution was solely to perform the termite treatment at that time. I explained that I was unwilling to proceed with any treatment by Adams Pest Control due to the falsified documents provided to the mortgage and title companies. These documents falsely indicated that a termite inspection was completed on August 19th and that a termite treatment would be completed within 30 days of new ownership (by October 11, 2024), as mandated by Arkansas state law.

When we submitted our plans to the City of North Little Rock, our initial intentions were never to strip the building down to the studs and undertake a comprehensive code upgrade. While I understand Adams Pest Control's contract clause regarding hidden damage, the central issue is that Adams Pest Control could not have performed a legitimate visual inspection if they did not properly assess the property. Consequently, they could not have accurately represented whether damage was visible or not. Adams' falsification of the inspection to the mortgage company significantly affected the negotiated price of the building and would have substantially influenced my decision to purchase the property. Additionally, you will see in the Plant boards report Adams Pest controls contract, which contains a demonstrably inaccurate drawing underestimating the square footage by 1000 sq ft.

To summarize the key issues:

While we acknowledge Adams Pest Control's contract states they are not responsible for hidden damage:
* Adams Pest Control signed off on mortgage documents, clearing the property of any visual termite damage.
* Adams Pest Control did not conduct a thorough visual inspection, as visible termite damage was present in the attic, an accessible area according to their definition.
* They had no intention of completing the termite treatment as stated. Even after two separate contacts on October 10th and November 7th, 2024, they never disclosed the lack of treatment. It was only after being questioned by the Plant Board Inspector on November 19th that Mr. Lyons offered to treat the property. At that point, I explained that Adams Pest Control was no longer welcome on the property due to the breach of trust, failure to follow proper protocols and timelines, and charging for services not rendered.

My purpose in contacting the board is to advocate for the implementation of better checks and balances for pest control operators. As this account demonstrates, it would be easy for an operator to neglect contracted work, particularly when new property owners rely on the pest control company's assurance of an honest evaluation. While I cannot definitively say the outcome would have been different, this situation has resulted in a financial impact of nearly 200k for my small business.

In closing, I respectfully request the board consider the following:

* Implementing a verification system to ensure operators are adhering to proper protocols.
* Also I ask that the plant board would be willing to enforce consequence on Adams pest control for there actions. In the hope that these types of situation would not come up again in the future.

Thank you for allowing me to come speak with you today.

Travis Martin

Attachment 2

ARKANSAS DEPARTMENT OF AGRICULTURE
PLANT INDUSTRIES DIVISION

Case File Progression Document

CF 25.053

11/7/2024 – Case File started at the Request of Travis Martin. See Record of Request

11/15/2024 – Ryan Nichols inspected the property belonging to Travis Martin located at 7805 Kampground Way in North Little Rock. A statement from Mr. Travis Martin was received along with photos and video of what appeared to be some type of ant (possibly carpenter ants or odorous house ants but no way of determining from the video or pictures received by staff). No active termites have been observed by staff during the inspection or in the evidence Mr. Martin submitted.

11/19/2024 – Jerry Lyons a licensed operator and the point of contact for termite problems for Adams Pest Control of NLR submitted a statement about the damage that was found being moisture damage and then hidden damage. He stated that Mr. Martin did not want him to call him again or did not want him on the property.

11/26/2024 – A letter of correction was issued to Adams Pest Control of NLR to correct outside grade issues, to treat porches and ground slabs, masonry voids, and outside foundation wall as per what the letter of clearance stated the property was to be treated with. Some confusion was in place on whether this was an existing structure already under contract and it was determined that it was not new and was a preexisting contract. Andrew Simpson spoke with Jerry Lyons of Adams to get all the property history after the letter of correction was sent. He stated that the property was originally treated around 2008 and had been under contract prior to the clearance letter that was issued. Signs of treatment were present but some of the ground slabs had been resurfaced at the time of our inspection compared to the other areas of concrete around the building that had not been resurfaced and had old drill holes. Jerry Lyons stated that the employee who issued the contract is no longer employed and does not know why he put that treatment should be made or was made in the amount of 35 gallons of Centerfire 75 WSP 432-1332. There was no proof that a recent treatment had been made to the property at the time of the Arkansas Department of Agriculture's inspection of Mr. Martin's property.

11/27/2024 - Mr. Martin sent an email stating that he did not agree with the staff's decision and listed his complaints and his request for a hearing before the Pest Control Committee because he believes that Adams Pest Control should be held more accountable for their actions. Please refer to the emails that he sent.

12/2/2024 – Emailed Mr. Martin to see if he was willing to work with Adams to see if they could come to a mutual agreement that would satisfy both parties.

12/4/2024 – Mr. Martin emailed a response that he did not agree with Adams resolution and wanted them to pay for all damages and what it cost him to get the building back in compliance. See email.

1/13/2025 – Contacted Mr. Martin back to see if any progress on negotiations had transpired and he said they had not. He stated that he wanted to have a hearing before the Board and his case file be heard. He did not want a refund of his money, or the property treated but wanted Adams to be held accountable by having their licensing revoked. Case files and information have been sent to upper management and legal for their review and advisement on how to proceed.

4/3/2025 – Mr. Martin sent an email to Arkansas Department Staff to follow up on his previous request and again requested a hearing in front of the Plant Board and Adams Pest Control. Staff responded that the message was received. Pest Control Program staff readdressed the email with upper management. A Pest Control Committee meeting made up of members of the Board was decided to be the best way for Mr. Martin to be heard by members of the Arkansas State Plant Board.

4/16/2025 – Pest Control Committee meeting has been scheduled for May 8th @ 9:30 AM.

Asa Hutchinson
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598

Wes Ward
Secretary of Agriculture

November 26, 2024 Case File # 25.053

Timothy Adams
Adams Pest Control of North Little Rock
2001 Landski Drive,
North Little Rock, AR 72118

Dear Mr. Adams:

On 11/15/2024, Arkansas Department of Agriculture Staff inspected a property located at 7805 Kampground Way in North Little Rock owned by Travis Martin. Staff reported the following sub-standard conditions that should be corrected:

1. Outside grade should be lowered to 3 inches below exterior wood siding, supports, etc.
2. Steps, process, and ground slabs should be treated as per label directions.
3. Masonry voids should be treated as per label directions.
4. Outside Foundation wall should be treated as per label directions.

Please make the appropriate correction within 30 days from November 26, 2024, Arkansas Department of Agriculture Staff will follow up on or after December 26, 2024. If you have any questions or concerns please feel free to contact me at the office.

Sincerely,

Andrew Simpson

Andrew Simpson
Pest Control Inspector Supervisor
Arkansas Department of Agriculture
501-225-1598

PLANT INDUSTRIES DIVISION

Inspectors Narrative Report

CASE FILE NUMBER: 25.053

On 11-15-24 at 9:00 A.M., I Ryan S. Nichols, arrived at Travis Martin's property, located at 7805 Kampground Way, in North Little Rock. Upon arrival I had my Arkansas Department of Agriculture identification ready and issued Mr. Martin a notice of inspection. Mr. Martin requested this inspection of his property.

During this inspection pictures were taken. Mr. Martin sent statement, pictures, videos, contract and graph, and paperwork. Refer to these items for more information. Per Mr. Martin, they closed on property 9-11-24. I called Mr. Lyons with Adams Pest Control on 11-15-24 to check if they had treated the property and to get treating records. He said that they have not treated the property and that homeowner said to stay off his property. Mr. Lyons said that he would like to treat the property and would try and call homeowner and see if they could treat it. I asked Mr. Lyons to put that in a statement and he emailed it to me, as of 11-19-24 Mr. Lyons said he tried calling homeowner to try and treat property. I called Mr. Martin 11-19-24 to check on if he told Adams to stay off his property and he said yes he told them that.

I inspected the property and found the following:

Possible Sub-Standards:

5) Shelter tubes in damage.
10) Termite damage to different areas, refer to damage graph for area and better description. Note: Unable to determine if hidden or visible due to deconstruction.
11) Less than 3 inches from soil to siding, wood on ground. Pictures: 4-6, 19
13) Slabs not all down drilled from what I could see. Saw some holes in concrete. Pictures: 7-18, 24
14) No sign of trenching around structure, had sandbags that were on back side of home that did not look to be moved and breaking down. Pictures: 20-21, 23, 25
17) Masonry voids did not look to be drilled but had bushes in front of brick and unable to see area good. Pictures: 58-59

Note: Homeowner would like call after reviewed.

Note: Two soil samples taken 11-15-24. I called Mr. Lyons on 11-15-24 to see if they treated the property and to get treating records and that's when Mr. Lyons said that they have not treated the property. Since they have not treated property, I will hold off on turning in soil samples unless otherwise told.

Ryan S. Nichols	11-15-24	Ryan S. Nichols	11-15-24
Inspectors Name (PRINT)	Date	Inspectors Signature	Date

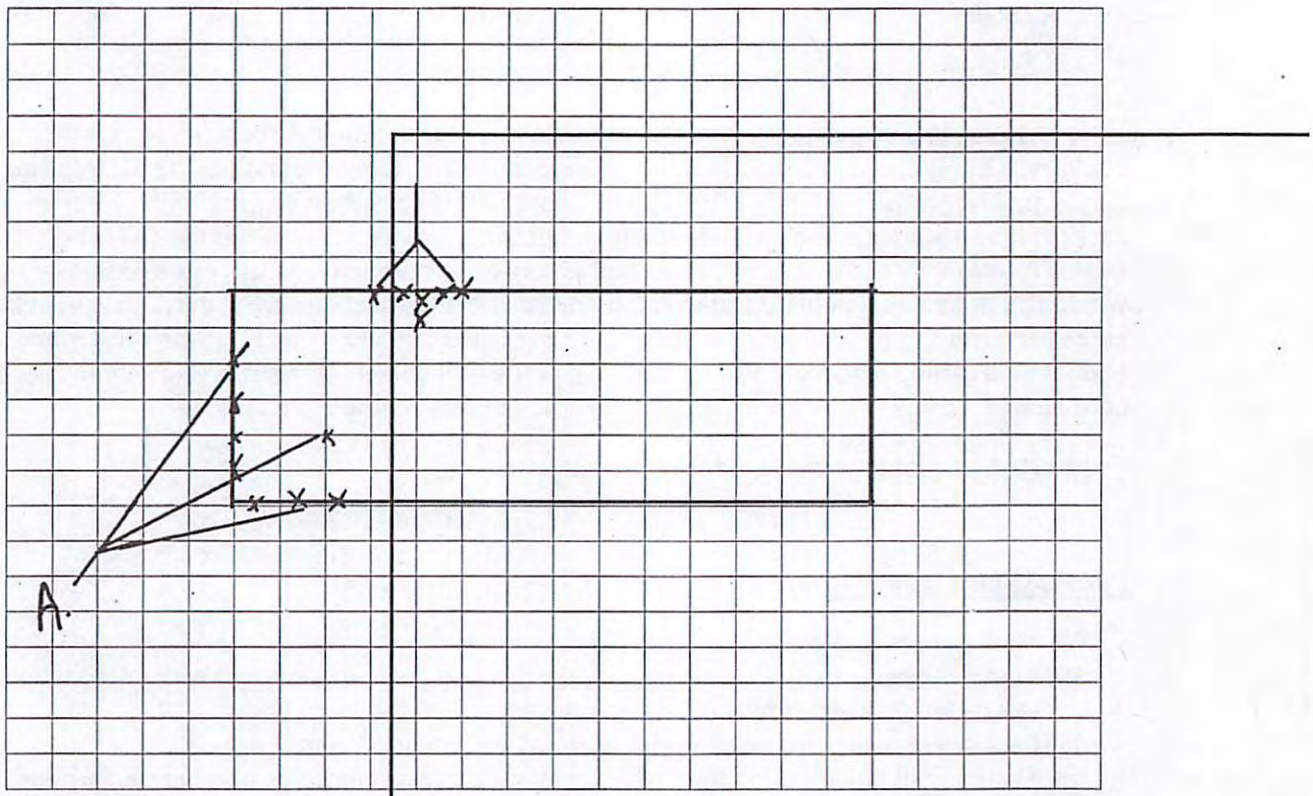
ARKANSAS DEPARTMENT OF AGRICULTURE
PLANT INDUSTRIES DIVISION

INSPECTION GRAPH

(Inspection Graph not drawn to scale)

Date:	11-15-24

Case File: #	25.053



Location of Damage and/or Active Infestations:

A. Termite damage to wall studs, bottom plates, and insulation backing. Shelter tubes present in damage. Note: Unable to determine if hidden or visible due to deconstruction. Pictures: 26-33, 57

B. Termite damage to wall studs, top and bottom plates. Note: Unable to determine if hidden or visible due to deconstruction. Pictures: 34-53

Ryan S. Nichols 11-15-24

Ryan S. Nichols 11-15-24

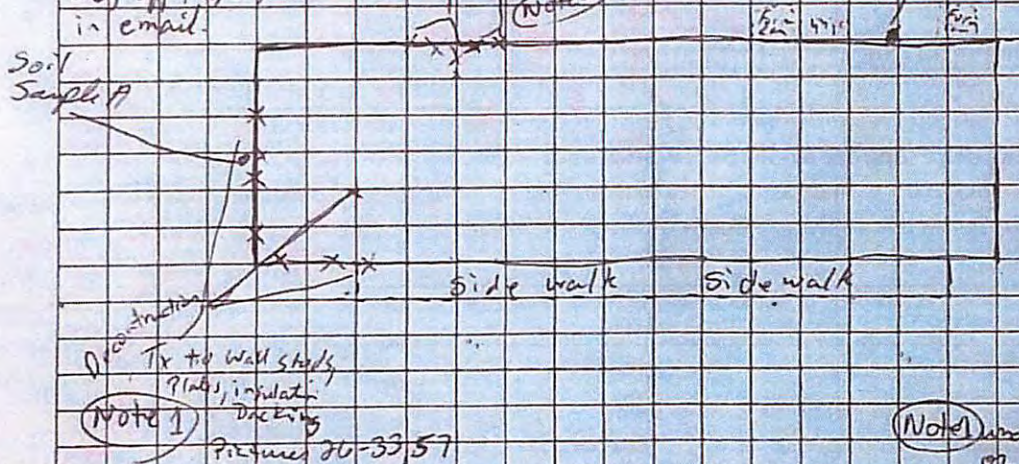
ARKANSAS DEPARTMENT OF AGRICULTURE
PLANT INDUSTRIES DIVISION

Pest Control Program
Termite Inspection Report

Date of Inspection:	11/15/24 @ 9	Case File: #	25.053
Property Owner:	Travis Martin		
Address of Property Inspected:	7805 Kampground Way	NLR, AR. 72118	
Property Owner's Malling Address:			
Property Owner's Email Address:			
Company That Treated Property:	Adams NLR	Date of Treatment:	[redacted]
Construction of Building:	frame, vinil siding, BV	Type of Foundation:	Slab
Were Active Termites Present at Time of Inspection:	ok @time		

Minimum Standards:	OK	Not Ok		OK	Not Ok
1. Access Opening:	NA		10. W.D.O Damage:	Refer to graph	
2. Treatment Used:	certified		11. Outside Grade: Wood Trim	yes Less 3"	from soil to siding
3. Wood Debris:	NA		12. Skirting/Lattice:	NA	
4. Clearance Under Building:	NA		13. Steps, Porches, G.S.:	Not w/ DR.	
5. Shelter Tubes:	In damage		14. Stucco:	NA	
6. Stiff Legs:	NA		15. G/T Under Building:	NA	
7. Wood on Concrete Floors:	NA		16. G/T Outside Building:	NO Sign of Trenching	Sandbags and hose
8. Wood Steps:	NA		17. Masonry Voids:	No sign, bashes in way	
9. Pipes:	NA		18. Powder-Post Beetles:	ok @time	

Note: I called Mr. Lyons on 11/15/24
He said they have not treated
Property, said Homeowner said
Stay off Property. Statement
in email.



9/11/24 Closed Per Homeowner.

Note 1 unable to determine hidden or visible due to deconstruction

Note Two soil samples Taken.

Inspector's Name Printed:	Ryan S. Nichols
Inspector's Signature:	Ryan S. Nichols

[redacted] [redacted]

August 20, 2024

Marie Watson
7805 KAMPGROUND WAY
North Little Rock, AR 72118

Attention Please

Packet Contents:

- Invoice
- Termite Agreement
- Graph
- NPMA Form
- Required WDI (wood destroying insect report)

Please have the buyer and seller sign the documents listed above. Please send payment for invoice, signed copy of the Termite Agreement, Required Forms, Graph, and **this form** to Adams Pest Control or email to **termiteapc@gmail.com**.

Buyers Information:

Buyers Name (s): _____

Phone Number(s): _____

Email Address(es): _____

Mailing address if different from property address:

_____

_____

_____

Adams Pest Control

2001 Landski Dr

North Little Rock, AR 72118

501-945-0843 or 479-567-5160

Invoice # A937538

PEST CONTROL
ADAMS
Since 1957

Invoice Date: 08/19/2024 Monday
Time: 12:07 PM

Time In/ Out: 12:07 PM - 12:07 PM
Bill-To: 171482

Marie Watson
32 silver meadow ct
North Little Rock, AR 72118

Marie Watson
7805 KAMPGROUND WAY
North Little Rock, AR 72118

Location: 171482

Technician: Gavin Roberts Lic:#LH24-0072A

Service Description	Quantity		Price
CL Under Policy	1.00		$100.00
Pro rate	1.00		$164.00
		SUBTOTAL	$264.00
		TAX	$25.08
		TOTAL	$289.08

CL

CUSTOMER SIGNATURE

CL

TECHNICIAN SIGNATURE

If you home is on a Slab; Adams Pest Control will renew your termite protection policy hassle free! You can skip the courtesy inspection and still have complete coverage on your home.

590-3163
Tenant occupied
TENANTS DO NOT NEED TO KNOW THE HOUSE IS FOR SALE
IF THEY ASK JUST SAY IT IS A TERMTIE INSPECTION

Bill-To: Marie Watson
32 silver meadow ct
North Little Rock, AR 72118

PO Number: 171482

Terms: NET 30

Invoice #: 08/19/2024

Technician: Gavin Roberts

Adams Pest Control
2001 Landski Dr
North Little Rock, AR 72118-3771
501-945-0843

Wood Destroying Insect Inspection Report

Notice: Please read important consumer information on page 2.

Section I. General Information

Inspection Company, Address & Phone

Adams Pest Control of NLR
2001 landski dr
NLR, AR 72118
501-945-0843

Company's Pest Control Business Lic. No.: LH24B1-70

Date of Inspection: 08/19/2024

Address of Property Inspected

Marie Watson
7805 CAMPGROUND WAY
North Little Rock, AR 72118

Inspector's Name, Signature & Certification, Registration, or Lic. #

Gavin Roberts ##LH24-0072A

Structure(s) Inspected: Residential

Section II. Inspection Findings

This report is indicative of the condition of the above identified structure(s) on the date of inspection and is not to be construed as a guarantee or warranty against latent, concealed, or future infestations or wood destroying insect damage. **Based on a careful visual inspection of the readily accessible areas of the structure(s) inspected:**

- [x] **A. No visible evidence of wood destroying insects was observed.**
- [ ] **B. Visible evidence of wood destroying insects was observed as follows:**
  - [ ] 1. Live insects (description and location): _____
  - [ ] 2. Dead insects, insect parts, frass, shelter tubes, exit holes, or staining (description and location): _____
  - [ ] 3. Visible damage from wood destroying insects was noted as follows (description and location): _____

NOTE: This is not a structural damage report. **If box B above is checked, it should be understood that some degree of damage, including hidden damage, may be present.** If any questions arise regarding damage indicated by this report, it is recommended that the buyer or any interested parties contact a qualified structural professional to determine the extent of damage and the need for repairs.

Section III. Recommendations

- [ ] No action and/or treatment recommended: (Explain if Box B in Section II is checked) _____
- [x] Recommend action(s) and/or treatment(s) for the control of: APC will preform a termite treatment 30 days after closing is complete per Arkansas state plant board regulations.

Section IV. Obstructions and Inaccessible Areas

The following areas of the structure(s) inspected were obstructed or inaccessible:

- [ ] Basement
- [ ] Crawlspace
- [x] Main Level 11,12,13,17
- [ ] Attic
- [ ] Garage
- [ ] Exterior
- [ ] Porch
- [ ] Addition
- [ ] Other

The inspector may write out obstructions or use the following optional key:

1. Fixed ceiling
2. Suspended ceiling
3. Fixed wall covering
4. Floor covering
5. Insulation
6. Cabinets or shelving
7. Stored items
8. Furnishings
9. Appliances
10. No access or entry
11. Limited access
12. No access beneath
13. Only visual access
14. Cluttered condition
15. Standing water
16. Dense vegetation
17. Exterior siding
18. Window well covers
19. Wood pile
20. Snow
21. Unsafe conditions
22. Rigid foam board
23. Synthetic stucco
24. Duct work, wiring, and/or plumbing
25. Spray foam insulation
26. Equipment

Section V. Additional Comments and Attachments

(these are an integral part of the report) No visible signs of active termites.APC is not responsible for any old or hidden termite damage.

Attachments _____

Signature of Seller(s) or Owner(s) if refinancing. Seller discloses to the buyer all information, to their knowledge, regarding W.D.I. infestation, damage, repair, and treatment history.

X

Signature of Buyer. The undersigned hereby acknowledges receipt of a copy of both page 1 and page 2 of this report and understands the information reported.

X

Important Consumer Information Regarding the Scope and Limitations of the Inspection

Please read this entire page as it is part of this report. Please refer to the NPMA Suggested Guidelines for instructions on completing this report. This report is not a guarantee or warranty as to the absence of wood destroying insects nor is it a structural integrity report. The inspector's training and experience do not qualify the inspector in damage evaluation or any other building construction technology and/or repair.

1. **About the Inspection:** A visual inspection was conducted in the readily accessible areas of the structure(s) indicated (see Page 1) including attics and crawlspaces which permitted entry during the inspection. The inspection included probing and/or sounding of unobstructed and accessible areas to determine the presence or absence of visual evidence of wood destroying insects. The WDI inspection firm is not responsible to repair any damage or treat any infestation at the structure(s) inspected, except as may be provided by separate contract. Also, wood destroying insect infestation and/or damage may exist in concealed or inaccessible areas. The inspection firm cannot guarantee that any wood destroying insect infestation and/or damage disclosed by this inspection represents all of the wood destroying insect infestation and/or damage which may exist as of the date of the inspection. ***For purposes of this inspection, wood destroying insects include: termites, carpenter ants, carpenter bees, and reinfesting wood boring beetles. This inspection does not include mold, mildew or noninsect wood destroying organisms.*** **This report shall be considered invalid for purposes of securing a mortgage and/or settlement of property transfer if not used within ninety (90) days from the date of inspection. This shall not be construed as a 90-day warranty. There is no warranty, express or implied, related to this report unless disclosed as required by state regulations or a written warranty or service agreement is attached.**

2. **Treatment Recommendation Guidelines Regarding Subterranean Termites:** Treatment or corrective action should be recommended if live termites are found. If no evidence of a previous treatment is documented and evidence of infestation is found, even if no live termites are observed, treatment or corrective action by a licensed pest control company should be recommended. Treatment or corrective action may be recommended if evidence of infestation is observed, and a documented treatment occurred previously, unless the structure is under warranty or covered by a service agreement with a licensed pest control company.
   For other Wood Destroying Insects, please refer to the NPMA suggested guidelines for added guidance on actions and or treatment.

3. **Obstructions and Inaccessible Areas:** No inspection was made in areas which required the breaking apart or into, dismantling, removal of any object, including but not limited to: moldings, floor coverings, wall coverings, siding, fixed ceilings, insulation, furniture, appliances, and/or personal possessions; nor were areas inspected which were obstructed or inaccessible for physical access on the date of inspection. Your inspector may write out inaccessible areas or use the key in Section IV. Crawl spaces, attics, and/or other areas may be deemed inaccessible if the opening to the area is not large enough to provide physical access for the inspector or if a ladder was required for access. Crawl spaces (or portions thereof) may also be deemed inaccessible if there is less than 24 inches of clearance from the bottom of the floor joists to the surface below. If any area which has been reported as inaccessible is made accessible, the inspection company may be contacted for another inspection. An additional fee may apply.

4. **Consumer Maintenance Advisory Regarding Integrated Pest Management for Prevention of Wood Destroying Insects.** Any structure can be attacked by wood destroying insects. Homeowners should be aware of and try to eliminate conditions which promote insect infestation in and around their structure(s). Factors which may lead to wood destroying insect infestation include: earth to wood contact, foam insulation at foundation in contact with soil, faulty grade, improper drainage, firewood against structure(s), insufficient ventilation, moisture, wood debris in crawlspace, wood mulch or ground cover in contact with the structure, tree branches touching structure(s), landscape timbers and wood decay. Should these or other conditions exist, corrective measures should be taken in order to reduce the chances of infestation of wood destroying insects and the need for treatment.

5. **Neither the inspecting company nor the inspector has had, presently has, or contemplates having any interest in the property inspected.**

Termite Agreement

Agreement #50400

Prepared For

Marie Watson
7805 Kampground Way
North Little Rock, AR 72118
daddysdeli@hotmail.com
(501) 225-0665

Prepared By

Adams Pest Control
Gavin Roberts
2001 Landski Drive
North Little Rock, AR 72118
robertsgavin96@gmail.com

Service Location: 7805 KAMPGROUND WAY, North Little Rock, AR, 72118

Item	Qty	Freq	Initial	Recurring	Sales Tax	Total
CL Under Policy)	1	1 - TR Annual renewal	$264.00	$169.00	$33.25 (9.500%)	$383.25

Initial Amount **$264.00**
Sales Tax **$25.08** (9.500%)
First Year Total **$289.08**
Subsequent Year Total **$185.06**

Initial Service Date
08/20/2024

Name Of New Owner (if Different From Above):
Same

Payment Information:
None

Billing Address
Same

Square Footage
1,392

Type Of Construction
Brick Veneer, Siding- Vinyl/Metal

Visual Inspection Of Conditions
None

Foundation:
Slab

Adams Agrees To Preform:
Trench outside foundation wall and flood. Back-fill Trench, Down Drill Every 12 Inches

Product Used:
Centerfire 75 WSP 432-1332

Gallons:
35

Outside Electrical Outlets
Yes

Moisture Notification
None

Vapor Barrier Needed?
No

Location Of Infestation
None

Infestation Only
No

Exclusions Of Minimum Treatment Standard
No

Agree To Auto Payment
No

Tax Exempt
No

Scheduling
Voice Call, Text Message

Infestation Only- No Damage Replacement

Adams Pest Control is NOT RESPONSIBLE for existing termite or water/rot damage or damage that occurs in the future on wood decks or wood patios.

All Stucco/Dryvit type construction will fall under the Infestation Only Clause of this termite agreement. This will be a treatment only policy with no repair liability associated with termite damage.

Termite Exclusion Of Minimum Treatment Standard/ Hidden Damage

It is evident that such areas as finished floors, studding, sheathing, interior trim and others could not be inspected for possible hidden damage; therefore ALL future claims or adjustments, if any, will be based upon actual infestation at the time damage is found. Any additions or alterations to said property could cause a termite hazard to the structure, therefore any additions or alterations will not be included in this warranty unless inspected and agreed upon by Adams Pest Control.

Adams Pest Control must be notified within 30 days of changes, alterations, additions, and/or water intrusion. If not notified this agreement will become an Infestation Only/ No Damage Replacement Policy.

Cl
Initial

Termite Agreement

Note: All chemical used are E.P.A. registered and approved. Under no circumstances shall Adams Pest Control be liable for any incidental or consequential damages resulting from the use of any termiticide, fungicide, or pesticide. This warranty only protects against eastern subterranean termites, no other species covered under this warranty, Formosan subterranean termites are not covered!

"It is especially understood and mutually agreed that Adams Pest Control and customer are bound only by the terms and conditions of this warranty and not by a other representations, oral, or otherwise. "The owner agrees to provide full cooperation with Adams Pest Control during the life of this warranty and agrees to contact Adams Pest Control if any factor contributing to infestation, including but not limited to such things as wood, trench, lumber, and additions or alterations to the structure, condensations from leaks, whether roof or plumbing or otherwise into, onto or under the warranted area of the structure are made. "The owner agrees to notify and communicate in writing to Adams Pest Control to determine if any additional treatment or service and/or service fee is in order for correction or addition." "The customer and Adams Pest Control agrees that all and any matters in dispute between them, including but not limited to any controversy or claim or accusation relating to this warranty shall be settled in accordance with the Arkansas Pest Control Law, Circular Six(6), which is the law in the form of printed rules until the customary procedures for settling such matters has been exhausted."

When Termite Renewal is paid in full, Adams Pest Control will make any necessary retreating, will re-inspect and repair any new damage based upon actual infestation at the time damage is found that may occur for a period of one year as set forth in this warranty. If any additions or alterations are made to the structure or property, Adams Pest Control reserves the right to revision of this warranty renewal fee at the beginning of the 3rd Year.

Any reference to damage is represented as an opinion of Adams Pest Control through experience and service and is not being represented as that of any structural engineer. Damage is noted in RED on original copies and faxed copies should appear as **DARK and Bold.**

ADAMS PEST CONTROL IS NOT RESPONSIBLE TO REPLACE/REPAIR DAMAGE NOTED UNLESS OTHERWISE AGREED IN WRITING. THERE WILL BE A SEPARATE ATTACHED ESTIMATE FOR REPAIRS.

Service and/or price are subject to change based on the inspection.

Cl
Initial

Payment

Payment is due at time of service. We accept Visa, American Express, MasterCard, Discover, Cash, or Check.

to Payment is available. If you have chosen this method of payment, the card on file will be charged the day after service is preformed. You will receive a receipt through email.

Mail payments to:

2001 Landski Drive North Little Rock, AR 72118

Cl
Initial

Calls And Text Messages

Telephone Calls and Text Messages

By providing my landline, cell number and/or email address, I expressly consent to receiving communications from Adams Pest Control to any form of communication I provide or Adams Pest Control may later acquire for my service. Adams Pest Control may use this information to contact me regarding service appointments, account balances, and general information regarding my account. Adams Pest Control may use automatic calls and/or text regarding my account.

Cl
Initial

Notes
No visible signs of active termites.APC is not responsible for any old or hidden termite/ moisture damage.

Initial Payment Due: **$383.25**

Subsequent Year Total: **$185.06**

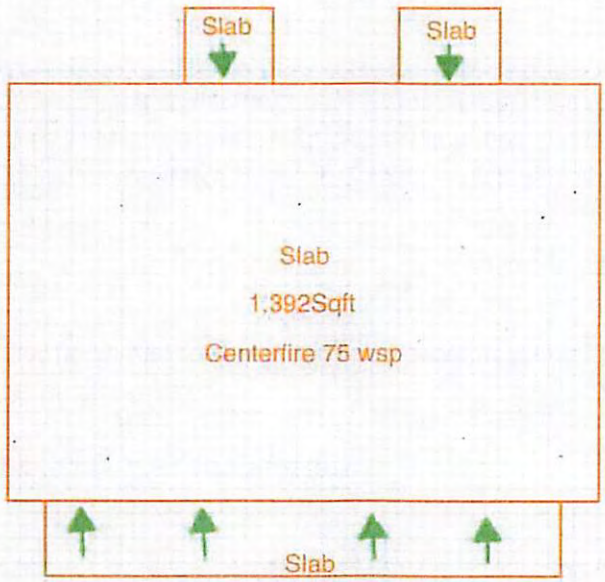
Approved By
Requested by cl 8/20/2024
Marie Watson Date

Approved By
8/20/2024
Gavin Roberts Date
Adams Pest Control
#LH24-0072A

www.adamspestnlr.com

Trench and treat base of home

Down Drill



no visible signs of active termites

Andrew Simpson

From: Jerry Lyons <jerryapc1957@gmail.com>
Sent: Tuesday, November 19, 2024 11:32 AM
To: Ryan Nichols
Subject: Kampground way

You don't often get email from jerryapc1957@gmail.com. Learn why this is important

spoke with me martin he stated he did not want to do business with us for us not to ever call him for anything i told mr martin he had some water damage on first trip 2nd trip told him he had hidden damage that is when he told me to never call him again did not want us on his property i was trying to explain everything to him he did not want to listen

TRALE PROPERTIES INC

(501) 773-4235
Travis@martincompanyav.com

7805 Campground rd.
North Little Rock, AR
72118

November 15, 2024

Ryan Nichols
Plant Industries
1 Natural Resources Dr.
Little Rock AR, 72205

Dear Ryan Nichols,

This letter is regarding termite damage at 7805 Kampground Way, North Little Rock, Arkansas. TRALE properties, Inc. purchased the property in October and took over possession in early November with the intent of freshening up the building as we were working in what is now going to be the warehouse area we noticed that there was substantial termite damage on a wall that we were opening up in the space. I called Adams pest control because they had the contract on the building and had serviced for many years prior. Jerry from Adams. Pest control came over and quickly stated that we don't have any damage it's just water damage and he went about his business at that point I just let that go, but as we started to removing the fixtures in the bathroom, we noticed that the wall was very loose because there was no bottom plate anymore our intentions were not to remove any sheet rock in the offices lobby or bathrooms just in the warehouse so we removed a little bit of sheet rock and found substantial damage in the bathrooms and then found live infestations which we have videos and pictures of that we will include. I reached out to Adam pest control again. Jerry met with me and he did admit that we did have an infestation, but he said since it was behind the walls that there was nothing they could do. I understand that their contract states that if it can't be seen then it's not their responsibility. Really the problem I have is I don't think that they've really ever even treated the building number one if they've treated it, the building shouldn't have had infestation and there are no markers or evidence that they've drilled into the slab for treatment, I really feel that the department of agricultural needs to tighten up their standards on these businesses that just take peoples money and don't really do what's expected. I appreciate your time and this investigation and hopefully we can come to some type of mutual resolution.

Sincerely yours,

Travis Martin

PLANT INDUSTRIES DIVISION

CASE# 25.053

ARKANSAS DEPARTMENT OF AGRICULTURE
NOTICE OF INSPECTION

Notice of inspection is hereby given under the authority of the Arkansas Pesticide Control Act ACA 2-16-402, ACA 2-16-406(B) and Arkansas Pesticide Use and Application Act ACA 20-20-202, 20-20-206 and Arkansas Pest Control Act ACA 17-37-101, 17-37-221.

Name of person issued to:	Title:
Travis Martin	Homeowner
Name (Firm, Property Owner, Etc.)	**Address:**
Adams - NLR	7805 Kampground Way NLR, AR 72118

Reason For Inspection:

( ) For the purpose of inspecting properties where pesticides are being used or have been used.

( ) For the purpose of inspecting the labeling, storage, distribution, transportation, and disposal of pesticides.

( ) For the purpose of collecting data on the use of pesticides and to check records to determine if pesticides are being used in compliance with the Federal Insecticide, Fungicide and Rodenticide Act and State Laws.

(✓) For the purpose of conducting a Request for Investigation.

( ) To inform you that you are named as a suspected source in a Request for Investigation.

Remarks

Inspector's Printed Name: Ryan S. Nichols Date: 11-15-24

Inspector's Signature: Ryan S. Nichols Time: 9:00

ARKANSAS DEPARTMENT OF AGRICULTURE
PLANT INDUSTRIES DIVISION

CF 25.053

INSPECTION REQUEST

REQUEST TAKEN BY: Simpson DATE: 11/7/2024

NAME: Travis Martin

ADDRESS: 7805 Kampground Way

City North LR ZIP: 72118

PHONE (HOME): 501-773-4235 (Cell):

TREATED BY: Adamas of North Little Rock

DATE OF CONTRACT OR C.L. 30 Years though previous homeowner, brought Sept this year.

CONTRACT CURRENT: YES [X] NO [ ]

PROPERTY OWNER'S COMPLAINT: Bought property discovered termite damage, discovered damage. Was told By company was hidden damage. Concerned that property was not treated. Stated that they have not treated since He bought the property in September.

Check for substandards and gather a copy of the contract and graph.

OFFICE REMARKS:

Outlook

Re: Emailing CF 25.053 and Arkansas Pest Control Laws and Regulations.

From Scott Bray <scott.bray@agriculture.arkansas.gov>
Date Fri 4/4/2025 8:37 AM
To Seth Dunlap <seth.dunlap@agriculture.arkansas.gov>

yes

From: Seth Dunlap <seth.dunlap@agriculture.arkansas.gov>
Sent: Friday, April 4, 2025 8:35 AM
To: Scott Bray <scott.bray@agriculture.arkansas.gov>
Cc: Mark Stoll <mark.stoll@agriculture.arkansas.gov>
Subject: Re: Emailing CF 25.053 and Arkansas Pest Control Laws and Regulations.

Yes, sir I will send the invite. Mark is off today, just fyi. I cc'd him just so he would be aware.

To find out more information about the Pest Control Program click on the following link:

https://www.agriculture.arkansas.gov/plant-industries/regulatory-section/pest-control/

Sincerely,

SETH DUNLAP
PEST CONTROL PROGRAM MANAGER

Arkansas Department of Agriculture
Plant Industries Division
#1 Natural Resources Drive, Little Rock, AR 72203
(501) 219-6320 | agriculture.arkansas.gov
seth.dunlap@agriculture.arkansas.gov

PLANT INDUSTRIES DIVISION

From: Scott Bray <scott.bray@agriculture.arkansas.gov>
Sent: Friday, April 4, 2025 8:30 AM
To: Seth Dunlap <seth.dunlap@agriculture.arkansas.gov>
Cc: Mark Stoll <mark.stoll@agriculture.arkansas.gov>
Subject: Re: Emailing CF 25.053 and Arkansas Pest Control Laws and Regulations.

yes ....we can Teams at 9:00

From: Seth Dunlap <seth.dunlap@agriculture.arkansas.gov>
Sent: Friday, April 4, 2025 8:29 AM
To: Scott Bray <scott.bray@agriculture.arkansas.gov>
Cc: Mark Stoll <mark.stoll@agriculture.arkansas.gov>
Subject: Fw: Emailing CF 25.053 and Arkansas Pest Control Laws and Regulations.

Scott,

Will you be able to discuss.

