

**BOARD OF AGRICULTURE AND CONSUMER SERVICES**

**Patrick Henry Building  
East Reading Room  
1111 E. Broad Street  
Richmond, Virginia**

**Thursday, May 21, 2026**

**9 A.M.**

1. Call to order
2. Roll call
3. Approval of draft Board meeting minutes from March 26, 2026
4. Election of officers
5. Board member reports
6. Commissioner's Report to Board – Charles Green, Commissioner of Agriculture and Consumer Services
7. Virginia Beer Distribution Company board appointments – Charles Green, Commissioner of Agriculture and Consumer Services
8. Office of Pesticide Services – case decision – Beck I, LLC, dba Lawn Doctor of Stafford (Case # 74414)
9. New business
10. Future Board meetings
11. Public comment period
12. Adjourn

**Board of Agriculture and Consumer Service**

**March 26, 2026**

**Page 1**

**DRAFT MINUTES**

Board of Agriculture and Consumer Services  
Patrick Henry Building  
East Reading Room  
1111 E. Broad St  
Richmond, Virginia

Thursday, March 26, 2026

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:00 a.m. on Thursday, March 26, 2026, at the Patrick Henry Building. President Smith called the meeting to order.

**ROLL CALL**

The Board Secretary called the roll:

**PRESENT**

William Gwaltney  
Raymond Keating  
Brittany Jones  
Cecil Shell  
Margaret Ann Smith  
Dr. Amanda Weakley-Scott  
Brantley Ivey  
Tyler Wegmeyer  
Renee Munasifi  
Ginny Barnes  
Dr. Mary Burrows

**CONGRESSIONAL DISTRICT**

2<sup>nd</sup>  
3<sup>rd</sup>  
4<sup>th</sup>  
5<sup>th</sup>  
6<sup>th</sup>  
7<sup>th</sup>  
9<sup>th</sup>  
10<sup>th</sup>  
11<sup>th</sup>  
Pesticides – Commercial Agricultural  
Representing Dr. Timothy D. Sands, President,  
Virginia Tech

**ABSENT**

Keith Harris  
VACANT  
Charles Church  
Dr. Jewel Bronaugh

1<sup>st</sup>  
8<sup>th</sup>  
Pesticides – Commercial Structural  
Representing Dr. Makola Abdullah, President,  
Virginia State University

**STAFF PRESENT**

Charles Green, Commissioner, Virginia Department of Agriculture and Consumer Services (VDACS)  
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services  
Isaac Joseph, Policy Analyst, VDACS

**SECRETARY OF AGRICULTURE AND FORESTRY REMARKS**

At the start of the meeting, Secretary of Agriculture and Forestry Frazier introduced herself and her staff to the Board and provided some remarks. Secretary Frazier explained the Spanberger Administration's overarching goals and plans for agriculture in the Commonwealth, focusing on the priorities of water quality and working lands preservation, market access and rural economic development, and agricultural education and workforce development.

**APPROVAL OF MINUTES**

Mr. Ivey moved that the draft minutes of the December 11, 2025, meeting be approved. Mr. Gwaltney seconded the motion. The Board voted unanimously to approve the motion.

**COMMISSIONER'S REPORT**

Commissioner Green introduced himself to the Board in his new role and shared his background with the agency and the agriculture and forestry industry. Commissioner Green also highlighted his goals for VDACS moving forward.

Commissioner Green gave a brief report on VDACS's activities since the last Board meeting, which focused on some important items from the 2026 Session of the General Assembly, including recreational marijuana and gaming legislation that could have a significant impact on the agency. A copy of the written report was included in the Board meeting agenda and materials.

**REPORTS FROM BOARD MEMBERS**

After the Commissioner's report, President Smith invited the members of the Board to highlight important updates from their districts, universities, or industries.

**Ginny Barnes**

Ms. Barnes mentioned that soybean discoloration continues to be a big issue for the soybean industry and requested help from VDACS in addressing the issue. Ms. Barnes suggested connecting VDACS with the Virginia Soybean Association to come up with some solutions and methods for increasing awareness of the issue. Ms. Barnes also mentioned that the establishment of a new Lego manufacturing facility in her district is an important opportunity for the soybean industry, as soybeans have application in the production of Legos. Ms. Barnes asked if VDACS could help connect the soybean industry with representatives of Lego.

**William Gwaltney**

Mr. Gwaltney reported that the biggest concern in his district was the historically low price of commodities paired with high prices of production inputs, such as fertilizer and diesel fuel, which are the result of geopolitical events affecting the supply chain. Mr. Gwaltney noted that soybean and peanut production will become increasingly important as corn and cotton production become less viable.

**Raymond Keating**

Mr. Keating echoed Mr. Gwaltney's concerns about the increasing costs of inputs but noted that beans and corn are trading at somewhat higher prices in his district.

**Brittany Jones**

Ms. Jones reported that dairy prices are also on the decline. An issue that Ms. Jones noted has been affecting the dairy industry recently is that dairy cows have been bred to produce milk with higher butterfat content, but as consumer preferences shift, dairy farmers have been left with an excess of butterfat. Retail milk volume across the U.S. has shown a two percent increase.

**Cecil Shell**

Mr. Shell noted that his district has been experiencing an increase in grain prices but that the tobacco and timber industries have been experiencing a major cut in quotas from buyers.

## **Board of Agriculture and Consumer Service**

**March 26, 2026**

**Page 3**

### **Dr. Amanda Weakley-Scott**

Dr. Weakley-Scott highlighted that this week is national agriculture literacy week and that the Governor was in her district to read the agriculture-in-the-classroom book of the year to children. Dr. Weakley-Scott reported that poultry producers in her area have shifted to Pittman Farms as their new integrator. She also noted that she was able to connect with VDACS to conduct an epidemiology test on milk from her district after reports of sour taste surfaced. Dr. Weakley-Scott reported that there is a new product use authorization for a treatment for new world screw worm in dairy cows.

### **Brantley Ivey**

Mr. Ivey attended the National Cattleman's Beef Association Convention in February, where the first representative from Virginia was installed as president of the association. Mr. Ivey noted that the winter has been hard on farmers in his district.

### **Tyler Wegmeyer**

Mr. Wegmeyer reported that his district is gearing up for strawberry season and that many strawberry producers have shifted their sourcing of plant material to Idaho and California from Canada because Canada has been having problems with diseases that affect its strawberry plants. Mr. Wegmeyer also reported that wineries in his district have been successful in recruiting volunteers to help get rid of spotted lanternfly egg sacks that are being laid on the grapes.

