



STATE OF CONNECTICUT

VS

CONSENT ORDER NUMBER
COWSPST12-045

EDDIE SERVANCE, JR.
RESPONDENT

ISSUE DATE September 21, 2012

A. With the agreement of Eddie Servance, Jr. ("Respondent"), the Commissioner of Energy & Environmental Protection ("the Commissioner") finds:

1. Respondent is an individual with a residential address at 264 Clover Street in Stratford, Connecticut.
2. Respondent holds commercial pesticide operator certificate with certification number O-13105 with an expiration date of 1/31/2014.
3. On 11/8/11, the Commissioner issued commercial pesticide supervisor certificate with certification number S-5890 in the Rodent category to the Respondent with an expiration date of 1/31/2014.
3. Since at least June 2009, Respondent engaged in the operation of a commercial pesticide application business without first obtaining a certificate of registration from the Commissioner.
4. Since at least June 2009, Respondent performed work including pesticide applications for the control of pests in the general pest category without first obtaining commercial pesticide supervisor certification in that category.
5. In August 2009, Respondent made a false and misleading statement to staff of the Department of Energy and Environmental Protection, Pesticide Management Program concerning Respondent's engaging in the operation of an unregistered commercial pesticide application business by the name of Easy Exterminating.
6. Between June 2009 and November 2011, Respondent engaged in the operation of a commercial pesticide application business without first employing an individual with commercial pesticide supervisor certification.
7. On or about 11/8/11, Respondent used Ditrac Tracking Powder in a manner inconsistent with labeling by failing to assure that the product was placed in locations that were not accessible to

children, pets or domestic animals at the Joyal residence located at 51 Emerson Street, Norwalk, Connecticut.

8. On or about 11/8/11, Respondent used Ditrac Tracking Powder in a faulty, careless and negligent manner by failing to assure that the product was placed in locations that were not accessible to children, pets or domestic animals at the Joyal residence located at 51 Emerson Street, Norwalk, Connecticut.

9. On or about 11/8/11, Respondent used Liqua-Tox II in a manner inconsistent with labeling by failing to assure that the product was placed in locations that were not accessible to children, pets or domestic animals at the Joyal residence located at 51 Emerson Street, Norwalk, Connecticut. Respondent also stored unused liquid bait in a Gatorade bottle that was left at the Joyal residence.

10. On or about 11/8/11, Respondent used Liqua-Tox II in a faulty, careless and negligent manner by failing to assure that the product was placed in locations that were not accessible to children, pets or domestic animals at the Joyal residence located at 51 Emerson Street, Norwalk, Connecticut. Respondent also stored unused liquid bait in a Gatorade bottle that was left at the Joyal residence.

11. On or about 11/8/11, Respondent used Just One Bite II Bait Chunks in a manner inconsistent with labeling by crushing the bait before placing it in unsecured or immobilized rodent bait stations from which loose bait could be shaken by children, pets or non-target animals at the Joyal residence located at 51 Emerson Street, Norwalk, Connecticut.

12. On or about 11/8/11, Respondent used Just One Bite II Bait Chunks in a faulty, careless and negligent manner by crushing the bait before placing it in unsecured or immobilized rodent bait stations from which loose bait could be shaken by children, pets or non-target animals at the Joyal residence located at 51 Emerson Street, Norwalk, Connecticut.

13. On or about 11/8/11, Respondent used pesticides including but not limited to chlorpyrifos, malathion, fipronil and/or diazinon in a faulty, careless and negligent manner at the Joyal residence located at 51 Emerson Street, Norwalk, Connecticut.

14. On or about 11/8/11, Respondent failed to provide pesticide label information to the person requesting the application prior to entering into a written or oral agreement to apply pesticides at the Joyal residence located at 51 Emerson Street, Norwalk, Connecticut.

15. Supervisory pesticide application records maintained by Respondent for applications performed at the Joyal residence on or about 11/13/11, 11/15/11 and 11/16/11 do not contain specific required information including the name of the certified commercial supervisor, the kind and amount of pesticide(s) used and or the target pest.

By virtue of the above, Respondent has violated Connecticut General Statutes Sections 22a-61(b)(7), 22a-61(f)(1)(A), 22a-61(f)(1)(E), 22a-61(f)(1)(K), 22a-61(f)(1)(L), 22a-66a(2), 22a-66c(a), 22a-66e(a)(4), 22a-66e(a)(7), 22a-66e(a)(9), 22a-66f and 22a-58(d).

B. With the agreement of Respondent, the Commissioner, acting under §22a-6, §22a-63(e), §22a-66h, §22a-61(f) and §22a-66d of the Connecticut General Statutes, orders Respondent as follows:

- 1) Effective immediately upon issuance of this consent order, Respondent shall take all steps necessary to comply with all applicable provisions of chapters 441 governing Pesticide Control of the Connecticut General Statutes and regulations promulgated thereunder and shall maintain such compliance.
2. Effective immediately upon issuance of this consent order, Respondent shall not purchase, use or supervise the use of any pesticide for any commercial pesticide application or in any way act in the capacity of a certified commercial supervisor or engage in the operation of a commercial pesticide application business, for compensation or not, until such time that commercial pesticide supervisor certification has been granted and a commercial pesticide business registration has been issued.
3. Respondent shall surrender his commercial pesticide supervisor certificate/certification in the Rodent category to the Commissioner without a hearing as provided for under Rules of Practice Section 22a-3a-5(d). Said certificate shall be surrendered to the Commissioner on or before thirty (30) days after the date of issuance of this consent order.
4. The application of Respondent to add General Pest as a category to his certification and dated 12/11/11 is denied by the Commissioner without a hearing as provided for under Rules of Practice Section 22a-3a-5(d).
5. The application of Respondent for a certificate of registration as a commercial pesticide application business and dated 11/13/11 is denied by the Commissioner without a hearing as provided for under Rules of Practice Section 22a-3a-5(d).
6. Respondent may re-apply for the commercial pesticide supervisor exam and/or commercial pesticide application business registration certificate upon completion of three (3) years accumulated time of employment as a certified commercial operator with an appropriately registered commercial pesticide application business. Respondent will be responsible to maintain record(s) of his employment as a commercial pesticide operator through payroll documents and provide them with the name, address and telephone number of the employer(s) as documentation of his accumulated work experience prior to the issuance of any commercial pesticide supervisor certification or commercial pesticide application business registration certificate.

7. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.

8. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.

9. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.

10. Dates. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.

11. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is non-appealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.

12. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.

13. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.

14. Commissioner's powers. Nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.

15. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.

16. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance.

17. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the place of business or employment without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.

18. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.

19. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.

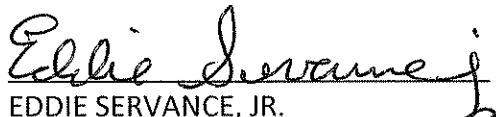
20. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

21. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Diane Jorsey, Environmental Analyst III
Department of Energy and Environmental Protection
Bureau of Materials Management and Compliance Assurance
Pesticide Management Program
79 Elm Street
Hartford, Connecticut 06106-5127

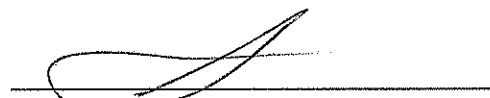
Respondent consents to the issuance of this consent order without further notice.

EDDIE SERVANCE, JR.


EDDIE SERVANCE, JR.
RESPONDENT

Sep 6, 2012
Date

Issued as a final order of the Commissioner of Energy and Environmental Protection.


Macky McCleary
Deputy Commissioner

9/19/12
Date