To find out more information about the Pest Control Program click on the following link:

https://www.agriculture.arkansas.gov/plant-industries/regulatory-section/pest-control/

Sincerely,

SETH DUNLAP
PEST CONTROL PROGRAM MANAGER

Arkansas Department of Agriculture
Plant Industries Division
#1 Natural Resources Drive, Little Rock, AR 72203
(501) 219-6320 | agriculture.arkansas.gov
seth.dunlap@agriculture.arkansas.gov

PLANT INDUSTRIES DIVISION

From: Travis Martin <Travis@martincompanyav.com>
Sent: Thursday, April 3, 2025 8:30 PM
To: Seth Dunlap <seth.dunlap@agriculture.arkansas.gov>
Cc: Andrew Simpson <andrew.simpson@agriculture.arkansas.gov>; Corey Seats

<corey.seats@agriculture.arkansas.gov>; Scott Bray <Scott.Bray@agriculture.arkansas.gov>
Subject: Re: Emailing CF 25.053 and Arkansas Pest Control Laws and Regulations.

You don't often get email from travis@martincompanyav.com. Learn why this is important

I am following up on the case file and the Arkansas Pest Control Laws and Regulations you sent.

To be frank, my patience is wearing thin. I need to know where we stand on this issue. If I don't see progress soon, my next step will be to file a formal complaint with the Arkansas Attorney General's Office.

I have been very patient and have requested a hearing with the Plant Board and Adams Pest Control.

Thank you,
Travis

On Wed, Dec 4, 2024 at 8:29 AM Travis Martin <Travis@martincompanyav.com> wrote:
Jerry contacted me this morning, but all he wants to do is treat the property when he has already signed a letter to the title company stating that the property has been inspected and treated in August of this year.
I am willing to settle but he will need to pay for all the damages, and what it has cost me to bring this building back into compliance with the city of north little rock.
Once this matter is resolved he can treat the property, but until then Adams is not allowed on the property.

Thanks

On Mon, Dec 2, 2024 at 3:03 PM Seth Dunlap <seth.dunlap@agriculture.arkansas.gov> wrote:
Good afternoon, Mr. Martin:

We are currently reviewing the information you have provided us along with recent information provided by Adams Pest Control. Based on my discussion with Jerry Lyons of Adams Pest Control of NLR he is supposed to be contacting you to work out a settlement. Would you be willing to work with Adams Pest Control of NLR to get a resolution to some of your concerns?

To find out more information about the Pest Control Program click on the following link:

https://www.agriculture.arkansas.gov/plant-industries/regulatory-section/pest-control/

Sincerely,

SETH DUNLAP

PEST CONTROL PROGRAM MANAGER

Arkansas Department of Agriculture
Plant Industries Division
#1 Natural Resources Drive, Little Rock, AR 72203
(501) 219-6320 | agriculture.arkansas.gov
seth.dunlap@agriculture.arkansas.gov

PLANT INDUSTRIES DIVISION

From: Travis Martin <Travis@martincompanyav.com>
Sent: Tuesday, November 26, 2024 9:32 PM
To: Andrew Simpson <andrew.simpson@agriculture.arkansas.gov>
Cc: Seth Dunlap <seth.dunlap@agriculture.arkansas.gov>; Wes Ward <wes.ward@agriculture.arkansas.gov>; Scott Bray <Scott.Bray@agriculture.arkansas.gov>
Subject: Re: Emailing CF 25.053 and Arkansas Pest Control Laws and Regulations.

You don't often get email from travis@martincompanyav.com. Learn why this is important

Gentlemen,

My Name is Travis Martin, I purchased a property In North little Rock Arkansas in September of this year.

Long story short there has been survey termite damage that has occurred to the building while under contract with Adams Pest Control of North Little Rock. (APCNLR) Ryan Nichols conducted an investigation and took soil samples.

Ryan reached out to Jerry with (APCNLR) and has a written statement that after being contracted in August to treat the building he did not treat even though he provided a contract to the mortgage and title company that said that he trench and down-drilled and treated with 35 gallons of pesticide.

Also state law requires Adams to make contact and inspect within 30 days of new ownership which never happened either. I encourage you to read the two statements that I've sent in as part of the investigation. Mr. Simpson called me today and explained that they were closing the case. The plant board determined that there was no way that they could have known about the termite damage because it was behind sheetrock. I understand that Adams' contract states they don't cover it if they can't see it. I have no problem with that. Mr. Simpson also stated that the department's enforcement was very limited and civil penalties would have to be handled outside of the The Plant Board. There was nothing else that I could be doing.

I have read the regulations that The Plant Board has set forth and I would like some answers as a citizen of Arkansas and Tax payer.

1. How did The Plant Board determine that termites could not be seen if Adams never did an inspection? (Adams' written statement saying he did not treat)

2. If Adams treated the property for many years prior this should have stopped any damage occurring? (Also no evidence of drilled holes in concrete which don't go away over time)
3. Why is the Plant Board dismissing the document fraud to myself, the title and mortgage company ? (Page 41 of the Reg & Laws Number 7. Falsification of records or failure to maintain or make available all records required by this Act.)
4. Adams misrepresented in writing a contract that the work had been completed. (Page 40 of the Reg & Laws Number 4. Misrepresentations for the purpose of deceiving or defrauding.)
5. Why did Mr. Simpson state that The Plant board is not allowed to issue civil pantiles? (Every Item in the penalty matrix has an associated civil penalty.)
6. Why did Mr. Simpson not follow the flow chart set forth in the the Regulations & Laws document? (Mr. Simpson stopped at no violation found, but I just pointed out two major violations by Adams.

Because of the negligence and the document falsification this has been detrimental to my business. My intention was to patch and paint and provide minor upgrades to the building. The building is completely torn down to studs so the damage can be rebuilt.
Once the sheet rock was removed the city required that all electrical, mechanical, and plumbing be brought up to code. **I would have never bought this building if Adams would have bothered to give a fair evaluation.**
I believe that The Plant board should allow me to have a full Committee Hearing on this case.

Thanks for your time, reply to this email. I would like everything in writing.

Travis

On Tue, Nov 26, 2024 at 1:03 PM Andrew Simpson <andrew.simpson@agriculture.arkansas.gov> wrote:

Mr. Martin, I've attached a copy of the case file and the Arkansas Pest Control Laws Regulations.

Andrew Simpson
Pest Control Inspector Supervisor

Arkansas Department of Agriculture
1 Natural Resources Drive, Little Rock, AR 72205
(501) 503-9684|andrew.simpson@agriculture.arkansas.gov
agriculture.arkansas.gov

PLANT INDUSTRIES DIVISION

--

Travis Martin, CTS
Martin & Company
5305 Joslin Rd.
N.Little Rock, AR 72118
Office: 501-303-6640
Cell :501-773-4235

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Travis Martin, CTS
Martin & Company
5305 Joslin Rd.
N.Little Rock, AR 72118
Office: 501-303-6640
Cell :501-773-4235

CIRCULAR 6

ARKANSAS PEST CONTROL LAW

A.C.A. 17-37-101 THRU 17-37-107

&

17-37-201 THRU 17-37-221

Arkansas State Plant Board

ARKANSAS PEST CONTROL LAW

ACT 488 of 1975 as Amended

ACA Section 17-37-101 through 17-37-221

This chapter shall be known by the short title of "Arkansas Pest Control Law".

17-37-102. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Agent" means any person registered with the board, by a licensed operator, to solicit or sell pest control service, which the operator is licensed to perform. Including the signing of contracts, making inspections for the purpose of servicing or continuing contracts, and supervising workers and working crews in carrying out pest control service, when so designated by the licensed operator, or except as may be limited by the State Plant Board in its rules and regulations made under authority of this chapter. This is not to be construed as relieving the licensed operator in any way of being responsible for personal and direct supervision of all work performed under his license;

(2) "Applicant" means any person making application for a license to engage in pest control service work.

(3) "Board" means the State Plant Board;

(3) "Commercial applicator" means a person who has demonstrated, by written examination, his knowledge of the nature and effect of pesticides and how to use, supervise the use, or demonstrate the use of restricted-use pesticides, as defined by the Federal Insecticide, Fungicide, and Rodenticide Act, safely and properly. Qualification as a commercial applicator shall be integral to qualification as a licensed operator or qualified operator and vice versa;

(5) "Director" means the Director of the State Plant Board;

(6) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, which classifies, regulates, and provides for the certification of all users of restricted-use pesticides, as defined in that act, including all persons who engage in commercial and noncommercial pest control service work;

(7) "Fungi or rot control responsibility" means that the license holder or licensed operator shall be held responsible for fungi or rot control only on substructure timbers such as sills, sub-sills, piers, floor joists, sub-floors, and floors;

(8) "Household pest and rodent" means any mammal, bird, arthropod, or reptile that may infest or invade a home or other buildings or the immediate area around or under a home or buildings, other than wood-damaging or wood-destroying insects, fungi, or organisms;

(9) "License holder" means the person, firm, or corporation to which a license is issued, the person being himself a licensed operator or there being one (1) or more licensed operators in the employ of the person, firm, or corporation;

(10) "Licensed operator" means a person who has fully qualified and has passed the board's written examination and has in force a valid license from the board to engage in the work indicated in the license. The person shall also have met the requirements of and be eligible for certification under the Federal Insecticide, Fungicide, and Rodenticide Act and state law as a commercial applicator;

(11) "Noncommercial applicator" means any person who uses, supervises the use of, or demonstrates the use of a restricted-use pesticide in any classification on his own or his employer's property

who does not hold himself out as being engaged for compensation in pest control service work;

(12) "Person" means an individual, firm, partnership, corporation, organization, association, or any combination thereof, whether or not incorporated;

(13) "Pest control service" means any person who, for compensation, gives advice or engages in work to prevent, control, or repel arthropods, mammals, birds, reptiles, or wood-damaging or wood-destroying organisms that may invade or infest homes, other buildings, or similar structures and shall include arthropods, mammals, birds, reptiles, weeds, and plant diseases that may invade, infest, or infect shade trees, shrubs, lawns, turf, and pecan groves. This term shall also include any person who issues letters of clearance, or who shall solicit such work in any manner, but the term shall not be construed to include agricultural crops from planting to harvest other than those mentioned above;

(14) "Qualified operator" means a person who has fully qualified and has passed the board's written examination working under the bond and insurance of a license holder or licensed operator instead of his own. The person shall also have met the requirements of and be eligible for certification under the Federal Insecticide, Fungicide, and Rodenticide Act and state law as a commercial applicator;

(15) "Soil pretreatment" means chemical treatment of the soil before or during construction of any building for the purpose of preventing or controlling subterranean termites;

(16) "Solicitor" means any person registered with the board by a licensed operator to solicit or sell pest control service work, which the operator is licensed to perform. A solicitor may not perform any pest control service work nor be placed in charge of workers or working crews;

(17) "Supervise" or "under the direct supervision of" means the act or process whereby the application of a pesticide is made by a competent and registered person acting under the instructions and control of a licensed operator or qualified operator who is responsible for the actions of that person and who is available if and when needed, even though the operator is not physically present at the time and place the pesticide is applied;

(18) "Termite and other structural pests" means any wood-damaging or wood-destroying insect, fungus, or organism;

(19) "Termite infestation" means any active termites found in or on a building, its foundation or attached appurtenances, or under the building, in or on debris, or in or on stumps under the building; and

(20) "Weed control" means the prevention, destruction, or removal of any plant from where it is not wanted by the use of herbicides.

17-37-103. Penalties.

(a) The violation of any of the provisions of this chapter or any of the rules and regulations of the board promulgated under this chapter shall be deemed a misdemeanor.

(b) Upon conviction, an offender shall be punished by a fine of not less than fifty dollars ($50.00) for the first offense, not less than one hundred dollars ($100) for the second offense, and not less than two hundred dollars ($200) plus ten (10) days in jail for each offense thereafter, with no suspension of fines or imprisonment.

17-37-104. Injunctions.

(a) The board is authorized to apply to any court of competent jurisdiction for, and the court, upon hearing and for cause shown, may grant, a temporary or permanent injunction restraining any person from violating any provisions of this chapter or of the rules and regulations made under the authority of this chapter.

(b) The injunction is to be without bond.

17-37-105. Administration.

(a)(1) The board is vested with the authority to carry out the provisions of this chapter, including the employment of necessary personnel.

(2)(A) The board shall have the authority to adopt rules and regulations which shall have the full force and effect of law for the purpose of carrying into effect the provisions of this chapter.

(B) The rules and regulations may include the authorization to require licensed operators to submit written monthly reports setting out the description and location of properties on which pest control service has been rendered and such other information relative thereto as the board shall deem necessary.

(C) The rules and regulations may include minimum standards for pest control service work and shall include fees sufficient to pay the cost of carrying out the provisions of this chapter.

(b) The board or its authorized representative may enter upon and inspect properties, plants, or products for the purpose of carrying out the provisions of this chapter and of carrying out the rules and regulations made pursuant to this chapter.

17-37-106. Prior rules and regulations.

The rules and regulations made under authority of Acts 1965, No. 111 [repealed], shall continue in force and have the effect of law under authority of this chapter, except that those parts that may be in conflict with this chapter shall be considered invalid, and except as subsequently amended, invalidated, or added to by the board.

17-37-107. Fees.

(a) In its rules and regulations made pursuant to this chapter and after a public hearing, the board shall establish license, registration, inspection, reinspection, reporting, and examination fees sufficient to carry out the provisions of this chapter.

(b) All fees collected under this chapter shall be deposited in the State Treasury to the credit of the board and are to be used in carrying out the provisions of this chapter.

17-37-201. License requirement.

(a) No person shall, for compensation, engage in pest control service work in any manner as defined

in this chapter without first having qualified, including the passing of the board's written examination, and having in force a valid license issued by the board for that purpose.

(b) It shall be unlawful for any person other than a licensed operator, qualified operator, noncommercial applicator, or persons working under their direct supervision to use restricted-use pesticides as defined by the Federal Insecticide, Fungicide, and Rodenticide Act.

17-37-202. Exemption for unlicensed operators under supervision of license holders.

(a) Persons who are not licensed as pest control operators under this chapter, but who worked as an unlicensed pest control operator prior to November 1, 1984, under the direct supervision of a holder of a license under this chapter, and who are working for such a license holder on June 28, 1985, may continue that arrangement without complying with this chapter.

(b) At the time such unlicensed pest control operators terminate their relationship with the license holder, the unlicensed pest control operators shall not thereafter perform services as pest control operators unless and until they have qualified under this chapter. However, when the licensed manager of a pest control company terminates his employment with the company, and if the company had been in operation at least one (1) year prior to the date of termination, the pest control company may continue to operate for a period not to exceed six (6) months after the date of termination, notwithstanding that the manager was the only licensed personnel in the company.

17-37-203. Exemptions for noncommercial applicators - Limitations.

(a)(1) This chapter shall not apply to persons doing pest control to their own property, or to their employees hired as laborers only, who do not hold themselves out as being engaged for compensation in pest control service work

(2)(A) However, no noncommercial applicator shall use, supervise the use of, or demonstrate the use of a restricted-use pesticide, as defined by the Federal Insecticide, Fungicide, and Rodenticide Act, unless the person has passed a prescribed examination and has been licensed by the State Plant Board.

(B)(i) The examination shall demonstrate the applicant's knowledge of how to apply pesticides under the classifications applied for and his knowledge of the nature and effect of the pesticides.

(ii) If the applicant is found qualified and has paid the required examination and license fees, the board shall issue a noncommercial applicator license limited to such activities and classifications as qualified for.

(C)(i) The license shall expire June 30 each year unless suspended or revoked prior thereto or cause.

(ii) Reexamination prior to license renewal may be required to ensure a continuing level of competence and ability to use restricted-use pesticides safely and properly as technology changes.

(b) Except for the requirements stated in this section, the noncommercial applicator shall be exempt from all other requirements of this chapter.

17-37-204. Occupational licenses, etc.

No occupational license, authorization, or similar license taxes shall be issued by municipalities, counties, or other state or federal agencies, or subdivisions thereof, to any person to engage in pest control service work for compensation, unless the person holds a valid license issued by the board to do that work.

17-37-205. Applicants previously convicted of violations.

Nothing in this chapter shall require the board to issue a license or registration to an applicant who has been convicted in a court for a violation of this chapter or the Federal Insecticide, Fungicide, and Rodenticide Act.

17-37-206. License application.

(a) Any person desiring to obtain a license for pest control service work shall make application to the board on forms provided by the board, giving complete information requested.

(b) The applicant must prove to the satisfaction of the board that he is morally and financially responsible.

(c) An applicant must show proof of at least one (1) year of experience in the classification for which a license is desired or have completed at least two (2) years of work in an accredited college or university, including the completion of at least one (1) basic course in entomology, to be eligible to take the examination in either of the following classifications:

(1) Termite and other structural pests; or
(2) Household pests and rodent control.

(d)(1) To demonstrate the ability of the applicant to perform the classification of work for which a license is desired and to demonstrate his knowledge of the nature and effect of pesticides and how to apply them safely and properly, the board shall prescribe in advance an examination in writing to be taken by the applicant and to be given by a person designated by the board who is not interested financially or otherwise in pest control service work in Arkansas.

(2) This representative shall examine the applicant by a written examination as prescribed, and the examination shall be graded by the examiner with the results being certified to the board for approval either as having passed or failed the examination as the case may be.

(e)(1) The board is directed to give examinations on various classifications of pest control work on designated dates at least once each quarter.

(2) If the applicant is found qualified in one (1) or more of the classifications, he may be licensed to do the classification of work for which he is found qualified upon the payment of the required fees.

(f) By virtue of these qualifications, the applicant shall be eligible for certification under the Federal Insecticide, Fungicide, and Rodenticide Act, or state law as a commercial applicator.

(g) By regulation, the board shall make provisions to ensure that applicators continue to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(h) Any licensee who fails to renew his license for a period of two (2) years shall be required to follow the same procedure as a new applicant in obtaining another license.

17-37-207. License classification.

(a) The license shall specify the classification of work in which the license holder is authorized to engage and shall show the name and address of the person, firm, or corporation to which it is issued and the name of the licensed or qualified operator, if he is someone other than the license holder.

(b)(1) The license holder shall do only the kind of work specified in the classification for which he has been licensed, regardless of whether for compensation or not.

(2) Any licensee performing any work in any classification for which he has not been licensed shall suffer invalidation of the license in any other classification.

(c)(1) The board may classify or sub classify commercial and noncommercial licenses to be issued under this chapter as may be necessary for the effective administration and enforcement of the chapter.

(2) The classifications may include, but not be limited to:

(A) Industrial, institutional, structural, and health-related;
(B) Ornamental and turf;
(C) Agricultural; and
(D) Noncommercial applicators.

(3) Separate sub classifications may be specified as to methods used by any licensee to apply pesticides or to the use of pesticides to control insects and plant diseases, rodents, or weeds.

(4) Each classification shall be subject to separate testing procedures and requirements.

17-37-208. Licensing standards.

(a) In promulgating regulations under this chapter, the board shall prescribe standards for the licensing of applicators of pesticides.

(b) The standards shall relate to the use and handling of the pesticides or to the use and handling of the pesticide or class of pesticide covered by the individual's license and shall be relative to the hazards involved.

(c)(1) In determining standards, the board shall consider the characteristics of the pesticide formulation such as:

(A) The acute dermal and inhalation toxicity;
(B) The persistence, mobility, and susceptibility to biological concentration;
(C) The use experience which may reflect an inherent misuse or an unexpected good safety record which does not always follow laboratory toxicological information;
(D) The relative hazards of patterns of use such as granular soil applications, ultra-low volume or dust aerial applications, or air blast sprayer applications; and
(E) The extent of the intended use.

(2) Further, the board shall take into consideration standards of the Environmental Protection Agency and is authorized to adopt by regulation these standards.

17-37-209. Eligibility for reexamination.

Any applicant who fails to pass the written examination in any classification must wait at least three (3) months before being eligible to take another examination in the same classification.

17-37-210. Bond and insurance requirements.

(a) BOND.

(1) Before a license is issued or renewed, the board shall be furnished an acceptable surety bond by each applicant for a license in either of the following classifications:

(A) Termite and other structural pests; or
(B) Household pests and rodent control.

(2)(A)(i) The bond shall be executed by the applicant for a termite and other structural pests license or any combination of licenses that includes termite and other structural pests as principal and by a surety company licensed to do business in this state in the surety amount of one hundred thousand dollars ($100,000).

(ii)(a) The bond shall be executed by an applicant for a household pests and rodent control license or any combination of licenses that includes household pests and rodent control as principal and by a surety company licensed to do business in this state in the surety amount of fifty thousand dollars ($50,000).

(b) Subdivision (a)(2)(A)(ii)(a) of this section does not apply to a combination of licenses that includes termite and other structural pests.

(B) The bond shall be for a term not to exceed one (1) year and shall coincide with the licensing period.

(3)(A) A bond required by this chapter shall be in favor of the State of Arkansas for the benefit of any person damaged as the result of a violation of this chapter by an operator licensed under this chapter and for the benefit of any person who, after entering into a contract with the licensee, is damaged by the failure of the licensee to properly perform the contract.

(B) A person claiming against the bond may maintain an action at law against the licensee and the surety.

(C) The aggregate liability of the surety to all persons shall not exceed the sum of the bond.

(b) INSURANCE.

(1) In addition to the bond required in subdivision (a)(1) of this section, before a license is issued or renewed, each applicant for a license in the classification of household pests and rodent control or the classification of general fumigation shall furnish the board a certificate of insurance, written by an insurance company authorized to do business in this state, covering the public liability of the applicant for personal injuries, for not less than twenty-five thousand dollars ($25,000) for any one (1) person, and fifty thousand dollars ($50,000) for any one (1) accident and not less than five thousand dollars ($5,000) for property damage.

(2) In addition to the bond required in subdivision (a)(1) of this section, before a license is issued or renewed, each applicant for a license or any combination of licenses that includes the classification of termite and other structural pests shall furnish the board a certificate of insurance for a general liability insurance policy written by an insurance company authorized to do business in this state covering public liability of the applicant for personal injuries and property damage in an amount not less than five hundred thousand dollars ($500,000) per occurrence or five hundred thousand dollars

($500,000) per aggregate.

(c) CANCELLATION.

(1)The bond and insurance shall not be canceled or terminated until at least thirty (30) days after a notice of cancellation is received by the board.

(2)Upon failure of a licensee to maintain in full force and effect the bond and insurance required by this section, the license shall become void and shall not be reinstated until a satisfactory bond and insurance have been filed.

17-37-211. Issuance fee - License expiration.

The fee for the issuance of a license in each classification shall be paid annually. The license shall expire June 30 following the date issued.

17-37-212. Transferability - Change in licensee status.

(a) No license or registration shall be transferable.

(b) When there is a change in the status of a licensee, such as change of address, operator in charge, agents, or solicitors, the licensee shall immediately notify the board of the changes.

17-37-213. Agents and solicitors generally.

(a) Each licensed operator shall register with the board the name and address of each agent or solicitor and shall pay to the board a registration fee annually for each solicitor and agent, at the time of registration.

(b) All registrations shall expire when the license expires.

(c) In all cases where a solicitor or agent violates the provisions of this chapter or the rules and regulations made under authority of this chapter, the violations shall be grounds for invalidation of the license held by the operator under which the solicitor or agent had been registered.

17-37-214. Nonresident licensee - Resident agent.

Every nonresident licensee shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of this chapter or any liabilities arising from operation under this chapter.

17-37-215. Operator's name.

(a) No licensed operator or qualified operator shall operate under more than one (1) company name in any one (1) category.

(b) No person shall issue a solicitor's or agent's license to any other person for the purpose of operating under any other name except that of the licensed operator who registers the solicitor or agent with the board.

(c) All work shall be performed in the name of the licensed operator or his firm. All contracts, statements, bids, and letters shall be in his name and on his forms, and each agent shall drive vehicles lettered with the name of the licensed operator or his firm.

17-37-216. Refusal to issue license.

The board shall have the authority to refuse the issuance of a license even though a passing grade is made on the written examination if the board, in its judgment, after reviewing the evidence of reference checks, deems the applicant is not morally and financially responsible.

17-37-217. Grounds for license invalidation or nonrenewal.

Acts which shall be grounds for invalidation or nonrenewal of a license shall include, but shall not be limited to, the following:

(1) Misrepresentations for the purpose of deceiving or defrauding;
(2) Making of a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their damage;
(3) Failure of the licensee to supply the board or its authorized representative, upon request, with true and accurate information concerning methods and materials used or work performed or other information essential to the administration and enforcement of this chapter;
(4) Performing work, whether for compensation or not, in a classification for which the licensee does not have a license;
(5) If repeated inspections by the board reveal that the licensee is not securing satisfactory control of the pests or diseases which the licensee engages to control or eradicate;
(6) Failure of licensee to register agents or solicitors, or failure to pay registration, inspection, or reporting fees due, or failure to make reports within the time specified;
(7) Conviction in any court of a violation of this chapter or of the Federal Insecticide, Fungicide, and Rodenticide Act;
(8) Intentional misrepresentation in any application for a license;
(9) Failure to correct substandard work;
(10) Making a pesticide recommendation or application which is inconsistent with any or all of the following:
    (A) The labeling;
    (B) Federal or state registration; or
    (C) Federal or state restrictions on the use of that pesticide; and

(11) Falsification of records or failure to maintain or make available the records required by this chapter.

17-37-218. Invalidation or nonrenewal proceedings.

(a) Invalidation or nonrenewal proceedings may be initiated against a license holder in the same manner and for the same reasons as against a licensed operator or qualified operator.

(b) The proceedings may be jointly and severally against any or all licensed operators or qualified operators employed by the license holder.

17-37-219. Automatic invalidity of license.

A license shall automatically become invalid should the licensed operator whose name appears on the license cease to personally supervise and be in direct charge of the pest control operation. The license shall remain invalid until some other person, having been examined in accordance with this chapter and the rules and regulations under this chapter, shall be certified as the licensed operator in his stead.

17-37-220. Hearing and appeal.

(a) When any person is refused a license or his license is not renewed, or when the board contemplates invalidation of his license, he shall have the right of a hearing before the board, or an authorized committee of the board, by filing a written request for a hearing with the board by registered or certified mail.

(b) Any person whose license is denied, refused, or invalidated by the board may appeal the decision to the Circuit Court of Pulaski County within twenty (20) days after official notification of the decision.

17-37-221. Contracts, reports, and records.

(a) All licensed operators shall enter into a written contract with the property owner when employed to control or eradicate termites or other structural pests, or in such other classifications as the board may specify in its rules and regulations made under authority of this chapter. The contract for termite and other structural pests shall guarantee the performance of the work for at least one (1) year and that the property meets the minimum standards established by the board in its rules and regulations for the work, unless these standards are waived or altered upon approval of the board.

(b) A copy of the contract or "start-work agreement" and a complete outline of the work to be performed shall be given to the property owner before any work is started.

(c)(1)(A) By the fifteenth of each month, all licensed operators shall file a report with the board covering termite and other structural pest work performed the previous calendar month.

(B) The report required under subdivision (c) (1) (A) of this section shall include:

(i) A summary listing of each contract issued for the prevention, control, or eradication of termites or other structural pests;

(ii) Letters of clearance issued and service contracts issued regardless of whether chemical treatments were carried out;

(iii) The name and address of the property owner;

(iv) The address of the property; and

(v) Any other information deemed necessary by the board and stipulated in the rules adopted under this chapter.

(C) Within forty-eight (48) normal business hours, the licensed operator shall produce documents requested by an authorized agent of the board, including without limitation contracts and related documents.

(D) Failure to meet timelines set in this section may result in additional penalties.

(2)(A) Reporting and payment of inspection fees may also be required for household pest and rodent control work or other classifications as the board may specify if deemed necessary or if required by the Federal Insecticide, Fungicide, and Rodenticide Act.

(B)(i) All fees due the board shall be filed with the board by the fifteenth day of each month to cover work performed the previous calendar month.

(ii) If payment of fees due is delayed more than thirty (30) days, then the fees due shall be doubled.

(3) A report shall be filed each month even if no work is performed.

(d)(1) Each licensed operator, qualified operator, or license holder in any classification shall keep a complete record of all work performed, including copies of all contracts issued.

(2) The records shall be available for examination by the board or its representatives after reasonable notice and during normal business hours.

(3) The records shall be kept for at least two (2) years and shall contain information on kinds, amounts, uses, dates, and addresses of applications of restricted-use pesticides.

(e)(1) All licensed operators, qualified operators, or license holders shall stencil or paint on both sides of all motor equipment that requires a state vehicle license, the name of the operator or company, with letters at least two inches (2") high.

(2) Vehicles used only for sales or soliciting are excepted.

RULES AND REGULATIONS OF THE STATE PLANT BOARD

The following Rules and Regulations have been promulgated and adopted by the State Plant Board under authority of the Arkansas Pest Control Law Act 488 of 1975 as amended A.C.A.,§17-37-101 et seq.

Classifications:

The following classifications have been established for applicator licensing and certification purposes.

I. Commercial Applicator License (Licensed Operator):

A. Structural Pest Control
1. Termite and Other (Wood Destroying) Structural Pest Control
2. Household Pest and Rodent Control
3. General Fumigation

B. Ornamental Pest Control
4. Tree and Turf Pest Control
5. Weed Control
6. Golf Course Pest Control

II. Non-Commercial Applicator Certificate (see restrictions in Section VIII):

A. Structural Pest Control
7. Non-Commercial Pest Control
8. Non-Commercial Fumigation

B. Ornamental Pest Control
9. Non-Commercial Tree & Turf Pest Control
10. Non-Commercial Golf Course Pest Control

SECTION I
REGULATIONS APPLYING TO ALL LICENSEES AND APPLICATORS

- LICENSE HOLDERS (business owner, firm, corporation, etc.)
- COMMERCIAL APPLICATORS (Licensed Operator)
- NON-COMMERCIAL APPLICATORS
- REGISTERED AGENTS

1. Applying for Examinations (Commercial Applicators and Non-Commercial Applicators): All applicants must submit an application to the Plant Board, on forms furnished by the Plant Board, at least 5 working days prior to the examinations. Processing of each application must be completed before the examinations are given. All applicants must be a minimum age of eighteen (18).

2. Examination Dates:
The written examinations in classifications 1, 2, and 3 will be given the second Monday of January, March, May, July, September and November. Examinations in classifications 4, 5, 6, 7, 8, 9, and 10 will be given the second Monday of February, April, June, August, October and December at a time and place designated by the State Plant Board. In the event of technological advances that allow for changes in the administration of the exams, circumstances beyond the control of the State Plant Board occur, or any of the designated dates occur on a day, when State offices are closed, the Director of the State Plant Board may designate alternate dates for the examinations. The examinations will be graded by an examiner designated by the Plant Board.

3. Applying for License or certificate:
(a) License Holder (Commercial Classifications 1, 2, 3, 4, 5, or 6):
Applicants must be a minimum age of eighteen (18). Applicants must submit an application to the Plant Board on forms provided by the Commercial Pest Control Section. The license holder must themselves be or shall employ and maintain at least one commercial applicator licensed for each classification of pest control service work provided by the license holder. The commercial applicators shall maintain direct supervision over all pest control services provided by the license holders business. No more than 30 registered agents shall be supervised by any one (1) commercial applicator. The license holder's license shall be issued in the name of the Pest Control firm. Prior to the issuance of the license for Classifications 1, 2, or 3 the license holder shall provide the Plant Board with copies of all required surety bond and/or insurance policies. The surety bond and insurance shall be issued to the license holder and the license holder shall guarantee that the insurance and bond policies cover all pest control service work performed by the license holder's commercial applicators and/or registered agents.

(b) Commercial Applicator (Licensed Operator):
Applicants must be a minimum age of eighteen (18). After passing the appropriate examinations (1, 2, 3, 4, 5, or 6), all commercial applicators must submit an application and the required fees to the Plant Board on forms provided by the Pest Control Section. Commercial applicator applicants must themselves be or must be employed by a license holder prior to the issuance of an applicator's license. A commercial applicator's license shall become invalid in the event they cease to be themselves a license holder or employed by a license holder. The applicators license shall remain invalid until such time the applicator re-establishes employment with a license holder or acquires a license holder's license.

(c) Non-Commercial Applicator:
Applicants must be a minimum age of eighteen (18). After passing the appropriate examinations (7, 8, 9 or 10), all non-commercial applicators must submit an application and the required fees to the Plant Board on forms provided by the Pest Control Section.

4. Fees:
The following fees have been established to carry out the provisions of Arkansas Pest Control Law.

License Holder License (Must be renewed prior to June 30 annually):

- 0 – 30 Registered agents.....$100.00
- 31 – 60 Registered agents.....$250.00
- 61 or more Registered agents $500.00

Commercial Applicator License (Must be renewed prior to June 30 annually):

- Applicators First Classification $150.00
- Each Additional Classification.....$100.00
- Maximum per Applicator.....$300.00

Agent Registration (Must be renewed prior to June 30 annually):

- Initial registration.....Exam Fee
- Annual renewal.....$30.00

Non-Commercial Applicator Certificate (Must be renewed prior to June 30 annually):

- Per Applicator $70.00

Commercial and Non-Commercial Applicator Examination:

- Each classification.....$100.00

Registered Agent Examination:

- Per Exam.....$30.00

Reporting:

- Each building on which a Class 1 structural pest contract is issued $5.00
- Late fee (30 or more days after due date) $10.00
- Each first 5 building treated by new Class 1 licensee.....$20.00

Inspection (Each building treated for Class 1 structural pest found not in compliance):

- First Notice $50.00
- Second Notice $100.00
- Third Notice $500.00

5. Agent Training, Examination, and Registration:
Registered agents must be a minimum age of eighteen (18). License holders of classifications 1, 2, 3, 4, 5 or 6 shall register with the Plant Board all individuals employed by them for the purpose of performing pest control services, including those employed for solicitation as their agent. Clerical staff are excluded. Each agent shall be registered only in the classification of pest control for which the license holder is licensed to perform. Agent trainees must be on-the-job trained by the license holder within 20 working days of their employment. Within 45 working days of their employment and after the completion of the on-the-job training the agent trainee must take an exam administered by the Plant Board, or a representative appointed by the Plant Board. Registered agent exams will be given on Wednesday of each week at a time and location designated by the State Plant Board. In the event of technological advances that allow for changes in the administration of the exams, circumstances beyond

the control of the State Plant Board occur, or any of the designated dates occur on a day, when State offices are closed, the Director of the State Plant Board may designate alternate dates for the examinations. Until registered, and only during the initial 45 day on the job training and examination period, the agent trainee may apply pesticides only in the physical presence of a commercial applicator or registered agent. Agent applicants failing to pass the exam are prohibited from performing pest control service work until such time the agent applicant passes the exam. If at any time an employee, other than a commercial applicator, registered agent, or agent trainee undergoing the initial 45 days of on the job training and examination preparation, is found handling pesticides or performing pesticide applications the license holder and/or the licensed operator/s will be subject to enforcement action as per the Arkansas State Plant Board Pest Control Enforcement Response Regulations – Penalty Matrix – Violation #9 – beginning at the 3rd level of enforcement.

Training:
Forty hours of verifiable on-the-job training, performed under the direct supervision, direction and control of a qualified trainer. A qualified trainer shall be a commercial applicator or agent with at least one year of experience in the pest control industry or other individual approved by the Plant Board. During the application of pesticides a qualified trainer must be physically present on the job site. On-the-job training must be documented by the license holder on an agent training verification form provided by the State Plant Board. The information shall include the names of the trainee and trainer, the dates of training, and the total hours worked for each date of the training.

Examination and Registration:
The Arkansas State Plant Board shall provide an agent examination and registration application form. The license holder shall complete the form and submit it to the Pest Control Section with a copy of the agent trainee's on-the-job training verification form and the examination fee. Examination and registration forms submitted without the on-the-job verification and/or the examination fee will be considered incomplete and the trainee will not be eligible to take the examination. Complete agent exam and registration applications must be submitted to the Plant Board at least 5 working days prior to the examination. Upon passing the exam agents will be considered registered. Official agent registration identification cards will be provided to the license holder within 30 days of the exam date.

Registered agents who cease to be employed by a license holder must receive the 40 hours of on-the-job training before being eligible for re-registration. Agents not registered for more than 24 months will lose eligibility for re-registration and must complete the initial training and examination requirements to be re-registered. Registered agents under the minimum age of 18 are restricted from performing pesticide applications or being in sole possession of pesticides. License holders and commercial applicators found in violation of allowing employees of their pest control firm under the age of 18 perform pesticide applications or being in sole possession of pesticides will be subject to enforcement action as per the Arkansas State Plant Board Pest Control Enforcement Response Regulations – Penalty Matrix – Violation # 2 (C).

Continuing Education:
To maintain registration, agents shall be kept abreast of pest control technology and receive a minimum of 6 hours of continuing education each year. Continuing education may be achieved by completing a license holder's in-house training program or attendance of, Plant Board approved, seminars sponsored by the various associations, manufactures or suppliers affiliated with the pest control industry or the cooperative extension service. Agent annual continuing education training shall consist of:

- Applicator safety (PPE, label instructions, human and/or non-target species exposure, safe storage and transportation of pesticides, etc.) – 2 hours
- Integrated Pest Management (IPM) – 1 hour
- Application equipment maintenance and methods of application – 1 hour
- Environmental concerns (container disposal, spill clean up, drift, etc.) – 1 hour
- Laws and Regulations – 1 hour

License holders shall document in house training on forms provided by the Plant Board. Ongoing education provided to agents by attending approved seminars, training schools, etc. shall be documented with appropriate forms issued by the training's sponsors to the attendees. Records of training must be kept, by the license holder, for as long as the agent is employed. Such records shall be available for review by the State Plant Board during normal business hours. At any time, should the Board determine that training requirements have not been met; the license holder may be subject to enforcement action as per the Arkansas State Plant Board Pest Control Enforcement Response Regulations – Penalty Matrix – Violation # 7.

6. Hearings - Invalidation of Licenses, Certificates, and/or Agent Registrations:
Any person or firm who is refused a license, certificate, or agent registration or whose license, certificate, or agent registration is being considered for invalidation, may secure a hearing before the Pest Control Committee before the final Board action is taken. This Committee shall consist of the Board member who represents the Head of the Department of Entomology, University of Arkansas, who shall act as the Chairman, and the Board member who represents the Arkansas Pest Management Association. Remaining committee members shall be appointed by the Chairman of the Plant Board. This Committee may hold hearings regarding licenses, certificates, and agent registrations to take testimony and gather evidence regarding same. Such testimony, evidence and the committee's recommendation shall be made available to the Board for consideration and final action.

7. Keeping Abreast of Technology:
Each commercial applicator and non-commercial applicator shall keep himself / herself abreast of changing pest control technology to assure a continuing level of competence and ability to use pesticides safely and properly. The completion of a Cooperative Extension Service approved pest control training, conference, seminar, etc. every third year shall be considered adequate to satisfy this requirement. An appropriate form shall be filed with the Plant Board as proof of attendance. Any applicator failing to meet this provision shall be reexamined or lose the license or certificate.