### **Renee Munasifi**

Ms. Munasifi also echoed concerns about the increase in cost of production inputs due to recent geopolitical events and discussed the potential for legislation at the federal level to bring aid to farmers.

### **Dr. Mary Burrows**

Dr. Burrows reported new faculty positions in agricultural economics, environmental science, food science, and entomology at Virginia Tech. Dr. Burrows noted that the university has seen an increase in applications and acceptances for its agricultural programs but there has been a decrease in funding due to allocation changes from federal funding agencies. Dr. Burrows also reported that the program's Tidewater field office is being temporarily rehoused due to the building no longer being structurally safe.

### **Margaret Ann Smith**

Ms. Smith reported that prices for cattle have been very good for cattle and dairy farmers recently. She also reported that at least one processing plant has been temporarily halted due to a labor strike, which has had some effect on producers. Ms. Smith noted that there has been some concern among producers in her district about potential changes in the way that the Virginia Department of Taxation is analyzing agriculture tax exemptions. Ms. Smith reported that her district is also suffering from dry conditions.

### **PRELIMINARY LEGISLATIVE UPDATE**

Kevin Schmidt, Director, Office of Policy, Planning, and Research, provided the Board with a preliminary report on legislation from the 2026 Session of the General Assembly, highlighting a few pieces of passed legislation pertinent to the Board.

### **MEETING RECESS**

At 10:30 a.m., President Smith recessed the meeting and called to reconvene at 10:50 a.m.

### **AGRICULTURE STEWARDSHIP ACT OVERVIEW**

Darrell Marshall, Agricultural Stewardship Program Manager, provided the Board with a presentation on the Agriculture Stewardship Act and the work of the program. Mr. Marshall explained how the program works with farmers on a cooperative and common-sense basis to adjust their agricultural and conservation practices to address water quality concerns stemming from agricultural operations.

### **DEER MANAGEMENT STRATEGIES**

At the request of the Board members for more information about the ways in which the Commonwealth is addressing the management of deer populations, Justin Folks, Deer Project Leader, Department of Wildlife Resources (DWR), gave a presentation on the ways in which DWR is managing the deer population throughout Virginia. Board members noted that deer population management has become a greater concern in recent years and is having major impacts on agriculture. Mr. Folks explained the techniques that DWR is implementing to control deer populations, with each county having different strategies and goals. Board members had the opportunity to express their own concerns and issues affecting their districts and to provide suggestions for other management techniques.

### **OPTIONS FOR FUTURE BOARD MEMBER REPORTS**

President Smith requested feedback from the Board regarding the member reports and how the Board should collect and disseminate member reports in future meetings. The members generally agreed that it would be best to have the option of providing a detailed written report before the meeting or to provide a report orally at the meeting, but not both. Oral reports at Board meetings should be optional and brief and highlight only important information that members wish to present. The members also generally agreed that those written reports submitted to the Board Secretary in advance of the meeting should be provided in the draft Board materials so that members may review them before the meeting and then ask questions at the meeting. For the May meeting, Secretary Schmidt will ask for written submissions a few weeks before the meeting and will provide these to the Board as part of their draft materials for review. At the meeting, any Board member who is so inclined may choose to provide a brief highlight of key points

### **NEW BUSINESS**

There was no new business brought before the Board.

### **FUTURE BOARD MEETINGS**

President Smith announced that the next Board meeting will be held on May 21 in Richmond. VDACS staff is currently working with Mr. Wegmeyer to host the summer meeting in his district, potentially in conjunction with the Virginia Agricultural Council annual meeting. The meeting is planned to take place at the end of July. The final meeting for 2026 will be December 10 in Richmond.

### **PUBLIC COMMENT PERIOD**

President Smith invited public comment, though none was given.

### **ADJOURNMENT**

**Board of Agriculture and Consumer Service**

**March 26, 2026**

**Page 5**

There being no further business, the Board adjourned at approximately 12:08 p.m.

Respectfully submitted,

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Margaret Ann Smith  
Board President

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Kevin Schmidt  
Board Secretary

**BOARD OF AGRICULTURE AND CONSUMER SERVICES**

**APPOINTED BOARD MEMBER TERMS**

*As of May 21, 2026*

**Elected Officers**

*For the term July 1, 2025 – June 30, 2026*

**President:** Margaret Ann Smith  
**Vice- President:** Charles Church  
**Secretary:** Kevin Schmidt

<i><b>MEMBER'S NAME</b></i>	<i><b>DISTRICT</b></i>	<i><b>TERM EXPIRES</b></i>
Keith Harris	1 <sup>st</sup>	June 30, 2027 (1 <sup>st</sup> term)
William Gwaltney	2 <sup>nd</sup>	June 30, 2029 (1 <sup>st</sup> term)
Raymond Keating	3 <sup>rd</sup>	June 30, 2027 (1 <sup>st</sup> term)
Brittany Jones	4 <sup>th</sup>	June 30, 2029 (1 <sup>st</sup> term)
Cecil Shell	5 <sup>th</sup>	June 30, 2029 (2 <sup>nd</sup> term)
Margaret Ann Smith	6 <sup>th</sup>	June 30, 2027 (2 <sup>nd</sup> term)
Amanda Weakley-Scott	7 <sup>th</sup>	June 30, 2029 (1 <sup>st</sup> term)
VACANT	8 <sup>th</sup>	June 30, 2027 (Unexpired term)
Brantley Ivey	9 <sup>th</sup>	June 30, 2029 (1 <sup>st</sup> term)
Tyler Wegmeyer	10 <sup>th</sup>	June 30, 2029 (2 <sup>nd</sup> term)
Renee Munasifi	11 <sup>th</sup>	June 30, 2029 (1 <sup>st</sup> term)
Virginia Barnes	Pesticide – Commercial - Agricultural	June 30, 2028 (1 <sup>st</sup> term)
Charles Church	Pesticide – Commercial - Structural	June 30, 2028 (2 <sup>nd</sup> term)

VPMA Update May 21, 2026

VPMA is wrapping up a very busy Spring of recertification training with two events left before the June 30 recertification deadline. Year to date, we've presented 4 in-person technician skills Application Academies to 87 technicians, 2 recertification webinars providing credits in 7a, 7b, 7d, 3a, 8, and 60 to 182 technicians, as well as specialized training in Wood Destroying Insect Inspection, and Master Technician training in Occasional Invaders and Pest Ants.