8. Standards for Licensing Pesticide Applicators:
Plant Board standards for the licensing and certification of commercial applicators and non-commercial applicators shall be the same as the standards set forth in Section 171.4 thru 171.6 of the Code of Federal Regulations 40 CFR part 171 written pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended. Said sections are as follows: Section 171.4, Standards for Certification of Commercial Applicators; Section 171.5 Standards for Certification of Private Applicators, and Section 171.6 Standards for Supervision of Non-Certified Applicators by Certified Private and Commercial Applicators.

9. Office Operations:
On forms provided by the Plant Board, license holders in classifications 1, 2, 3, 4, 5 or 6 shall register the physical address of each office from which they will engage in the practice of pest control service. An office is considered to be any building or similar structure where normal business activity might occur including any and all locations (excluding service vehicles) where pesticide products are stored and/or distributed.

10. Clarification:
The following regulations are promulgated to clarify the Board's intent relative to certain sections of the Pest Control law.

A.C.A. § 17-37-102. Definitions:

(1) Agent - An agent is an individual employed by a license holder. Agent's registration will be issued upon the written request by a license holder on forms prescribed by the Plant Board only in the name of the person who is an employee of the license holder making the application. Individuals for whom an agent's registration is requested shall not be an employee, owner operator, franchise holder or independent contractor of any pest control service other than that of the license holder. An agent may be terminated by the license holder at any time. All contractual agreements for pest control services executed between agents and customers are the property of the license holder.

(9) License Holder - A commercial applicators license shall not be required of License Holders who employ licensed commercial applicators (Licensed Operators) and who do not themselves use or supervise the use of restricted use pesticides.

(10) Licensed operator (Commercial applicator) - a person who has fully qualified and has passed the board's written examination and has in force a valid license from the board to engage in the work indicated in the license. The person shall also have met the requirements of and be eligible for certification under the Federal Insecticide, Fungicide, and Rodenticide Act and state law as a commercial applicator;

A.C.A. § 17-37-206 License Application:

(f) Persons holding valid licenses issued under the authority of the Pest Control Law whose licenses become subject to renewal, shall be examined and found to meet the Standards for Licensing and Certification of Pesticide Applicators set forth in Sections 171.4 thru 171.6 of the Code of Federal Regulations 40 CFR Part 171 pursuant to FIFRA, as amended.

A.C.A. § 17-37-216 & 17-37-217:

Refusal to issue a license, certificate, or agent registration. Grounds for invalidation or non-renewal of a license, certificate, or agent registration.

In addition to invalidation and denial, this section shall also be considered as providing for the suspension of a license, certificate, or agent registration. Items (1) thru (11) shall be considered as grounds for suspension as well as denial or invalidation of a license, certificate, or agent registration. In addition, the use of a pesticide inconsistent with its labeling shall also be considered grounds for denial, suspension or invalidation of a license, certificate, or agent registration.

A.C.A. § 17-37-202 (b) Exemption:

Shall provide for the use of general use pesticides only, during the period of time a pest control company may operate without a commercial applicator (licensed operator).

A.C.A. § 17-37-203 Exemptions:

The exemptions stated in 17-37-203 shall apply only to persons who use general use pesticides.

A.C.A. § 17-37-103 Penalties:

Items (1) thru (11) of A.C.A. §17-37-217 shall be considered violations of the Pest Control Law and its regulations and shall be subject to the penalties stated in A.C.A. § 17-37-103 and the Pest Control Enforcement Response Regulations as stated in Section IX.

A.C.A. § 17-37-106 Prior Rules and Regulations:

This section does not repeal Act 389 of 1975 A.C.A. § 20-20-202 or act 410 of 1975 A.C.A. § 2-16-402 or any part of either act.

SECTION II
RULES AND REGULATIONS FOR HOLDERS AND APPLICATORS OF A TERMITE AND OTHER STRUCTURAL PESTS LICENSE (CLASSIFICATION ONE)

1. Contracts:
All license holders in Classification One shall issue a signed contract, along with a complete plot or diagram showing the location of visible damage, active or previous infestation and an outline of the work to be carried out on each job performed for the prevention, control or eradication of termites and other structural pests, including soil pre-treatments and letters of clearance. Effective July 1, 2013 all plots or diagrams (graphs) shall have imprinted, on the face, a legend or key containing symbols (of the license holders choice) clearly identifying, at a minimum, the following conditions:

- Termite activity
- Termite damage
- Powder Post Beetles
- Powder Post Beetle damage

Said contracts must guarantee the performance of work for a period of not less than one year and clearly state, on the face of the contract, the name and EPA Registration number of the chemical used, if repairs of damage are included or if the license holder's liability is limited to re-treatment only for the control of termites under the guarantee. License holders must submit a legible copy of all contracts to the Plant Board for review prior to their issuance. When issuing a letter of clearance on a building that is already under a current contract by the license holder writing the letter of clearance, for a real estate transaction, a new contract, including diagram, shall be issued in the name of the new buyer, guaranteeing the performance of work for one year from the date the letter of clearance is issued. The new contract requirement shall not apply in cases where the letter of clearance is issued on buildings already under contract, that are being refinanced, provided the license holder holding the contract issues the letter of clearance. Letters of clearance, written on buildings under contract by the license holder, must show the original date of treatment.

The number of contracts, providing a re-treatment only guarantee, for the control of termites that a license holder may issue per fiscal year (July 1 to June 30) shall not exceed 20% of the number of buildings for which the license holder reported and paid reporting fees during the previous fiscal year (July 1to June 30).

Renewals:
Each time a contract is renewed the license holder shall assume responsibility for bringing substandard conditions in the building under contract up to standards, except on prior approved substandard buildings. **This shall also apply to all new additions to the building unless the license holder shows in bold print, on the renewal notice, that the renewal does not cover new additions to the building.** When a license holder elects not to renew a viable contract, the owner must be notified by return receipt requested certified mail, at least 30 days prior to the contract expiration date, of the intent not to renew the contract. Notification by the license holder of non-renewal does not apply when the contract is terminated for non-payment of the renewal fee, or canceled by the consumer; **provided the consumer was notified a renewal fee was due.**

2. Reporting – Responsibility:
License holders shall give complete information required by Code 17-37-221 of the Pest Control Law by filing monthly reports. This information shall be filed with the Board even though it is understood that payment for the service will be made at a later date. In all cases where there is a question as to whether a job is completed, the criterion for a completed job shall be payment in part or in full. Each license holder shall be responsible for, or shall guarantee for at least one year, all representations, provisions, declarations, work or services called for by the contract, and the diagram of the property or by Letters of Clearance.

3. Meeting Minimum Standards:
Each building on which a contract is issued for the prevention, control or eradication of termites shall meet the Minimum Standards outlined in Section III A, III B, III D or III E of these regulations, unless unusual structural or physical conditions render the correction of certain conditions to portions of the building impractical. In such cases, an exclusion of certain minimum treating standards shall be made on forms supplied by the Plant Board. Provided the remainder of the structure is treated to meet all remaining Minimum Standards. Requests for exclusion of certain minimum treating standards shall be made on forms supplied by the Plant Board. Each request for exclusion of certain minimum treating standards shall contain all property owner and pest control operator information and all information must be provided or the request will be considered incomplete and may not be processed. Each request for exclusion shall also clearly state which treatment standard is to be excluded. An inspection fee of $50.00 shall be assessed for each application submitted: Plant Board staff may contact property owners and discuss exclusion application as staff feels situation warrants. Should Plant Board staff determine, through direct communication, that the property owner is not fully informed and in agreement with the type and quality of work to be performed under the exclusion agreement, approval to exclude the requested treatment standard will be denied. The approval/denial decision will be made within two (2) working days from the date of receipt of the request. If a request for exclusion of certain minimum treating standards is approved, a form with a notification of approval will be returned to the Pest Control Operator. The Pest Control Operator shall sign the form, secure the signature of the Property Owner, and date of signing. The signed and dated form shall be considered an attachment of the Contract for Control of Termites issued on the subject property and shall be submitted with a copy of the contract and graph to the property owner and also reported in the copies sent to the Plant Board. The contract, issued on the building for which the Exclusion of Certain Minimum Treating Standards has been approved, shall clearly state that minimum requirements for Structural Pest Control Work have not been fulfilled and reference the form as being a part of the contract. Contracts for which an Exclusion has been approved but that do not clearly reference the exclusion form as a part of the contract, the exclusion approval shall be considered invalid and the operator shall be issued a Report of Sub-Standard Termite Treatment (Pink

Slip) for the specific substandard conditions. The use of any document or agreement, for the purpose of issuing a substandard termite treatment contract, other than a pre-approved Exclusion of Certain Minimum Treating Standards form, issued by the Plant Board, is strictly prohibited. Enforcement action shall be taken against all license holders and licensed operators found attempting to use such documents and the violation shall be considered Misrepresentation for the Purpose of Deceiving or Defrauding and subject to the fourth (4th) level of enforcement as per Arkansas State Plant Board Pest Control Enforcement Response Regulations and Appendix A of Circular 6.

The maximum number of Exclusions of Certain Minimum Treating Standards approvals available to any license holder in any license year (currently July 1 to June 30) shall be limited to a number equal to twenty percent (20%) of the number of buildings covered with a termite protection plan for which the license holder reported and paid reporting fees during the previous license year.

4. Letters of Clearance / Wood Destroying Insect and Organisms Report:
Any statements as to the condition of a building pertaining to termites, or other wood destroying insects or decay fungi (Rot), other than a bid or proposal for treatment shall be considered a Letter of Clearance. Letters of Clearance shall not be issued by any person, business, or entity without first acquiring a commercial license to perform Classification 1 (Termite and Other Structural Pest Control) work. Letters of Clearance issued in connection with a real estate transaction shall be made on a form officially adopted by the State Plant Board. This form shall be the current Wood Destroying Insect Infestation Inspection Report form prescribed by HUD. Letters of clearance must be accompanied by a signed contract providing a guarantee of at least one year and a graph or diagram showing, if present, the location of active or inactive wood destroying insect infestations and visible damage. Structures upon which letters of clearance are written must meet all conditions stated in the letter as well as all the minimum requirements for structural pest work in Sections IIIA, IIIB, and IIID or III E. For additional responsibility on Letters of Clearance see Section II, Item I, Contracts.

Areas which are inaccessible for inspection must be clearly described in the letter. Inaccessible areas in crawl spaces must be made accessible as per minimum treating standards or excluded by an Exclusion of Minimum Treating Standards attachment to the contract.

When a Letter of clearance is issued on a building for which previous substandard prior approval, waiver of the minimum treating requirements, or exclusion of certain minimum treating standards has been given, the license holder shall notify the new owner on the Clearance Letter and Contract that specified prior approved substandard conditions exist in the structure. When this is done the license holder shall not be issued a Report of Substandard Termite Treatment on the specified substandard conditions.

5. Reporting and Re-inspection Fees - Correcting Substandard Work:
Each license holder shall remit to the Plant Board, by the 15th day of each month, an inspection fee of $5.00 for each building on which a contract has been issued during the previous calendar month excluding new contracts issued with letters of clearance on buildings under current contracts. The $5.00 reporting fee shall be paid on each building treated regardless of how many buildings are covered by a single contract. If for any reason the payment of this fee is delayed more than 30 days the fee shall be doubled. The Plant Board, through its authorized representatives, reserves the right to inspect any or all buildings on which a contract has been issued, to determine compliance with the Pest Control Law and Rules and Regulations made there-under.

Should inspections, by the Plant Board's representatives, of buildings covered by a contract, including a renewal of a contract and/or Letter of Clearance, be found infested with termites or other structural pests for which prevention, control or eradication has been contracted, or if the Plant Board's minimum standards (Sections IIIA, IIIB, IIID and IIIE), other than those excepted in the contract and

given prior approval, a waiver of certain minimum treating standards, or an exclusion of certain minimum treating standards by the Plant Board, have not been met or fulfilled, or misrepresentations have been made to the owner, the Plant Board will send the license holder a notice to that effect. The license holder shall, within 15 days, retreat the building when necessary and otherwise bring the building into compliance with the law and these regulations and shall submit to the Plant Board along with the report of correction an appropriate re-inspection fee. If the necessary corrections cannot be made in 15 days due to circumstances beyond the license holder's control, additional time may be requested from the Plant Board office. When a notice has not been returned by the due date and the license holder has not contacted the Plant Board office concerning the notice, a re-inspection of the building will be made and another notice will be issued, if the building has not been brought up to standard at the time of the re-inspection. Should subsequent re-inspections reveal the building still not in compliance, a third and final notice will be issued following the same procedure outlined above. Should re-inspections of the third and final notice reveal the building is still not in compliance the license holder will be subject to enforcement action according to Arkansas State Plant Board Pest Control Enforcement Response Regulations. These fees for each notice are to pay for the cost of inspections and payment does not preclude invalidation of a license by the Plant Board should this be warranted.

6. Inspection of First Five Properties Treated:
Within 90 days of issuance of a first termite and other structural pest license to a commercial applicator, the new commercial applicator shall submit a report on their first five termite treatments including all required forms and information. The report shall be accompanied by an inspection fee of $20.00 for each job and the regular $5.00 reporting fee will be waived on these first five jobs. The new commercial applicator must be present and directly perform and/or supervise the first five termite treatments. Plant Board representatives will inspect the jobs to assess the applicator's performance and compliance with the law and regulations. New construction (pre-treat) applications must be monitored by Plant Board representatives. The new commercial applicator must notify the Commercial Pest Control Section 48 hours prior to all first five pre-treat applications.

An extension of the 90-day due date may be granted upon written request submitted to the Plant Board. If a commercial applicator does not complete and report their first five jobs in 90 days or upon the extended due date, or if inspection shows that the applicator is apparently not qualified, a notification that no more work is to be performed will be issued and the Plant Board will consider revoking the applicator's license. A hearing before the Board's Pest Control Committee may be requested by filing a certified letter with the Board within 20 days of receipt of the notice.

7. Supervision:
A commercial applicator (licensed operator) shall be considered in charge of all pest control work and/or services performed. Commercial applicators shall be readily available and shall maintain a supervisory position over all pest control agents performing work in the classification or classifications for which the commercial applicator is licensed. No more than 30 registered agents shall be supervised by any one commercial applicator. The license holder shall assign supervisory charge of commercial applicators over registered technicians. If evidence shows a registered technician commits a violation of Arkansas Pest Control Law or Rules and Regulations the license holder shall be required to identify the technicians supervising commercial applicator. If evidence shows a commercial applicator and/or applicators are no longer in charge of the license holder's pest control operation, the commercial applicator (and/or applicators) and license holder's licenses shall be deemed invalid in accordance with the provisions of the Pest Control Law.

8. Notice that all Jobs are to be inspected:

Any time that an unreasonably high (15% or more) number of jobs of a license holder upon inspection are found not in compliance with the law and these regulations, the Pest Control Committee, after reviewing the record of the licensee in question, may instruct Plant Board inspectors to inspect all jobs reported during the previous year. In such a case the license holder will be notified by registered or certified letter (return receipt requested) that their work has not been satisfactory. The Plant Board will withhold any further inspections for 60 days following the receipt of this notice. After the 60-day delay, all jobs reported the previous year, not including those previously checked and in compliance, will be inspected. The time period covered will be the year previous to the date that the above notice is received by the license holder.

SECTION III A
MINIMUM REQUIREMENTS FOR STRUCTURAL PEST WORK ON EXISTING STRUCTURES

1. Access opening:

An opening, at least 14 inches high and 16 inches wide, shall be provided to permit inspection under all parts of the building.

2. Chemicals:

The term chemical, when used hereafter, shall apply to pesticides used for the control or prevention of termites, powder-post beetles, wood destroying fungi and other wood destroying organisms. The name of the chemical used, and the product's EPA Registration number shall be clearly stated on the face of each contract and clearly identified on any and all re-treatment records. This requirement shall also apply to Reports of Substandard Termite Treatment when additional chemical applications are required or performed. The pesticides are described in Section III C-materials.

3. Debris and Form Boards:

(a) All wood including stumps, roots and other cellulose debris which can be caught by a rake, on the surface of the ground, must be removed from underneath the building. Large stumps, that are impractical to remove, may be trenched, drilled or rodded and treated provided they are not in contact with or within 5 inches of the building's substructure timbers.

(b) All unnecessary form boards and grade stakes must be removed from underneath and around the outside of the building. Grade stakes embedded in the foundation footing which are impractical to remove should be cut off flush with the concrete and treated as per label directions with chemical.

4. Clearance Under Buildings:

All soil, which is within 12 inches of bottom edge of floor joists or within 5 inches of sub-sills, must be removed.

Note: Scuttle holes, 14 inches high and 16 inches wide, must be provided under drop sills, plumbing, air ducts, or any other similar obstructions. All areas under the building must be made accessible for complete inspection.

5. Shelter Tubes:

Brush all termite shelter tubes from piers, walls, sills, joists, sub-floors, pipes, and other parts of the building.

6. Piers and Stiff-legs:

Stiff-legs, wood piers, or other wood supports must have concrete or metal-capped bases extending at least 3 inches above the ground.

7. Wood on Concrete Floors:

Where wood parts such as posts, door frames, partitions, stair-carriages, stiff-legs, posts, or other wood supports that:

(a) have been attacked by termites working up thru concrete, or
(b) are set down into concrete,

Said wood parts may be cut off and placed on concrete or metal bases and/or treated as per label directions around such supports.

8. Wood Steps:

Wood steps must be treated with approved chemicals according to the label directions.

9. Pipes:

Pipes must be treated with approved chemicals according to the label directions.

10. Replacements / Exclusion of Existing Damage:

A. Wood substantially weakened by termites, powder-post beetles or decay fungi (rot) should be replaced. Replacements may be made by the license holder or the property owner, or both. Replacements made by the license holder exceeding two thousand dollars ($2,000.00) must be performed by a licensed contractor. Replacement of damage caused by termites or powder-post beetles for which the operator is not responsible must be specifically excluded in writing by:
(1) Describing the excluded replacements in the contract and stating therein that they are not to be made by the license holder;
(2) Showing their location on the diagram of the structure and;
(3) Noting that the replacement of un-infested hidden damage (that which cannot be seen by thorough visible inspection without defacing the property), which is not covered by (1) and (2) and which was caused by an infestation occurring prior to the operator's first treatment of the property or the issuance of a letter of clearance, shall not be the responsibility of the license holder.

B. The license holder shall be required to replace substantially weakened wood which has been damaged by termites, on buildings covered by a contract providing a guarantee for retreatment and replacement of termite damage, when inspectors find active termites associated with the damaged wood and / or visible damage not excluded as required in paragraph A.

C. Replacement of wood weakened by decay fungi (rot) shall not be the license holder's responsibility, unless they have entered into an agreement to control this pest.

11. Outside Grade: (See Figure 1)

A. Wood Construction.
Top of foundation wall and all exterior wood, such as siding and framing, must be at least 3 inches above outside grade. To lower grade, soil next to wall must be removed to necessary depth and treated with approved chemicals according to the label directions.

B. Masonry Veneer Construction.
Soil against masonry veneer must be treated with approved chemicals according to the label directions.

FIGURE 1 EXPLAINS 11.
In this drawing, the top of the foundation is level with the outside grade. This is a hazardous condition for two reasons:
(1) Wood at or near ground level is often damp, a condition favorable to termites;
(2) Termites can easily enter from the outside, unseen, by going thru cracks in the first mortar joint and then into the sheathing. Unless the outside grade is at least 3 inches below the wood parts of the house (including the siding on a frame house), it must be treated as described in Section 11.

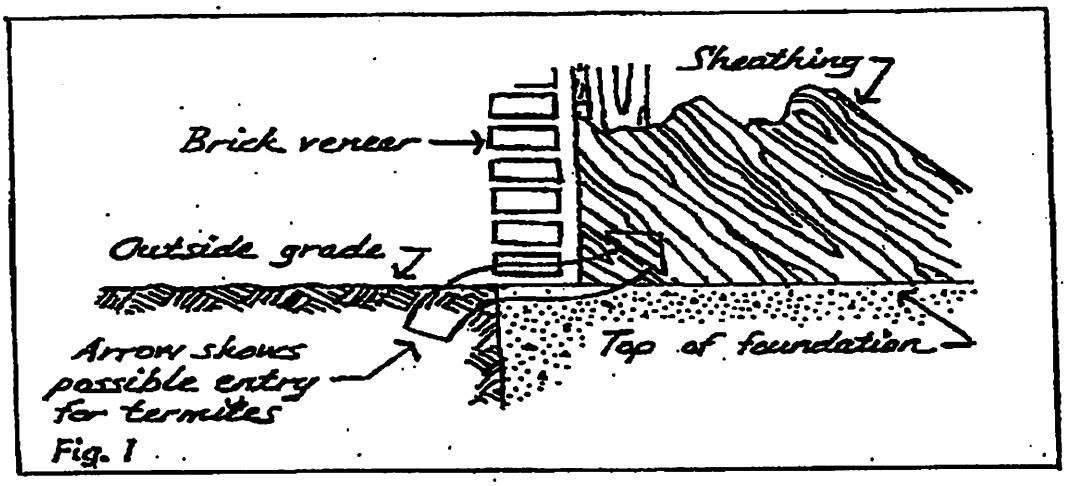


Fig. 1

12. Skirting and Lattice Work:

Skirting and Lattice Work should rest on solid concrete or cemented brick extending at least 3 inches above the outside grade, unless suspended, in which case there should be at least 3 inches clearance above grade. Contact must be broken between the building and any lattice which may rest on or in the soil.

Exception: Skirting and lattice work outside the perimeter of a buildings foundation, attached to a wood porch or deck, need not be serviced to provide 3 inches of clearance above the outside grade. These items must be treated with approved chemicals according to the label directions.

13. Steps, Porches, Ground Slabs and Similar Structures:

A. Structures which are even with, or above the sill line, must be:

Drilled and treated at intervals specified by label directions at the juncture of the structure and foundation or wall. If the label directions are not specific, the intervals at which the operator drills to

achieve adequate barriers shall be stated on the graph. In such cases if the maximum intervals are not stated on the graph the operator will be required to drill and treat the structures at a maximum of 18 inch intervals. If the structure is long-rodded, the route must be shown on the diagram of the building;

B. Structures below the sill line:

1. Veneer construction, must be treated with approved chemicals according to the label directions.

2. Frame construction, in which the structure is within 3 inches of the wood, must be treated with approved chemicals according to the label directions. If the structure is more than 3 inches below the wood no treatment is required unless an infestation is associated with the structure, or otherwise specified by the label directions.

14. Stucco:

(a) Wood supports for stucco must be at least 6 inches above outside ground level, or 4 inches above the level of ground under an adjacent slab.

(b) Where stucco extends to or below grade, the soil must be treated with approved chemicals according to the label directions. This is in addition to ground treatment under building (see 15).

15. Ground Treatment Under the Building:

The inside of foundation wall and around all pipes, chimneys, and piers must be treated with approved chemical according to the label directions.

16. Ground Treatment Outside Buildings:

The outside of foundation walls must be treated with approved chemicals according to the label directions.

17. Chemical Treatment of Masonry:

Treatment with approved chemicals shall be in accordance with label directions as follows to foundation walls, piers, and chimneys.
(a) To all cracks in concrete.

(b) To mortar joints, cracks, and voids in the horizontal layer of masonry (stone, brick, concrete blocks, and tiles) which is adjacent to the treated ground at the bottom of the trench.

(c) To voids between walls, as in brick veneer and stucco construction.

NOTE 1: When the foundation wall is of hollow masonry blocks and the blocks are not capped with metal or solid concrete, each void should be drilled and injected with chemical unless specified otherwise by the label directions. This should be done even though there is no visible sign of infestation.

NOTE 2: When footing is of solid concrete, with no cracks, and trenches on both sides of wall extend down to it, drilling and injection of mortar joints in wall is ordinarily not necessary.

NOTE 3: Items 15, 16, and 17 do not permit spot treatment of dwellings. The license holder is held responsible for the entire structure on one family dwelling units. Commercial, industrial and institutional buildings may, however, be spot treated at the license holder's option. The license holder's responsibility in such cases shall be limited to retreatment and repair of the area spot treated,

provided the area is shown on the graph, described in the contract and understood by the property owner before the contract is signed.

18. Powder-Post Beetles:

If powder-post beetles are not to be treated or covered by the contract, the owner must be so informed in writing on the initial contract. Treatment, if made, should be applied to all wood showing signs of infestation. This can be done by spraying, brushing, or mopping as per label directions onto wood surfaces any pesticide approved for use in powder-post beetle control as described in Section IIIC-Materials. Two or more applications must usually be made at intervals to achieve control. Special formulations are required for treating flooring or furniture to avoid damage to the finish.

19. Slab Construction:

Slab construction shall meet all of the foregoing minimum requirements except, as outlined in paragraphs 1, 3(a), 4, 9, and 15. Treatments should be made when swarms occur or damage is found, or as a preventive measure. Treatment under the slab is accomplished by drilling holes in the slab or foundation through which chemical can be applied in accordance with label directions to establish a barrier in the soil. Long-rodding can sometimes be accomplished without drilling. Brick and stone veneer on slab construction is treated by drilling through the veneer and injecting the void between the veneer and the slab with chemical. Brick and stone veneer shall be treated with approved chemicals according to the label directions. If the label directions require drilling and treating and the maximum interval requirements are not specific, the intervals at which the operator drills to achieve adequate barriers shall be stated on the graph. In such cases if the maximum intervals are not stated on the graph the operator will be required to drill and treat at a maximum of 18 inch intervals.

NOTE: On structures which are part slab and part crawl space, appropriate minimum requirements shall be met on each part.

20. Foam Treatment for Concrete Slab and Masonry Veneer:

Treatment is accomplished by applying the chemical according to the label directions.

21. Foam Treatment for Crawl Space:

Treatment is accomplished by applying the chemical according to the label directions.

NOTE: All contracts and graphs must specify when foam treatment is used and clearly state the name and the EPA Registration number of the product used.

SECTION IIIB
MINIMUM REQUIREMENTS FOR STRUCTURAL PEST WORK ON NEW CONSTRUCTION (PRE-TREAT)

Pretreat: New buildings which are treated for the control of termites before, during and/or at the conclusion of construction. Pretreatments shall be made as directed by one or a combination of the following treatment methods

1. Chemical soil barrier treatments:

Crawl space construction: approved chemical at concentration rate and volume must be applied according to label directions to establish a vertical barrier in the soil adjacent to both sides of the foundation, around piers, pipes and other construction elements that would permit termites to infest the building from the ground. Horizontal chemical barriers must be established by applying chemical at the concentration rate and volume specified by the label directions to all soil surfaces to be covered by steps, porches, garage floors, carport slabs, patios or other structures adjoining the building. In addition to the establishment of both vertical and horizontal chemical barriers in the soil the building must meet items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11a of the minimum requirements given for existing structures in Section IIIA.

Slab Construction: approved chemical at concentration rate and volume must be applied according to label directions to establish a horizontal chemical barrier in the soil under all parts of the building, adjoining steps, carports, garage floors, patios, porches, or other structures adjoining the building. Chemical must be applied at concentration rate and volume according to the label directions in the soil adjacent to the foundation wall around the outside of the building to establish a vertical barrier in the soil. In addition to the establishment of horizontal and vertical chemical barriers in the soil, the building must meet items 3b, 5, 7, 8, 10, and 11a of the minimum requirements given for existing structures in Section III A.

Foam Treatments: Treatment is accomplished by applying the chemical as specified by the label directions.

NOTE: Contracts and graphs must specify when foam treatment is used and clearly state the name and the EPA Registration number of the product used.

NOTE: Buildings which are part slab and part crawl space, appropriate minimum requirements shall be met on each part.

2. Above ground wood treatment methods:

Approved chemical must be applied to the wood according to the label directions, concentration rates and volumes. In addition crawl space buildings must meet items 1, 3, 4, 5, 6, 10, and 11a of the minimum requirements for existing structures in Section III A.

Bait treatment methods:

When baits are used for pretreatment of a new building, all requirements in Section III E must be met.

Note: Contracts and graphs for all pretreats must state the name and the EPA Registration number of the material used. All materials used must comply with the requirements for materials given in Section III C.

SECTION III C
MATERIALS

Any pesticide or combination of pesticides approved by the United States Environmental Protection Agency, registered with the Arkansas State Plant Board and labeled for the prevention or control of termites, powder-post beetles, wood-rotting fungi or other wood destroying organisms may be used to treat structural pests provided that the pesticides are used according to the label directions.

SECTION III D
MINIMUM REQUIREMENTS FOR STRUCTURAL PEST WORK ON WOOD DECKS AND WOOD PATIOS ON EXISTING AND NEW CONSTRUCTION

1. Chemical Treatment to wood decks and wood patios (an open platform adjoining a building, not covered by a roof and/or supported by and enclosed masonry foundation):

Approved chemicals shall be applied or reapplied according to label directions around and under wood decks and wood patios to control subterranean termites.

2. New contracts, Contract Transfers, Clearance Letters and Soil Treatment Certificate Responsibility:

Wood decks and/or wood patios are INCLUDED as part of the contract, contract transfer or clearance letter issued on an attached structure UNLESS the contract, contract transfer or clearance letter shows in BOLD PRINT that existing termite damage, or damage that occurs in the future, is NOT to be replaced on wood decks and/or wood patios.

3. Replacements:

A. License holders shall not be required to replace damaged wood caused by termites on wood decks or wood patios treated, even if infested with live subterranean termites, provided, that Section III D, subsection 2 above has been complied with.

B. License holders shall not be required to replace damaged wood caused by weather related rot or other rots on wood decks or wood patios.

C. License holders shall be required to replace damage caused by termites in the treated structure adjacent to the wood deck or wood patio even though the infestation causing such damage originates in the wood deck or patio after the initial treatment to the property.

CLARIFICATION:

A. License holders electing to issue contracts for future termite damage replacement on wood decks and wood patios, shall be held equally responsible as for any other part of a building.

B. License holders failing to comply with Section III D, subsection 2 above shall be required to make replacements as needed on wood decks and wood patios.

C. Wood decks and wood patios NOT connected to a treated building are excluded from treatment or repair requirements, unless they are specifically covered by a contract for treatment and damage replacement.

SECTION III E
MINIMUM REQUIREMENTS FOR TERMITE WORK WHEN USING BAITS AS THE METHOD OF CONTROL

1. Contracts:

In addition to requirements specified in SECTION II item 1, contracts must specifically state the initial number of bait stations that are to be installed and the frequency upon which an inspection of the bait placements or monitoring stations are to be performed. The diagram must show the location of each bait station.

2. Treatment:

The materials, baits, monitoring stations, and matrix's shall be applied and maintained according to label directions and schedule specified in the contract.

3. Replacements / Exclusion of Existing Damage:

A. Wood substantially weakened by termites, powder-post beetles or decay fungi (rot) should be replaced. Replacements may be made by the license holder or the property owner, or both. Replacements made by the license holder exceeding two thousand dollars ($2,000.00) shall be performed by a licensed contractor. Replacements of damage caused by termites or powder-post beetles for which the license holder is not responsible must be specifically excluded in writing by:

(1) Describing the excluded replacements in the contract and stating therein that they are not to be made by the operator.
(2) Showing their location on the diagram of the structure and;
(3) Noting that the replacement of un-infested hidden damage (that which cannot be seen by thorough visible inspection without defacing the property), which is not covered by (1) and (2) which was caused by an infestation occurring prior to the operator's first treatment of the property or the issuance of a letter of clearance, shall not be the responsibility of the operator.

B. The license holder shall be required to replace substantially weakened wood, which has been damaged by termites, on buildings covered by a contract providing a guarantee for retreatment and replacement of termite damage, when inspectors find active termites associated with the damaged wood and / or visible damage not excluded as required in paragraph A.

C. Replacement of wood weakened by decay fungi (rot) shall not be the license holders responsibility, unless they have entered into an agreement to control this pest.

SECTION IV
▪ HOUSEHOLD PEST AND RODENT CONTROL (CLASSIFICATION 2)

Household Pest and Rodent Control shall consist of the control of any mammal, bird, arthropod, reptile or other organism that may infest or invade a home or other buildings or the immediate area around or under these homes or buildings or other areas, other than wood-damaging or destroying insects, fungi or organisms. Holders of a license in this classification shall not be restricted in performing Household Pest and Rodent Control services.

The Plant Board will investigate complaints against license holders, and monitor each operator's work from time to time, and may invalidate a license for fraud, misrepresentation, failure to carry out contracts, use of improper methods or materials, or other reasons specified in the law.

Supervision:
A commercial applicator (licensed operator) shall be considered in charge of all pest control work and/or services performed. Commercial applicators shall be readily available and shall maintain a

supervisory position over all pest control agents performing work in the classification or classifications for which the commercial applicator is licensed. No more than 30 registered agents shall be supervised by any one commercial applicator. The license holder shall assign supervisory charge of commercial applicators over registered technicians. If evidence shows a registered technician commits a violation of Arkansas Pest Control Law or Rules and Regulations the license holder shall be required to identify the technicians supervising commercial applicator. If evidence shows a commercial applicator and/or applicators are no longer in charge of the license holder's pest control operation, the commercial applicator (and/or applicators) and license holder's licenses shall be deemed invalid in accordance with the provisions of the Pest Control Law.

SECTION V

- **TREE AND TURF PEST CONTROL (CLASSIFICATION 4)**
- **WEED CONTROL (CLASSIFICATION 5)**
- **GOLF COURSE PEST CONTROL (CLASSIFICATION 6)**

The Plant Board will investigate complaints against license holders and may cancel license for fraud, misrepresentation, failure to carry out promises, use of improper methods or materials, or other reasons specified in the law.

Supervision:
A commercial applicator (licensed operator) shall be considered in charge of all pest control work and/or services performed. Commercial applicators shall be readily available and shall maintain a supervisory position over all pest control agents performing work in the classification or classifications for which the commercial applicator is licensed. No more than 30 registered agents shall be supervised by any one commercial applicator. The license holder shall assign supervisory charge of commercial applicators over registered technicians. If evidence shows a registered technician commits a violation of Arkansas Pest Control Law or Rules and Regulations the license holder shall be required to identify the technicians supervising commercial applicator. If evidence shows a commercial applicator and/or applicators are no longer in charge of the license holder's pest control operation, the commercial applicator (and/or applicators) and license holder's licenses shall be deemed invalid in accordance with the provisions of the Pest Control Law.

SECTION VI

- **GENERAL FUMIGATION (CLASSIFICATION 3)**

Holders of a license in this category shall not be restricted in performing fumigation services.

Supervision:
A commercial applicator (licensed operator) shall be considered in charge of all pest control work and/or services performed. Commercial applicators shall be readily available and shall maintain a supervisory position over all pest control agents performing work in the classification or classifications for which the commercial applicator is licensed. No more than 30 registered agents shall be supervised by any one commercial applicator. The license holder shall assign supervisory charge of commercial applicators over registered technicians. If evidence shows a registered technician commits a violation of Arkansas Pest Control Law or Rules and Regulations the license holder shall be required to identify the technicians supervising commercial applicator. If evidence

shows a commercial applicator and/or applicators are no longer in charge of the license holder's pest control operation, the commercial applicator (and/or applicators) and license holder's licenses shall be deemed invalid in accordance with the provisions of the Pest Control Law.

SECTION VII

- **NON-COMMERCIAL STRUCTURAL PEST CONTROL (CLASSIFICATION 7).**
- **NON-COMMERCIAL FUMIGATION (CLASSIFICATION 8)**

Non-Commercial Structural Pest Control (Classification 7):
A Non-Commercial Applicator Certificate (not a license) shall be issued in this classification to owners or employees of government, institutions, businesses, companies, or corporations for the purpose of performing pest control work (including wood destroying insects and organisms) on the premises of property owned or managed by themselves or their employer. Non-commercial applicators shall be restricted to pest control work at addresses owned or under the direct management of their employer as stated on the Non-Commercial Applicator Certificate. Non-commercial applicators shall be restricted from issuing Letters of Clearance, wood destroying insect inspection reports, or termite contracts. Any person issuing any type of termite inspection related reports or contracts or performing pest control work for more than one government agency, institution, business, company, or corporation shall qualify and be licensed, bonded, and insured under Classification 1 (Termite and Other Structural Pest) and/or Classification 2 (Household Pest and Rodent Control) rather than in this classification. The business, companies, or corporations and the non-commercial applicator shall be jointly and severally responsible for the proper use of pesticides by the employee. Non-commercial applicators must take special precautions when performing pesticide applications in areas such as for food preparation, areas occupied by tenants, pets, workers, etc. All pesticide product label directions must be strictly followed. The Non-Commercial Applicator Certificate shall be subject to denial, suspension or invalidation for any or all grounds stated in AR Code Annotated §17-37-101 as amended or these regulations.

Non-Commercial Fumigation (Classification 8):
A Non-Commercial Applicator Certificate (not a license) shall be issued in this classification to owners or employees of, primarily wholesale food manufacturing, processing and storing businesses, companies, or corporations for the purpose of performing fumigation pest control work on the premises of property owned or managed by themselves or their employer. Said non-commercial applicators shall be restricted to fumigation at addresses owned or under the direct management of their employer as stated on the Non-Commercial Applicators Certificate. Any person performing fumigation for more than one business, company, or corporation shall qualify and be licensed under Classification 3 (General Fumigation) rather than in this classification. The business, company, or corporation and the non-commercial applicator shall be jointly and severally responsible for the proper use of fumigants. The Non-Commercial Applicator certificate shall be subject to denial, suspension or invalidation for any or all grounds stated in AR Code Annotated §17-37-101 as amended or these regulations.

SECTION VIII

- **NON-COMMERCIAL TREE AND TURF PEST CONTROL**

(CLASSIFICATION 9)
▪ NON-COMMERCIAL GOLF COURSE PEST CONTROL (CLASSIFICATION 10)

Non-Commercial Tree and Turf Pest Control (Classification 9):
A Non-Commercial Applicator Certificate (not a license) shall be issued to owners or employees of government, institutions, businesses, companies, or corporations for the purpose of performing tree and turf pest control work on the premises of property owned by themselves or their employer. Said non-commercial applicators shall be restricted to pest control work at the address or addresses stated on the Non-Commercial Applicator Certificate. A Non-Commercial Applicator shall not perform pest control services for more than one governmental agency, institution, business, company, or corporation without having fully qualified and become licensed as a Commercial Applicator under Classifications 4 (Tree and Turf Pest Control) or Classification 5 (Weed Control). The agency, institution, business, company, or corporation and the non-commercial applicator shall be jointly and severally responsible for the proper use of pesticides by the employee. The Non-Commercial Applicator Certificate shall be subject to denial, suspension, or invalidation for any or all grounds stated in AR code Annotated §17-37-101 et seq. as amended or these regulations.