A highlight of our spring training was the Summit Admin conference, designed to provide targeted training to the operations and customer service teams of pest control companies. A highlight of this event was a panel including three VDACS team members and a pest control company representative talking about the best way to utilize the VDACS online system.

After a short summer break in training, we will resume our education program in September, finishing with the Virginia Pest Management Summit being held at the Richmond Omni Hotel, November 10 – 12, 2026.

COMMISSIONER'S REPORT TO  
BOARD OF AGRICULTURE AND CONSUMER SERVICES  
May 21, 2026

**PERSONNEL NEWS**

Kendra Shifflett returned to the Virginia Department of Agriculture and Consumer Services (VDACS) as Deputy Commissioner effective May 10. Ms. Shifflett previously served as the Director of Administrative and Financial Services and as VDACS's Budget Director. For the past three years, she has served as staff to the Senate Finance and Appropriations Committee. This experience has deepened her expertise in state-level fiscal policy and provided her with a unique perspective on the legislative processes that shape VDACS's work. By combining her detailed existing knowledge of VDACS operations with her recent high-level budgetary experience, she is well-positioned to work with VDACS on upcoming strategic initiatives.

Joel Maddux was named Director of the Division of Consumer Protection effective April 25, replacing Larry Nichols. Mr. Maddux previously served as Deputy Director of the Division of Consumer Protection and as the Program Manager for the Office of Weights and Measures. Prior to VDACS, he worked for the Henrico County Police Department for 11 years.

Susie Wales was named as the Deputy Director of Administrative and Financial Services effective May 10. Prior to joining the Commonwealth, Susie had over 20 years of experience in private industry financial and management roles. Susie has served as the Assistant Director of Finance and the Finance Director while working for VDACS.

Jose Millan started in the role of Program Manager for the VDACS Office of Food Distribution (OFD) on May 11. Mr. Millan comes to VDACS from the U.S. Department of Agriculture (USDA), having served for five years in food distribution programs, most recently in the Chief of Operations Branch, USDA School Nutrition Programs. Prior to that role, Mr. Millan served for more than 24 years in the Army, with the last 11 years with the Department of Defense Joint Culinary Center of Excellence in food distribution services for institutional and school nutrition programs.

**AGENCY OPERATIONS**

***Commissioner's Office***

Commissioner Green and staff from the Division of Marketing and Development worked to meet the agency's reporting requirements under Executive Order Number Five (2026) (EO-5), Establishing Economic Resiliency Task Force to Address Impacts of Federal Action of Virginia's Economy and Workforce. This directive addresses, in relevant part, the significant economic pressures facing Virginia's agriculture and forestry sectors, the Commonwealth's largest private industry, resulting from an unpredictable federal trade environment and recent shifts in global trade policy. Specifically, EO-5 directs VDACS to collaborate with the Virginia Economic Development Partnership and the Port of Virginia to develop by April 17 a list of recommendations for growing Virginia agricultural and

forestry exports and for mitigating the impacts of tariffs on Virginia's agriculture and forestry industries.

On March 5, Commissioner Green, Assistant Secretary of Agriculture and Forestry Buscaglia, and staff from the Office of Meat and Poultry Services met with several General Assembly members and representatives from meat producing facilities in Virginia. This meeting was hosted by the Virginia Farm Bureau Federation as a follow up meeting to one conducted in February 2025. The Assistant Secretary gave an update on the Farm and Forest Prosperity Plan. The Commissioner spoke about the importance of accuracy, consistency, and communication. One of the discussion topics was how to improve employee recruitment and retention within the program.

VDACS officially reopened the application portal for the Virginia Farm Recovery Block Grant Program on April 27. This special application window, which closes on July 1, is designed for agricultural producers and timber owners who missed the initial application cycle. The program administers financial assistance, funded through USDA via the American Relief Act. It targets producers across 27 designated federal disaster areas, encompassing 21 counties and six independent cities in Southwest and Southside Virginia. Related to this, Commissioner Green participated in Washington County agricultural tours on May 7 organized by the Agriculture Advisory Committee for the Board of Supervisors and Chamber of Commerce, along with Virginia Cooperative Extension. Commissioner Green remained in Abingdon to conduct a hybrid training session for potential Virginia Farm Recovery Grant applicants on May 8 from the Washington County Higher Ed Center.

Commissioner Green and Secretary of Agriculture and Forestry Frazier have highlighted regional food security by leading two charitable drives with FeedMore in Richmond. In late March 2026, the leaders spearheaded the annual VDACS Peanut Butter Drive in celebration of National Peanut Month, rallying department staff alongside the Virginia Peanut Growers Association to donate 105.75 pounds of nutritious, shelf-stable peanut butter. This effort was followed on April 2 by participating in the Great American Egg Drive, where they welcomed a historic donation of 97,200 fresh eggs provided by Dutt & Wagner, Green Valley Poultry Farm, the Virginia Egg Council, and HATCH for Hunger.

### ***Division of Marketing and Development (DMD)***

On March 27, Office of Agriculture and Forestry Development (OAFD) staff helped organize the announcement event for Wanchese Fish Company for the Blue Catfish Infrastructure Grant. The company was awarded \$248,000 from the latest grant round toward expanding its blue catfish processing capabilities. Secretary Frazier and the Mayor of Suffolk were both speakers at the event, which was well attended by both invited guests and media.

On April 14 in Rockingham County, OAFD staff, the Deputy Director of Marketing, and the Assistant Director of Communications joined Secretary Frazier and Secretary of Commerce and Trade Chenery as Governor Spanberger announced the expansion of Virginia Poultry Growers Cooperative. The company plans to execute a multi-phase expansion of its facilities over the next three years, which includes construction of a nearly two million cubic foot state-of-the-art feed mill and grain processing facility, the addition of a rail spur, critical upgrades to its water treatment system, and operational upgrades to increase turkey processing capacity. The project represents \$113.9 million in new investment, 146 new jobs, and the purchase of an additional 4.5 million turkeys and 2.4 million bushels

of corn and wheat from Virginia farms over the next three years. The Governor approved a \$1 million Virginia Investment Performance Grant, a \$500,000 Governor's Agriculture and Forestry Industries Development (AFID) Facility Grant, and a \$750,000 grant from the Virginia Rail Industrial Access Program. The AFID grant, which covers 138 new jobs due to the company hiring eight positions in advance, is being awarded on a performance basis and will be used to make building improvements.

On April 15, OAFD staff attended a groundbreaking ceremony in Westmoreland County. Westmoreland County was awarded an AFID Infrastructure Grant during the fall 2025 round to support a commercial kitchen for Garner's Produce. Garner's Produce is a family owned and operated Century Farm on the Northern Neck. Most products are sold at the roadside market as well as retail farmers' markets in Northern Virginia, Washington, DC.

On April 17 in Hanover, OAFD and International Marketing staff attended the Governor's Forestry Industry Roundtable at the East Coast Sawmill, Logging, and Pallet Equipment Expo. Governor Spanberger was joined by Secretary Frazier, Deputy Secretary of Agriculture and Forestry Rowe and State Forester Lasher. The roundtable provided the opportunity for the Governor and Secretary to share the Administration's priorities as well as for industry leaders to share concerns and comments regarding Virginia's Forestry Industry. Following the roundtable, Governor Spanberger signed Executive Directive Two, which formally establishes the Virginia Wood Council.

On April 24, Governor Spanberger awarded an AFID Planning Grant to support marketing for locally-grown food and beverage businesses across the five counties of the Northern Piedmont region. The \$34,949 grant will help the Rappahannock-Rapidan Regional Commission (RRRC) and its partners to revise and reinvigorate promotion of the region through the Purely Piedmont and 'Tween Rivers Trail programs.

Market News staff added Production Cost reports to the Market News website. The reports provide price information for fertilizer and fuel and will assist growers in financial planning by allowing them to monitor production cost changes.

On April 1, the VDACS Office of Food Distribution (OFD) opened the Virginia Agricultural Food Assistance Program, which provides grants to charitable organizations to purchase Virginia Grown products for distribution to food-insecure residents statewide. Applications were due to VDACS by May 5, with \$1.1 million in reimbursable funding available for this round.

In April, OFD submitted the USDA Local Food Purchase Assistance (LFPA/LFPA Plus) Q1 (January–March 2026) quarterly report to the USDA. During this period, more than \$500,000 in local food purchases were made, including fresh fruits and vegetables, meat, and dairy products. To date, total expenditures on locally sourced foods has reached \$9,948,547.

On April 13, USDA announced the fiscal year 2026 Notice of Funding Opportunity for the 2026 Specialty Crop Block Grant Program. Virginia has been allocated \$722,070 in funding for this program. These grants will begin October 1, 2026, and must be concluded by September 30, 2029. In January, Marketing and Development staff issued a request for applications so that VDACS could respond to USDA's notice quickly. The review panel consisting of industry representatives and

VDACS specialists scored and ranked each proposal. Eight projects have been selected to be included in Virginia's state plan. Staff will submit final proposals to USDA on June 8.

In April, the Office of Domestic Marketing and Promotions (ODMP) reported that there are 236 active farmers markets across Virginia based upon 2026 spring reviews. Staff worked with the Virginia Farmers Market Association to cross reference the list of Virginia Farmers Markets to confirm completeness, identify any discrepancies, and support unified statewide reporting. These markets reflect both the vitality of local food systems and the importance of these local food outlets in Virginia's agricultural economy.

Starting on April 23, ODMP staff attended Virginia Farm to School Regional Network events across the Commonwealth. The Regional Network events bring together school nutrition buyers, agricultural producers, and key partners to strengthen the pipeline of Virginia-grown foods entering school meal programs. By observing how products move from farms through washing, cutting, packaging, and distribution, participants gain a clearer understanding of large-scale food safety, handling, and value-added processing that can help schools use more local products while managing labor and procurement challenges. The events also highlight how aggregation models expand market access for producers and increase purchasing options for school divisions, supporting a more resilient and connected statewide farm-to-school system.

From mid-March through April, the Office of International Marketing (OIM) supported over 20 Virginia companies through trade shows, market visits, promotions, and lead generation. Tradeshows included: International Food & Beverage London, which featured three Virginia companies; Seafood Expo North America, which featured 10 Virginia companies; and Interzum Guangzhou, which featured three Virginia sawmills. A key trade highlight included a Spirits and Seafood promotion featuring five seafood and five distilleries from Virginia at the exclusive "American Club" in Hong Kong. The promotion was attended by 40 buyers and 10 industry journalists from Hong Kong, Macau, and Singapore, and was held in partnership with the U.S. Embassy and U.S. Consulate General.

### ***Division of Commodity Services (DCS)***

Since March 27, Division of Commodity Services (DCS) staff:

- Conducted Terminal Market and Shipping Point Inspections on approximately 234,545 pounds of fresh fruits and vegetables and Processed Food Inspections on approximately 1,473,710;
- Inspected and certified grain commodities including soybeans, corn, wheat, soybean meal, soybean hull pellets, and dried distillers grain with a total value of more than \$218 million destined for 21 countries;
- Provided livestock evaluation services on approximately 21,950 cattle, 350 lambs/goats, and 575 head of livestock for 4-H & FFA Market Animal Shows; provided 38 Market News Reports on 18,875 head of livestock at livestock markets and 123 bales of hay or straw;

- Inspected and certified approximately 38,169,708 pounds of Farmers' Stock peanuts and regrades, approximately 24,682,554 pounds of shelled and in-shell milled peanuts, approximately 1,746,360 pounds of imported peanuts from Argentina and Paraguay;
- Analyzed approximately 721 samples of peanuts for the presence and levels of aflatoxin to determine if the peanuts were safe for human consumption;
- Certified 1,152,738 pounds of various poultry parts for the USDA Feeding Program for School Lunch Products;
- Graded, via contracted full-time grading services, 31,865,354 pounds of chicken and 7,110,711 pounds of turkey for the Virginia poultry and egg industry;
- Provided non-contract fee grading and certification services for 337,889 pounds of poultry based on U.S. Consumer Grades to fulfill necessary specifications and contract requirements for the Virginia poultry and egg industry; and
- Performed two USDA Food Defense Audits.

### ***Division of Consumer Protection (DCP)***

Staff from the Office of Pesticides participated in the Pesticide Inspector Residential Training (PIRT) course on Worker Protection Standard (WPS) pesticide inspections and investigations, held March 17–20, in Phoenix, Arizona. The training provided foundational knowledge of the WPS and strengthened inspector capacity to conduct Tier 1 and Tier 2 inspections, including compliance enforcement and documentation. It also offered valuable networking opportunities and collaboration with pesticide inspectors from 22 other state agencies.