Non-Commercial Golf Course Pest Control (Classification 10):
A Non-Commercial Applicator Certificate (not a license) shall be issued in this classification to employees of the owner or owners of specific golf courses. Said employees shall be restricted to pest control work on courses owned or under control of said golf course owner or owners. The golf course owner or owners and the employee shall be jointly and severally responsible for the proper use of pesticides. A Non-Commercial Applicator shall not perform pest control service for more than one golf course without having fully qualified and become licensed as a Commercial Applicator under Classification 6 (Golf Course Pest Control). The Non-Commercial Applicator Certificate shall be subject to denial, suspension or invalidation for any or all grounds stated in AR code Annotated § 17-37-101 et seq. as amended or these regulations.

SECTION IX
ARKANSAS STATE PLANT BOARD PEST CONTROL ENFORCEMENT RESPONSE REGULATIONS

TABLE OF CONTENTS

X. STATEMENT OF PURPOSE

Pesticides are valuable to Arkansas' agricultural production and the protection of man and his possessions from insects, rodents, weeds, plant diseases, and other pests. It is essential to the public health and welfare that pesticides be used properly to prevent adverse effects on man and the environment.

The purpose of the regulation is to provide a fair and consistent mechanism by which compliance with the Arkansas Pest Control Law, as amended, and the regulations written pursuant thereto can be achieved.

XI. DEFINITIONS
(As used in this policy)

A. **Base Civil Penalty:** The midpoint of a civil penalty range. [Example: The civil penalty range for failure to report structural pest control work (1st level of enforcement) is $200.00 to $400.00. The base penalty is $300.00]

B. **Case Development Review Panel:** An internal committee of staff including: 1. The Plant Industry Division Director or his/her designee, 2. The Agency Assistant Director or his/her designee, and 3. The Agency Director or his/ her designee. The Case Development Review Panel will carefully review all case documentation to insure completeness and to insure that the recommended enforcement action is appropriate.

C. **Level of Enforcement:** The category by which a violative incident is considered a first, second, third, or fourth offense..

For a violation to be considered as a second or subsequent offense, it must be a repeat of a violation for which a previous enforcement action has been taken by the Plant Board. The previous violation/violations must have occurred within the past 3 years.

D. **Minor Violation:** A violative incident which does not involve human health, safety, or endanger the

environment; or other incidents of non-compliance which do not create a competitive disadvantage for licensees in full compliance.

E. **Major Violation:** A violative incident which affects human health, safety, or the environment; or other incidents of non-compliance which create a competitive advantage over licensees in full compliance; or a history of repetitive violative incidents. Any violation consisting of a label violation that involves a potential human exposure may result in elevation of the violation to the fourth level of enforcement.

*In no case shall the failure to meet minimum requirements for structural pest work (Sections III A, III B, III C, and III D) adopted under the authority of Ar. Code 17-37-105, except those which require a termiticide application, be considered a violation and subject to a civil penalty.

F. **Respondent:** A person charged with a violation of the Arkansas Pest Control Law as amended, and the regulations written pursuant thereto.

XII. LEGAL AUTHORITY

A. "Arkansas Pest Control Law" A.C.A. 17-37-101 et. seq. and Regulations.

B. "The Arkansas Plant Act" A.C.A. 2-16-203 et. seq. and Regulations.

XIII. ENFORCEMENT ACTIONS

Under the preceding Arkansas Codes, the Plant Board has several options for enforcement action. These are:

A. **Warning Letter:** For minor, 1st level of enforcement violations, the Board or Board Staff will issue a warning letter. The letter will cite the specific violation. The letter will also identify any corrective action that may be needed and notify the respondent that further violations will result in more severe enforcement action.

B. **Informal Agreement:** When a violation has been alleged, the respondent has the option of an informal hearing or a board/committee hearing. The purpose of the informal hearing is to resolve a complaint or incident. A hearing officer will meet jointly with the respondent and Plant Board Staff. The group will seek consensus on an appropriate enforcement action for recommendation to the Board. Enforcement action based on the Penalty Matrix (Appendix A) will include Civil Penalty and/or license suspension, revocation, non-renewal, or registration cancellation. The Full Board acts on all recommendations resulting from the informal hearing.

C. **Board/Committee Hearing:** If the respondent chooses to bypass the informal agreement process, or if an agreement can not be reached during the informal hearing, a hearing will be held by the Pest Control Committee of the Board. Enforcement action will include Civil Penalty and/or license suspension, revocation, non-renewal, or registration cancellation. Following the Committee hearing, a written Finding of Fact, Conclusion of Law, and recommendation will be submitted to the Board. The Full Board will act on all recommendations of the Committee.

D. **Suspension / revocation / non-renewal of a license or registration:**
The suspension, revocation, or non-renewal of a license by the Board may be in addition to, or in conjunction with, a civil penalty fine.

E. **Injunction**: The Board may apply for an injunction to any court of competent jurisdiction for violations of the Pest Control Law. The court, upon hearing and for cause, has the option of temporary or permanent injunction restraining any person from violating any provisions of The Arkansas Pest Control Law and regulations.

F. **Referral to Prosecuting Attorney**: The Plant Board has the option of referring violations of the Pest Control Law to the prosecuting attorney.

G. **Referral to EPA**: The Plant Board will negotiate cases of referral with EPA to determine the appropriate action.

XIV. INCIDENT INVESTIGATION

An incident investigation will be initiated when:

A. Routine compliance monitoring indicates a violation has occurred.

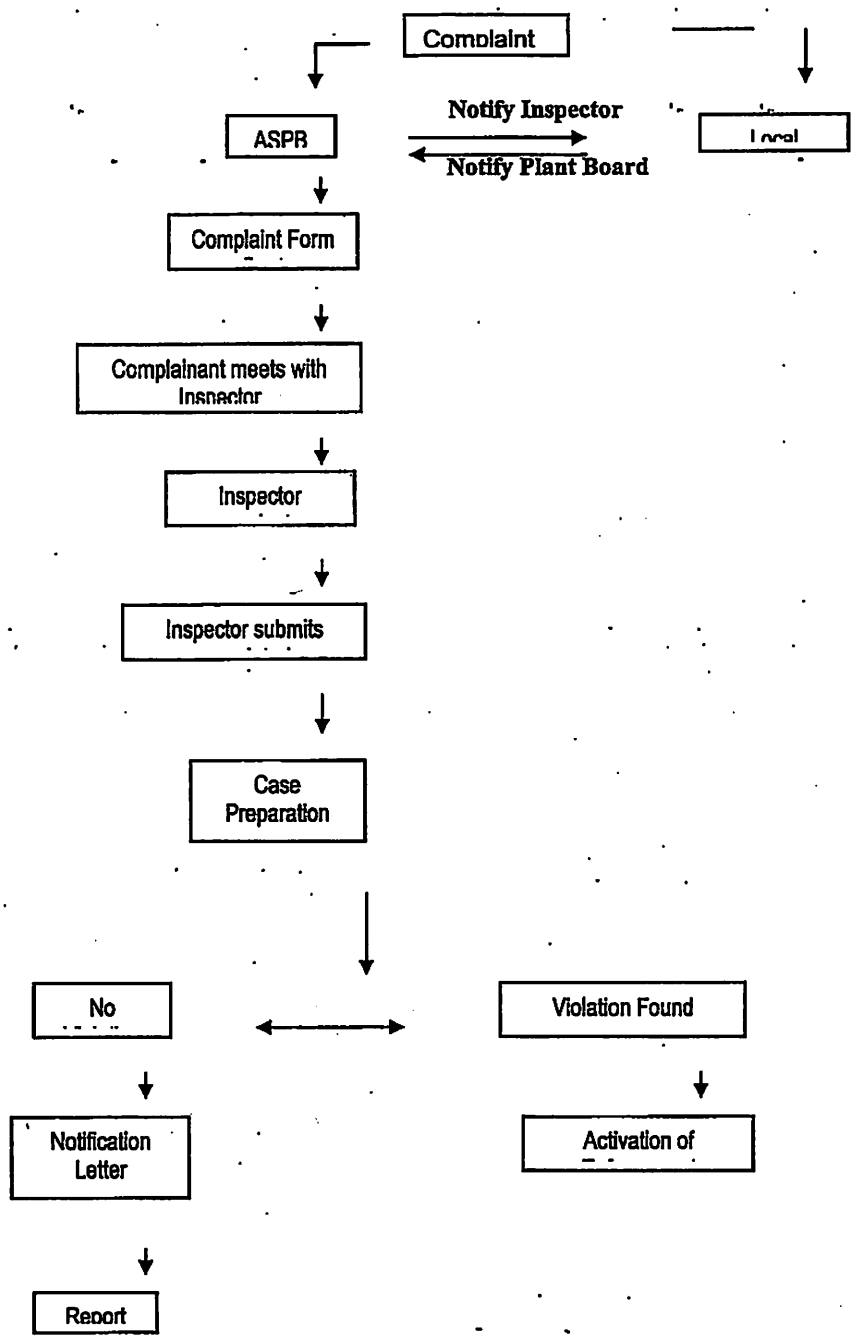
B. A formal complaint that an alleged violative incident has occurred (Filing of a written form by a complainant). In cases of apparent immediate endangerment to health or the environment, the written notification may be waived and the investigation of the alleged incident will begin immediately).

C. Possible human exposure to pesticides is assigned priority status.

The processing sequence for an incident investigation is outlined in Figure I.

FIGURE I

Processing Sequence



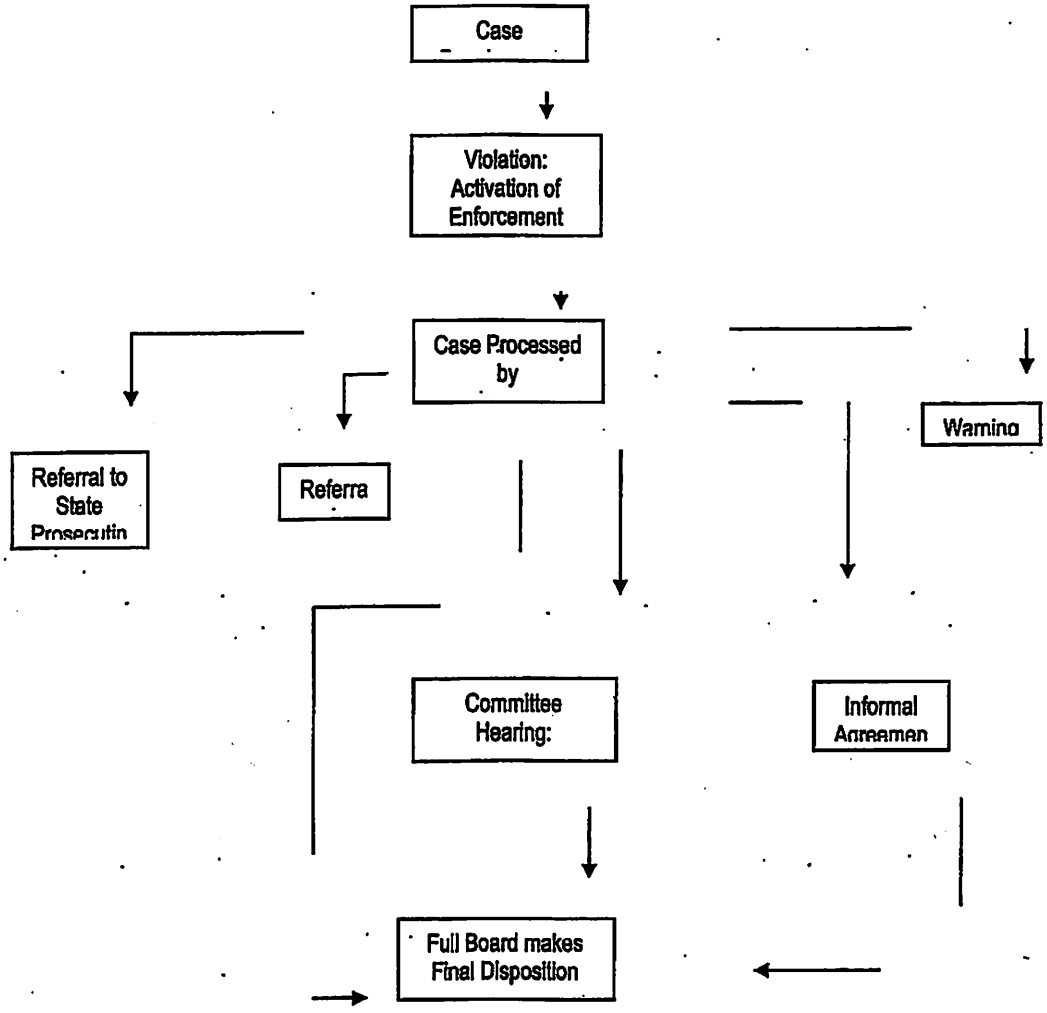
XV. ACTIVATION OF ENFORCEMENT RESPONSE POLICY

An apparent violation of law and/or regulation must be documented to initiate an enforcement action.

Documentation must conform to the requirements of the Plant Industry Division.

The sequence of events within the enforcement response policy is as follows:

FIGURE II



XVI. INTERNAL REVIEW

The Case Development Panel will carefully review all documentation and records to determine:

A. That apparent violation / violations have occurred.
B. Whether the apparent violation or violations are **Minor** and/or **Major** violations.
C. The correct level of enforcement based on the penalty matrix and the documented history of the respondent.

Concurrence with the Division's finding by the Panel must be unanimous before further action can be taken on the case.

XVII. HEARINGS

The informal hearing officer and/or the appropriate Committee and/or the Full Board will carefully review the documentation and hear cases of alleged violations.

Should it be determined a violation(s) has occurred, the severity and level of enforcement of each violation will be determined by the three (3) factors in Section VII; as they are applied to the Penalty Matrix (Appendix A).

If a violation is determined in this sequence; the following factors will be considered:

A. Cooperation of the respondent.
B. Other extenuating/mitigating circumstances.

The Hearing Officer/Committee/Board may use these factors to accelerate or mitigate enforcement action. When a civil penalty is the preferred action, the base penalty may be increased or decreased based on these factors. The civil penalty will not be more or less than the range for the specific violation listed in Appendix A.

The Full Board will take action to determine the final disposition of the case.

XVIII. RIGHT OF APPEAL

Any person aggrieved by any action of the Plant Board may obtain a review thereof, by filing in circuit court within 30 days of notice of the action, a written petition praying that the action of the Plant Board be set aside.

APPENDIX - A

PENALTY MATRIX

PENALTY MATRIX

APPENDIX A

VIOLATION	Violation Level	1st Level of Enforcement		2nd Level of Enforcement		3rd Level of Enforcement		4th Level of Enforcement	
		Enforcement Action	Civil Penalty	Enforcement Action	Civil Penalty	Enforcement Action	Civil Penalty	Enforcement Action	Civil Penalty
1. Failure to secure required pest control licenses.	Minor	A							
	Major	B,C,E,F	200-1000	B,C,E,F	400-1000	B,C,E,F	600-1000	B,C,E,F	800-1000
2. Pesticide recommendations or applications which are inconsistent with any/or all of the following: A. Labeling B. Federal or State registrations C. Federal or State restrictions of the use of a pesticide	Minor	A		B,C	200-400				
	Major	B,C,G	200-400	B,C,G	400-600	B,C,D,G	600-800	B,C,D,E,G	800-1000
3. Intentional misrepresentation(s) in any application for a license.	Minor								
	Major	B,C	200-400	B,C	400-600	B,C	600-800	B,C,E	800-1000
4. Misrepresentations for the purpose of deceiving for defrauding.	Minor								
	Major	B,C,D	200-400	B,C,D	400-600	B,C,D	600-800	B,C,D	800-1000
5. Knowingly making a false statement for the purpose of inducing others to act to their damage.	Minor								
	Major	B,C,D	200-400	B,C,D	400-600	B,C,D	600-800	B,C,D,E	800-1000

ENFORCEMENT ACTION OPTIONS

A - Warning letter
B - Informal Agreement
C – Board/Committee Hearing
D - Suspension/Revocation of License
E – Injunction
F- Referral to Prosecuting Attorney
G – Referral to EPA

PENALTY MATRIX

APPENDIX A (con't)

VIOLATION	Violation Level	1st Level of Enforcement		2nd Level of Enforcement		3rd Level of Enforcement		4th Level of Enforcement	
		Enforcement Action	Civil Penalty	Enforcement Action	Civil Penalty	Enforcement Action	Civil Penalty	Enforcement Action	Civil Penalty
6. Performing work, with or without compensation, in a classification for which the licensee does not hold a license.	Minor								
	Major	B,C,D,E,F	200-1000	B,C,D,E,F	400-1000	B,C,D,E,F	600-1000	B,C,D,E,F	800-1000
7. Falsification of records or failure to maintain or make available all records required by this Act.	Minor	A		B,C	200-400	B, C, D	400-800	B, C, D, E, F	600-1000
	Major	B, C, D	200-1000	B, C, D	400-1000	B,C, D E	800-1000	B, C, D, E, F	800-1000
8. Failure of licensee to supply the Board or its authorized representative, upon request with true and accurate information concerning methods and materials used on work performed.	Minor	A		B,C	200-400				
	Major	B, C, D	200-1000	B, C, D	400-1000	B,C, D, E	800-1000	B, C, D, E. F	800-1000
9. Failure of licensee to register agents or solicitors, or failure to pay registration inspection or reporting fees due or failure to make reports within the time specified	Minor	A		B,C	200-400				
	Major	B,C	200-400	B,C	400-600	B,C,D	600-800	B,C,D,E	800-1000

ENFORCEMENT ACTION OPTIONS

A - Warning letter
B - Informal Agreement
C – Board/Committee Hearing
D - Suspension/Revocation of License
E – Injunction
F- Referral to Prosecuting Attorney
G – Referral to EPA

PENALTY MATRIX

APPENDIX A(con't)

VIOLATION	Violation Level	1st Level of Enforcement		2nd Level of Enforcement		3rd Level of Enforcement		4th Level of Enforcement	
		Enforcement Action	Civil Penalty	Enforcement Action	Civil Penalty	Enforcement Action	Civil Penalty	Enforcement Action	Civil Penalty
10. Failure to report structural pest control work.	Minor	A		B,C	100-400				
	Major	B,C,D	200-400	B,C,D	400-600	B,C,D	600-800	B,C,D,E	800-1000
11. Failure to correct substandard work.	Minor								
	Major	B,C,D	200-400	B,C,D	400-600	B,C,D	600-800	B,C,D,E	800-1000
12. Failure of licensee to obtain satisfactory control of the pests or diseases which the licensee engages to control or eradicate as evidenced by repeated inspections by the Board.	Minor	A		B,C	200-400				
	Major					B,C,D	600-800	B,C,D,E	800-1000
13. Conviction by any court of a violation of this chapter or of FIFRA.	Minor								
	Major	B,C,D	200-400	B,C,D	400-600	B,C,D,G	600-800	B,C,D,E,G	800-1000
14. Operation of faulty or unsafe equipment.	Minor	A		B, C	200-600	B, C, D	400-800	B, C, D, E	
	Major	B, C	200-600	B, C, D, F	400-800	B, C, D, E, G	600-1000	B, C, D, E, F, G	800-1000
15. Distribution of adulterated and/or misbranded pesticides.	Minor	A		B, C	200-600	B, C, D	600-800	B, C, D, E, G	800-1000
	Major	B, C	200-600	B, C, D	400-800	B, C, D, E, F, G	800-1000	C, D, E, F, G	800-1000

ENFORCEMENT ACTION OPTIONS

A - Warning letter
B - Informal Agreement
C – Board/Committee Hearing
D - Suspension/Revocation of License
E – Injunction
F- Referral to Prosecuting Attorney
G – Referral to EPA

Attachment 3b

EXAM DATE:	3/10/2025								
		B							
LAST NAME	FIRST NAME	A		Class		COMPANY NAME	COMPANY ADDRESS	CITY	ST
		S							
		I							
		C	Basic Score		Class Scores				
Marchant	Samuel	N		2	90	Orkin	13465 Puppy Creek	Springdale	AR
Condray	Justice	Y	82	1	72	N/A	2284 CR 792	Jonesboro	AR
Condray	Justice			2	57				
Simon	Brad	N		2	78	Mosquito Joes	133 fifth St Loop	Paris	AR
Baker	Bryan	N		2	87	Hyde's	1104 N 31 Street	Walnut Ridge	AR
Cheatham	Darien	N		1	82	Rumble Pest Solutio	1210 Dyer Street	Springdale	AR
Spencer	Clarence	N		2	79	Diamond Pest Soluti	8 Concord Dr	Conway	AR

FIRST NAME	LAST NAME	username	Email	Course_id	Date They Took Exam	Score
Month of March 2025						
Matthew	Solomon	msolomon8964	matthewsolomon@candschemicals.com	CLASS2HOUSE	4/1/2025	73
Abdiel	Pinzon	apinzon7874	abdiel@lrlandscape.com	CORE	4/4/2025	77
Williams	McAda	wmcada7797	mcadagrady@gmail.com	CORE	4/6/2025	92
Abdiel	Pinzon	apinzon7874	abdiel@lrlandscape.com	CLASS4-9TURF	4/4/2025	64
Williams	McAda	wmcada7797	mcadagrady@gmail.com	CLASS2HOUSE	4/6/2025	61
Williams	McAda	wmcada7797	mcadagrady@gmail.com	CLASS1TERM	4/7/2025	65
Michael	Parker	mparker0800	service@flexpestcontrol.com	CLASS4-9TURF	4/10/2025	94
Phillip	Riggs	priggs1623	phillipriggs@weedmanepic3.com	CLASS4-9TURF	4/18/2025	78
Walker	Williams	wwilliams1171	ijones@moxiepestcontrol.com	CORE	4/21/2025	95
Frederick	Schneider	fschneider0525	flschneider007@gmail.com	CORE	4/21/2025	96
Javier	Verdin	jverdin1630	genesis.realtors@sbcglobal.net	CLASS2HOUSE	4/20/2025	76
Walker	Williams	wwilliams1171	ijones@moxiepestcontrol.com	CLASS2HOUSE	4/21/2025	65
Nicholas	Nelson	nnelson8145	nicholas@lotussales.co	CLASS1TERM	4/22/2025	87
David	Worstell	dworstell7816	dbworstell80@gmail.com	CORE	4/22/2025	68
Isiah	Jones	ijones1171	ijones@moxiepestcontrol.com	CLASS1TERM	4/21/2025	56
Andrew	Dunnell	adunnell1891	andrew.dunnell@rentokil-terminix.com	CLASS2HOUSE	4/25/2025	76
David	Worstell	dworstell7816	dbworstell80@gmail.com	CORE	4/24/2025	80
Frederick	Schneider	fschneider0525	flschneider007@gmail.com	CLASS4-9TURF	4/25/2025	80
Andrew	Dunnell	adunnell1891	andrew.dunnell@rentokil-terminix.com	CLASS7FOODM	4/25/2025	56
Aaron	Jones	ajones8133	mstjones1919@yahoo.com	CLASS5WEED	4/28/2025	70
Spencer	Trenary	strenary4015	sjtrenary56@gmail.com	CLASS4-9TURF	4/29/2025	82
Donald	Kennedy	dkennedy9033	donk1234@att.net	CORE	4/30/2025	86
John	Duke	jduke1567	John.duke@prestox.com	CORE	4/30/2025	75
Timothy	Seldomridge	tseldomridge9400	tseldy2@gmail.com	CORE	4/29/2025	92
Michael	Rundle	mrundle4256	michaelrundle@trugreenmail.com	CORE	4/29/2025	88
Michael	Rundle	mrundle4256	michaelrundle@trugreenmail.com	CLASS4-9TURF	4/29/2025	72
Donald	Kennedy	dkennedy9033	donk1234@att.net	CLASS2HOUSE	4/30/2025	71
John	Duke	jduke1567	John.duke@prestox.com	CLASS2HOUSE	4/30/2025	55
Elaine	Wood	ewood3795	wood.ellie7606@gmail.com	CORE	4/29/2025	92

4/14/2025									
		B							
LAST NAME	FIRST NAME	A		Class		COMPANY NAME	COMPANY ADDRESS	CITY	ST
		S							
		I							
		C	Basic Score		Class Scores				
Burnett	Joshua	Y	87	4.9	76	Total Landscape Solutions		Cabot	AR
Schaefers	Daryl	Y	96	4.9	82	Hendrix College	1600 Washington Ave	Conway	AR
Smith	Casey	N		7	54	Cormier Rice Mill	109 Sunny Side Rd	Dewitt	AR
Smith	Casey	N		8	78	Cormier Rice Mill	109 Sunny Side Rd	Dewitt	AR

FIRST NAME	LAST NAME	Email	Course_id	Date They Took Exam	Score
Month of April 2025					
Matthew	Solomon	matthewsolomon@candschemicals.com	CLASS2HOUSE	4/1/2025	73
Abdiel	Pinzon	abdiel@lrlandscape.com	CORE	4/4/2025	77
Williams	McAda	mcadagrady@gmail.com	CORE	4/6/2025	92
Abdiel	Pinzon	abdiel@lrlandscape.com	CLASS4-9TURF	4/4/2025	64
Williams	McAda	mcadagrady@gmail.com	CLASS2HOUSE	4/6/2025	61
Williams	McAda	mcadagrady@gmail.com	CLASS1TERM	4/7/2025	65
Michael	Parker	service@flexpestcontrol.com	CLASS4-9TURF	4/10/2025	94
Phillip	Riggs	phillipriggs@weedmanepic3.com	CLASS4-9TURF	4/18/2025	78
Walker	Williams	ijones@moxiepestcontrol.com	CORE	4/21/2025	95
Frederick	Schneider	flschneider007@gmail.com	CORE	4/21/2025	96
Javier	Verdin	genesis.realtors@sbcglobal.net	CLASS2HOUSE	4/20/2025	76
Walker	Williams	ijones@moxiepestcontrol.com	CLASS2HOUSE	4/21/2025	65
Nicholas	Nelson	nicholas@lotussales.co	CLASS1TERM	4/22/2025	87
David	Worstell	dbworstell80@gmail.com	CORE	4/22/2025	68
Isiah	Jones	ijones@moxiepestcontrol.com	CLASS1TERM	4/21/2025	56
Andrew	Dunnell	andrew.dunnell@rentokil-terminix.com	CLASS2HOUSE	4/25/2025	76
David	Worstell	dbworstell80@gmail.com	CORE	4/24/2025	80
Frederick	Schneider	flschneider007@gmail.com	CLASS4-9TURF	4/25/2025	80
Andrew	Dunnell	andrew.dunnell@rentokil-terminix.com	CLASS7FOODM	4/25/2025	56
Aaron	Jones	mstjones1919@yahoo.com	CLASS5WEED	4/28/2025	70
Spencer	Trenary	sjtrenary56@gmail.com	CLASS4-9TURF	4/29/2025	82

Attachment 4a

MINUTES OF

ARKANSAS STATE PLANT BOARD

PESTICIDE COMMITTEE MEETING

May 27, 2025

Committee Members Present:	Chairman George Dunklin,
Committee Members via Zoom:	Sam Angel, Garrett Frost, Matthew Miles, Dr. Nathan Slaton
Committee Members Absent:	Nathan Reed, Reynold Meyer

Mr. Wes Ward, Secretary of the Arkansas Department of Agriculture, Mr. Scott Bray, Plant Industries Division Director, Ms. Susie Nichols, Pesticide Section Manager, Mr. Corey Seats, Arkansas Department of Agriculture General Counsel, Ms. Sherry Seiffert, Arkansas Department of Agriculture Managing Attorney, and other Arkansas Department of Agriculture staff members and guests were present.

Chairman George Dunklin called the meeting to order at 09:32 A.M. and asked the Pesticide Committee Members and all others attending to introduce themselves.

Chairman Dunklin introduced the third item on the agenda, which was the review of enforcement actions and turned the floor over to Ms. Susie Nichols, Pesticide Section Manager.

Ms. Nichols provided an update of the 2025 case file numbers and then referred to the Arkansas Department of Agriculture Legal Counsil regarding the enforcement actions.

Mr. Corey Seats, Arkansas Department of Agriculture General Counsil. requested that the review of the enforcement actions be deferred to the Full Board Meeting on June 5, 2025, to allow for consideration of multiple recommendations. There were no objections.

Chairman Dunklin introduced the fourth item on the agenda, which was discussion of the feral hog rule draft and turned the floor over to Ms. Nichols.

Ms. Nichols explained that in the process of drafting the rule, it was discovered that the existing rule book required updates. She stated a draft was prepared but requested deferral to the Full Board Meeting on June 5, 2025, to allow time for additional revisions. There were no objections.

Chairman Dunklin asked if there were any other business to come before the Pesticide Committee.

Board Member Sam Stuckey inquired about the dicamba 24(c) label status and was informed that probably no dicamba in-crop use product would be available this summer.

Chairman Dunklin requested Mr. Bray provide an update on outreach regarding the dicamba label issue and Mr. Bray responded that staff were working on a press release and mass email notifications. Chairman Dunklin encouraged staff to use all outreach avenues available.

Committee Member Sam Angel requested a copy of the feral hog rule be provided prior to the upcoming Board Meeting and Mr. Seats responded that they would try to have it available but could not guarantee it.

Committee Member Matthew Miles asked if the Plant Board had a stance on banning certain pesticides in relations to the "Make America Healthy Again" report. Mr. Bray responded that if the Board wished to take a stance or provide feedback, they could discuss the subject at the upcoming Full Board Meeting.

Secretary Wes Ward delivered an update on the "Make Amerika Healthy Again" report, presenting insights from the perspective of the National Association of State Departments of Agriculture's (NASDA).

Chairman Dunklin asked if there was any other business to come before the Pesticide Committee. There was none.

The meeting was adjourned.

Signed _____
George Dunklin, Chairman
Pesticide Committee

Attachment 4b

Arkansas State Plant Board Meeting - June 05, 2025 at 8:30 a.m.

WARNING LETTERS

Item	Case #	Name/Company Name	Date of Violation	Violation	Penalty Level	Staff Recommendation
1	17-0110	Chris Bassham	April 8, 2017	Drift	Level I Minor	Warning Letter
2	20-0010	Charles Clifton McPherson, III	February 29, 2020	Drift - Class F	Level I Minor	Warning Letter
3	20-0010	Charles Clifton McPherson, III	February 29, 2020	Buffer Zone	Level I Minor	Warning Letter
4	20-0031	Carter Garrett	March 29, 2020	Drift - Class H	Level I Minor	Warning Letter
5	20-0031	Carter Garrett	March 29, 2020	Buffer Zone	Level I Minor	Warning Letter
6	20-0031	Jay Harmon	February 27, 2020	Drift - Class F	Level I Minor	Warning Letter
7	20-0031	Jay Harmon	February 27, 2020	Buffer Zone	Level I Minor	Warning Letter
8	20-0189	J. Paige Dills	June 16, 2020	Drift - Class F	Level I Minor	Warning Letter
9	21-0079	Kelly Gene Tacker	May 22, 2021	No Training Certificate - Paraquat	Level I Minor	Warning Letter
10	21-0127	Bradley Dale Sass	May 24, 2021	Buffer Zone - Class H	Level I Minor	Warning Letter
11	21-0127	Mark Edward Singleton	May 10, 2021	Buffer Zone - Class H	Level I Minor	Warning Letter
12	22-0049	Juan Wessells	May 2, 2022	Drift - Paraquat	Level I Minor	Warning Letter
13	22-0097	Corey Readnour	April 15, 2022	Drift - Class F	Level I Minor	Warning Letter
14	24-0100	Ramon Wong-Hernandez	June 4, 2024	Drift	Level I Minor	Warning Letter

Class F = all 2,4-D and 2,4-D containing pesticides Class H = all pesticides containing dicamba

SIGNED SETTLEMENT AGREEMENT

Item	Case #	Name/Company Name	Date of Violation	Violation	Penalty Level	Agreed Action
15	17-0110	James (Rusty) Cartillar, III	April 11, 2017	Drift	Level II Major	Warning
16	17-0306	Don Clayton Miller	June 8, 2017	Drift - Class H	Level II Major	Warning
17	17-0306	Brian Keith Harrell	June 11, 2017	Drift - Class H	Level IV Major	Warning
18	17-0306	Brian Keith Harrell	June 11, 2017	Buffer Zone - Class H	Level IV Major	Warning
19	17-0308	Brian Keith Harrell	Unknown	Drift - Class H	Level IV Major	Warning
20	17-0308	Brian Keith Harrell	Unknown	Buffer Zone - Class H	Level IV Major	Warning
21	17-0311	Brian Keith Harrell	Unknown	Drift - Class H	Level IV Major	Warning
22	17-0311	Don Clayton Miller	June 9, 2017	Drift - Class H	Level IV Major	Warning
23	17-0311	Robert Keith Harrell	Unknown	Drift - Class H	Level II Major	Warning
24	17-0313	Brian Keith Harrell	Unknown	Drift - Class H	Level IV Major	Warning
25	17-0313	Brian Keith Harrell	Unknown	Buffer Zone - Class H	Level IV Major	Warning
26	17-0313	Robert Keith Harrell	Unknown	Drift - Class H	Level I Minor	Warning
27	17-0313	Robert Keith Harrell	Unknown	Buffer Zone - Class H	Level I Minor	Warning
28	17-0338	Norris A. Sims	June 9, 2017	Drift - Class H	Level I Minor	Warning

29	17-0338	Norris A. Sims	June 9, 2017	Buffer Zone - Class H	Level I Minor	Warning
30	17-0640	Hunter Allen Stracener	June 17, 2017	Drift - Class H	Level I Minor	Warning
31	17-0866	Gavin Richard Sullivan	June 29, 2017	Drift - Class H	Level II Major	Warning
32	17-1001	Brian Keith Harrell	June 13, 2017	Drift	Level IV Major	Warning
33	17-1009	Lindsay P. Chandler	July 15, 2017	Drift	Level II Major	Warning
34	17-1287	Don Clayton Miller	June 9, 2017	Drift - Class H	Level III Major	Warning
35	17-1287	Don Clayton Miller	June 9, 2017	Buffer Zone - Class H	Level I Minor	Warning
36	17-1287	Brian Keith Harrell	June 11, 2017	Drift - Class H	Level IV Major	Warning
37	17-1287	Brian Keith Harrell	June 11, 2017	Buffer Zone - Class H	Level IV Major	Warning
38	18-0128	Edward Becton Bell	April 27, 2018	Use During Prohibited Period - Class H	Level I Major	Warning
39	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level I Major	
40	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level II Major	
41	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level III Major	
42	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	Warning
43	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	
44	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	
45	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	
46	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	
47	18-0136	Adam Kyle Henard	March 22, 2018	Record Keeping - Class H	Level I Minor	
48	18-0136	Adam Kyle Henard	April 13, 2018	Record Keeping - Class H	Level II Major	
49	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level III Major	
50	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
51	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	Warning
52	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
53	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
54	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
55	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
56	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
57	18-0136	Adam Kyle Henard	March 22, 2018	No Training Certificate - Class H	Level I Minor	
58	18-0136	Adam Kyle Henard	April 13, 2018	No Training Certificate - Class H	Level II Major	
59	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level III Major	
60	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
61	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	Warning
62	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
63	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	

64	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
65	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
66	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
67	18-0136	Adam Kyle Henard	April 13, 2018	Off Label Rate - Class H	Level I Major	Warning
68	18-0184	Blake Foster Hart	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
69	18-0184	Blake Foster Hart	Unknown	Record Keeping - Class H	Level I Major	Warning
70	18-0190	Robert (Ron) B. Holthouse, Jr.	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
71	18-0190	Robert (Ron) B. Holthouse, Jr.	Unknown	Use During Prohibited Period - Class H	Level II Major	
72	18-0190	Robert (Ron) B. Holthouse, Jr.	Unknown	Record Keeping - Class H	Level I Major	Warning
73	18-0190	Robert (Ron) B. Holthouse, Jr.	Unknown	Record Keeping - Class H	Level II Major	
74	18-0191	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level I Major	
75	18-0191	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level II Major	Warning
76	18-0191	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level III Major	
77	18-0191	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
78	18-0191	William Michael Butler	Unknown	Record Keeping - Class H	Level I Major	
79	18-0191	William Michael Butler	Unknown	Record Keeping - Class H	Level II Major	Warning
80	18-0191	William Michael Butler	Unknown	Record Keeping - Class H	Level III Major	
81	18-0191	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
82	18-0255	Neil Shane Culp	Unknown	Drift - Class H	Level I Egregious	Warning
83	18-0255	Neil Shane Culp	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
84	18-0255	Neil Shane Culp	Unknown	Record Keeping - Class H	Level I Major	Warning
85	18-0328	Rob D. Veach	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
86	18-0328	Rob D. Veach	Unknown	Record Keeping - Class H	Level I Major	Warning
87	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
88	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
89	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
90	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	Warning
91	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
92	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
93	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
94	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
95	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
96	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
97	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	Warning
98	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	

99	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
100	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
101	18-0344	William Michael Butler	August 6, 2018	Failure to Provide Records - Class H	Level I Major	Warning
102	18-0381	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
103	18-0381	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level II Major	
104	18-0381	Timothy Arduino Pirani	Unknown	Record Keeping - Class H	Level I Major	Warning
105	18-0381	Timothy Arduino Pirani	Unknown	Record Keeping - Class H	Level II Major	
106	19-0087	Ronnie L. McGhee	May 19, 2019	Drift - Class H	Level I Egregious	Warning
107	19-0087	Ronnie L. McGhee	May 19, 2019	Use During Prohibited Period - Class H	Level I Egregious	Warning
108	19-0087	Ronnie L. McGhee	May 19, 2019	Record Keeping - Class H	Level I Egregious	Warning
109	19-0134	Rollen Smith	Unknown	Drift - Class H	Level I Egregious	Warning
110	19-0134	Rollen Smith	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
111	19-0134	Rollen Smith	Unknown	Record Keeping - Class H	Level I Egregious	Warning
112	19-0134	Rollen Smith	Unknown	No Private Applicator License	Level I Egregious	Warning
113	19-0145	Brandon Lenard Cain	May 7, 2019	Buffer Zone - Class H	Level I Egregious	Warning
114	19-0145	Brandon Lenard Cain	May 15, 2019	Buffer Zone - Class H	Level II Egregious	
115	19-0151	James (Tim) Sullivan	Unknown	Drift - Class H	Level II Egregious	Warning
116	19-0151	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
117	19-0151	James (Tim) Sullivan	Unknown	Failure to Provide Records - Class H	Level III Egregious	Warning
118	19-0178	Neil Shane Culp	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
119	19-0180	David A. Wallace	Unknown	Drift - Class H	Level I Egregious	Warning
120	19-0180	David A. Wallace	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
121	19-0180	David A. Wallace	Unknown	Record Keeping - Class H	Level I Egregious	Warning
122	19-0201	Danny Joe Voyles	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
123	19-0232	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	
124	19-0232	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
125	19-0232	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	
126	19-0233	Weston Edward Cissell	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
127	19-0233	Weston Edward Cissell	Unknown	Record Keeping - Class H	Level II Egregious	Warning
128	19-0235	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level I Egregious	
129	19-0235	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
130	19-0235	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level III Egregious	
131	19-0235	James (Tim) Sullivan	July 31, 2019	Failure to Provide Records - Class H	Level I Egregious	Warning
132	19-0241	Larry L. Malone, Jr.	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
133	19-0241	Larry L. Malone, Jr.	Unknown	Record Keeping - Class H	Level I Egregious	Warning