VDACS will host the U.S. Environmental Protection Agency (EPA) Region III 2026 Inspectors Workshop, tentatively scheduled for October 5–9 in Harrisonburg. EPA Region III includes Virginia, Maryland, Delaware, West Virginia, Pennsylvania, and the District of Columbia. The workshop brings together state pesticide inspectors and investigators operating under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) cooperative agreement and is designed to promote cooperation, communication, and the exchange of ideas among states and the EPA. Participants receive specialized pesticide training, including required training to maintain their federal inspection credentials, to support effective and consistent enforcement. EPA Region III also presents annual awards for Inspector of the Year and Investigation of the Year during the workshop.

Pesticide Investigator Ryan Rutherford was selected as the EPA Region III recipient of the 2025 Investigation of the Year award for exemplary investigative work demonstrating rigor, persistence, and attention to detail. His investigation spanned 57 days and included comprehensive documentation consistent with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and VDACS procedures, resulting in a 43-attachment case record. He coordinated with multiple agencies, including the Virginia Department of Environmental Quality, Virginia Department of Transportation, and local city departments, to obtain infrastructure schematics and support site access. The investigation involved extensive field sampling across multiple locations, with laboratory-confirmed detections of pesticide

active ingredients. The case addressed potential human exposure and environmental impacts, including contamination of a parking lot, storm drain, and retention pond.

During the week of March 24-27, the Office of Plant Industry Services (OPIS) held its annual meeting for the Plant Protection Unit and pesticide applicator recertification training in Virginia Beach. As a part of that meeting, OPIS staff participated in invasive species removal workdays, removing beach vitex (Tier 2 Noxious Weed) from seven properties in the Sandbridge area. It is estimated that more than 500 lbs. of beach vitex vines were dug, double bagged, and removed from the properties. These locations, along with 41 other properties in the Commonwealth, will continue to be monitored and managed by OPIS.

Since early March, OPIS staff have begun working with VDACS Information Systems on the development of detailed system requirements for its new online NextGen/Evoke regulatory platform. This new platform is part of the agency's multi-year plan to move to online licensing, registration, and inspections and continues the work done by the charitable solicitations team and the dairy team. The programs in OPIS that will move to online inspections and licensing over the next 18 months include the nursery licensure and inspection program, the ginseng licensing and export certification program, and the apiary inspection program.

During the week of April 13-17, OPIS staff supported larvicide treatments for the spongy moth at False Cape State Park and Back Bay Wildlife Refuge. The USDA Forest Service was responsible for the aerial application of the larvicide product. The product Gypchek was applied to approximately 13,000 acres. Gypchek is a commercial biological pesticide product that is derived from infected spongy moths carrying a nucleopolyhedrosis virus. This virus only attacks the spongy moth and kills up to 90 percent of the larvae and reduces populations to levels where they cause only minimal defoliation and tree damage in the following year.

Between March 26 and April 30, OPIS staff have confirmed the presence of spotted lanternfly in five new localities. The additional localities now confirmed to have spotted lanternfly are the independent cities of Chesapeake and Suffolk and the counties of Newport News, Lancaster, and Norfolk. While VDACS no longer regulates the movement of spotted lanternfly or articles capable of its movement within the Commonwealth, OPIS staff is still surveying for the pest, providing outreach regarding spotted lanternfly's impacts, and treating on high-risk movement pathways.

During the week of April 6-10, OPIS staff confirmed the presence of box tree moth caterpillars actively feeding on boxwood plants in the City of Winchester. VDACS's contractor began treating boxwood plants on April 16 to control these caterpillars and will be treating every two - three weeks through the rest of the season in an effort to slow its spread throughout Virginia. VDACS plans to survey for and treat populations of box tree moth in 2026 and will reevaluate at the end of the 2026 season.

Staff from the Office of Weights and Measures (OWM) participated in the Virginia Farmers Market Association Food Safety Summit on April 28. VDACS OWM presented alongside the Virginia Department of Health, the Virginia Alcoholic Beverage Control Authority, and Virginia Cooperative Extension. VDACS OWM topics discussed were methods of sale for commodities, packaging and labeling requirements, and purchasing and using "legal for trade" scales at farmers markets.

OWM staff participated in the Annual Weights and Measures Inspector meeting on April 28-29 at the Harrisonburg VDACS Regional Laboratory. Training topics included Hazardous Communications training presented by the Department of Human Resources Management; a comprehensive review of updates and changes to National Institute of Standards and Technology Handbooks 44, 130 and 133; and a review of recent EPA E15 fuel waiver and industry changes pertaining to retail motor fuels and the Virginia Motor Fuel program.

The VDACS Office of Charitable and Regulatory Programs (OCRP), which administers the charitable solicitations program and is under the regulatory purview of the Board of Agriculture and Consumer Services, launched the new digital platform, Evoke, as part of an ongoing commitment to government efficiency and empowering consumers. All charitable organizations that intend to solicit contributions within the Commonwealth of Virginia or have funds solicited on their behalf, unless exempt under Virginia law, are required to register with OCRP. More than 13,000 charities, professional solicitors, and fundraising counsels are registered to solicit contributions in the Commonwealth. Previously, registration had to be filed on paper, and the charities' records could be requested by contacting VDACS. In the Evoke platform, charities can now file their registration documents electronically, and the records will also be available in the online database for members of the public to easily access and search. As all charitable solicitation records become available in the online database, consumers will be able to readily access information about a charity before deciding whether to donate funds to the organization. Using Evoke will reduce registration processing time and enable charities to easily track their status, and OCRP staff expects that Evoke will reduce instances of overpayments and improve rates of application completion, reducing the need for staff follow-up. In just the first two months, the NexGen system had 1,503 individuals establish new user accounts and it received 1,616 transactions online.

### ***Division of Animal and Food Industry Services (AFIS)***

In March, the Office of Dairy and Foods (ODF) Food Safety Program conducted 1,130 inspections, investigated 70 consumer complaints, collected 50 food samples, and supported the opening of 75 new food businesses.

In February and March, ODF's Dairy Services Program conducted 173 dairy farm and 54 plant inspections and collected 910 product samples.

Since July 1, 2025, the ODF Produce Safety Program has conducted 91 inspections and completed 145 visits. Effective April 7, all large, covered farms must now comply with all federal pre-harvest agricultural water requirements. Additionally, the Program has continued work on the new Good Agricultural Practices alternate pathway project for the farm to school program in conjunction with colleagues at the Department of Education and Virginia Tech.