134	19-0242	Robert (Ron) B. Holthouse, Jr.	Unknown	Use During Prohibited Period - Class H	Level III Egregious	Warning
135	19-0242	Robert (Ron) B. Holthouse, Jr.	Unknown	Record Keeping - Class H	Level III Egregious	Warning
136	19-0245	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level III Egregious	Warning
137	19-0246	Godfrey S. White, Jr.	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
138	19-0247	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
139	19-0248	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
140	19-0249	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
141	19-0250	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
142	19-0251	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
143	19-0257	Mike P. McCarty	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
144	19-0257	Mike P. McCarty	Unknown	Record Keeping - Class H	Level I Egregious	Warning
145	19-0257	Mike P. McCarty	Unknown	No Private Applicator License	Level I Egregious	Warning
146	19-0262	Robert (Ron) B. Holthouse, Jr.	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
147	19-0278	James William Drace	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
148	19-0278	James William Drace	Unknown	Record Keeping - Class H	Level I Egregious	Warning
149	19-0307	Kevin Crosskno	Unknown	Drift - Class H	Level I Egregious	Warning
150	19-0307	Kevin Crosskno	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
151	19-0307	Kevin Crosskno	Unknown	Record Keeping - Class H	Level I Egregious	Warning
152	19-0324	Claud Allen Rains	Unknown	Drift - Class H	Level I Egregious	Warning
153	19-0324	Claud Allen Rains	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
154	19-0324	Claud Allen Rains	Unknown	Record Keeping - Class H	Level II Egregious	Warning
155	19-0330	James (Tim) Sullivan	Unknown	Drift - Class H	Level I Egregious	Warning
156	19-0330	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
157	19-0330	James (Tim) Sullivan	August 2, 2019	Failure to Provide Records - Class H	Level II Egregious	Warning
158	19-0347	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
159	19-0347	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	
160	19-0347	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	
161	19-0356	Gavin Richard Sullivan	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
162	19-0356	Gavin Richard Sullivan	Unknown	Use During Prohibited Period - Class H	Level II Egregious	
163	19-0361	Joshua Daniel Bartlett	Unknown	Drift - Class H	Level I Egregious	Warning
164	19-0361	Joshua Daniel Bartlett	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
165	19-0361	Joshua Daniel Bartlett	Unknown	Record Keeping - Class H	Level I Egregious	Warning
166	19-0388	David J. Oprey	Unknown	Drift - Class H	Level I Egregious	Warning
167	19-0388	David J. Oprey	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
168	19-0388	David J. Oprey	Unknown	Record Keeping - Class H	Level I Egregious	Warning

169	20-0189	Bradley Michael DaVault	Unknown	Drift - Class H	Level I Egregious	Warning
170	20-0189	Bradley Michael DaVault	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
171	20-0189	Bradley Michael DaVault	Unknown	Record Keeping - Class H	Level I Egregious	Warning
172	20-0216	David Griffin	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
173	20-0216	David Griffin	Unknown	Record Keeping - Class H	Level I Egregious	Warning
174	20-0221	James (Tim) Sullivan	Unknown	Drift - Class H	Level III Egregious	Warning
175	20-0221	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
176	20-0221	James (Tim) Sullivan	Unknown	Record Keeping - Class H	Level II Egregious	Warning
177	20-0239	Lee A. Obsorne	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
178	20-0239	Lee A. Obsorne	Unknown	Record Keeping - Class H	Level I Egregious	Warning
179	20-0348	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
180	20-0348	James (Tim) Sullivan	Unknown	Record Keeping - Class H	Level I Egregious	Warning
181	20-0348	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
182	20-0348	Timothy Arduino Pirani	Unknown	Record Keeping - Class H	Level II Egregious	Warning
183	20-0377	Dalton Dilldine	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
184	20-0377	Dalton Dilldine	Unknown	Record Keeping - Class H	Level I Egregious	Warning
185	20-0378	Arlis Clark Long, Jr.	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
186	20-0378	Arlis Clark Long, Jr.	Unknown	Record Keeping - Class H	Level I Egregious	Warning
187	20-0393	Austin Kyle Murray	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
188	20-0393	Austin Kyle Murray	Unknown	Record Keeping - Class H	Level I Egregious	Warning
189	20-0410	Terry Joe Masterson	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
190	20-0410	Terry Joe Masterson	Unknown	Record Keeping - Class H	Level I Egregious	Warning
191	20-0410	Terry Joe Masterson	Unknown	Use During Prohibited Period - Class F	Level I Egregious	Warning
192	20-0410	Terry Joe Masterson	Unknown	Record Keeping - Class F	Level I Egregious	Warning
193	20-0411	Terry Joe Masterson	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
194	20-0411	Terry Joe Masterson	Unknown	Record Keeping - Class H	Level II Egregious	Warning
195	20-0411	Terry Joe Masterson	Unknown	Use During Prohibited Period - Class F	Level II Egregious	Warning
196	20-0411	Terry Joe Masterson	Unknown	Record Keeping - Class F	Level II Egregious	Warning
197	20-0413	Stephen J. Fox	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
198	20-0413	Stephen J. Fox	Unknown	Record Keeping - Class H	Level I Egregious	Warning
199	20-0413	Stephen J. Fox	Unknown	Off Label Use	Level I Major	Warning
200	20-0433	James William Drace	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
201	20-0433	James William Drace	Unknown	Record Keeping - Class H	Level II Egregious	Warning
202	20-0439	David Griffin	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
203	20-0439	David Griffin	Unknown	Record Keeping - Class H	Level II Egregious	Warning

204	20-0468	Michael W. Young	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
205	20-0468	Michael W. Young	Unknown	Use During Prohibited Period - Class H	Level II Egregious	
206	20-0468	Michael W. Young	Unknown	Failure to Provide Records - Class H	Level I Egregious	Warning
207	20-0477	Joseph Michael Hart	August 17, 2020	Drift with Human Exposure	Level I Major	Warning
208	20-0502	Joseph Michael Hart	September 3, 2020	Drift	Level II Major	Warning
209	21-0016	Jeffrey Dale Slack	April 5, 2021	Drift - Class H	Level III Major	Warning
210	21-0066	Bryan Stone Schmidt	April 17, 2021	Drift	Level I Minor	Warning
211	21-0066	Bryan Stone Schmidt	April 5, 2021	Buffer Zone	Level I Minor	Warning
212	21-0066	Bryan Stone Schmidt	April 17, 2021	Buffer Zone	Level II Major	
213	21-0127	Dustin D. McMahan	Unknown	Record Keeping - Class H	Level I Minor	Warning
214	21-0127	Dustin D. McMahan	June 30, 2021	Buffer Zone - Class H	Level I Minor	Warning
215	21-0127	Dustin D. McMahan	Unknown	Buffer Zone - Class H	Level II Major	
216	21-0127	Shawn Keith Simpson	Unknown	Record Keeping - Class H	Level I Minor	Warning
217	21-0127	Shawn Keith Simpson	Unknown	Buffer Zone - Class H	Level I Minor	Warning
218	21-0471	Ray J. Holzhauer	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
219	21-0471	Ray J. Holzhauer	August 17, 2021	Failure to Provide Records - Class H	Level I Egregious	Warning
220	21-0471	Michael A. Dodson	June 15, 2021	Buffer Zone - Class H	Level I Minor	Warning
221	21-0471	Michael A. Dodson	June 16, 2021	Buffer Zone - Class H	Level II Major	
222	21-0355	Lenny Joe Kyle	July 17, 2021	Use During Prohibited Period - Class H	Level I Egregious	Warning
223	21-0355	Lenny Joe Kyle	July 17, 2021	Use of an Unregistered Product - Class H	Level I Egregious	Warning
224	21-0355	Lenny Joe Kyle	July 17, 2021	Record Keeping - Class H	Level I Egregious	Warning
225	21-0355	Lenny Joe Kyle	July 17, 2021	No Training Certificate - Class H	Level I Egregious	Warning
226	21-0538	Justin Keith Haller	September 7, 2021	Drift	Level II Major	Warning

Class F = all 2,4-D and 2,4-D containing pesticides Class H = all pesticides containing dicamba

Arkansas State Plant Board Meeting
June 05, 2025
08:30 A.M.

WARNING LETTERS

CF17-0110 Chris Bassham (Drift)

The Plant Board alleged Mr. Chris Bassham, Commercial Applicator, made a ground application of Command and Newpath to 50 acres of rice April 08, 2017. The evidence shows this application drifted off target onto Mr. Cecil Yarbro's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0010 Charles Clifton McPherson, III (Drift – Class F)

The Plant Board alleged Mr. Charles Clifton McPherson, III, Commercial Applicator for H&M Flying Service, made an aerial application of Round up Powermax II and De-Ester LV6 to 68.44 acres in the Miller Corner field for burndown for Mr. Vance Austin on February 29, 2020. The evidence shows this application drifted off target onto Mr. Evans' lawn and ornamentals. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0010 Charles McPherson, III (Buffer Zone)

The Plant Board alleged Mr. Charles Clifton McPherson, III, Commercial Applicator for H&M Flying Service, made an aerial application of Round up Powermax II and De-Ester LV6 to 68.44 acres in Miller Corner field for burndown for Mr. Vance Austin on February 29, 2020. The evidence shows the application was made within approximately 35 feet of Mr. Evans' property which would be inside the 100 foot aerial buffer zone requirement for Roundup PowerMax II; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0031 Carter Garrett (Drift – Class H)

The Plant Board alleged Mr. Carter Garrett, Commercial Applicator for Consolidated Aerial Sprayers, made an aerial application of Cornerstone Plus and Sterling Blue to 40 acres in the Stokes West field for burndown for Mr. Ryan Russell on March 29, 2020. The evidence shows this application drifted off target onto Ms. Crain's lawn, trees, and ornamentals. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0031 Carter Garrett (Buffer Zone)

The Plant Board alleged Mr. Carter Garrett, Commercial Applicator for Consolidated Aerial Sprayers, made an aerial application of Cornerstone Plus and Sterling Blue to 40 acres in the Stokes West field for burndown for Mr. Ryan Russell on March 29, 2020. The evidence shows the application was made within approximately 15 feet of Ms. Crain's lawn, trees, and ornamentals which would be inside the 100 foot aerial buffer zone requirement for Cornerstone Plus; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0031 Jay Harmon (Drift – Class F)

The Plant Board alleged Mr. Jay Harmon, Commercial Applicator for Consolidated Aerial Sprayers, made an aerial application of Roundup PowerMax II and Salvo to 140 acres in Sunny Crain field for burndown for Mr. Greg Nall on February, 27, 2020. The evidence shows this application drifted off target onto Ms. Crain's lawn, trees, and ornamentals. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0031 Jay Harmon (Buffer Zone)

The Plant Board alleged Mr. Jay Harmon, Commercial Applicator for Consolidated Aerial Sprayers, made an aerial application of Roundup PowerMax II and Salvo to 140 acres in Sunny Crain field for burndown for Mr. Greg Nall on February, 27, 2020. The evidence shows the application was made within approximately 25 feet of Ms. Crain's lawn, trees, and ornamentals which would be inside the 100 foot aerial buffer zone requirement for Roundup PowerMax II; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0189 J. Paige Dills (Drift – Class F)

The Plant Board alleged "Mike", operating under J. Paige Dills' Private Applicator License, made a postemergence ground application of Enlist and Powermax 3 to 79.2 acres of cotton in the Greene Co 80 field on June 16, 2020. The evidence shows this application drifted off target onto Mr. DaVault's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF21-0079 Kelly Gene Tacker (No Training Certificate - Paraquat)

The Plant Board alleged Mr. Kelly Gene Tacker, Private Applicator, made a postemergence ground application of Gramoxone, Fierce MTZ, and Interlock to 12 acres of soybeans in the Norcross field on May 22, 2021. Mr. Kelly Gene Tacker could not produce an EPA approved training required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF21-0127 Bradley Dale Sass (Buffer Zone – Class H)

The Plant Board alleged Mr. Bradley Dale Sass, Private Applicator, made a postemergence ground application of Engenia and Sentris to 94 acres of cotton in the Fortenberry West field on May 24, 2021. The evidence shows the application was made within approximately .25 miles of University of Arkansas - Rohwer Research Station which would be inside the 1 mile buffer zone requirement for Class H Products; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF21-0127 Mark Edward Singleton (Buffer Zone - Class H)

The Plant Board alleged Mr. Mark Edward Singleton, Private Applicator, made a postemergence ground application of Xtendimax and Verified to 35 acres of soybeans in the Old Pivot Small field on May 10, 2021. The evidence shows the application was made within approximately .75 miles of University of Arkansas - Rohwer Research Station which would be inside the 1 mile buffer zone requirement for Class H Products; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF22-0049 Juan Wessells (Drift - Paraquat)

The Plant Board alleged Mr. Juan Wessels, Private Applicator, made ground application of Flumioxazin 51% WDG, Para-SHOT 3.0, and Oro to 38.9 acres in the Seagraves field for burndown on May 02, 2022. The evidence shows this application drifted off target onto Ms. Chun's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF22-0097 Corey Readnour (Drift – Class F)

The Plant Board alleged Mr. Corey Readnour, Private Applicator, made a postemergence ground application of Grazon P+D to 32 acres of hay/pasture in the Gibson field on April 15, 2022. The evidence shows this application drifted off target onto Mr. Cheshier's garden. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF24-0100 Ramon Wong-Hernandez (Drift)

The Plant Board alleged Ramon Wong-Hernandez, Commercial Applicator for R and E Forestry, Inc., made a ground application by backpack sprayer of Method 240 SL, Arsenal, and Escort XP to 161.07 acres of power line right of way for Rich Mountain Electric Coop on June 04, 2024. The evidence shows this application drifted off target onto Ms. Richmond's nursery plants. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

SIGNED SETTLEMENT AGREEMENT

CF17-0110 James (Rusty) Cartillar, III (Drift)

The Plant Board alleged Mr. James (Rusty) Cartillar, III, Commercial Applicator, made an aerial application of Command and Sharpen to 80 acres of rice April 11, 2017. The evidence shows this application drifted off target onto Mr. Cecil Yarbro's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Cartillar agrees to a Level I Warning for settlement of the allegation.

CF17-0306 Don Clayton Miller (Drift – Class H)

The Plant Board alleged Mr. Hunter Miller, operating under Mr. Don Clayton Miller's Private Applicator License, made a ground application of Engenia and Roundup Powermax II to 40 acres (Bell Field) of soybeans on June 08, 2017. The evidence shows this application drifted off target onto Henry Dean and Jeff Finch Farms' soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Miller agrees to a Level I Warning for settlement of the allegation.

CF17-0306 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Engenia and Roundup Powermax II to 40 acres (Grapevine Field) of soybeans on June 11, 2017. The evidence shows this application drifted off target onto Henry Dean and Jeff Finch Farms' soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0306 Brian Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Engenia and Roundup Powermax II to 40 acres (Grapevine Field) of soybeans on June 11, 2017. The evidence shows the application was made within 85 feet of Henry Dean and Jeff Finch Farms' soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0308 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 40 acres (Doodles Field) of cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Henry Dean and Jeff Finch's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0308 Brian Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 40 acres (Doodles Field) of cotton on an unknown date. The evidence shows the application was made within 2 feet of Henry Dean and Jeff Finch Farms' soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0311 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to cotton and soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Dunkerson's soybeans (Field #1 & #3). The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0311 Don Clayton Miller (Drift – Class H)

The Plant Board alleged Mr. Hunter Miller, operating under Mr. Don Clayton Miller's Private Applicator License, made a ground application of Engenia to approx. 40 acres of soybeans on June 09, 2017. The evidence shows this application drifted off target onto Mr. Dunkerson's soybeans (Field #1). The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Miller agrees to a Level I Warning for settlement of the allegation.

CF17-0311 Robert Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Robert Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to cotton and soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Dunkerson's soybeans (Field #2). The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0313 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 30-40 acres of soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Anderson's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0313 Brian Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 30-40 acres of soybeans on an unknown date. The evidence shows the application was made within 20 feet of Mr. Corbe Anderson's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0313 Robert Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Robert Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 30-40 acres of soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Anderson's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0313 Robert Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Robert Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 30-40 acres of soybeans on an unknown date. The evidence shows the application was made within 20 feet of Mr. Corbe Anderson's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0338 Norris A. Sims (Drift – Class H)

The Plant Board alleged Mr. Freddy Paro, operating under Mr. Norris A. Sims' Private Applicator License, made a ground application of Engenia to 30 acres of soybeans on June 09, 2017. The evidence shows this application drifted off target onto Mr. Daniel French's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Sims agrees to a Level I Warning for settlement of the allegation.

CF17-0338 Norris A. Sims (Buffer Zone – Class H)

The Plant Board alleged Mr. Freddy Paro, operating under Mr. Norris A. Sims' Private Applicator License, made a ground application of Engenia to 30 acres of soybeans on June 09, 2017. The evidence shows the application was made within approximately 60 feet of Mr. French's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Sims agrees to a Level I Warning for settlement of the allegation.

CF17-0640 Hunter Allen Stracener (Drift – Class H)

The Plant Board alleged Mr. Rodney Spradlin, operating under Mr. Hunter Allen Stracener's Private Applicator License, made a ground application of Roundup Powermax II, Engenia, and Zidua to 55 acres of soybeans for pigweeds on June 17, 2017. The evidence shows this application drifted off target onto Mr. Jake Smith's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Stracener agrees to a Level I Warning for settlement of the allegation.

CF17-0866 Gavin Richard Sullivan (Drift – Class H)

The Plant Board alleged Mr. Gavin Richard Sullivan made a ground application of Grandstand R and Stam M4 to 1 acre of rice on June 29, 2017. The evidence shows this application drifted off target onto Mr. Catlett's oak trees. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF17-1001 Brian Keith Harrell (Drift)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Liberty 280 SL to 50 acres of cotton on June 13, 2017. The evidence shows this application drifted off target onto Mr. Miller's rice. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-1009 Lindsay P. Chandler (Drift)

The Plant Board alleged Mr. Lindsay P. Chandler, Commercial Applicator, made an aerial application of Glystar Plus and Me-Too-Lachlor to 240 acres of soybeans on July 15, 2017. The evidence shows this application drifted off target onto Mr. Steve Kirk's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Chandler agrees to a Level I Warning for settlement of the allegation.

CF17-1287 Don Clayton Miller (Drift – Class H)

The Plant Board alleged Mr. Hunter Miller, operating under Mr. Don Clayton Miller's Private Applicator License, made a ground application of Engenia and Roundup Powermax II to 40 acres of soybeans on June 09, 2017. The evidence shows this application drifted off target onto Mr. Finch's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Major violation. Mr. Miller agrees to a Level I Warning for settlement of the allegation.

CF17-1287 Don Clayton Miller (Buffer Zone – Class H)

The Plant Board alleged Mr. Hunter Miller, operating under Mr. Don Clayton Miller's Private Applicator License, made a ground application of Engenia and Roundup Powermax II to 40 acres of soybeans on June 09, 2017. The evidence shows the application was made within approx. 65 feet of Mr. Finch's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Miller agrees to a Level I Warning for settlement of the allegation.

CF17-1287 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Engenia and Roundup Powermax II to 40 acres of soybeans on June 11, 2017. The evidence shows this application drifted off target onto Mr. Finch's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-1287 Brian Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Engenia and Roundup Powermax II to 40 acres of soybeans on June 11, 2017. The evidence shows the application was made within approx. 68 feet of Mr. Finch's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF18-0128 Edward Becton Bell (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Edward Becton Bell, Private Applicator, made a postemergence ground application of Buccaneer (EPA Reg. #55467-10) and Engenia (EPA Reg. #7969-345) to 145 acres of soybeans on April 27, 2018. The evidence shows the application of dicamba was made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Bell agrees to a Level I Warning for settlement of the allegation.

CF18-0136 Adam Kyle Henard (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made eight (8) postemergence applications of an unknown product containing dicamba to soybean fields Twin 2, Twin 5, Twin 7, Twin 9A, Reserve 1, Reserve 4, Reserve 7, and Reserve 10A on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major, Level II Major, Level III Major, and five (5) Level IV Major violations.

Mr. Henard agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0136 Adam Kyle Henard (Record Keeping – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made an application of an unknown product containing dicamba on March 22, 2018, April 13, 2018, and eight (8) unknown dates. The evidence shows Mr. Adam Kyle Henard failed to keep the proper records by not recording the complete records required for Class H Products. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Minor, Level II Major, Level III Major, and (7) Level IV Major violations.

Mr. Henard agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0136 Adam Kyle Henard (No Training Certificate – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made an application of an unknown product containing dicamba on March 22, 2018, April 13, 2018, and eight (8) unknown dates. Mr. Adam Henard could not produce a 2018 Arkansas Training and Certification Program for Dicamba Herbicide Certificate required for ground applications of Class H Products. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Minor, Level II Major, Level III Major, and (7) Level IV Major violations.

Mr. Henard agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0136 Adam Kyle Henard (Off Label Rate – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made a ground application of Engenia (15 ounces/acre) to soybeans on April 13, 2018. The evidence shows an application rate of 15 ounces/acre which is above the labeled rate of 12.8 ounces/acre for Engenia; thus the 15 ounces/acre is an off label rate violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Henard agrees to a Level I Warning for settlement of the allegation.

CF18-0184 Blake Foster Hart (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Blake Foster Hart, Private Applicator, made an application of an unknown product containing dicamba on an unknown date. The evidence shows the application was made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hart agrees to a Level I Warning for settlement of the allegation.

CF18-0184 Blake Foster Hart (Record Keeping – Class H)

The Plant Board alleged Mr. Blake Foster Hart, Private Applicator, made an application of an unknown product containing dicamba on an unknown date. The evidence shows Mr. Blake Foster Hart failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hart agrees to a Level I Warning for settlement of the allegation.

CF18-0190 Robert (Ron) B. Holthouse Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made postemergence applications of an unknown product containing dicamba to soybean Field #1 (Yen Ling) and Field #2 (Cook 35) on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major and Level II Major violations.

Mr. Holthouse agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0190 Robert (Ron) B. Holthouse, Jr. (Record Keeping – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made postemergence applications of an unknown product containing dicamba to soybean Field #1 (Yen Ling) and Field #2 (Cook 35) on unknown dates. The evidence shows Mr. Holthouse failed to keep the proper records by not recording the complete records required for Class H Products. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major and Level II Major violations.

Mr. Holthouse agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0191 William Michael Butler (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in Field #1, #2, #3, and #4 on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major, Level II Major, Level III Major, and Level IV Major violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0191 William Michael Butler (Record Keeping – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in Field #1, #2, #3, and #4 on unknown dates. The evidence shows Mr. William Michael Butler failed to keep the proper records by not recording the applications. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major, Level II Major, Level III Major, and Level IV Major violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0255 Neil Shane Culp (Drift – Class H)

The Plant Board alleged Mr. Neil Shane Culp, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans (Kelly Field) on an unknown date. The evidence shows this application drifted off target onto Delmond George & Sons' soybean field. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Culp agrees to a Level I Warning for settlement of the allegation.

CF18-0255 Neil Shane Culp (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Neil Shane Culp, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application of dicamba was made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Culp agrees to a Level I Warning for settlement of the allegation.

CF18-0255 Neil Shane Culp (Record Keeping – Class H)

The Plant Board alleged Mr. Neil Shane Culp, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Neil Shane Culp failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Culp agrees to a Level I Warning for settlement of the allegation.

CF18-0328 Rob D. Veach (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Rob D. Veach, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans in field #301 on an unknown date. The evidence shows the application of dicamba was made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Veach agrees to a Level I Warning for settlement of the allegation.

CF18-0328 Rob D. Veach (Record Keeping – Class H)

The Plant Board alleged Mr. Rob D. Veach, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans in field #301 on an unknown date. The evidence shows Mr. Rob D. Veach failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Veach agrees to a Level I Warning for settlement of the allegation.

CF18-0344 William Michael Butler (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in Field #1, #2, #3, #4, #5, #6, and #7 on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as seven (7) Level IV Major violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0344 William Michael Butler (Record Keeping – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in Field #1, #2, #3, #4, #5, #6, and #7 on unknown dates. The evidence shows Mr. William Michael Butler failed to keep the proper records by not recording the applications. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as seven (7) Level IV Major violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0344 William Michael Butler (Failure to Provide Records – Class H)

The Plant Board alleged Inspector Johnson attempted to obtain records from Mr. William Michael Butler, Private Applicator, regarding application records for soybean fields inside the city of Osceola on August 6, 2018 and August 15, 2018. The evidence shows Mr. William Michael Butler failed to provide records for the dicamba application as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Butler agrees to a Level I Warning for settlement of the allegation.

CF18-0381 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in the Golf Course Field (CC Northwest) and in Field #2 (CC Northeast) on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major and Level II Major violations.

Mr. Pirani agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0381 Timothy Arduino Pirani (Record Keeping – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in the Golf Course Field (CC Northwest) and in Field #2 (CC Northeast) on unknown dates. The evidence shows Mr. Timothy Arduino Pirani failed to keep the proper records by not recording the applications. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major and Level II Major violations.

Mr. Pirani agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0087 Ronnie L. McGhee (Drift – Class H)

The Plant Board alleged Mr. Ronnie L. McGhee, Private Applicator, made a pre-emergence ground application of Xtendimax, Warrant, and Roundup PowermaxII to 80 acres of cotton on May 19, 2019. The evidence shows this application drifted off target onto Mr. Walker's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McGhee agrees to a Level I Warning for settlement of the allegation.

CF19-0087 Ronnie L. McGhee (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Ronnie L. McGhee, Private Applicator, made a pre-emergence ground application of Xtendimax, Warrant, and Roundup PowermaxII to 80 acres of cotton on May 19, 2019. The evidence shows Mr. Ronnie L. McGhee applied a tank mix of a product containing the active ingredient Glyphosate (Roundup PowermaxII) mixed with a pesticide containing the active ingredient dicamba labeled for in crop use (Xtendimax) during the prohibited period of April 16th through May 25th. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McGhee agrees to a Level I Warning for settlement of the allegation.

CF19-0087 Ronnie L. McGhee (Record Keeping – Class H)

The Plant Board alleged Mr. Ronnie L. McGhee, Private Applicator, made a pre-emergence ground application of Xtendimax, Warrant, and Roundup PowermaxII to 80 acres of cotton on May 19, 2019. The evidence shows Mr. Ronnie L McGhee failed to keep the proper records by not recording total amount applied, the location of the application, the date and provider of required training completed and proof of completion, receipts or copies for the purchase of this product, a copy of this product label, and any state special local needs label that supplements this label, and the name of the sensitive crop registry and the date it was consulted and documentation of adjacent crops/areas and the date the survey was conducted. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McGhee agrees to a Level I Warning for settlement of the allegation.

CF19-0134 Rollen Smith (Drift – Class H)

The Plant Board alleged Mr. Rollen Smith made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto the Gardner's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Smith agrees to a Level I Warning for settlement of the allegation.

CF19-0134 Rollen Smith (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Rollen Smith made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Smith agrees to a Level I Warning for settlement of the allegation.

CF19-0134 Rollen Smith (Record Keeping – Class H)

The Plant Board alleged Mr. Rollen Smith made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Rollen Smith failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Smith agrees to a Level I Warning for settlement of the allegation.

CF19-0134 Rollen Smith (No Private Applicator License)

The Plant Board alleged Mr. Rollen Smith made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Rollen Smith was not duly licensed by the Plant Board as a Private Applicator. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Smith agrees to a Level I Warning for settlement of the allegation.

CF19-0145 Brandon Lenard Cain (Buffer Zone – Class H)

The Plant Board alleged Mr. Brandon Lenard Cain, Private Applicator, made postemergence ground applications of Engenia (a Class H Product) and Zidua on May 07, 2019 to soybeans (Fields DB1, DB2, DB3) and May 15, 2019 to soybeans (Field LB6) within 1 mile of Mr. Feather's pecan orchard. The evidence shows the two applications were each made within 1 mile of Mr. Feather's pecan trees which would be inside the 1 mile buffer zone required from commercial specialty crops for dicamba applications; thus, these are two buffer zone violations. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Egregious Eligible and Level II Egregious Eligible violations.

Mr. Cain agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0151 James (Tim) Sullivan (Drift – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Cox's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0151 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0151 James (Tim) Sullivan (Failure to Provide Records – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows Mr. James "Tim" Sullivan failed to provide records for the dicamba application as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0178 Neil Shane Culp (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Neil Shane Culp, Private Applicator, made an application of an unknown product containing dicamba made to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Culp agrees to a Level I Warning for settlement of the allegation.

CF19-0180 David A. Wallace (Drift – Class H)

The Plant Board alleged Mr. David A. Wallace, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Stephens's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Wallace agrees to a Level I Warning for settlement of the allegation.

CF19-0180 David A. Wallace (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. David A. Wallace, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Wallace agrees to a Level I Warning for settlement of the allegation.

CF19-0180 David A. Wallace (Record Keeping – Class H)

The Plant Board alleged Mr. David A. Wallace, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. David A. Wallace failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Wallace agrees to a Level I Warning for settlement of the allegation.

CF19-0201 Danny Joe Voyles (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Danny Joe Voyles, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Voyles agrees to a Level I Warning for settlement of the allegation.

CF19-0232 Adam Kyle Henard (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made postemergence applications of an unknown product containing dicamba to three soybean fields (Field #1, Field #2, and Field #3) on unknown dates. The evidence shows the three applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as three (3) Level IV Egregious Eligible violations.

Mr. Henard agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0233 Weston Edward Cissell (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Weston Edward Cissell, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Cissell agrees to a Level I Warning for settlement of the allegation.

CF19-0233 Weston Edward Cissell (Record Keeping – Class H)

The Plant Board alleged Mr. Weston Edward Cissell, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Weston Edward Cissell failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Cissell agrees to a Level I Warning for settlement of the allegation.

CF19-0235 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made applications of an unknown product containing dicamba to cotton Field #1, Field #2, and Field #3 on unknown dates. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Egregious Eligible, Level II Egregious Eligible, and Level III Egregious Eligible violations.

Mr. Sullivan agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0235 James (Tim) Sullivan (Failure to Provide Records – Class H)

The Plant Board alleged Inspector Johnson attempted to obtain records from Mr. James "Tim" Sullivan, Private Applicator, on July 31, 2019, August 1, 2019, and August 2, 2019. The evidence shows Mr. James "Tim" Sullivan failed to provide records for the dicamba applications as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0241 Larry L. Malone, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Larry L. Malone, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Malone agrees to a Level I Warning for settlement of the allegation.

CF19-0241 Larry L. Malone, Jr. (Record Keeping – Class H)

The Plant Board alleged Mr. Larry L. Malone, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Larry L. Malone, Jr. failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Malone agrees to a Level I Warning for settlement of the allegation.

CF19-0242 Robert (Ron) B. Holthouse, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Holthouse agrees to a Level I Warning for settlement of the allegation.

CF19-0242 Robert (Ron) B. Holthouse, Jr. (Record Keeping – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Robert (Ron) B. Holthouse, Jr. failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Holthouse agrees to a Level I Warning for settlement of the allegation.

CF19-0245 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0246 Godfrey S. White, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Godfrey S. White, Jr., Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. White agrees to a Level I Warning for settlement of the allegation.

CF19-0247 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0248 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0249 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0250 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0251 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0257 Mike P. McCarty (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Mike P. McCarty made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McCarty agrees to a Level I Warning for settlement of the allegation.

CF19-0257 Mike P. McCarty (Record Keeping – Class H)

The Plant Board alleged Mr. Mike P. McCarty made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Mike P. McCarty failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McCarty agrees to a Level I Warning for settlement of the allegation.

CF19-0257 Mike P. McCarty (No Private Applicator License)

The Plant Board alleged Mr. Mike P. McCarty made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Mike P. McCarty was not duly licensed by the Plant Board as a Private Applicator. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McCarty agrees to a Level I Warning for settlement of the allegation.

CF19-0262 Robert (Ron) B. Holthouse, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Holthouse agrees to a Level I Warning for settlement of the allegation.

CF19-0278 James William Drace (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James William Drace, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Drace agrees to a Level I Warning for settlement of the allegation.

CF19-0278 James William Drace (Record Keeping – Class H)

The Plant Board alleged Mr. James William Drace, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. James William Drace failed to keep the proper records by not recording the applications. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Drace agrees to a Level I Warning for settlement of the allegation.

CF19-0307 Kevin Crosskno (Drift – Class H)

The Plant Board alleged Mr. Kevin Crosskno, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Weiss's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Crosskno agrees to a Level I Warning for settlement of the allegation.

CF19-0307 Kevin Crosskno (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Kevin Crosskno, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Crosskno agrees to a Level I Warning for settlement of the allegation.

CF19-0307 Kevin Crosskno (Record Keeping – Class H)

The Plant Board alleged Mr. Kevin Crosskno, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Kevin Crosskno failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Crosskno agrees to a Level I Warning for settlement of the allegation.

CF19-0324 Claud Allen Rains (Drift – Class H)

The Plant Board alleged Mr. Claud Allen Rains, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Baioni's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Rains agrees to a Level I Warning for settlement of the allegation.

CF19-0324 Claud Allen Rains (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Claud Allen Rains, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Rains agrees to a Level I Warning for settlement of the allegation.

CF19-0324 Claud Allen Rains (Record Keeping – Class H)

The Plant Board alleged Mr. Claud Allen Rains, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Claud Allen Rains failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Rains agrees to a Level I Warning for settlement of the allegation.

CF19-0330 James (Tim) Sullivan (Drift – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Hillegas's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0330 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0330 James (Tim) Sullivan (Failure to Provide Records – Class H)

The Plant Board alleged Inspector Johnson attempted to obtain records from Mr. James "Tim" Sullivan, Private Applicator, on August 02, 2019, August 05, 2019, August 06, 2019, and August 07, 2019. The evidence shows Mr. James "Tim" Sullivan failed to provide records for the dicamba applications as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0347 William Michael Butler (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made applications of an unknown product containing dicamba to soybean Field #1, Field #2, and Field #3 on unknown dates. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as three (3) Level IV Egregious Eligible violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0356 Gavin Richard Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Gavin Richard Sullivan, Private Applicator, made applications of an unknown product containing dicamba to soybean Field #1 and Field #2 on unknown dates. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Egregious Eligible and Level II Egregious Eligible violations.

Mr. Sullivan agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0361 Joshua Daniel Bartlett (Drift – Class H)

The Plant Board alleged Mr. Joshua Daniel Bartlett, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Fuller's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Bartlett agrees to a Level I Warning for settlement of the allegation.

CF19-0361 Joshua Daniel Bartlett (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Joshua Daniel Bartlett, Private Applicator, made a postemergence application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Bartlett agrees to a Level I Warning for settlement of the allegation.

CF19-0361 Joshua Daniel Bartlett (Record Keeping – Class H)

The Plant Board alleged Mr. Joshua Daniel Bartlett, Private Applicator, made a postemergence application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows Mr. Joshua Daniel Bartlett failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Bartlett agrees to a Level I Warning for settlement of the allegation.

CF19-0388 David J. Oprey (Drift – Class H)

The Plant Board alleged Mr. David J. Oprey, Private Applicator, made a postemergence ground application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Felker's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Oprey agrees to a Level I Warning for settlement of the allegation.

CF19-0388 David J. Oprey (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. David J. Oprey, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Oprey agrees to a Level I Warning for settlement of the allegation.

CF19-0388 David J. Oprey (Record Keeping – Class H)

The Plant Board alleged Mr. David J. Oprey, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. David J. Oprey failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Oprey agrees to a Level I Warning for settlement of the allegation.

CF20-0189 Bradley Michael DaVault (Drift – Class H)

The Plant Board alleged Mr. Bradley Michael DaVault, Private Applicator with DaVault ArkMo Farms, made a postemergence application of an unknown product containing dicamba to soybeans in the Mike & Jims field on an unknown date. The evidence shows this application drifted off target onto Ms. Dills' cotton. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. DaVault agrees to a Level I Warning for settlement of the allegation.

CF20-0189 Bradley Michael DaVault (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Bradley Michael DaVault, Private Applicator with DaVault ArkMo Farms, made a postemergence application of an unknown product containing dicamba to soybeans in the Mike & Jims field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. DaVault agrees to a Level I Warning for settlement of the allegation.

CF20-0189 Bradley Michael DaVault (Record Keeping – Class H)

The Plant Board alleged Mr. Bradley Michael DaVault, Private Applicator with DaVault ArkMo Farms, made a postemergence application of an unknown product containing dicamba to soybeans in the Mike & Jims field on an unknown date. The evidence shows Mr. Bradley Michael DaVault failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. DaVault agrees to a Level I Warning for settlement of the allegation.

CF20-0216 David Griffin (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. David Griffin, Private Applicator for Griffin Farms, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Griffin agrees to a Level I Warning for settlement of the allegation.

CF20-0216 David Griffin (Record Keeping – Class H)

The Plant Board alleged Mr. David Griffin, Private Applicator for Griffin Farms, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows Mr. David Griffin, Griffin Farms, failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Griffin agrees to a Level I Warning for settlement of the allegation.

CF20-0221 James (Tim) Sullivan (Drift – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Cox's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0221 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0221 James (Tim) Sullivan (Record Keeping – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows James "Tim" Sullivan failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0239 Lee A. Osborne (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Lee A. Osborne, Private Applicator, made an application of an unknown product containing dicamba to soybeans in Pikey field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Osborne agrees to a Level I Warning for settlement of the allegation.

CF20-0239 Lee A. Oborne (Record Keeping – Class H)

The Plant Board alleged Mr. Lee A. Osborne, Private Applicator, made an application of an unknown product containing dicamba to soybeans in Pikey field on an unknown date. The evidence shows Mr. Lee A. Osborne failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Osborne agrees to a Level I Warning for settlement of the allegation.

CF20-0348 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made a postemergence ground application of an unknown product containing dicamba to cotton in Field #2 on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0348 James (Tim) Sullivan (Record Keeping – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made a postemergence ground application of an unknown product containing dicamba to cotton in Field #2 on an unknown date. The evidence shows Mr. James "Tim" Sullivan failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0348 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator for Cox-Pirani Farms, made a postemergence ground application of an unknown product containing dicamba to soybeans in Field #1 (Rutherford field) on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF20-0348 Timothy Arduino Pirani (Record Keeping – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator for Cox-Pirani Farms, made a postemergence ground application of an unknown product containing dicamba to soybeans in Field #1 (Rutherford field) on an unknown date. The evidence shows Mr. Timothy Arduino Pirani failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF20-0377 Dalton Dilldine (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Dalton Dilldine, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans in Simmons field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Dilldine agrees to a Level I Warning for settlement of the allegation.

CF20-0377 Dalton Dilldine (Record Keeping – Class H)

The Plant Board alleged Mr. Dalton Dilldine, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans in Simmons field on an unknown date. The evidence shows Mr. Dalton Dilldine failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Dilldine agrees to a Level I Warning for settlement of the allegation.

CF20-0378 Arlis Clark Long, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Arlis Clark Long Jr., Private Applicator/Owner Clark Long Jr. Farms, made a postemergence ground application of an unknown product containing dicamba to 103 acres of cotton in the Myers field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Long agrees to a Level I Warning for settlement of the allegation.

CF20-0378 Arlis Clark Long, Jr. (Record Keeping – Class H)

The Plant Board alleged Mr. Arlis Clark Long Jr., Private Applicator/Owner Clark Long Jr. Farms, made a postemergence ground application of an unknown product containing dicamba to 103 acres of cotton in the Myers field on an unknown date. The evidence shows Mr. Arlis Clark Long, Jr. failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Long agrees to a Level I Warning for settlement of the allegation.

CF20-0393 Austin Kyle Murray (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Austin Kyle Murray, Private Applicator, made an application of an unknown product containing dicamba to soybeans in Mounds Sand 40 field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Murray agrees to a Level I Warning for settlement of the allegation.

CF20-0393 Austin Kyle Murray (Record Keeping – Class H)

The Plant Board alleged Mr. Austin Kyle Murray, Private Applicator, made an application of an unknown product containing dicamba to soybeans in Mounds Sand 40 field on an unknown date. The evidence shows Mr. Austin Kyle Murray failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Murray agrees to a Level I Warning for settlement of the allegation.

CF20-0410 Terry Joe Masterson (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the Rockwell Publishing field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0410 Terry Joe Masterson (Record Keeping – Class H)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the Rockwell Publishing field on an unknown date. The evidence shows Mr. Terry Joe Masterson failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0410 Terry Joe Masterson (Use During Prohibited Period – Class F)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing 2,4-D to soybeans in the Rockwell Publishing field on an unknown date. The evidence shows the application was made during the prohibited period of April 16th through September 15th. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0410 Terry Joe Masterson (Record Keeping – Class F)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing 2,4-D to soybeans in the Rockwell Publishing field on an unknown date. The evidence shows Mr. Terry Joe Masterson failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0411 Terry Joe Masterson (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the Drive In field on an unknown date for Mr. Farrell Young. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0411 Terry Joe Masterson (Record Keeping – Class H)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the Drive In field on an unknown date for Mr. Farrell Young. The evidence shows Mr. Terry Joe Masterson failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0411 Terry Joe Masterson (Use During Prohibited Period – Class F)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing 2,4-D to the field east of Hwy 67 on an unknown date for Mr. Farrell Young. The evidence shows the application was made during the prohibited period of April 16th through September 15th. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0411 Terry Joe Masterson (Record Keeping – Class F)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing 2,4-D to the field east of Hwy 67 on an unknown date for Mr. Farrell Young. The evidence shows Mr. Terry Joe Masterson failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0413 Stephen J. Fox (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Stephen J. Fox, Private Applicator for Fox Farms, made a ground application of an unknown product containing dicamba to Fox Farms' equipment parking area on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Fox agrees to a Level I Warning for settlement of the allegation.

CF20-0413 Stephen J. Fox (Record Keeping – Class H)

The Plant Board alleged Mr. Stephen J. Fox, Private Applicator for Fox Farms, made a ground application of an unknown product containing dicamba to Fox Farms' equipment parking area on an unknown date. The evidence shows Mr. Stephen J. Fox failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Fox agrees to a Level I Warning for settlement of the allegation.

CF20-0413 Stephen J. Fox (Off Label Use)

The Plant Board alleged Mr. Stephen J. Fox, Private Applicator for Fox Farms, made a ground application of Grandstand to Fox Farms' equipment parking area on an unknown date. Grandstand R Herbicide is approved for use on rice only; thus, the application of Grandstand R is an off label use. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Fox agrees to a Level I Warning for settlement of the allegation.

CF20-0433 James William Drace (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James William Drace, Private Applicator for Wade Drace Farms, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Drace agrees to a Level I Warning for settlement of the allegation.

CF20-0433 James William Drace (Record Keeping – Class H)

The Plant Board alleged Mr. James William Drace, Private Applicator for Wade Drace Farms, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. James William Drace failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Drace agrees to a Level I Warning for settlement of the allegation.

CF20-0439 David Griffin (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. David Griffin, Private Applicator for Griffin Farms, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Griffin agrees to a Level I Warning for settlement of the allegation.

CF20-0439 David Griffin (Record Keeping – Class H)

The Plant Board alleged Mr. David Griffin, Private Applicator for Griffin Farms, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. David Giffin failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Griffin agrees to a Level I Warning for settlement of the allegation.

CF20-0468 Michael W. Young (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Michael W. Young, Private Applicator, made applications of an unknown product containing dicamba to soybeans in Field #1 and Field #2 on unknown dates. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Egregious Eligible and Level II Egregious Eligible violations.

Mr. Young agrees to a Level I Warning for settlement of the above listed allegations.

CF20-0468 Michael W. Young (Failure to Provide Records – Class H)

The Plant Board alleged Mr. Michael W. Young, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Michael W. Young failed to provide records for the dicamba application as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Young agrees to a Level I Warning for settlement of the allegation.

CF20-0477 Joseph Michael Hart (Drift with Human Exposure)

The Plant Board alleged Mr. Joseph Michael Hart, Commercial Applicator for H&M Flying Service, made a postemergence aerial application of Sniper, Acephate 90, and Mepiquat to 39.36 acres of cotton in the Smith 40 field on August 17, 2020 for Mr. Blaine Higginbotham. The evidence shows this application drifted off target onto Mr. Morgan Fletcher and his property resulting in a human exposure to a pesticide. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hart agrees to a Level I Warning for settlement of the allegation.

CF20-0502 Joseph Michael Hart (Drift)

The Plant Board alleged Mr. Joseph Michael Hart, Commercial Applicator for H&M Flying Service, made a postemergence aerial application of Defol 5 to 102 acres of rice for defoliation in the Wildy West 1 field on September 03, 2020 for Webfoot Farms. The evidence shows this application drifted off target onto Mr. Faulkenberry's lawn and garden. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Hart agrees to a Level I Warning for settlement of the allegation.

CF21-0016 Jeffrey Dale Slack (Drift – Class H)

The Plant Board alleged Mr. Jeffrey Dale Slack, Commercial Applicator, made a ground application of Glyphosate 41%, Panther SC, Clash, and Direct to 425 acres in the Etowah Farm field for burndown on April 05, 2021 for Bell Planting Company. The evidence shows this application drifted off target onto Ms. Spain's trees. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Major violation. Mr. Slack agrees to a Level I Warning for settlement of the allegation.

CF21-0066 Bryan Stone Schmidt (Drift)

The Plant Board alleged Mr. Bryan Stone Schmidt, Private Applicator, made a ground application of Roundup PowerMAX and Command 3ME to 64 acres in Field #4 for burndown on April 17, 2021. The evidence shows this application drifted off target onto Mr. Romine's trees. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Schmidt agrees to a Level I Warning for settlement of the allegation.

CF21-0066 Bryan Stone Schmidt (Buffer Zone)

The Plant Board alleged Mr. Bryan Stone Schmidt, Private Applicator, made ground applications of Roundup PowerMAX and Command 3ME to 76 acres in Field #2 and #3 for burndown on April 05, 2021 and to 64 acres in Field #4 for burndown on April 17, 2021. The evidence shows the applications were made within 1200 feet of the Hoxie city limit which would be inside the 1200 foot buffer zone requirement for Command 3ME; thus, this is considered two (2) buffer zone violations. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation and Level II Major violations.

Mr. Schmidt agrees to a Level I Warning for settlement of the above listed allegations.

CF21-0127 Dustin D. McMahan (Record Keeping – Class H)

The Plant Board alleged Mr. Dustin D. McMahan, Private Applicator, made an application of an unknown product containing dicamba to 35 acres of cotton in the McIntire's field on an unknown date. The evidence shows Mr. Dustin D. McMahan failed to keep the proper records for a Class H product by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. McMahan agrees to a Level I Warning for settlement of the allegation.

CF21-0127 Dustin D. McMahan (Buffer Zone – Class H)

The Plant Board alleged Mr. Dustin D. McMahan, Private Applicator, made a ground application of Engenia, On-Target, and Sentris to Bayou 80-Ditch for burndown on June 30, 2021 and an application of an unknown product containing dicamba to 35 acres of cotton in the McIntire's field on an unknown date. The evidence shows the applications were made within approximately .70 and .08 miles of University of Arkansas - Rohwer Research Station which would be inside the 1 mile buffer zone requirement for Class H Products; thus, this is considered two (2) buffer zone violations. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Minor violation and Level II Major violations.

Mr. McMahan agrees to a Level I Warning for settlement of the above listed allegations.

CF21-0127 Shawn Keith Simpson (Record Keeping – Class H)

The Plant Board alleged Mr. Shawn Keith Simpson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the McElroys field on an unknown date. The evidence shows Mr. Shawn Keith Simpson failed to keep the proper records for a Class H product by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Simpson agrees to a Level I Warning for settlement of the allegation.

CF21-0127 Shawn Keith Simpson (Buffer Zone – Class H)

The Plant Board alleged Mr. Shawn Keith Simpson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the McElroys field on an unknown date. The evidence shows the application was made within approximately .30 miles of University of Arkansas - Rohwer Research Station which would be inside the 1 mile buffer zone requirement for Class H Products; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Simpson agrees to a Level I Warning for settlement of the allegation.

CF21-0471 Ray J. Holzhauer (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Ray J. Holzhauer, Private Applicator for Shanco Co., made an application of an unknown product containing dicamba to the irrigation line in field BL8 on an unknown date. The evidence shows the application was made during the prohibited period of July 1st through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Holzhauer agrees to a Level I Warning for settlement of the allegation.

CF21-0471 Ray J. Holzhauer (Failure to Provide Records – Class H)

The Plant Board alleged Mr. Ray J. Holzhauer, Private Applicator for Shanco Co., made an application of an unknown product containing dicamba to the irrigation line in field BL8 on an unknown date. The evidence shows Mr. Ray J. Holzhauer failed to provide records for the dicamba application as required when asked on August 17, 2021. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Holzhauer agrees to a Level I Warning for settlement of the allegation.

CF21-0471 Michael A. Dodson (Buffer Zone – Class H)

The Plant Board alleged Mr. Michael A. Dodson made a postemergence ground application of Engenia, Prefix, Volacept, and Traverse D to 37.46 acres of soybeans in the Haunted House field on June 15, 2021 and to 204.33 acres of soybeans in the Malcolm field on June 16, 2021. The evidence shows the application was made within ¼ mile of Mr. Morton's non dicamba-tolerant soybean field which would be inside the ¼ mile buffer zone requirement for Class H Products; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Minor violation and Level II Major violations.

Mr. Dodson agrees to a Level I Warning for settlement of the above listed allegations.

CF21-0355 Lenny Joe Kyle (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Lenny Joe Kyle, Private Applicator, made a postemergence ground application of Engenia (EPA Reg. #7969-345) and Compadre to 2/3 acres of soybeans in the Penrose field on July 17, 2021 using a backpack sprayer. The evidence shows the application was made during the prohibited period of July 1st through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Kyle agrees to a Level I Warning for settlement of the allegation.

CF21-0355 Lenny Joe Kyle (Use of an Unregistered Product – Class H)

The Plant Board alleged Mr. Lenny Joe Kyle, Private Applicator, made a postemergence ground application of Engenia (EPA Reg. #7969-345) and Compadre to 2/3 acres of soybeans in the Penrose field on July 17, 2021 using a backpack sprayer. The evidence shows the application was made after December 20, 2020 (date the registration for this product expired); thus, is considered use of an unregistered Class H product. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Kyle agrees to a Level I Warning for settlement of the allegation.

CF21-0355 Lenny Joe Kyle (Record Keeping – Class H)

The Plant Board alleged Mr. Lenny Joe Kyle, Private Applicator, made a postemergence ground application of Engenia (EPA Reg. #7969-345) and Compadre to 2/3 acres of soybeans in the Penrose field on July 17, 2021 using a backpack sprayer. The evidence shows Mr. Kyle failed to keep the proper records by not recording the total amount applied, proof the applicator completed the required training, receipts for the purchase of this product, the sensitive crop registry consulted, the spray nozzle the applicator used to apply this product, and the nozzle pressure the applicator set the sprayer to. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Kyle agrees to a Level I Warning for settlement of the allegation.

CF21-0355 Lenny Joe Kyle (No Training Certificate – Class H)

The Plant Board alleged Mr. Lenny Joe Kyle, Private Applicator, made a postemergence ground application of Engenia (EPA Reg. #7969-345) and Compadre to 2/3 acres of soybeans in the Penrose field on July 17, 2021 using a backpack sprayer. The evidence shows Mr. Lenny Joe Kyle could not provide an EPA approved training certificate required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Kyle agrees to a Level I Warning for settlement of the allegation.

CF21-0538 Justin Keith Haller (Drift)

The Plant Board alleged Mr. Justin Keith Haller, Commercial Applicator for Scott Flying Service, made a postemergence application of Sodium Chlorate (Defol 5) to 35 acres of rice in the Corbet #5 field on September 07, 2021 for Mr. Jeff Worlow. The evidence shows this application drifted off target onto Mr. Phillips' soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Haller agrees to a Level I Warning for settlement of the allegation.

Attachment 5

Minutes of
Arkansas State Plant Board
Bureau of Standards Committee Meeting
May 20, 2025
9:30 a.m.

Committee Members Present

Via Zoom:	Robin Ralston, Bruce Alford, Sam Stuckey, Travis Senter, Caleb Wall, Robert Thorne, & Alex Johnston
Staff Present:	Nikhil Soman, Sheila Carter, Kristin Walter
Guest Present:	

Chairman Robin Ralston called the meeting to order at 9:37 a.m. Those in attendance stated their name and affiliation.

Chairman Robin Ralston stated the purpose of the meeting was to review violations and penalties. Chairman Ralston turned the floor over to Bureau of Standards Director, Nikhil Soman.

Nikhil Soman presented the committee for review and approval are the following cases from February 2025 to April 2025.

- In Attachment 1 – Table 1cases for Expired and or No Decal(s) there are 52 (Fifty-two) First Offenses and 10 (Ten) Second Offenses and 4 (Four) Third Offense and 1 (One) Fourth Offense on Pump(s), Scale(s) or Meter(s). These are First Offenses with a $350 penalty each, Second Offenses with a $800 penalty each, Third Offenses with a $1,350 penalty each and Fourth Offenses with a $2,000 penalty each.

  A motion was made by Sam Stuckey seconded by Bruce Alford to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 1 – Table 2 – cases for Misrepresentation of Pricing there are 1 (One) First Offenses 1. These are First Offenses with a $350 penalty each.

  A motion was made by Bruce Alford seconded by Sam Stuckey to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 1 – Table 3 – case for Water Contamination Limits there are 6 (Six) First Offense. These are First Offenses with a $200 penalty each.

  A motion was made by Bruce Alford seconded by Travis Senter to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously

- Request to waive/reduce Civil Penalty of $350 in Case BS 25-0143, Bassett Food & Fuel, Bassett, AR.

  A motion was made by Bruce Alford seconded by Travis Senter to approve reducing BS 25-0143 to $100.00 on the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- Request to withdraw Civil Penalty of $800 in Case BS 25-0181 and Civil Penalty in Case BS 25-0182 of $1,350 until Director can meet with owner of Cherry Street Food Mart, Pine Bluff, AR.

  A motion was made by Bruce Alford seconded by Sam Stuckey to approve withdrawing cases BS 25-0181 and BS 25-0182 until after meeting with owner on the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

There being no additional business, a motion was made by Bruce Alford and seconded by Travis Senter to adjourn.

Robin Ralston, Chairman
5/20/2025

A total of 74 Civil Penalties were issued in the period February 2025 to April 2025:

Attachment 1 - Violations

Sixty-Seven for No Decal or Expired Annual Decal Table 1

Fifty-Two First Offense

Ten Second Offense

Four Third Offense

One Fourth Offense

One for Misrepresentation of Pricing Table 2

One First Offense

Six for Water Contamination in the Fuel Table 3

Six First Offense

Attachment 1

Table 1

TABLE 1 - Violation of A.C.A § 4-18-344 NO ANNUAL OR EXPIRED INSPECTION DECAL - SIXTY SEVEN VIOLATIONS							
Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0141	The Old Gin	185 Hwy 18E	Dell	February 4, 2025	Pump(s)	First	$350
BS 25-0142	Circle K	21 Hwy64 W	Beebe	February 18, 2025	Pump(s)	First	$350
BS 25-0143	Bassett Food & Fuel	306 Hwy 61S	Bassett	February 11, 2025	Pump(s)	First	$350
BS 25-0144	Shell Food Mart	4610 W Keiser	Osceola	February 11, 2025	Pump(s)	First	$350
BS 25-0145	Circle K	2975 Malvern Av	Hot Springs	February 12, 2025	Pump(s)	First	$350
BS 25-0146	Mini Mart	25 N Main St	Greenland	February 03, 2025	Pump(s)	First	$350
BS 25-0147	Mini Mart/Phillips 66	2817 Garland Av	Fayettevile	February 03, 2025	Pump(s)	First	$350
BS 25-0148	Loves Travel Stop	294 US82	Lake Village	February 03, 2025	Meter(s)	First	$350
BS 25-0149	Lets Stop N Go	2223 N College Av	El Dorado	February 04, 2025	Pump(s)	First	$350
BS 25-0150	Quick Fuel Mart	13420 Otter Creek Pkwy	Little Rock	February 04, 2025	Pump(s)	First	$350
BS 25-0151	Al's Fast Trax	3010 N College Av	Fayetteville	February 10, 2025	Pump(s)	First	$350
BS 25-0152	Exxon One Stop	2901 W28th Av	Pine Bluff	February 11, 2025	Pump(s)	First	$350
BS 25-0153	Circle K	2501 Northlake	Benton	February 11, 2025	Pump(s)	First	$350
BS 25-0154	Circle K	100 N Lincoln Av	Star City	February 11, 2025	Pump(s)	First	$350
BS 25-0155	Cash Saver	345 S Main	Monticello	February 21, 2025	Scale(s)	First	$350
BS 25-0156	Big Red	1802 E Harding	Pine Bluff	February 25, 2025	Pump(s)	First	$350
BS 25-0158	Casey's	3400 E Race Av	Searcy	February 25, 2025	Pump(s)	First	$350
BS 25-0159	CJ's Country Market	7322 Batesville Pike	Jacksonville	February 27, 2025	Pump(s)	First	$350
BS 25-0160	DJ's Mart	1500 W Keiser	Osceola	February 25, 2025	Pump(s)	First	$350

Attachment 1

Table 1

Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0161	The Junction	24109 AR107	Jacksonville	February 27, 2025	Pump(s)	First	$350
BS 25-0162	White Oak Station	102 Passion Play Rd	Eureka Springs	March 03, 2025	Pump(s)	First	$350
BS 25-0163	Carniceria Guanajuato	805 W Centerton	Centerton	February 27, 2025	Scale(s)	First	$350
BS 25-0164	Community Butcher Halal	2410 SW 14th St	Bentonville	February 27, 2025	Scale(s)	First	$350
BS 25-0165	Desi Bazaar Indian Grocery	2800 SW 14th St	Bentonville	February 27, 2025	Scale(s)	First	$350
BS 25-0167	Villa Market	3307 W Wedington Dr	Fayetteville	February 28, 2025	Scale(s)	First	$350
BS 25-0168	Asian Grocery Store	1607 N College Av	Fayetteville	March 03, 2025	Scale(s)	First	$350
BS 25-0169	El Potrero Mexican Product	3200 S Thompson St	Springdale	March 03, 2025	Scale(s)	First	$350
BS 25-0170	La Sultana Market	2111 S Old Missouri	Springdale	March 03, 2025	Scale(s)	First	$350
BS 25-0171	Mi Tierra Supermarket	1301 E Robinson St B3	Springdale	March 03, 2025	Scale(s)	First	$350
BS 25-0172	El Amanecer Market	1115 S School Av	Fayetteville	March 03, 2025	Scale(s)	First	$350
BS 25-0173	Hortons Express	2055 Harkrider St	Conway	March 06, 2025	Scale(s)	First	$350
BS 25-0174	Searcy Shell	1250 Truman Baker Dr	Searcy	March 06, 2025	Pump(s)	First	$350
BS 25-0175	White Oak Station	101 E Main St	Green Forest	March 10, 2025	Pump(s)	First	$350
BS 25-0195	Sherwood Street	6828 Colonel Glenn	Little Rock	March 12, 2025	Pump(s)	First	$350
BS 25-0197	O'Neal Gas	1224 N 1st St	Stephens	March 18, 2025	Meter(s)	First	$350
BS 25-0198	Circle K	906 North St	Ward	March 17, 2025	Pump(s)	First	$350
BS 25-0201	Circle K	1205 Higden Ferry Rd	Hot Springs	March 18, 2025	Pump(s)	First	$350
BS 25-0202	Circle K	8921 Fourche Dam Pike	Little Rock	April 17, 2025	Pump(s)	First	$350
BS 25-0203	Manila Exxon	261 Hwy 18E	Manila	February 24, 2025	Pump(s)	First	$350
BS 25-0204	In & Out Convenience	925 W Tulsa	Siloam Ssprings	February 26, 2025	Pump(s)	First	$350
BS 25-0205	T Mart/P&D One Stop	2749 US82	Crossett	February 28, 2025	Pump(s)	First	$350

Attachment 1

Table 1

Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0206	Golden Dragon Buffet	1387 S 48th St	Springdale	March 12, 2025	Scale(s)	First	$350
BS 25-0207	Pramukh Vandan inc	5255 Hwy 135N	Paragould	March 11, 2025	Pump(s)	First	$350
BS 25-0208	Carniceria Guanajuato	229 S Main St	Decatur	March 19, 2025	Scale(s)	First	$350
BS 25-0209	Del Campo A La Cuidad	6500 S University	Little Rock	March 24, 2025	Scale(s)	First	$350
BS 25-0210	Mercado San Jose Grocery	7411 Geyer Springs Rd	Little Rock	March 24, 2025	Scale(s)	First	$350
BS 25-0211	Mr Chens Oriental Market	3901 S University	Little Rock	March 26, 2025	Scale(s)	First	$350
BS 25-0212	HR Food Mart	201 S Edline Av	Altheimer	March 27, 2025	Pump(s)	First	$350
BS 25-0213	KNK Auto Salvage	8221 Princeton Pike	White Hall	March 27, 2025	Scale(s)	First	$350
BS 25-0214	Kum & Go	1775 Old Morrilton Hwy	Conway	April 11, 2025	Pump(s)	First	$350
BS 25-0215	Wild Bill Conoco	1240 Garland Av	Fayetteville	April 14, 2025	Pump(s)	First	$350
BS 25-0216	Conoco 1 Stop	1725 S Whitehead Dr	Dewitt	April 17, 2025	Pump(s)	First	$350
BS 25-0179	Fenny's/ Sunoco	3515 Towson Av	Ft Smith	February 04, 2025	Pump(s)	Second	$800
BS 25-0180	Alon Food Mart	15541 I 30	Benton	February 05, 2025	Pump(s)	Second	$800
BS 25-0181	Cherry St Food Mart	2504 S Cherry St	Pine Bluff	February 11, 2025	Pump(s)	Second	$800
BS 25-0183	Circle K	100 N Lincoln Av	Star City	February 25, 2025	Pump(s)	Second	$800
BS 25-0184	Main st Food Mart	1620 S Main St	Pine Bluff	February 25, 2025	Pump(s)	Second	$800
BS 25-0186	Big Red	1802 E Harding Av	Pine Bluff	February 18, 2025	Pump(s)	Second	$800
BS 25-0187	Maxizoom Fuel Stop	128 S Main St	Brinkley	February 24, 2025	Pump(s)	Second	$800
BS 25-0177	Haskell Grove C store	2905 Hwy 229 S	Haskell	January 29, 2025	Pump(s)	Second	$800
BS 25-0196	Sherwood Street	6828 Colonel Glenn	Little Rock	March 26, 2025	Pump(s)	Second	$800
BS 25-0199	Circle K	906 North St	Ward	April 1, 2025	Pump(s)	Second	$800
BS 25-0182	Cherry St Food Mart	2504 S Cherry St	Pine Bluff	February 25, 2025	Pump(s)	Third	$1,350

Attachment 1

Table 1

Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0185	A & S Quick Mart	1416 S Blake St	Pine Bluff	February 25, 2025	Pump(s)	Third	$1,350
BS 25-0188	El Amanecer Market	1115 S School Av	Fayettevile	April 14, 2025	Scale(s)	Third	$1,350
BS 25-0200	Circle K	906 North St	Ward	April 15, 2025	Pump(s)	Third	$1,350
BS 25-0178	Haskell Grove C store	2905 Hwy 229 S	Haskell	February 18, 2025	Pump(s)	Fourth	$2,000

Attachment 1

Table 2

TABLE 2 - Violation of A.C.A § 4-18-316 MISREPRESENTATION OF PRICING - ONE VIOLATION (Required Accuracy 98%)							
Case File	Business Name	Address	City	Inspection Date	Accuracy Rate	Violation	Civil Penalty
BS 25-0176	Family Dollar	3901 S University Av	Little Rock	March 10, 2025	74%	First	$350

Attachment 1

Table 3

TABLE 3 - Violation of A.C.A § 4-108-204 (b)(1)(A) and 4-108-207 WATER CONTAMINATION LIMITS NON ETHANOL (1 inch) DIESEL (1 inch) ETHANOL Fuel (1/4 inch) -NINE VIOLATIONS									
Case File	Business Name	Address	City	Date of Inspection	Fuel Type	Location	Water inch(s)	Violation	Civil Penalty
BS 25-0189	North Point Exxon	1810 Hwy 49N	Paragould	March 4, 2025	Premium Unleaded	Storage Tank	2.5	First	$200
BS 25-0190	Trader Bills Outdoors	1530 Albert Pike	Hot Springs	March 11, 2025	Off Road Diesel	Storage Tank	2.0	First	$200
BS 25-0191	Sardinia Enterprise LLC	3039 Albert Pike	Hot Springs	March 5, 2025	Premium Unleaded	Storage Tank	2.0	First	$200
BS 25-0192	Speedy Stop	111 W Dixon	Little Rock	April 1, 2025	Hwy Diesel	Nozzle	Cloudy	First	$200
BS 25-0193	ToBo's 66	1200 W Wilson	Greenland	April 8, 2025	Premium E10	Storage Tank	0.88	First	$200
BS 25-0194	EZ Mart	54 N Centennial Av	West Fork	April 8, 2025	Regular Unleaded	Storage Tank	1.25	First	$200

Bassett Food & Fuel
306 Hwy 61 S
Bassett, AR 72350
[8708220661]
david.hauter@yahoo.com Date: May 15, 2025

Recommendation to lower the Civil Penalty to $100

To:
Nikhil Soman, Director
Arkansas Bureau of Standards
4608 W 61st Street
Little Rock, AR 72209

RE: Request for Dismissal or Reduction of Civil Penalty – Case No. BS 25-0143

Dear Mr. Soman,
Iam writing regarding the Notice of Violation issued to Bassett Food & Fuel dated March 5, 2025, related to the absence of an annual inspection decal on our fuel pump(s), as identified during the February 11, 2025, inspection by Ms. Erica Gurley

I would like to respectfully request reconsideration for dismissal or reduction of the $350 civil penalty associated with this first-time violation. The delay in inspection was due to a change in our calibration service provider. Transitioning to a new provider caused unforeseen scheduling delays, which unfortunately extended beyond the usual timeframe for compliance. At no point did we intend to operate outside of Arkansas standards or regulations.

We have since resolved the issue and completed the required inspection. We are also implementing a new compliance calendar to ensure timely service and adherence to future requirements.

As a small business serving the Bassett community, we strive to maintain full regulatory compliance and transparency. We greatly appreciate the work of the Arkansas Department of Agriculture and the Arkansas Bureau of Standards, and we are hopeful that our explanation and prompt corrective actions will be taken into account.

Thank you for your time and consideration. I am available for any additional information or clarification you may need.

Sincerely,
David Hauter / owner of Basset Food & Fuel

Attachment 4b

Arkansas State Plant Board Meeting - June 05, 2025 at 8:30 a.m.

WARNING LETTERS

Item	Case #	Name/Company Name	Date of Violation	Violation	Penalty Level	Staff Recommendation
1	17-0110	Chris Bassham	April 8, 2017	Drift	Level I Minor	Warning Letter
2	20-0010	Charles Clifton McPherson, III	February 29, 2020	Drift - Class F	Level I Minor	Warning Letter
3	20-0010	Charles Clifton McPherson, III	February 29, 2020	Buffer Zone	Level I Minor	Warning Letter
4	20-0031	Carter Garrett	March 29, 2020	Drift - Class H	Level I Minor	Warning Letter
5	20-0031	Carter Garrett	March 29, 2020	Buffer Zone	Level I Minor	Warning Letter
6	20-0031	Jay Harmon	February 27, 2020	Drift - Class F	Level I Minor	Warning Letter
7	20-0031	Jay Harmon	February 27, 2020	Buffer Zone	Level I Minor	Warning Letter
8	20-0189	J. Paige Dills	June 16, 2020	Drift - Class F	Level I Minor	Warning Letter
9	21-0079	Kelly Gene Tacker	May 22, 2021	No Training Certificate - Paraquat	Level I Minor	Warning Letter
10	21-0127	Bradley Dale Sass	May 24, 2021	Buffer Zone - Class H	Level I Minor	Warning Letter
11	21-0127	Mark Edward Singleton	May 10, 2021	Buffer Zone - Class H	Level I Minor	Warning Letter
12	22-0049	Juan Wessells	May 2, 2022	Drift - Paraquat	Level I Minor	Warning Letter
13	22-0097	Corey Readnour	April 15, 2022	Drift - Class F	Level I Minor	Warning Letter
14	24-0100	Ramon Wong-Hernandez	June 4, 2024	Drift	Level I Minor	Warning Letter

Class F = all 2,4-D and 2,4-D containing pesticides Class H = all pesticides containing dicamba

SIGNED SETTLEMENT AGREEMENT

Item	Case #	Name/Company Name	Date of Violation	Violation	Penalty Level	Agreed Action
15	17-0110	James (Rusty) Cartillar, III	April 11, 2017	Drift	Level II Major	Warning
16	17-0306	Don Clayton Miller	June 8, 2017	Drift - Class H	Level II Major	Warning
17	17-0306	Brian Keith Harrell	June 11, 2017	Drift - Class H	Level IV Major	Warning
18	17-0306	Brian Keith Harrell	June 11, 2017	Buffer Zone - Class H	Level IV Major	Warning
19	17-0308	Brian Keith Harrell	Unknown	Drift - Class H	Level IV Major	Warning
20	17-0308	Brian Keith Harrell	Unknown	Buffer Zone - Class H	Level IV Major	Warning
21	17-0311	Brian Keith Harrell	Unknown	Drift - Class H	Level IV Major	Warning
22	17-0311	Don Clayton Miller	June 9, 2017	Drift - Class H	Level IV Major	Warning
23	17-0311	Robert Keith Harrell	Unknown	Drift - Class H	Level II Major	Warning
24	17-0313	Brian Keith Harrell	Unknown	Drift - Class H	Level IV Major	Warning
25	17-0313	Brian Keith Harrell	Unknown	Buffer Zone - Class H	Level IV Major	Warning
26	17-0313	Robert Keith Harrell	Unknown	Drift - Class H	Level I Minor	Warning
27	17-0313	Robert Keith Harrell	Unknown	Buffer Zone - Class H	Level I Minor	Warning
28	17-0338	Norris A. Sims	June 9, 2017	Drift - Class H	Level I Minor	Warning

29	17-0338	Norris A. Sims	June 9, 2017	Buffer Zone - Class H	Level I Minor	Warning
30	17-0640	Hunter Allen Stracener	June 17, 2017	Drift - Class H	Level I Minor	Warning
31	17-0866	Gavin Richard Sullivan	June 29, 2017	Drift - Class H	Level II Major	Warning
32	17-1001	Brian Keith Harrell	June 13, 2017	Drift	Level IV Major	Warning
33	17-1009	Lindsay P. Chandler	July 15, 2017	Drift	Level II Major	Warning
34	17-1287	Don Clayton Miller	June 9, 2017	Drift - Class H	Level III Major	Warning
35	17-1287	Don Clayton Miller	June 9, 2017	Buffer Zone - Class H	Level I Minor	Warning
36	17-1287	Brian Keith Harrell	June 11, 2017	Drift - Class H	Level IV Major	Warning
37	17-1287	Brian Keith Harrell	June 11, 2017	Buffer Zone - Class H	Level IV Major	Warning
38	18-0128	Edward Becton Bell	April 27, 2018	Use During Prohibited Period - Class H	Level I Major	Warning
39	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level I Major	
40	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level II Major	
41	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level III Major	
42	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	Warning
43	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	
44	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	
45	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	
46	18-0136	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Major	
47	18-0136	Adam Kyle Henard	March 22, 2018	Record Keeping - Class H	Level I Minor	
48	18-0136	Adam Kyle Henard	April 13, 2018	Record Keeping - Class H	Level II Major	
49	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level III Major	
50	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
51	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	Warning
52	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
53	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
54	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
55	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
56	18-0136	Adam Kyle Henard	Unknown	Record Keeping - Class H	Level IV Major	
57	18-0136	Adam Kyle Henard	March 22, 2018	No Training Certificate - Class H	Level I Minor	
58	18-0136	Adam Kyle Henard	April 13, 2018	No Training Certificate - Class H	Level II Major	
59	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level III Major	
60	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
61	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	Warning
62	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
63	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	

64	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
65	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
66	18-0136	Adam Kyle Henard	Unknown	No Training Certificate - Class H	Level IV Major	
67	18-0136	Adam Kyle Henard	April 13, 2018	Off Label Rate - Class H	Level I Major	Warning
68	18-0184	Blake Foster Hart	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
69	18-0184	Blake Foster Hart	Unknown	Record Keeping - Class H	Level I Major	Warning
70	18-0190	Robert (Ron) B. Holthouse, Jr.	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
71	18-0190	Robert (Ron) B. Holthouse, Jr.	Unknown	Use During Prohibited Period - Class H	Level II Major	
72	18-0190	Robert (Ron) B. Holthouse, Jr.	Unknown	Record Keeping - Class H	Level I Major	Warning
73	18-0190	Robert (Ron) B. Holthouse, Jr.	Unknown	Record Keeping - Class H	Level II Major	
74	18-0191	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level I Major	
75	18-0191	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level II Major	Warning
76	18-0191	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level III Major	
77	18-0191	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
78	18-0191	William Michael Butler	Unknown	Record Keeping - Class H	Level I Major	
79	18-0191	William Michael Butler	Unknown	Record Keeping - Class H	Level II Major	Warning
80	18-0191	William Michael Butler	Unknown	Record Keeping - Class H	Level III Major	
81	18-0191	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
82	18-0255	Neil Shane Culp	Unknown	Drift - Class H	Level I Egregious	Warning
83	18-0255	Neil Shane Culp	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
84	18-0255	Neil Shane Culp	Unknown	Record Keeping - Class H	Level I Major	Warning
85	18-0328	Rob D. Veach	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
86	18-0328	Rob D. Veach	Unknown	Record Keeping - Class H	Level I Major	Warning
87	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
88	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
89	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
90	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	Warning
91	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
92	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
93	18-0344	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Major	
94	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
95	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
96	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
97	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	Warning
98	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	

99	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
100	18-0344	William Michael Butler	Unknown	Record Keeping - Class H	Level IV Major	
101	18-0344	William Michael Butler	August 6, 2018	Failure to Provide Records - Class H	Level I Major	Warning
102	18-0381	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level I Major	Warning
103	18-0381	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level II Major	
104	18-0381	Timothy Arduino Pirani	Unknown	Record Keeping - Class H	Level I Major	Warning
105	18-0381	Timothy Arduino Pirani	Unknown	Record Keeping - Class H	Level II Major	
106	19-0087	Ronnie L. McGhee	May 19, 2019	Drift - Class H	Level I Egregious	Warning
107	19-0087	Ronnie L. McGhee	May 19, 2019	Use During Prohibited Period - Class H	Level I Egregious	Warning
108	19-0087	Ronnie L. McGhee	May 19, 2019	Record Keeping - Class H	Level I Egregious	Warning
109	19-0134	Rollen Smith	Unknown	Drift - Class H	Level I Egregious	Warning
110	19-0134	Rollen Smith	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
111	19-0134	Rollen Smith	Unknown	Record Keeping - Class H	Level I Egregious	Warning
112	19-0134	Rollen Smith	Unknown	No Private Applicator License	Level I Egregious	Warning
113	19-0145	Brandon Lenard Cain	May 7, 2019	Buffer Zone - Class H	Level I Egregious	Warning
114	19-0145	Brandon Lenard Cain	May 15, 2019	Buffer Zone - Class H	Level II Egregious	
115	19-0151	James (Tim) Sullivan	Unknown	Drift - Class H	Level II Egregious	Warning
116	19-0151	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
117	19-0151	James (Tim) Sullivan	Unknown	Failure to Provide Records - Class H	Level III Egregious	Warning
118	19-0178	Neil Shane Culp	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
119	19-0180	David A. Wallace	Unknown	Drift - Class H	Level I Egregious	Warning
120	19-0180	David A. Wallace	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
121	19-0180	David A. Wallace	Unknown	Record Keeping - Class H	Level I Egregious	Warning
122	19-0201	Danny Joe Voyles	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
123	19-0232	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	
124	19-0232	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
125	19-0232	Adam Kyle Henard	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	
126	19-0233	Weston Edward Cissell	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
127	19-0233	Weston Edward Cissell	Unknown	Record Keeping - Class H	Level II Egregious	Warning
128	19-0235	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level I Egregious	
129	19-0235	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
130	19-0235	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level III Egregious	
131	19-0235	James (Tim) Sullivan	July 31, 2019	Failure to Provide Records - Class H	Level I Egregious	Warning
132	19-0241	Larry L. Malone, Jr.	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
133	19-0241	Larry L. Malone, Jr.	Unknown	Record Keeping - Class H	Level I Egregious	Warning