Since March 1, ODF's Rapid Response Team has responded to 14 food emergency related incidents (four fires, nine truck wrecks, and one boil water advisory) involving over 621,190 pounds of food, helping prevent adulterated food products from entering into commerce.

In March, the Office of Hemp Enforcement (OHE) conducted 47 inspections, reviewed 291 edible hemp products, reviewed 502 inhalable hemp products, issued 21 businesses civil penalties, and issued 87 new business registrations.

On May 6, OMPS staff met with representatives from the North Carolina meat inspection program and the USDA Food Safety and Inspection Service. The meeting built relationships with counterparts performing similar duties and facilitated mutual learning and best-practice exchange.

On March 3, the Office of Laboratory Services Program Manager hosted Secretary Frazier and Deputy Secretary Rowe for a tour and discussion at the Warrenton Regional Animal Health Laboratory. Also in attendance were Commissioner Green and Virginia Farm Bureau President Scott Sink. Following this, the Wytheville Laboratory hosted the Secretary on April 10, and the Harrisonburg Laboratory hosted the Secretary and Assistant Secretary Buscaglia on April 14. All visits included a tour of the laboratory, meet and greet with both office and laboratory staff, and discussion of growth of the laboratory system.

Laboratory testing for the first quarter of the year comprised over 58,000 individual tests, of which 59 percent were poultry. Fish testing at the Wytheville Laboratory is ongoing, with six health inspections occurring from five state hatcheries and one private producer. These six inspections include 1,740 fish leading to 1,400 bacteriology cultures, 1,390 fluorescent antibody tests, 630 heads processed for parasitology, and all 1,740 fish processed to 348 samples for virology testing in triplicate on two cell lines. This testing is incredibly extensive and is part of VDACS's collaboration with Department of Wildlife Resources to ensure fish from Virginia's hatcheries are free of disease before being released into Virginia's waterways.

On April 16, the OVS Program Manager facilitated, and the State Veterinarian attended, the Boarding Establishment Forum. This working group was mandated by law in 2024 to determine if Virginia boarding establishments should come under state registration and inspection similar to animal shelters. Six individuals, representing the City of Alexandria, Dogtopia boarding facility, American Kennel Club, and the Virginia Federation of Dog Clubs and Breeders, attended. VDACS must present a final report to the General Assembly by December 1.

On April 17, a horse at the HITS Commonwealth National Horse Show in Culpeper was diagnosed with Equine Herpes Myeloencephalopathy (EHM) and was ultimately euthanized. 42 horses at the show and 13 horses at the index farm were exposed and remained quarantined for 21 days past the last show of clinical signs. EHM is caused by Equine Herpes Virus and causes fevers and neurologic signs that frequently lead to euthanasia. The virus is commonly found in horses but does not often cause outbreaks.

Code of Virginia

Title 3.2. Agriculture, Animal Care, and Food

Subtitle I. General Provisions; Protection and Promotion of Agriculture

Chapter 1. General Provisions

Article 1. Department and Commissioner of Agriculture and Consumer Services

## § 3.2-102. General powers and duties of the Commissioner

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; work with other state agencies to preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products;
2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as

defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section;

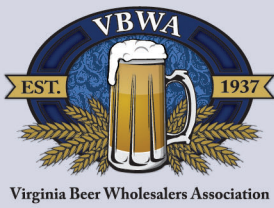
3. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for Virginia breweries and limited breweries. Such corporation shall provide wholesale beer distribution services for Virginia breweries and limited breweries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, (i) two of whom shall be an owner or manager of a Virginia beer wholesale licensee, (ii) one of whom shall be an owner or manager of a brewery or limited brewery licensee, and (iii) one of whom shall be an owner or manager of a brewery or limited brewery licensee that is not served by a wholesaler at the time such owner or manager is appointed to the board of directors. In making appointments to the board of directors, the Board shall consider nominations submitted by the Virginia Beer Wholesalers Association regarding members listed in clause (i) and nominations submitted by the Virginia Craft Brewers Guild regarding members listed in clauses (ii) and (iii). At least annually, such corporation shall be required to report to the Commissioner on its activities, including reporting the quantity of beer distributed for each brewery or limited brewery licensee during the preceding year. The Commissioner shall report such information to the General Assembly. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section;

4. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations; and

5. Ensure that the Department compiles and publishes the annual report relating to foreign adversary ownership of agricultural land required under § 55.1-509.

Code 1950, §§ 3-7, 3-9, 3-13; 1966, c. 702, §§ 3.1-8, 3.1-10, 3.1-14; 1971, Ex. Sess., c. 34; 1975, c. 260; 1977, c. 186; 1978, cc. 219, 540; 1982, c. 150; 1985, c. 397; 1993, c. 455; 1994, cc. 261, 370; 1995, c. 10; 1996, c. 996; 2005, c. 633; 2007, cc. 352, 870, 932, §§ 3.1-14.4, 3.1-14.01; 2008, c. 860; 2012, cc. 803, 835; 2020, cc. 1113, 1114; 2022, cc. 554, 609; 2023, cc. 597, 765, 796; 2024, cc. 10, 146

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



**Virginia Beer Wholesalers Association**

1021 East Cary Street, Ste 704  
Richmond, Virginia 23219  
Phone: (804) 783-2655

**Philip H. Boykin**  
**President and CEO**  
**Virginia Beer Wholesalers**  
**Association**

**Charles Green**  
**Commissioner**  
**Virginia Department of Agriculture and Consumer Services**  
**102 Governor Street**  
**Richmond, Virginia 23219**

April 22, 2026

Dear Commissioner Green,

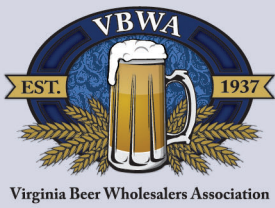
Per VA Code § 3.2-102(B)(3), it is my pleasure to recommend to you P. Aden Short to a position on the Board of the Virginia Beer Distribution Company. Mr. Short has graciously agreed to serve a second term on the Board and currently serves as Vice Chair. Mr. Short is currently the Vice President of P.A. Short Distributing Company, headquartered in Roanoke, Virginia, and was previously the Chairman of the Virginia Beer Wholesalers Association.

I have included a brief biography of Mr. Short, which highlights his many personal and professional accomplishments.