134	19-0242	Robert (Ron) B. Holthouse, Jr.	Unknown	Use During Prohibited Period - Class H	Level III Egregious	Warning
135	19-0242	Robert (Ron) B. Holthouse, Jr.	Unknown	Record Keeping - Class H	Level III Egregious	Warning
136	19-0245	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level III Egregious	Warning
137	19-0246	Godfrey S. White, Jr.	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
138	19-0247	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
139	19-0248	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
140	19-0249	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
141	19-0250	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
142	19-0251	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
143	19-0257	Mike P. McCarty	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
144	19-0257	Mike P. McCarty	Unknown	Record Keeping - Class H	Level I Egregious	Warning
145	19-0257	Mike P. McCarty	Unknown	No Private Applicator License	Level I Egregious	Warning
146	19-0262	Robert (Ron) B. Holthouse, Jr.	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
147	19-0278	James William Drace	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
148	19-0278	James William Drace	Unknown	Record Keeping - Class H	Level I Egregious	Warning
149	19-0307	Kevin Crosskno	Unknown	Drift - Class H	Level I Egregious	Warning
150	19-0307	Kevin Crosskno	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
151	19-0307	Kevin Crosskno	Unknown	Record Keeping - Class H	Level I Egregious	Warning
152	19-0324	Claud Allen Rains	Unknown	Drift - Class H	Level I Egregious	Warning
153	19-0324	Claud Allen Rains	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
154	19-0324	Claud Allen Rains	Unknown	Record Keeping - Class H	Level II Egregious	Warning
155	19-0330	James (Tim) Sullivan	Unknown	Drift - Class H	Level I Egregious	Warning
156	19-0330	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
157	19-0330	James (Tim) Sullivan	August 2, 2019	Failure to Provide Records - Class H	Level II Egregious	Warning
158	19-0347	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
159	19-0347	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	
160	19-0347	William Michael Butler	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	
161	19-0356	Gavin Richard Sullivan	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
162	19-0356	Gavin Richard Sullivan	Unknown	Use During Prohibited Period - Class H	Level II Egregious	
163	19-0361	Joshua Daniel Bartlett	Unknown	Drift - Class H	Level I Egregious	Warning
164	19-0361	Joshua Daniel Bartlett	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
165	19-0361	Joshua Daniel Bartlett	Unknown	Record Keeping - Class H	Level I Egregious	Warning
166	19-0388	David J. Oprey	Unknown	Drift - Class H	Level I Egregious	Warning
167	19-0388	David J. Oprey	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
168	19-0388	David J. Oprey	Unknown	Record Keeping - Class H	Level I Egregious	Warning

169	20-0189	Bradley Michael DaVault	Unknown	Drift - Class H	Level I Egregious	Warning
170	20-0189	Bradley Michael DaVault	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
171	20-0189	Bradley Michael DaVault	Unknown	Record Keeping - Class H	Level I Egregious	Warning
172	20-0216	David Griffin	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
173	20-0216	David Griffin	Unknown	Record Keeping - Class H	Level I Egregious	Warning
174	20-0221	James (Tim) Sullivan	Unknown	Drift - Class H	Level III Egregious	Warning
175	20-0221	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
176	20-0221	James (Tim) Sullivan	Unknown	Record Keeping - Class H	Level II Egregious	Warning
177	20-0239	Lee A. Obsorne	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
178	20-0239	Lee A. Obsorne	Unknown	Record Keeping - Class H	Level I Egregious	Warning
179	20-0348	James (Tim) Sullivan	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
180	20-0348	James (Tim) Sullivan	Unknown	Record Keeping - Class H	Level I Egregious	Warning
181	20-0348	Timothy Arduino Pirani	Unknown	Use During Prohibited Period - Class H	Level IV Egregious	Warning
182	20-0348	Timothy Arduino Pirani	Unknown	Record Keeping - Class H	Level II Egregious	Warning
183	20-0377	Dalton Dilldine	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
184	20-0377	Dalton Dilldine	Unknown	Record Keeping - Class H	Level I Egregious	Warning
185	20-0378	Arlis Clark Long, Jr.	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
186	20-0378	Arlis Clark Long, Jr.	Unknown	Record Keeping - Class H	Level I Egregious	Warning
187	20-0393	Austin Kyle Murray	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
188	20-0393	Austin Kyle Murray	Unknown	Record Keeping - Class H	Level I Egregious	Warning
189	20-0410	Terry Joe Masterson	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
190	20-0410	Terry Joe Masterson	Unknown	Record Keeping - Class H	Level I Egregious	Warning
191	20-0410	Terry Joe Masterson	Unknown	Use During Prohibited Period - Class F	Level I Egregious	Warning
192	20-0410	Terry Joe Masterson	Unknown	Record Keeping - Class F	Level I Egregious	Warning
193	20-0411	Terry Joe Masterson	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
194	20-0411	Terry Joe Masterson	Unknown	Record Keeping - Class H	Level II Egregious	Warning
195	20-0411	Terry Joe Masterson	Unknown	Use During Prohibited Period - Class F	Level II Egregious	Warning
196	20-0411	Terry Joe Masterson	Unknown	Record Keeping - Class F	Level II Egregious	Warning
197	20-0413	Stephen J. Fox	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
198	20-0413	Stephen J. Fox	Unknown	Record Keeping - Class H	Level I Egregious	Warning
199	20-0413	Stephen J. Fox	Unknown	Off Label Use	Level I Major	Warning
200	20-0433	James William Drace	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
201	20-0433	James William Drace	Unknown	Record Keeping - Class H	Level II Egregious	Warning
202	20-0439	David Griffin	Unknown	Use During Prohibited Period - Class H	Level II Egregious	Warning
203	20-0439	David Griffin	Unknown	Record Keeping - Class H	Level II Egregious	Warning

204	20-0468	Michael W. Young	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
205	20-0468	Michael W. Young	Unknown	Use During Prohibited Period - Class H	Level II Egregious	
206	20-0468	Michael W. Young	Unknown	Failure to Provide Records - Class H	Level I Egregious	Warning
207	20-0477	Joseph Michael Hart	August 17, 2020	Drift with Human Exposure	Level I Major	Warning
208	20-0502	Joseph Michael Hart	September 3, 2020	Drift	Level II Major	Warning
209	21-0016	Jeffrey Dale Slack	April 5, 2021	Drift - Class H	Level III Major	Warning
210	21-0066	Bryan Stone Schmidt	April 17, 2021	Drift	Level I Minor	Warning
211	21-0066	Bryan Stone Schmidt	April 5, 2021	Buffer Zone	Level I Minor	Warning
212	21-0066	Bryan Stone Schmidt	April 17, 2021	Buffer Zone	Level II Major	
213	21-0127	Dustin D. McMahan	Unknown	Record Keeping - Class H	Level I Minor	Warning
214	21-0127	Dustin D. McMahan	June 30, 2021	Buffer Zone - Class H	Level I Minor	Warning
215	21-0127	Dustin D. McMahan	Unknown	Buffer Zone - Class H	Level II Major	
216	21-0127	Shawn Keith Simpson	Unknown	Record Keeping - Class H	Level I Minor	Warning
217	21-0127	Shawn Keith Simpson	Unknown	Buffer Zone - Class H	Level I Minor	Warning
218	21-0471	Ray J. Holzhauer	Unknown	Use During Prohibited Period - Class H	Level I Egregious	Warning
219	21-0471	Ray J. Holzhauer	August 17, 2021	Failure to Provide Records - Class H	Level I Egregious	Warning
220	21-0471	Michael A. Dodson	June 15, 2021	Buffer Zone - Class H	Level I Minor	Warning
221	21-0471	Michael A. Dodson	June 16, 2021	Buffer Zone - Class H	Level II Major	
222	21-0355	Lenny Joe Kyle	July 17, 2021	Use During Prohibited Period - Class H	Level I Egregious	Warning
223	21-0355	Lenny Joe Kyle	July 17, 2021	Use of an Unregistered Product - Class H	Level I Egregious	Warning
224	21-0355	Lenny Joe Kyle	July 17, 2021	Record Keeping - Class H	Level I Egregious	Warning
225	21-0355	Lenny Joe Kyle	July 17, 2021	No Training Certificate - Class H	Level I Egregious	Warning
226	21-0538	Justin Keith Haller	September 7, 2021	Drift	Level II Major	Warning

Class F = all 2,4-D and 2,4-D containing pesticides Class H = all pesticides containing dicamba

Arkansas State Plant Board Meeting
June 05, 2025
08:30 A.M.

WARNING LETTERS

CF17-0110 Chris Bassham (Drift)

The Plant Board alleged Mr. Chris Bassham, Commercial Applicator, made a ground application of Command and Newpath to 50 acres of rice April 08, 2017. The evidence shows this application drifted off target onto Mr. Cecil Yarbro's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0010 Charles Clifton McPherson, III (Drift – Class F)

The Plant Board alleged Mr. Charles Clifton McPherson, III, Commercial Applicator for H&M Flying Service, made an aerial application of Round up Powermax II and De-Ester LV6 to 68.44 acres in the Miller Corner field for burndown for Mr. Vance Austin on February 29, 2020. The evidence shows this application drifted off target onto Mr. Evans' lawn and ornamentals. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0010 Charles McPherson, III (Buffer Zone)

The Plant Board alleged Mr. Charles Clifton McPherson, III, Commercial Applicator for H&M Flying Service, made an aerial application of Round up Powermax II and De-Ester LV6 to 68.44 acres in Miller Corner field for burndown for Mr. Vance Austin on February 29, 2020. The evidence shows the application was made within approximately 35 feet of Mr. Evans' property which would be inside the 100 foot aerial buffer zone requirement for Roundup PowerMax II; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0031 Carter Garrett (Drift – Class H)

The Plant Board alleged Mr. Carter Garrett, Commercial Applicator for Consolidated Aerial Sprayers, made an aerial application of Cornerstone Plus and Sterling Blue to 40 acres in the Stokes West field for burndown for Mr. Ryan Russell on March 29, 2020. The evidence shows this application drifted off target onto Ms. Crain's lawn, trees, and ornamentals. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0031 Carter Garrett (Buffer Zone)

The Plant Board alleged Mr. Carter Garrett, Commercial Applicator for Consolidated Aerial Sprayers, made an aerial application of Cornerstone Plus and Sterling Blue to 40 acres in the Stokes West field for burndown for Mr. Ryan Russell on March 29, 2020. The evidence shows the application was made within approximately 15 feet of Ms. Crain's lawn, trees, and ornamentals which would be inside the 100 foot aerial buffer zone requirement for Cornerstone Plus; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0031 Jay Harmon (Drift – Class F)

The Plant Board alleged Mr. Jay Harmon, Commercial Applicator for Consolidated Aerial Sprayers, made an aerial application of Roundup PowerMax II and Salvo to 140 acres in Sunny Crain field for burndown for Mr. Greg Nall on February, 27, 2020. The evidence shows this application drifted off target onto Ms. Crain's lawn, trees, and ornamentals. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0031 Jay Harmon (Buffer Zone)

The Plant Board alleged Mr. Jay Harmon, Commercial Applicator for Consolidated Aerial Sprayers, made an aerial application of Roundup PowerMax II and Salvo to 140 acres in Sunny Crain field for burndown for Mr. Greg Nall on February, 27, 2020. The evidence shows the application was made within approximately 25 feet of Ms. Crain's lawn, trees, and ornamentals which would be inside the 100 foot aerial buffer zone requirement for Roundup PowerMax II; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF20-0189 J. Paige Dills (Drift – Class F)

The Plant Board alleged "Mike", operating under J. Paige Dills' Private Applicator License, made a postemergence ground application of Enlist and Powermax 3 to 79.2 acres of cotton in the Greene Co 80 field on June 16, 2020. The evidence shows this application drifted off target onto Mr. DaVault's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF21-0079 Kelly Gene Tacker (No Training Certificate - Paraquat)

The Plant Board alleged Mr. Kelly Gene Tacker, Private Applicator, made a postemergence ground application of Gramoxone, Fierce MTZ, and Interlock to 12 acres of soybeans in the Norcross field on May 22, 2021. Mr. Kelly Gene Tacker could not produce an EPA approved training required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF21-0127 Bradley Dale Sass (Buffer Zone – Class H)

The Plant Board alleged Mr. Bradley Dale Sass, Private Applicator, made a postemergence ground application of Engenia and Sentris to 94 acres of cotton in the Fortenberry West field on May 24, 2021. The evidence shows the application was made within approximately .25 miles of University of Arkansas - Rohwer Research Station which would be inside the 1 mile buffer zone requirement for Class H Products; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF21-0127 Mark Edward Singleton (Buffer Zone - Class H)

The Plant Board alleged Mr. Mark Edward Singleton, Private Applicator, made a postemergence ground application of Xtendimax and Verified to 35 acres of soybeans in the Old Pivot Small field on May 10, 2021. The evidence shows the application was made within approximately .75 miles of University of Arkansas - Rohwer Research Station which would be inside the 1 mile buffer zone requirement for Class H Products; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF22-0049 Juan Wessells (Drift - Paraquat)

The Plant Board alleged Mr. Juan Wessels, Private Applicator, made ground application of Flumioxazin 51% WDG, Para-SHOT 3.0, and Oro to 38.9 acres in the Seagraves field for burndown on May 02, 2022. The evidence shows this application drifted off target onto Ms. Chun's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF22-0097 Corey Readnour (Drift – Class F)

The Plant Board alleged Mr. Corey Readnour, Private Applicator, made a postemergence ground application of Grazon P+D to 32 acres of hay/pasture in the Gibson field on April 15, 2022. The evidence shows this application drifted off target onto Mr. Cheshier's garden. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

CF24-0100 Ramon Wong-Hernandez (Drift)

The Plant Board alleged Ramon Wong-Hernandez, Commercial Applicator for R and E Forestry, Inc., made a ground application by backpack sprayer of Method 240 SL, Arsenal, and Escort XP to 161.07 acres of power line right of way for Rich Mountain Electric Coop on June 04, 2024. The evidence shows this application drifted off target onto Ms. Richmond's nursery plants. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

SIGNED SETTLEMENT AGREEMENT

CF17-0110 James (Rusty) Cartillar, III (Drift)

The Plant Board alleged Mr. James (Rusty) Cartillar, III, Commercial Applicator, made an aerial application of Command and Sharpen to 80 acres of rice April 11, 2017. The evidence shows this application drifted off target onto Mr. Cecil Yarbro's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Cartillar agrees to a Level I Warning for settlement of the allegation.

CF17-0306 Don Clayton Miller (Drift – Class H)

The Plant Board alleged Mr. Hunter Miller, operating under Mr. Don Clayton Miller's Private Applicator License, made a ground application of Engenia and Roundup Powermax II to 40 acres (Bell Field) of soybeans on June 08, 2017. The evidence shows this application drifted off target onto Henry Dean and Jeff Finch Farms' soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Miller agrees to a Level I Warning for settlement of the allegation.

CF17-0306 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Engenia and Roundup Powermax II to 40 acres (Grapevine Field) of soybeans on June 11, 2017. The evidence shows this application drifted off target onto Henry Dean and Jeff Finch Farms' soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0306 Brian Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Engenia and Roundup Powermax II to 40 acres (Grapevine Field) of soybeans on June 11, 2017. The evidence shows the application was made within 85 feet of Henry Dean and Jeff Finch Farms' soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0308 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 40 acres (Doodles Field) of cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Henry Dean and Jeff Finch's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0308 Brian Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 40 acres (Doodles Field) of cotton on an unknown date. The evidence shows the application was made within 2 feet of Henry Dean and Jeff Finch Farms' soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0311 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to cotton and soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Dunkerson's soybeans (Field #1 & #3). The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0311 Don Clayton Miller (Drift – Class H)

The Plant Board alleged Mr. Hunter Miller, operating under Mr. Don Clayton Miller's Private Applicator License, made a ground application of Engenia to approx. 40 acres of soybeans on June 09, 2017. The evidence shows this application drifted off target onto Mr. Dunkerson's soybeans (Field #1). The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Miller agrees to a Level I Warning for settlement of the allegation.

CF17-0311 Robert Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Robert Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to cotton and soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Dunkerson's soybeans (Field #2). The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0313 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 30-40 acres of soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Anderson's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0313 Brian Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 30-40 acres of soybeans on an unknown date. The evidence shows the application was made within 20 feet of Mr. Corbe Anderson's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0313 Robert Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Robert Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 30-40 acres of soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Anderson's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0313 Robert Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Robert Keith Harrell, Private Applicator, made a ground application of an unknown dicamba product to 30-40 acres of soybeans on an unknown date. The evidence shows the application was made within 20 feet of Mr. Corbe Anderson's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-0338 Norris A. Sims (Drift – Class H)

The Plant Board alleged Mr. Freddy Paro, operating under Mr. Norris A. Sims' Private Applicator License, made a ground application of Engenia to 30 acres of soybeans on June 09, 2017. The evidence shows this application drifted off target onto Mr. Daniel French's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Sims agrees to a Level I Warning for settlement of the allegation.

CF17-0338 Norris A. Sims (Buffer Zone – Class H)

The Plant Board alleged Mr. Freddy Paro, operating under Mr. Norris A. Sims' Private Applicator License, made a ground application of Engenia to 30 acres of soybeans on June 09, 2017. The evidence shows the application was made within approximately 60 feet of Mr. French's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Sims agrees to a Level I Warning for settlement of the allegation.

CF17-0640 Hunter Allen Stracener (Drift – Class H)

The Plant Board alleged Mr. Rodney Spradlin, operating under Mr. Hunter Allen Stracener's Private Applicator License, made a ground application of Roundup Powermax II, Engenia, and Zidua to 55 acres of soybeans for pigweeds on June 17, 2017. The evidence shows this application drifted off target onto Mr. Jake Smith's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Stracener agrees to a Level I Warning for settlement of the allegation.

CF17-0866 Gavin Richard Sullivan (Drift – Class H)

The Plant Board alleged Mr. Gavin Richard Sullivan made a ground application of Grandstand R and Stam M4 to 1 acre of rice on June 29, 2017. The evidence shows this application drifted off target onto Mr. Catlett's oak trees. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF17-1001 Brian Keith Harrell (Drift)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Liberty 280 SL to 50 acres of cotton on June 13, 2017. The evidence shows this application drifted off target onto Mr. Miller's rice. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-1009 Lindsay P. Chandler (Drift)

The Plant Board alleged Mr. Lindsay P. Chandler, Commercial Applicator, made an aerial application of Glystar Plus and Me-Too-Lachlor to 240 acres of soybeans on July 15, 2017. The evidence shows this application drifted off target onto Mr. Steve Kirk's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Chandler agrees to a Level I Warning for settlement of the allegation.

CF17-1287 Don Clayton Miller (Drift – Class H)

The Plant Board alleged Mr. Hunter Miller, operating under Mr. Don Clayton Miller's Private Applicator License, made a ground application of Engenia and Roundup Powermax II to 40 acres of soybeans on June 09, 2017. The evidence shows this application drifted off target onto Mr. Finch's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Major violation. Mr. Miller agrees to a Level I Warning for settlement of the allegation.

CF17-1287 Don Clayton Miller (Buffer Zone – Class H)

The Plant Board alleged Mr. Hunter Miller, operating under Mr. Don Clayton Miller's Private Applicator License, made a ground application of Engenia and Roundup Powermax II to 40 acres of soybeans on June 09, 2017. The evidence shows the application was made within approx. 65 feet of Mr. Finch's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Miller agrees to a Level I Warning for settlement of the allegation.

CF17-1287 Brian Keith Harrell (Drift – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Engenia and Roundup Powermax II to 40 acres of soybeans on June 11, 2017. The evidence shows this application drifted off target onto Mr. Finch's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF17-1287 Brian Keith Harrell (Buffer Zone – Class H)

The Plant Board alleged Mr. Brian Keith Harrell, Private Applicator, made a ground application of Engenia and Roundup Powermax II to 40 acres of soybeans on June 11, 2017. The evidence shows the application was made within approx. 68 feet of Mr. Finch's soybeans which would be inside the 100 foot buffer zone requirement for Engenia; thus, this is a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Major violation. Mr. Harrell agrees to a Level I Warning for settlement of the allegation.

CF18-0128 Edward Becton Bell (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Edward Becton Bell, Private Applicator, made a postemergence ground application of Buccaneer (EPA Reg. #55467-10) and Engenia (EPA Reg. #7969-345) to 145 acres of soybeans on April 27, 2018. The evidence shows the application of dicamba was made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Bell agrees to a Level I Warning for settlement of the allegation.

CF18-0136 Adam Kyle Henard (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made eight (8) postemergence applications of an unknown product containing dicamba to soybean fields Twin 2, Twin 5, Twin 7, Twin 9A, Reserve 1, Reserve 4, Reserve 7, and Reserve 10A on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major, Level II Major, Level III Major, and five (5) Level IV Major violations.

Mr. Henard agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0136 Adam Kyle Henard (Record Keeping – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made an application of an unknown product containing dicamba on March 22, 2018, April 13, 2018, and eight (8) unknown dates. The evidence shows Mr. Adam Kyle Henard failed to keep the proper records by not recording the complete records required for Class H Products. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Minor, Level II Major, Level III Major, and (7) Level IV Major violations.

Mr. Henard agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0136 Adam Kyle Henard (No Training Certificate – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made an application of an unknown product containing dicamba on March 22, 2018, April 13, 2018, and eight (8) unknown dates. Mr. Adam Henard could not produce a 2018 Arkansas Training and Certification Program for Dicamba Herbicide Certificate required for ground applications of Class H Products. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Minor, Level II Major, Level III Major, and (7) Level IV Major violations.

Mr. Henard agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0136 Adam Kyle Henard (Off Label Rate – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made a ground application of Engenia (15 ounces/acre) to soybeans on April 13, 2018. The evidence shows an application rate of 15 ounces/acre which is above the labeled rate of 12.8 ounces/acre for Engenia; thus the 15 ounces/acre is an off label rate violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Henard agrees to a Level I Warning for settlement of the allegation.

CF18-0184 Blake Foster Hart (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Blake Foster Hart, Private Applicator, made an application of an unknown product containing dicamba on an unknown date. The evidence shows the application was made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hart agrees to a Level I Warning for settlement of the allegation.

CF18-0184 Blake Foster Hart (Record Keeping – Class H)

The Plant Board alleged Mr. Blake Foster Hart, Private Applicator, made an application of an unknown product containing dicamba on an unknown date. The evidence shows Mr. Blake Foster Hart failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hart agrees to a Level I Warning for settlement of the allegation.

CF18-0190 Robert (Ron) B. Holthouse Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made postemergence applications of an unknown product containing dicamba to soybean Field #1 (Yen Ling) and Field #2 (Cook 35) on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major and Level II Major violations.

Mr. Holthouse agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0190 Robert (Ron) B. Holthouse, Jr. (Record Keeping – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made postemergence applications of an unknown product containing dicamba to soybean Field #1 (Yen Ling) and Field #2 (Cook 35) on unknown dates. The evidence shows Mr. Holthouse failed to keep the proper records by not recording the complete records required for Class H Products. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major and Level II Major violations.

Mr. Holthouse agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0191 William Michael Butler (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in Field #1, #2, #3, and #4 on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major, Level II Major, Level III Major, and Level IV Major violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0191 William Michael Butler (Record Keeping – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in Field #1, #2, #3, and #4 on unknown dates. The evidence shows Mr. William Michael Butler failed to keep the proper records by not recording the applications. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major, Level II Major, Level III Major, and Level IV Major violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0255 Neil Shane Culp (Drift – Class H)

The Plant Board alleged Mr. Neil Shane Culp, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans (Kelly Field) on an unknown date. The evidence shows this application drifted off target onto Delmond George & Sons' soybean field. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Culp agrees to a Level I Warning for settlement of the allegation.

CF18-0255 Neil Shane Culp (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Neil Shane Culp, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application of dicamba was made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Culp agrees to a Level I Warning for settlement of the allegation.

CF18-0255 Neil Shane Culp (Record Keeping – Class H)

The Plant Board alleged Mr. Neil Shane Culp, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Neil Shane Culp failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Culp agrees to a Level I Warning for settlement of the allegation.

CF18-0328 Rob D. Veach (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Rob D. Veach, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans in field #301 on an unknown date. The evidence shows the application of dicamba was made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Veach agrees to a Level I Warning for settlement of the allegation.

CF18-0328 Rob D. Veach (Record Keeping – Class H)

The Plant Board alleged Mr. Rob D. Veach, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans in field #301 on an unknown date. The evidence shows Mr. Rob D. Veach failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Veach agrees to a Level I Warning for settlement of the allegation.

CF18-0344 William Michael Butler (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in Field #1, #2, #3, #4, #5, #6, and #7 on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as seven (7) Level IV Major violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0344 William Michael Butler (Record Keeping – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in Field #1, #2, #3, #4, #5, #6, and #7 on unknown dates. The evidence shows Mr. William Michael Butler failed to keep the proper records by not recording the applications. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as seven (7) Level IV Major violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0344 William Michael Butler (Failure to Provide Records – Class H)

The Plant Board alleged Inspector Johnson attempted to obtain records from Mr. William Michael Butler, Private Applicator, regarding application records for soybean fields inside the city of Osceola on August 6, 2018 and August 15, 2018. The evidence shows Mr. William Michael Butler failed to provide records for the dicamba application as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Butler agrees to a Level I Warning for settlement of the allegation.

CF18-0381 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in the Golf Course Field (CC Northwest) and in Field #2 (CC Northeast) on unknown dates. The evidence shows the applications of dicamba were made during the prohibited period of April 16th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major and Level II Major violations.

Mr. Pirani agrees to a Level I Warning for settlement of the above listed allegations.

CF18-0381 Timothy Arduino Pirani (Record Keeping – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made postemergence ground applications of an unknown product containing dicamba to soybeans in the Golf Course Field (CC Northwest) and in Field #2 (CC Northeast) on unknown dates. The evidence shows Mr. Timothy Arduino Pirani failed to keep the proper records by not recording the applications. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Major and Level II Major violations.

Mr. Pirani agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0087 Ronnie L. McGhee (Drift – Class H)

The Plant Board alleged Mr. Ronnie L. McGhee, Private Applicator, made a pre-emergence ground application of Xtendimax, Warrant, and Roundup PowermaxII to 80 acres of cotton on May 19, 2019. The evidence shows this application drifted off target onto Mr. Walker's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McGhee agrees to a Level I Warning for settlement of the allegation.

CF19-0087 Ronnie L. McGhee (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Ronnie L. McGhee, Private Applicator, made a pre-emergence ground application of Xtendimax, Warrant, and Roundup PowermaxII to 80 acres of cotton on May 19, 2019. The evidence shows Mr. Ronnie L. McGhee applied a tank mix of a product containing the active ingredient Glyphosate (Roundup PowermaxII) mixed with a pesticide containing the active ingredient dicamba labeled for in crop use (Xtendimax) during the prohibited period of April 16th through May 25th. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McGhee agrees to a Level I Warning for settlement of the allegation.

CF19-0087 Ronnie L. McGhee (Record Keeping – Class H)

The Plant Board alleged Mr. Ronnie L. McGhee, Private Applicator, made a pre-emergence ground application of Xtendimax, Warrant, and Roundup PowermaxII to 80 acres of cotton on May 19, 2019. The evidence shows Mr. Ronnie L McGhee failed to keep the proper records by not recording total amount applied, the location of the application, the date and provider of required training completed and proof of completion, receipts or copies for the purchase of this product, a copy of this product label, and any state special local needs label that supplements this label, and the name of the sensitive crop registry and the date it was consulted and documentation of adjacent crops/areas and the date the survey was conducted. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McGhee agrees to a Level I Warning for settlement of the allegation.

CF19-0134 Rollen Smith (Drift – Class H)

The Plant Board alleged Mr. Rollen Smith made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto the Gardner's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Smith agrees to a Level I Warning for settlement of the allegation.

CF19-0134 Rollen Smith (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Rollen Smith made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Smith agrees to a Level I Warning for settlement of the allegation.

CF19-0134 Rollen Smith (Record Keeping – Class H)

The Plant Board alleged Mr. Rollen Smith made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Rollen Smith failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Smith agrees to a Level I Warning for settlement of the allegation.

CF19-0134 Rollen Smith (No Private Applicator License)

The Plant Board alleged Mr. Rollen Smith made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Rollen Smith was not duly licensed by the Plant Board as a Private Applicator. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Smith agrees to a Level I Warning for settlement of the allegation.

CF19-0145 Brandon Lenard Cain (Buffer Zone – Class H)

The Plant Board alleged Mr. Brandon Lenard Cain, Private Applicator, made postemergence ground applications of Engenia (a Class H Product) and Zidua on May 07, 2019 to soybeans (Fields DB1, DB2, DB3) and May 15, 2019 to soybeans (Field LB6) within 1 mile of Mr. Feather's pecan orchard. The evidence shows the two applications were each made within 1 mile of Mr. Feather's pecan trees which would be inside the 1 mile buffer zone required from commercial specialty crops for dicamba applications; thus, these are two buffer zone violations. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Egregious Eligible and Level II Egregious Eligible violations.

Mr. Cain agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0151 James (Tim) Sullivan (Drift – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Cox's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0151 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0151 James (Tim) Sullivan (Failure to Provide Records – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows Mr. James "Tim" Sullivan failed to provide records for the dicamba application as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0178 Neil Shane Culp (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Neil Shane Culp, Private Applicator, made an application of an unknown product containing dicamba made to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Culp agrees to a Level I Warning for settlement of the allegation.

CF19-0180 David A. Wallace (Drift – Class H)

The Plant Board alleged Mr. David A. Wallace, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Stephens's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Wallace agrees to a Level I Warning for settlement of the allegation.

CF19-0180 David A. Wallace (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. David A. Wallace, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Wallace agrees to a Level I Warning for settlement of the allegation.

CF19-0180 David A. Wallace (Record Keeping – Class H)

The Plant Board alleged Mr. David A. Wallace, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. David A. Wallace failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Wallace agrees to a Level I Warning for settlement of the allegation.

CF19-0201 Danny Joe Voyles (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Danny Joe Voyles, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Voyles agrees to a Level I Warning for settlement of the allegation.

CF19-0232 Adam Kyle Henard (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Adam Kyle Henard, Private Applicator, made postemergence applications of an unknown product containing dicamba to three soybean fields (Field #1, Field #2, and Field #3) on unknown dates. The evidence shows the three applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as three (3) Level IV Egregious Eligible violations.

Mr. Henard agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0233 Weston Edward Cissell (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Weston Edward Cissell, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Cissell agrees to a Level I Warning for settlement of the allegation.

CF19-0233 Weston Edward Cissell (Record Keeping – Class H)

The Plant Board alleged Mr. Weston Edward Cissell, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Weston Edward Cissell failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Cissell agrees to a Level I Warning for settlement of the allegation.

CF19-0235 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made applications of an unknown product containing dicamba to cotton Field #1, Field #2, and Field #3 on unknown dates. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Egregious Eligible, Level II Egregious Eligible, and Level III Egregious Eligible violations.

Mr. Sullivan agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0235 James (Tim) Sullivan (Failure to Provide Records – Class H)

The Plant Board alleged Inspector Johnson attempted to obtain records from Mr. James "Tim" Sullivan, Private Applicator, on July 31, 2019, August 1, 2019, and August 2, 2019. The evidence shows Mr. James "Tim" Sullivan failed to provide records for the dicamba applications as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0241 Larry L. Malone, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Larry L. Malone, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Malone agrees to a Level I Warning for settlement of the allegation.

CF19-0241 Larry L. Malone, Jr. (Record Keeping – Class H)

The Plant Board alleged Mr. Larry L. Malone, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Larry L. Malone, Jr. failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Malone agrees to a Level I Warning for settlement of the allegation.

CF19-0242 Robert (Ron) B. Holthouse, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Holthouse agrees to a Level I Warning for settlement of the allegation.

CF19-0242 Robert (Ron) B. Holthouse, Jr. (Record Keeping – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Robert (Ron) B. Holthouse, Jr. failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Holthouse agrees to a Level I Warning for settlement of the allegation.

CF19-0245 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0246 Godfrey S. White, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Godfrey S. White, Jr., Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. White agrees to a Level I Warning for settlement of the allegation.

CF19-0247 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0248 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0249 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0250 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0251 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF19-0257 Mike P. McCarty (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Mike P. McCarty made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McCarty agrees to a Level I Warning for settlement of the allegation.

CF19-0257 Mike P. McCarty (Record Keeping – Class H)

The Plant Board alleged Mr. Mike P. McCarty made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Mike P. McCarty failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McCarty agrees to a Level I Warning for settlement of the allegation.

CF19-0257 Mike P. McCarty (No Private Applicator License)

The Plant Board alleged Mr. Mike P. McCarty made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Mike P. McCarty was not duly licensed by the Plant Board as a Private Applicator. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. McCarty agrees to a Level I Warning for settlement of the allegation.

CF19-0262 Robert (Ron) B. Holthouse, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Robert (Ron) B. Holthouse, Jr., Private Applicator, made a postemergence application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Holthouse agrees to a Level I Warning for settlement of the allegation.

CF19-0278 James William Drace (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James William Drace, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Drace agrees to a Level I Warning for settlement of the allegation.

CF19-0278 James William Drace (Record Keeping – Class H)

The Plant Board alleged Mr. James William Drace, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. James William Drace failed to keep the proper records by not recording the applications. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Drace agrees to a Level I Warning for settlement of the allegation.

CF19-0307 Kevin Crosskno (Drift – Class H)

The Plant Board alleged Mr. Kevin Crosskno, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Weiss's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Crosskno agrees to a Level I Warning for settlement of the allegation.

CF19-0307 Kevin Crosskno (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Kevin Crosskno, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Crosskno agrees to a Level I Warning for settlement of the allegation.

CF19-0307 Kevin Crosskno (Record Keeping – Class H)

The Plant Board alleged Mr. Kevin Crosskno, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Kevin Crosskno failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Crosskno agrees to a Level I Warning for settlement of the allegation.

CF19-0324 Claud Allen Rains (Drift – Class H)

The Plant Board alleged Mr. Claud Allen Rains, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Baioni's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Rains agrees to a Level I Warning for settlement of the allegation.

CF19-0324 Claud Allen Rains (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Claud Allen Rains, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Rains agrees to a Level I Warning for settlement of the allegation.

CF19-0324 Claud Allen Rains (Record Keeping – Class H)

The Plant Board alleged Mr. Claud Allen Rains, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Claud Allen Rains failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Rains agrees to a Level I Warning for settlement of the allegation.

CF19-0330 James (Tim) Sullivan (Drift – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Hillegas's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0330 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0330 James (Tim) Sullivan (Failure to Provide Records – Class H)

The Plant Board alleged Inspector Johnson attempted to obtain records from Mr. James "Tim" Sullivan, Private Applicator, on August 02, 2019, August 05, 2019, August 06, 2019, and August 07, 2019. The evidence shows Mr. James "Tim" Sullivan failed to provide records for the dicamba applications as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF19-0347 William Michael Butler (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. William Michael Butler, Private Applicator, made applications of an unknown product containing dicamba to soybean Field #1, Field #2, and Field #3 on unknown dates. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as three (3) Level IV Egregious Eligible violations.

Mr. Butler agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0356 Gavin Richard Sullivan (Use During Prohibited Period – Class II)

The Plant Board alleged Mr. Gavin Richard Sullivan, Private Applicator, made applications of an unknown product containing dicamba to soybean Field #1 and Field #2 on unknown dates. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Egregious Eligible and Level II Egregious Eligible violations.

Mr. Sullivan agrees to a Level I Warning for settlement of the above listed allegations.

CF19-0361 Joshua Daniel Bartlett (Drift – Class II)

The Plant Board alleged Mr. Joshua Daniel Bartlett, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Fuller's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Bartlett agrees to a Level I Warning for settlement of the allegation.

CF19-0361 Joshua Daniel Bartlett (Use During Prohibited Period – Class II)

The Plant Board alleged Mr. Joshua Daniel Bartlett, Private Applicator, made a postemergence application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Bartlett agrees to a Level I Warning for settlement of the allegation.

CF19-0361 Joshua Daniel Bartlett (Record Keeping – Class II)

The Plant Board alleged Mr. Joshua Daniel Bartlett, Private Applicator, made a postemergence application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows Mr. Joshua Daniel Bartlett failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Bartlett agrees to a Level I Warning for settlement of the allegation.

CF19-0388 David J. Oprey (Drift – Class II)

The Plant Board alleged Mr. David J. Oprey, Private Applicator, made a postemergence ground application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows this application drifted off target onto Mr. Felker's soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Oprey agrees to a Level I Warning for settlement of the allegation.

CF19-0388 David J. Oprey (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. David J. Oprey, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Oprey agrees to a Level I Warning for settlement of the allegation.

CF19-0388 David J. Oprey (Record Keeping – Class H)

The Plant Board alleged Mr. David J. Oprey, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. David J. Oprey failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Oprey agrees to a Level I Warning for settlement of the allegation.

CF20-0189 Bradley Michael DaVault (Drift – Class H)

The Plant Board alleged Mr. Bradley Michael DaVault, Private Applicator with DaVault ArkMo Farms, made a postemergence application of an unknown product containing dicamba to soybeans in the Mike & Jims field on an unknown date. The evidence shows this application drifted off target onto Ms. Dills' cotton. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. DaVault agrees to a Level I Warning for settlement of the allegation.