I hope that you will find Mr. Short appropriate for an additional term. He has my wholehearted endorsement for the position.

I remain yours,

Philip H. Boykin  
President/CEO



## Virginia Beer Wholesalers Association

1021 East Cary Street, Ste 704  
Richmond, Virginia 23219  
Phone: (804) 783-2655

*P. Aden Short, Jr. is the Vice President of P. A. Short Distributing Company, where he has been instrumental in expanding the company's craft beer portfolio from just 3 supplier partners to over 30. With a strong background in business management and accounting, Aden provides strategic consulting to the company's leadership, oversees financial reviews, and plays a key role in major management decisions.*

*Aden holds an MSc in Business Management with a focus on Enterprise and Business Growth from the University of Glasgow, where he graduated with merit. He also earned a Certificate of Accounting from Post University and a B.A. in Political Science and History from Hampden-Sydney College. Aden's career is marked by his expertise in portfolio growth, supplier recruitment, and mobile technology integration, along with a deep commitment to advancing the craft beer industry.*

*Beyond his professional accomplishments, Aden is an active member of the Virginia Beer Wholesalers Association, where he served as Chairman of the Board from 2023 to 2024. His personal interests include motorcycles, English soccer, and spending time with his family.*



**Virginia Beer Wholesalers Association**

1021 East Cary Street, Ste 704  
Richmond, Virginia 23219  
Phone: (804) 783-2655

**Philip H. Boykin**  
**President and CEO**  
**Virginia Beer Wholesalers**  
**Association**

**Charles Green**  
**Commissioner**  
**Virginia Department of Agriculture and Consumer Services**  
**102 Governor Street**  
**Richmond, Virginia 23219**

April 22, 2026

Dear Commissioner Green,

Per VA Code § 3.2-102(B)(3), it is my pleasure to recommend Chelsea Taglang to you for a position on the Board of the Virginia Beer Distribution Company. Ms. Taglang has graciously agreed to serve on the Board and has an extensive background in beverage alcohol and the middle tier. Ms. Taglang is currently the Vice President of Beer, Cider, and RTDs at Blue Ridge Beverage Company, headquartered in Salam, Virginia. For over a decade, she served as a senior market manager and later as a business development manager at Deschutes Brewery.

I have included a brief biography of Ms. Taglang, which highlights her many personal and professional accomplishments.

I hope that you will find Ms. Taglang appropriate for a position on the Board. She has my wholehearted endorsement for the position.

I remain yours,

Philip H. Boykin  
President/CEO



## Virginia Beer Wholesalers Association

1021 East Cary Street, Ste 704  
Richmond, Virginia 23219  
Phone: (804) 783-2655

*Chelsea Taglang is Vice President, Beer, Cider, and RTD at Blue Ridge Beverage Company, Inc., where she leads the planning and execution of sales strategies for the company's diverse portfolio of beer, cider, flavored malt beverages, hard seltzers, ready-to-drink canned cocktails, and non-alcoholic beer.*

*Chelsea began her career in the beer industry on the supplier side with Oregon-based craft brewery, Deschutes Brewery. Over an eleven-year tenure, she held multiple roles across several states, ultimately landing in Virginia, where she served as Senior Market Manager and then Business Development Manager. Her professional journey was sparked by a curiosity for homebrewing and a genuine affection for the craft beer community, one that continues to inform her approach to the industry today.*



2112 W. Laburnum Ave., Suite 205, Richmond, VA 23227

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May 19, 2026

Kevin Schmidt  
Secretary of the Board of Agriculture & Consumer Services  
Virginia Department of Agriculture and Consumer Services  
102 Governor Street  
Richmond, VA 23219  
[kevin.schmidt@vdacs.virginia.gov](mailto:kevin.schmidt@vdacs.virginia.gov)

**RE: Virginia Beer Distribution Company (VBDC), Board of Directors Nomination**

Dear Mr. Schmidt:

The Virginia Craft Brewers Guild is nominating the following representative to serve in the "distributed brewery" position of the VBDC Board of Directors.

Matt Mullett  
Founder  
Richbrau Brewing Co.  
5 S 20th St.  
Richmond, VA 23223  
[matt@richbraubrewing.com](mailto:matt@richbraubrewing.com)  
<https://richbraubrewing.square.site/>  
[\(804\) 621-4100](tel:(804)621-4100)

Thank you for your assistance.

Best Wishes,  
*Brett A. Vassey*

Brett A. Vassey  
President & CEO  
Virginia Craft Brewers Guild

Cc: Dakota Rust, GM, VBDC

**Virginia Department of Agriculture and Consumer Services**  
**Division of Consumer Protection**  
**Office of Pesticide Services [Revised 5/14/15]**

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**Administrative Procedure for Processing Violations for Assessment of  
Civil Penalties and Action on Certificates, Licenses, and Registrations (Eff. August 7, 2012)**

<b>Decision-Maker</b>	<b>Activity</b>
Enforcement or Field Supervisor	<p>Review reports, photographs, laboratory analysis reports, sample results, and other supporting documentation to ensure record of inspection, investigation, monitoring, or observation is complete, clearly written, and the findings are well-documented; contact investigator or inspector if additional information is needed; determine if a <u>possible</u> violation of assigned statutes or regulations occurred.</p> <p>For routine inspections, if no violation was found, close case and update appropriate Enforcement Case Review &amp; Actions database.</p> <p>For a complaint investigation in which no violation was found, close case and update appropriate Enforcement Case Review &amp; Actions database. Forward to Compliance Manager.</p> <p>If possible violation occurred, update appropriate Enforcement Case Review &amp; Actions database and forward record to Compliance Manager.</p>