CF20-0189 Bradley Michael DaVault (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Bradley Michael DaVault, Private Applicator with DaVault ArkMo Farms, made a postemergence application of an unknown product containing dicamba to soybeans in the Mike & Jims field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. DaVault agrees to a Level I Warning for settlement of the allegation.

CF20-0189 Bradley Michael DaVault (Record Keeping – Class H)

The Plant Board alleged Mr. Bradley Michael DaVault, Private Applicator with DaVault ArkMo Farms, made a postemergence application of an unknown product containing dicamba to soybeans in the Mike & Jims field on an unknown date. The evidence shows Mr. Bradley Michael DaVault failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. DaVault agrees to a Level I Warning for settlement of the allegation.

CF20-0216 David Griffin (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. David Griffin, Private Applicator for Griffin Farms, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Griffin agrees to a Level I Warning for settlement of the allegation.

CF20-0216 David Griffin (Record Keeping – Class H)

The Plant Board alleged Mr. David Griffin, Private Applicator for Griffin Farms, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows Mr. David Griffin, Griffin Farms, failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Griffin agrees to a Level I Warning for settlement of the allegation.

CF20-0221 James (Tim) Sullivan (Drift – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Cox's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0221 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0221 James (Tim) Sullivan (Record Keeping – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made an application of an unknown product containing dicamba to cotton on an unknown date. The evidence shows James "Tim" Sullivan failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0239 Lee A. Osborne (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Lee A. Osborne, Private Applicator, made an application of an unknown product containing dicamba to soybeans in Pikey field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Osborne agrees to a Level I Warning for settlement of the allegation.

CF20-0239 Lee A. Oborne (Record Keeping – Class H)

The Plant Board alleged Mr. Lee A. Osborne, Private Applicator, made an application of an unknown product containing dicamba to soybeans in Pikey field on an unknown date. The evidence shows Mr. Lee A. Osborne failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Osborne agrees to a Level I Warning for settlement of the allegation.

CF20-0348 James (Tim) Sullivan (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made a postemergence ground application of an unknown product containing dicamba to cotton in Field #2 on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0348 James (Tim) Sullivan (Record Keeping – Class H)

The Plant Board alleged Mr. James "Tim" Sullivan, Private Applicator, made a postemergence ground application of an unknown product containing dicamba to cotton in Field #2 on an unknown date. The evidence shows Mr. James "Tim" Sullivan failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Sullivan agrees to a Level I Warning for settlement of the allegation.

CF20-0348 Timothy Arduino Pirani (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator for Cox-Pirani Farms, made a postemergence ground application of an unknown product containing dicamba to soybeans in Field #1 (Rutherford field) on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level IV Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF20-0348 Timothy Arduino Pirani (Record Keeping – Class H)

The Plant Board alleged Mr. Timothy Arduino Pirani, Private Applicator for Cox-Pirani Farms, made a postemergence ground application of an unknown product containing dicamba to soybeans in Field #1 (Rutherford field) on an unknown date. The evidence shows Mr. Timothy Arduino Pirani failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Pirani agrees to a Level I Warning for settlement of the allegation.

CF20-0377 Dalton Dilldine (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Dalton Dilldine, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans in Simmons field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Dilldine agrees to a Level I Warning for settlement of the allegation.

CF20-0377 Dalton Dilldine (Record Keeping – Class H)

The Plant Board alleged Mr. Dalton Dilldine, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans in Simmons field on an unknown date. The evidence shows Mr. Dalton Dilldine failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Dilldine agrees to a Level I Warning for settlement of the allegation.

CF20-0378 Arlis Clark Long, Jr. (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Arlis Clark Long Jr., Private Applicator/Owner Clark Long Jr. Farms, made a postemergence ground application of an unknown product containing dicamba to 103 acres of cotton in the Myers field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Long agrees to a Level I Warning for settlement of the allegation.

CF20-0378 Arlis Clark Long, Jr. (Record Keeping – Class H)

The Plant Board alleged Mr. Arlis Clark Long Jr., Private Applicator/Owner Clark Long Jr. Farms, made a postemergence ground application of an unknown product containing dicamba to 103 acres of cotton in the Myers field on an unknown date. The evidence shows Mr. Arlis Clark Long, Jr. failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Long agrees to a Level I Warning for settlement of the allegation.

CF20-0393 Austin Kyle Murray (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Austin Kyle Murray, Private Applicator, made an application of an unknown product containing dicamba to soybeans in Mounds Sand 40 field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Murray agrees to a Level I Warning for settlement of the allegation.

CF20-0393 Austin Kyle Murray (Record Keeping – Class H)

The Plant Board alleged Mr. Austin Kyle Murray, Private Applicator, made an application of an unknown product containing dicamba to soybeans in Mounds Sand 40 field on an unknown date. The evidence shows Mr. Austin Kyle Murray failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Murray agrees to a Level I Warning for settlement of the allegation.

CF20-0410 Terry Joe Masterson (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the Rockwell Publishing field on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0410 Terry Joe Masterson (Record Keeping – Class H)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the Rockwell Publishing field on an unknown date. The evidence shows Mr. Terry Joe Masterson failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0410 Terry Joe Masterson (Use During Prohibited Period – Class F)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing 2,4-D to soybeans in the Rockwell Publishing field on an unknown date. The evidence shows the application was made during the prohibited period of April 16th through September 15th. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0410 Terry Joe Masterson (Record Keeping – Class F)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing 2,4-D to soybeans in the Rockwell Publishing field on an unknown date. The evidence shows Mr. Terry Joe Masterson failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0411 Terry Joe Masterson (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the Drive In field on an unknown date for Mr. Farrell Young. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0411 Terry Joe Masterson (Record Keeping – Class H)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the Drive In field on an unknown date for Mr. Farrell Young. The evidence shows Mr. Terry Joe Masterson failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0411 Terry Joe Masterson (Use During Prohibited Period – Class F)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing 2,4-D to the field east of Hwy 67 on an unknown date for Mr. Farrell Young. The evidence shows the application was made during the prohibited period of April 16th through September 15th. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0411 Terry Joe Masterson (Record Keeping – Class F)

The Plant Board alleged Mr. Terry Joe Masterson, Private Applicator, made an application of an unknown product containing 2,4-D to the field east of Hwy 67 on an unknown date for Mr. Farrell Young. The evidence shows Mr. Terry Joe Masterson failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Masterson agrees to a Level I Warning for settlement of the allegation.

CF20-0413 Stephen J. Fox (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Stephen J. Fox, Private Applicator for Fox Farms, made a ground application of an unknown product containing dicamba to Fox Farms' equipment parking area on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Fox agrees to a Level I Warning for settlement of the allegation.

CF20-0413 Stephen J. Fox (Record Keeping – Class H)

The Plant Board alleged Mr. Stephen J. Fox, Private Applicator for Fox Farms, made a ground application of an unknown product containing dicamba to Fox Farms' equipment parking area on an unknown date. The evidence shows Mr. Stephen J. Fox failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Fox agrees to a Level I Warning for settlement of the allegation.

CF20-0413 Stephen J. Fox (Off Label Use)

The Plant Board alleged Mr. Stephen J. Fox, Private Applicator for Fox Farms, made a ground application of Grandstand to Fox Farms' equipment parking area on an unknown date. Grandstand R Herbicide is approved for use on rice only; thus, the application of Grandstand R is an off label use. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Fox agrees to a Level I Warning for settlement of the allegation.

CF20-0433 James William Drace (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. James William Drace, Private Applicator for Wade Drace Farms, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Drace agrees to a Level I Warning for settlement of the allegation.

CF20-0433 James William Drace (Record Keeping – Class H)

The Plant Board alleged Mr. James William Drace, Private Applicator for Wade Drace Farms, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. James William Drace failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Drace agrees to a Level I Warning for settlement of the allegation.

CF20-0439 David Griffin (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. David Griffin, Private Applicator for Griffin Farms, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Griffin agrees to a Level I Warning for settlement of the allegation.

CF20-0439 David Griffin (Record Keeping – Class H)

The Plant Board alleged Mr. David Griffin, Private Applicator for Griffin Farms, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. David Giffin failed to keep the proper records by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Egregious Eligible violation. Mr. Griffin agrees to a Level I Warning for settlement of the allegation.

CF20-0468 Michael W. Young (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Michael W. Young, Private Applicator, made applications of an unknown product containing dicamba to soybeans in Field #1 and Field #2 on unknown dates. The evidence shows the applications were made during the prohibited period of May 26th through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Egregious Eligible and Level II Egregious Eligible violations.

Mr. Young agrees to a Level I Warning for settlement of the above listed allegations.

CF20-0468 Michael W. Young (Failure to Provide Records – Class H)

The Plant Board alleged Mr. Michael W. Young, Private Applicator, made an application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Michael W. Young failed to provide records for the dicamba application as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Young agrees to a Level I Warning for settlement of the allegation.

CF20-0477 Joseph Michael Hart (Drift with Human Exposure)

The Plant Board alleged Mr. Joseph Michael Hart, Commercial Applicator for H&M Flying Service, made a postemergence aerial application of Sniper, Acephate 90, and Mepiquat to 39.36 acres of cotton in the Smith 40 field on August 17, 2020 for Mr. Blaine Higginbotham. The evidence shows this application drifted off target onto Mr. Morgan Fletcher and his property resulting in a human exposure to a pesticide. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hart agrees to a Level I Warning for settlement of the allegation.

CF20-0502 Joseph Michael Hart (Drift)

The Plant Board alleged Mr. Joseph Michael Hart, Commercial Applicator for H&M Flying Service, made a postemergence aerial application of Defol 5 to 102 acres of rice for defoliation in the Wildy West 1 field on September 03, 2020 for Webfoot Farms. The evidence shows this application drifted off target onto Mr. Faulkenberry's lawn and garden. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Hart agrees to a Level I Warning for settlement of the allegation.

CF21-0016 Jeffrey Dale Slack (Drift – Class H)

The Plant Board alleged Mr. Jeffrey Dale Slack, Commercial Applicator, made a ground application of Glyphosate 41%, Panther SC, Clash, and Direct to 425 acres in the Etowah Farm field for burndown on April 05, 2021 for Bell Planting Company. The evidence shows this application drifted off target onto Ms. Spain's trees. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level III Major violation. Mr. Slack agrees to a Level I Warning for settlement of the allegation.

CF21-0066 Bryan Stone Schmidt (Drift)

The Plant Board alleged Mr. Bryan Stone Schmidt, Private Applicator, made a ground application of Roundup PowerMAX and Command 3ME to 64 acres in Field #4 for burndown on April 17, 2021. The evidence shows this application drifted off target onto Mr. Romine's trees. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Schmidt agrees to a Level I Warning for settlement of the allegation.

CF21-0066 Bryan Stone Schmidt (Buffer Zone)

The Plant Board alleged Mr. Bryan Stone Schmidt, Private Applicator, made ground applications of Roundup PowerMAX and Command 3ME to 76 acres in Field #2 and #3 for burndown on April 05, 2021 and to 64 acres in Field #4 for burndown on April 17, 2021. The evidence shows the applications were made within 1200 feet of the Hoxie city limit which would be inside the 1200 foot buffer zone requirement for Command 3ME; thus, this is considered two (2) buffer zone violations. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation and Level II Major violations.

Mr. Schmidt agrees to a Level I Warning for settlement of the above listed allegations.

CF21-0127 Dustin D. McMahan (Record Keeping – Class H)

The Plant Board alleged Mr. Dustin D. McMahan, Private Applicator, made an application of an unknown product containing dicamba to 35 acres of cotton in the McIntire's field on an unknown date. The evidence shows Mr. Dustin D. McMahan failed to keep the proper records for a Class H product by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. McMahan agrees to a Level I Warning for settlement of the allegation.

CF21-0127 Dustin D. McMahan (Buffer Zone – Class H)

The Plant Board alleged Mr. Dustin D. McMahan, Private Applicator, made a ground application of Engenia, On-Target, and Sentris to Bayou 80-Ditch for burndown on June 30, 2021 and an application of an unknown product containing dicamba to 35 acres of cotton in the McIntire's field on an unknown date. The evidence shows the applications were made within approximately .70 and .08 miles of University of Arkansas - Rohwer Research Station which would be inside the 1 mile buffer zone requirement for Class H Products; thus, this is considered two (2) buffer zone violations. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Minor violation and Level II Major violations.

Mr. McMahan agrees to a Level I Warning for settlement of the above listed allegations.

CF21-0127 Shawn Keith Simpson (Record Keeping – Class H)

The Plant Board alleged Mr. Shawn Keith Simpson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the McElroys field on an unknown date. The evidence shows Mr. Shawn Keith Simpson failed to keep the proper records for a Class H product by not recording the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Simpson agrees to a Level I Warning for settlement of the allegation.

CF21-0127 Shawn Keith Simpson (Buffer Zone – Class H)

The Plant Board alleged Mr. Shawn Keith Simpson, Private Applicator, made an application of an unknown product containing dicamba to soybeans in the McElroys field on an unknown date. The evidence shows the application was made within approximately .30 miles of University of Arkansas - Rohwer Research Station which would be inside the 1 mile buffer zone requirement for Class H Products; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. Mr. Simpson agrees to a Level I Warning for settlement of the allegation.

CF21-0471 Ray J. Holzhauer (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Ray J. Holzhauer, Private Applicator for Shanco Co., made an application of an unknown product containing dicamba to the irrigation line in field BL8 on an unknown date. The evidence shows the application was made during the prohibited period of July 1st through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Holzhauer agrees to a Level I Warning for settlement of the allegation.

CF21-0471 Ray J. Holzhauer (Failure to Provide Records – Class H)

The Plant Board alleged Mr. Ray J. Holzhauer, Private Applicator for Shanco Co., made an application of an unknown product containing dicamba to the irrigation line in field BL8 on an unknown date. The evidence shows Mr. Ray J. Holzhauer failed to provide records for the dicamba application as required when asked on August 17, 2021. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Holzhauer agrees to a Level I Warning for settlement of the allegation.

CF21-0471 Michael A. Dodson (Buffer Zone – Class H)

The Plant Board alleged Mr. Michael A. Dodson made a postemergence ground application of Engenia, Prefix, Volacept, and Traverse D to 37.46 acres of soybeans in the Haunted House field on June 15, 2021 and to 204.33 acres of soybeans in the Malcolm field on June 16, 2021. The evidence shows the application was made within ¼ mile of Mr. Morton's non dicamba-tolerant soybean field which would be inside the ¼ mile buffer zone requirement for Class H Products; thus, this is considered a buffer zone violation. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines these violations as Level I Minor violation and Level II Major violations.

Mr. Dodson agrees to a Level I Warning for settlement of the above listed allegations.

CF21-0355 Lenny Joe Kyle (Use During Prohibited Period – Class H)

The Plant Board alleged Mr. Lenny Joe Kyle, Private Applicator, made a postemergence ground application of Engenia (EPA Reg. #7969-345) and Compadre to 2/3 acres of soybeans in the Penrose field on July 17, 2021 using a backpack sprayer. The evidence shows the application was made during the prohibited period of July 1st through October 31st. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Kyle agrees to a Level I Warning for settlement of the allegation.

CF21-0355 Lenny Joe Kyle (Use of an Unregistered Product – Class H)

The Plant Board alleged Mr. Lenny Joe Kyle, Private Applicator, made a postemergence ground application of Engenia (EPA Reg. #7969-345) and Compadre to 2/3 acres of soybeans in the Penrose field on July 17, 2021 using a backpack sprayer. The evidence shows the application was made after December 20, 2020 (date the registration for this product expired); thus, is considered use of an unregistered Class H product. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Kyle agrees to a Level I Warning for settlement of the allegation.

CF21-0355 Lenny Joe Kyle (Record Keeping – Class H)

The Plant Board alleged Mr. Lenny Joe Kyle, Private Applicator, made a postemergence ground application of Engenia (EPA Reg. #7969-345) and Compadre to 2/3 acres of soybeans in the Penrose field on July 17, 2021 using a backpack sprayer. The evidence shows Mr. Kyle failed to keep the proper records by not recording the total amount applied, proof the applicator completed the required training, receipts for the purchase of this product, the sensitive crop registry consulted, the spray nozzle the applicator used to apply this product, and the nozzle pressure the applicator set the sprayer to. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Kyle agrees to a Level I Warning for settlement of the allegation.

CF21-0355 Lenny Joe Kyle (No Training Certificate – Class H)

The Plant Board alleged Mr. Lenny Joe Kyle, Private Applicator, made a postemergence ground application of Engenia (EPA Reg. #7969-345) and Compadre to 2/3 acres of soybeans in the Penrose field on July 17, 2021 using a backpack sprayer. The evidence shows Mr. Lenny Joe Kyle could not provide an EPA approved training certificate required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Kyle agrees to a Level I Warning for settlement of the allegation.

CF21-0538 Justin Keith Haller (Drift)

The Plant Board alleged Mr. Justin Keith Haller, Commercial Applicator for Scott Flying Service, made a postemergence application of Sodium Chlorate (Defol 5) to 35 acres of rice in the Corbet #5 field on September 07, 2021 for Mr. Jeff Worlow. The evidence shows this application drifted off target onto Mr. Phillips' soybeans. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Haller agrees to a Level I Warning for settlement of the allegation.

Attachment 5

Minutes of
Arkansas State Plant Board
Bureau of Standards Committee Meeting
May 20, 2025
9:30 a.m.

Committee Members Present

Via Zoom:	Robin Ralston, Bruce Alford, Sam Stuckey, Travis Senter, Caleb Wall, Robert Thorne, & Alex Johnston
Staff Present:	Nikhil Soman, Sheila Carter, Kristin Walter
Guest Present:	

Chairman Robin Ralston called the meeting to order at 9:37 a.m. Those in attendance stated their name and affiliation.

Chairman Robin Ralston stated the purpose of the meeting was to review violations and penalties. Chairman Ralston turned the floor over to Bureau of Standards Director, Nikhil Soman.

Nikhil Soman presented the committee for review and approval are the following cases from February 2025 to April 2025.

- In Attachment 1 – Table 1cases for Expired and or No Decal(s) there are 52 (Fifty-two) First Offenses and 10 (Ten) Second Offenses and 4 (Four) Third Offense and 1 (One) Fourth Offense on Pump(s), Scale(s) or Meter(s). These are First Offenses with a $350 penalty each, Second Offenses with a $800 penalty each, Third Offenses with a $1,350 penalty each and Fourth Offenses with a $2,000 penalty each.

  A motion was made by Sam Stuckey seconded by Bruce Alford to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 1 – Table 2 – cases for Misrepresentation of Pricing there are 1 (One) First Offenses 1. These are First Offenses with a $350 penalty each.

  A motion was made by Bruce Alford seconded by Sam Stuckey to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 1 – Table 3 – case for Water Contamination Limits there are 6 (Six) First Offense. These are First Offenses with a $200 penalty each.

  A motion was made by Bruce Alford seconded by Travis Senter to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously

- Request to waive/reduce Civil Penalty of $350 in Case BS 25-0143, Bassett Food & Fuel, Bassett, AR.

  A motion was made by Bruce Alford seconded by Travis Senter to approve reducing BS 25-0143 to $100.00 on the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- Request to withdraw Civil Penalty of $800 in Case BS 25-0181 and Civil Penalty in Case BS 25-0182 of $1,350 until Director can meet with owner of Cherry Street Food Mart, Pine Bluff, AR.

  A motion was made by Bruce Alford seconded by Sam Stuckey to approve withdrawing cases BS 25-0181 and BS 25-0182 until after meeting with owner on the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

There being no additional business, a motion was made by Bruce Alford and seconded by Travis Senter to adjourn.

Robin Ralston, Chairman
5/20/2025

A total of 74 Civil Penalties were issued in the period February 2025 to April 2025:

Attachment 1 - Violations

Sixty-Seven for No Decal or Expired Annual Decal Table 1

Fifty-Two First Offense

Ten Second Offense

Four Third Offense

One Fourth Offense

One for Misrepresentation of Pricing Table 2

One First Offense

Six for Water Contamination in the Fuel Table 3

Six First Offense

Attachment 1

Table 1

TABLE 1 - Violation of A.C.A § 4-18-344 NO ANNUAL OR EXPIRED INSPECTION DECAL - SIXTY SEVEN VIOLATIONS							
Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0141	The Old Gin	185 Hwy 18E	Dell	February 4, 2025	Pump(s)	First	$350
BS 25-0142	Circle K	21 Hwy64 W	Beebe	February 18, 2025	Pump(s)	First	$350
BS 25-0143	Bassett Food & Fuel	306 Hwy 61S	Bassett	February 11, 2025	Pump(s)	First	$350
BS 25-0144	Shell Food Mart	4610 W Keiser	Osceola	February 11, 2025	Pump(s)	First	$350
BS 25-0145	Circle K	2975 Malvern Av	Hot Springs	February 12, 2025	Pump(s)	First	$350
BS 25-0146	Mini Mart	25 N Main St	Greenland	February 03, 2025	Pump(s)	First	$350
BS 25-0147	Mini Mart/Phillips 66	2817 Garland Av	Fayettevile	February 03, 2025	Pump(s)	First	$350
BS 25-0148	Loves Travel Stop	294 US82	Lake Village	February 03, 2025	Meter(s)	First	$350
BS 25-0149	Lets Stop N Go	2223 N College Av	El Dorado	February 04, 2025	Pump(s)	First	$350
BS 25-0150	Quick Fuel Mart	13420 Otter Creek Pkwy	Little Rock	February 04, 2025	Pump(s)	First	$350
BS 25-0151	Al's Fast Trax	3010 N College Av	Fayetteville	February 10, 2025	Pump(s)	First	$350
BS 25-0152	Exxon One Stop	2901 W28th Av	Pine Bluff	February 11, 2025	Pump(s)	First	$350
BS 25-0153	Circle K	2501 Northlake	Benton	February 11, 2025	Pump(s)	First	$350
BS 25-0154	Circle K	100 N Lincoln Av	Star City	February 11, 2025	Pump(s)	First	$350
BS 25-0155	Cash Saver	345 S Main	Monticello	February 21, 2025	Scale(s)	First	$350
BS 25-0156	Big Red	1802 E Harding	Pine Bluff	February 25, 2025	Pump(s)	First	$350
BS 25-0158	Casey's	3400 E Race Av	Searcy	February 25, 2025	Pump(s)	First	$350
BS 25-0159	CJ's Country Market	7322 Batesville Pike	Jacksonville	February 27, 2025	Pump(s)	First	$350
BS 25-0160	DJ's Mart	1500 W Keiser	Osceola	February 25, 2025	Pump(s)	First	$350

Attachment 1

Table 1

Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0161	The Junction	24109 AR107	Jacksonville	February 27, 2025	Pump(s)	First	$350
BS 25-0162	White Oak Station	102 Passion Play Rd	Eureka Springs	March 03, 2025	Pump(s)	First	$350
BS 25-0163	Carniceria Guanajuato	805 W Centerton	Centerton	February 27, 2025	Scale(s)	First	$350
BS 25-0164	Community Butcher Halal	2410 SW 14th St	Bentonville	February 27, 2025	Scale(s)	First	$350
BS 25-0165	Desi Bazaar Indian Grocery	2800 SW 14th St	Bentonville	February 27, 2025	Scale(s)	First	$350
BS 25-0167	Villa Market	3307 W Wedington Dr	Fayetteville	February 28, 2025	Scale(s)	First	$350
BS 25-0168	Asian Grocery Store	1607 N College Av	Fayetteville	March 03, 2025	Scale(s)	First	$350
BS 25-0169	El Potrero Mexican Product	3200 S Thompson St	Springdale	March 03, 2025	Scale(s)	First	$350
BS 25-0170	La Sultana Market	2111 S Old Missouri	Springdale	March 03, 2025	Scale(s)	First	$350
BS 25-0171	Mi Tierra Supermarket	1301 E Robinson St B3	Springdale	March 03, 2025	Scale(s)	First	$350
BS 25-0172	El Amanecer Market	1115 S School Av	Fayetteville	March 03, 2025	Scale(s)	First	$350
BS 25-0173	Hortons Express	2055 Harkrider St	Conway	March 06, 2025	Scale(s)	First	$350
BS 25-0174	Searcy Shell	1250 Truman Baker Dr	Searcy	March 06, 2025	Pump(s)	First	$350
BS 25-0175	White Oak Station	101 E Main St	Green Forest	March 10, 2025	Pump(s)	First	$350
BS 25-0195	Sherwood Street	6828 Colonel Glenn	Little Rock	March 12, 2025	Pump(s)	First	$350
BS 25-0197	O'Neal Gas	1224 N 1st St	Stephens	March 18, 2025	Meter(s)	First	$350
BS 25-0198	Circle K	906 North St	Ward	March 17, 2025	Pump(s)	First	$350
BS 25-0201	Circle K	1205 Higden Ferry Rd	Hot Springs	March 18, 2025	Pump(s)	First	$350
BS 25-0202	Circle K	8921 Fourche Dam Pike	Little Rock	April 17, 2025	Pump(s)	First	$350
BS 25-0203	Manila Exxon	261 Hwy 18E	Manila	February 24, 2025	Pump(s)	First	$350
BS 25-0204	In & Out Convenience	925 W Tulsa	Siloam Ssprings	February 26, 2025	Pump(s)	First	$350
BS 25-0205	T Mart/P&D One Stop	2749 US82	Crossett	February 28, 2025	Pump(s)	First	$350

Attachment 1

Table 1

Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0206	Golden Dragon Buffet	1387 S 48th St	Springdale	March 12, 2025	Scale(s)	First	$350
BS 25-0207	Pramukh Vandan inc	5255 Hwy 135N	Paragould	March 11, 2025	Pump(s)	First	$350
BS 25-0208	Carniceria Guanajuato	229 S Main St	Decatur	March 19, 2025	Scale(s)	First	$350
BS 25-0209	Del Campo A La Cuidad	6500 S University	Little Rock	March 24, 2025	Scale(s)	First	$350
BS 25-0210	Mercado San Jose Grocery	7411 Geyer Springs Rd	Little Rock	March 24, 2025	Scale(s)	First	$350
BS 25-0211	Mr Chens Oriental Market	3901 S University	Little Rock	March 26, 2025	Scale(s)	First	$350
BS 25-0212	HR Food Mart	201 S Edline Av	Altheimer	March 27, 2025	Pump(s)	First	$350
BS 25-0213	KNK Auto Salvage	8221 Princeton Pike	White Hall	March 27, 2025	Scale(s)	First	$350
BS 25-0214	Kum & Go	1775 Old Morrilton Hwy	Conway	April 11, 2025	Pump(s)	First	$350
BS 25-0215	Wild Bill Conoco	1240 Garland Av	Fayetteville	April 14, 2025	Pump(s)	First	$350
BS 25-0216	Conoco 1 Stop	1725 S Whitehead Dr	Dewitt	April 17, 2025	Pump(s)	First	$350
BS 25-0179	Fenny's/ Sunoco	3515 Towson Av	Ft Smith	February 04, 2025	Pump(s)	Second	$800
BS 25-0180	Alon Food Mart	15541 I 30	Benton	February 05, 2025	Pump(s)	Second	$800
BS 25-0181	Cherry St Food Mart	2504 S Cherry St	Pine Bluff	February 11, 2025	Pump(s)	Second	$800
BS 25-0183	Circle K	100 N Lincoln Av	Star City	February 25, 2025	Pump(s)	Second	$800
BS 25-0184	Main st Food Mart	1620 S Main St	Pine Bluff	February 25, 2025	Pump(s)	Second	$800
BS 25-0186	Big Red	1802 E Harding Av	Pine Bluff	February 18, 2025	Pump(s)	Second	$800
BS 25-0187	Maxizoom Fuel Stop	128 S Main St	Brinkley	February 24, 2025	Pump(s)	Second	$800
BS 25-0177	Haskell Grove C store	2905 Hwy 229 S	Haskell	January 29, 2025	Pump(s)	Second	$800
BS 25-0196	Sherwood Street	6828 Colonel Glenn	Little Rock	March 26, 2025	Pump(s)	Second	$800
BS 25-0199	Circle K	906 North St	Ward	April 1, 2025	Pump(s)	Second	$800
BS 25-0182	Cherry St Food Mart	2504 S Cherry St	Pine Bluff	February 25, 2025	Pump(s)	Third	$1,350

Attachment 1

Table 1

Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0185	A & S Quick Mart	1416 S Blake St	Pine Bluff	February 25, 2025	Pump(s)	Third	$1,350
BS 25-0188	El Amanecer Market	1115 S School Av	Fayettevile	April 14, 2025	Scale(s)	Third	$1,350
BS 25-0200	Circle K	906 North St	Ward	April 15, 2025	Pump(s)	Third	$1,350
BS 25-0178	Haskell Grove C store	2905 Hwy 229 S	Haskell	February 18, 2025	Pump(s)	Fourth	$2,000

Attachment 1

Table 2

TABLE 2 - Violation of A.C.A § 4-18-316 MISREPRESENTATION OF PRICING - ONE VIOLATION (Required Accuracy 98%)							
Case File	Business Name	Address	City	Inspection Date	Accuracy Rate	Violation	Civil Penalty
BS 25-0176	Family Dollar	3901 S University Av	Little Rock	March 10, 2025	74%	First	$350

Attachment 1

Table 3

TABLE 3 - Violation of A.C.A § 4-108-204 (b)(1)(A) and 4-108-207 WATER CONTAMINATION LIMITS NON ETHANOL (1 inch) DIESEL (1 inch) ETHANOL Fuel (1/4 inch) -NINE VIOLATIONS									
Case File	Business Name	Address	City	Date of Inspection	Fuel Type	Location	Water inch(s)	Violation	Civil Penalty
BS 25-0189	North Point Exxon	1810 Hwy 49N	Paragould	March 4, 2025	Premium Unleaded	Storage Tank	2.5	First	$200
BS 25-0190	Trader Bills Outdoors	1530 Albert Pike	Hot Springs	March 11, 2025	Off Road Diesel	Storage Tank	2.0	First	$200
BS 25-0191	Sardinia Enterprise LLC	3039 Albert Pike	Hot Springs	March 5, 2025	Premium Unleaded	Storage Tank	2.0	First	$200
BS 25-0192	Speedy Stop	111 W Dixon	Little Rock	April 1, 2025	Hwy Diesel	Nozzle	Cloudy	First	$200
BS 25-0193	ToBo's 66	1200 W Wilson	Greenland	April 8, 2025	Premium E10	Storage Tank	0.88	First	$200
BS 25-0194	EZ Mart	54 N Centennial Av	West Fork	April 8, 2025	Regular Unleaded	Storage Tank	1.25	First	$200

Bassett Food & Fuel
306 Hwy 61 S
Bassett, AR 72350
[8708220661]
david.hauter@yahoo.com Date: May 15, 2025
To:
Nikhil Soman, Director
Arkansas Bureau of Standards
4608 W 61st Street
Little Rock, AR 72209

Recommendation to lower the Civil Penalty to $100

RE: Request for Dismissal or Reduction of Civil Penalty – Case No. BS 25-0143

Dear Mr. Soman,
Iam writing regarding the Notice of Violation issued to Bassett Food & Fuel dated March 5, 2025, related to the absence of an annual inspection decal on our fuel pump(s), as identified during the February 11, 2025, inspection by Ms. Erica Gurley

I would like to respectfully request reconsideration for dismissal or reduction of the $350 civil penalty associated with this first-time violation. The delay in inspection was due to a change in our calibration service provider. Transitioning to a new provider caused unforeseen scheduling delays, which unfortunately extended beyond the usual timeframe for compliance. At no point did we intend to operate outside of Arkansas standards or regulations.

We have since resolved the issue and completed the required inspection. We are also implementing a new compliance calendar to ensure timely service and adherence to future requirements.

As a small business serving the Bassett community, we strive to maintain full regulatory compliance and transparency. We greatly appreciate the work of the Arkansas Department of Agriculture and the Arkansas Bureau of Standards, and we are hopeful that our explanation and prompt corrective actions will be taken into account.

Thank you for your time and consideration. I am available for any additional information or clarification you may need.

Sincerely,
David Hauter / owner of Basset Food & Fuel

Attachment 6

May 6, 2025
10:00 a.m.
Arkansas Department of Agriculture
Little Rock, AR

- **Welcome, Introduction by Chairman Joe Mencer**
- **Insurance Coverage Presentations**
- **Inspection Reports on Cotton Ginned Without Gin Certificates**
- **Adjourn**

Tripp Gin Company - Kim Tripp/ Owner

301 Bailey Lake Rd,
Searcy, AR 72143

Entity	Date of ginning	Bales ginned
Brownd Farms	11/19/2024	1400
Sean Buford	12/8/2024	698
Richard Buford	12/9/2024	163

Additional Information:

Zach Heathscott, ADA, Agri Program Coordinator and Tommy James, Agri Inspector, met with Mr. Billy Tripp and Mrs. Kim Tripp on March 07, 2025. Mrs. Kim Tripp was issued a Notice of Inspection and obtained ginning records for Brownd Farms, Sean Buford, and Richard Buford. Mr. Billy Tripp and Mrs. Kim Tripp did not want to submit a statement of their own.

Lee Wilson & Company LLC - Cacky Sobral/Manager

5765 US Highway 61 S.
Wilson, AR 72395

Entity	Date of ginning	Bales ginned
Jeff James	11/5/2024 11/6/2024	135

Additional Information:

Statement from Cacky Sobral - Manager: On 02/24/2025, it was brought to my attention that Jeff James had not paid his boll weevil eradication fees. I immediately offered assistance to facilitate payment. After conducting further research, I discovered that we ginned 135 bales on 11/05/2024 and 11/06/2024, without having the proper certificate issued by the Arkansas State Plant Board. Jeff James is our smallest customer in terms of volume with a single field of less than 80 acres. Unfortunately, we simply missed ensuring the required certification. I acknowledge this violation and recognize that we did not have an adequate check-off system in place to prevent this from happening. To ensure this does not reoccur, I am implementing the following corrective actions: Email certs to cotton@wilsonarkansas.com which will automatically copy THREE designated individuals within our organization ensuring multiple internal controls in place. We will review the list of growers prior to August 15th to follow up with Regina Coleman to verify any missing certificates. This proactive step will help us facilitate timely payment and ensure the certificates are obtained before any penalties are enforced. We will implement regular internal checks and communication to ensure that all required boll weevil certificates are obtained before ANY ginning occurs. This is our first violation, and we respectfully request that any penalties be wavied due to the corrective measures we are putting in place. I am fully committed to adhering to all relevant policies and ensuring that this does not occur again. We will implement these changes immediately to ensure compliance moving forward. Thank you for your understanding and consideration.

RHM Gin - Kim Brown/Controller

PO Box 159
Marked Tree, AR 72365

Entity	Date of ginning	Bales ginned
Chase Jackson Farms	10/10/2024 11/1/2024	945

Additional Information:

Statement from Kim Brown - Controller: Stephanie Arredondo, office personnel whom handles boll weevil certificates, thought she had Chase Jackson certificate because she recieved two (2) certificates for R&J Farms which is Rodney Jackson. She thought one was Chase's because Rodney is his father and he handles all gin related stuff for us.

Attachment 8

Bylaws for the Conduct of Business Of the Arkansas State Plant Board

ARTICLE 1. NAME AND STATUTORY CREATION. The Arkansas State Plant Board is established by Act 414 of 1917 and subsequent amendments.

ARTICLE *2.* OFFICERS

Section One: The members of the Board are appointed as set forth in statute and subject to the limitations imposed therein.

Section Two: The officers shall include a Chair, a Vice-Chair, and a Secretary. All members are eligible to hold office.

Section Three: Officers shall be elected annually for one year, and are eligible for re- election. The annual election shall be at the first regular meeting in each fiscal year. All officers shall continue to hold their respective offices until their successors are elected.

Section Four: The Chair shall preside at all meetings of the Board. The Chair appoints all committees, and may appoint both standing and ad hoc committees. The Chair is authorized to execute all documents on behalf of the Board, and generally performs all duties associated with that office. The Chair shall ensure that a record of Commission transactions, findings, and determinations shall be kept as required by law. The Vice-Chair, in the event of the absence or disability of the Chair or of a vacancy of that office, shall assume and perform all duties and functions of the Chair.

ARTICLE 3. BOARD MEETINGS.

Section One: The Board shall meet at least quarterly, with the date, hour, and place set by the Board. Special meetings may be called by the chair; or the vice chairman if he or she is, for any reason, the acting chairman, at his or her own instance. Special meetings may also be called upon the written request of at least five (5) members.

Section Two: All meetings shall be conducted in accordance with the Arkansas Freedom of Information Act and the Arkansas Administrative Procedure Act, as applicable.

Section Three: A quorum is defined by law as a majority of the members of the Board. All rules, regulations, and other actions of the Board must be voted on affirmatively by a majority of the voting members present before they can become effective. Voting members means those authorized by statute to vote. Voting by proxy is not allowed in committee or Board meetings.

~~**Section Four:** Board members may participate in Board and committee meetings by telephone conference, except for administrative penalty hearings. Members may participate by phone and vote on uncontested administrative penalty matters.~~

Section Four: With the exception of administrative hearings, Board and Committee members may participate in meetings remotely as provided by Act 505 of 2025, effective on August 5, 2025, and codified as Arkansas Code Annotated § 25-19-106(e). For a member who attends a meeting remotely to be counted for a quorum or to vote, the Board or committee shall:

1. At the beginning of the meeting, verify the identity of the member attending remotely;
2. Allow other Board or committee members and the public, whether physically present at the meeting or attending the meeting remotely, at all times to:
    a. Hear the Board or committee member attending remotely;
    b. Observe or otherwise understand a vote of the member attending remotely; and
    c. Know the identity of the member attending remotely when that member is speaking or voting; and
3. Allow a member attending remotely to hear the other members in attendance at the meeting and any public comment.

Any member who attends a meeting remotely, as provided by this policy, shall not receive mileage or per diem for attending the meeting.

ARTICLE 4. MISCELLANEOUS

Section One: These Bylaws shall be interpreted to establish orderly, equitable, and efficient procedures. For any procedural issues, as a guide, the Board may refer to the latest edition of Robert's Rules of Order, Newly Revised.

Section Two: The provisions of these rules are severable. Any provision determined to be contrary to law shall be void and the remaining provisions shall not be affected.

Section Three: The Director of the Plant Board shall be the official custodian of Board records.

Effective 3/12/2019;
Article 3, Sec. 3 amended 12/11/2019;
Article 3, Sec. 4 amended 6/5/2025