Decision-Maker	Activity
Compliance Manager	<p>Review record received from the Enforcement Supervisor to ensure it contains proper documentation to substantiate possible violation(s); contact the Enforcement Supervisor, or, if the Enforcement Supervisor is not available, the investigator or inspector if additional information is needed.</p> <p>If conditions do not warrant compliance action, close case and update appropriate Enforcement Case Review &amp; Actions database.</p> <p>For a complaint investigation in which no violation was found, send results of investigation to complainant.</p> <p>If conditions substantiate a possible violation(s), issue a Notice of Alleged Violation notifying the respondent of the conditions found and providing the opportunity to show good faith efforts to remedy the situation and/or request an informal fact-finding or a formal hearing on the allegations levied by the Department within 15 calendar days of receipt of the Notice of Alleged Violation.</p> <p>Upon receipt of a request for an informal fact-finding, Compliance Manager will schedule the informal fact-finding.</p> <p>Upon receipt of a request for a formal hearing, Compliance Manager will notify Program Manager.</p> <p>Upon receipt of any duly provided Good Faith Opportunity Form and completion of any properly requested informal fact-finding conference or formal hearing, or in the absence thereof within 15 days of receipt of the Notice of Alleged Violation:</p> <p style="padding-left: 40px;">If conditions found show a violation:</p> <p style="padding-left: 80px;">If violative conditions do not warrant a civil penalty, send a Letter of Caution to respondent. If case resulted from complaint investigation, send results of investigation to complainant. Update appropriate Enforcement Case Review &amp; Actions database.</p> <p style="padding-left: 80px;">If violative conditions warrant a civil penalty, issue a Notice of Violation calculating the amount of penalty in accordance with civil penalty decision matrix. If case resulted from complaint investigation, send results of investigation to complainant.</p> <p style="padding-left: 40px;">If conditions found do not show a violation:</p> <p style="padding-left: 80px;">For routine inspections, if no violation is found, close case and update appropriate Enforcement Case Review &amp; Actions database.</p> <p style="padding-left: 80px;">For a complaint investigation in which no violation was found, close case and update appropriate Enforcement Case Review &amp; Actions database. Send results of the investigation to the complainant.</p>

Decision-Maker	Activity
Compliance Manager (cont'd)	<p><b>If Civil Penalty is \$2,500 or less</b>, mail Notice of Violation and civil penalty assessment to respondent along with payment statement and notification that the civil penalty can be appealed in a fact-finding conference authorized by § 2.2-4019 of the Code of Virginia (the Code); inform respondent that request for an informal fact-finding conference must be made in writing to the Program Manager within 15 calendar days of receipt of Notice of Violation; update appropriate Enforcement Case Review &amp; Actions database.</p> <p><b>If Civil Penalty is greater than \$2,500</b>, forward to Program Manager for review and approval.</p> <p><b>If denial, suspension, revocation, or modification of a license, certificate, or registration is involved</b> alone or in conjunction with a civil penalty, forward to Program Manager for review and approval.</p> <p>At the discretion of the Compliance Manager, the civil penalty assessment may be prepared in the form of a Consent Agreement.</p>
Program Manager	<p><b>If Civil Penalty greater than \$2,500 is approved</b>, return to Compliance Manager for mailing to respondent.</p> <p><b>If Civil Penalty greater than \$2,500 is NOT approved</b>, return to Compliance Manager for reassessment of penalty.</p> <p>If denial, suspension, revocation, or modification of a license, certificate, or registration is involved alone or in conjunction with a civil penalty and is approved, return to Compliance Manager for mailing to respondent.</p> <p>If denial, suspension, revocation, or modification of a license, certificate, or registration is involved alone or in conjunction with a civil penalty and is NOT approved, return to Compliance Manager for reassessment.</p>
Compliance Manager	<p>Mail Notice of Violation and civil penalty assessment with payment statement to respondent; include notification that the civil penalty can be appealed in an informal fact-finding conference authorized by § 2.2-4019 of the Code; inform respondent that request for fact-finding conference must be made in writing to the Program Manager within 15 calendar days of receipt of Notice of Violation; update appropriate Enforcement Case Review &amp; Actions database.</p> <p>If action is <b>NOT approved</b>, reassess and resubmit action for approval or close case; update appropriate Enforcement Case Review &amp; Actions database.</p>
Program Manager	<p>Upon receipt of properly filed written request for <b>an informal fact-finding conference</b>, appoint a Conference Officer; instruct Compliance Manager to schedule the Fact-Finding Conference.</p>

Decision-Maker	Activity
Compliance Manager	Upon instruction from Program Manager, schedule an informal fact-finding conference with Conference Officer appointed by Program Manager; notify respondent and investigator or inspector of the location, date, and time of informal fact-finding conference; update appropriate Enforcement Case Review & Actions database.
Conference Officer	<p>Hold informal fact-finding conference to consider all relevant information on case; Conference Officer may affirm, raise, lower, or abate a penalty, or may negotiate a settlement based on new information; notify the respondent of decision in writing.</p> <p>Notify respondent of right to appeal the decision of informal fact-finding conference in a <b>formal hearing</b> authorized by §2.2-4020 of the Code; notify respondent that request for a formal hearing must be made in writing to the Program Manager within 15 calendar days after receipt of Conference Officer decision.</p>
Program Manager	Upon receipt of properly filed written request for a <b>formal hearing</b> , arrange for a Court-appointed attorney to act as Hearing Officer; arrange location of <b>formal hearing</b> ; arrange for a Court Reporter; notify investigator or inspector; update of the appropriate Enforcement Case Review & Actions database.
Hearing Officer	Hold <b>formal hearing</b> to hear relevant information about case; consider the facts of all violations identified in the case; evaluate the civil penalty and/or the denial, suspension, revocation, or modification of a license, certificate, or registration; Hearing Officer may recommend affirming, raising, lowering, or abating a penalty, or may recommend another outcome; transmit findings and recommendations to the Board and the respondent within 30 days of the <b>formal hearing</b> ; inform respondent of their right under § 2.2-4021(A) to address the Board.
Program Manager	Notify respondent in writing of the date and time of the meeting during which the Board will consider the recommendations of the Hearing Officer; notify respondent of their right under § 2.2-4021(A) to address the Board.
Board	Consider recommendations from <b>formal hearing</b> ; provide opportunity for final arguments from VDACS and respondent; render decision; inform respondent that decision can be appealed to Circuit Court for judicial review; instruct VDACS staff to notify respondent in writing of the Board's decision within 30 days of such decision, including notification of right to appeal to Circuit Court; instruct VDACS staff to send transcripts and all case materials to appropriate program for filing.
Compliance Manager	Update appropriate Enforcement Case Review & Actions database.



# COMMONWEALTH of VIRGINIA

Joseph W. Guthrie  
Commissioner

Department of Agriculture and Consumer Services

Division of Consumer Protection

Office of Pesticide Services

PO Box 1163, Richmond, Virginia 23218

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

[www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

July 2, 2024

CERTIFIED MAIL

Beck I, LLC  
c/o Charles W. Payne Jr., Registered Agent  
725 Jackson St., Ste 200  
Fredericksburg, VA 22401

## NOTICE OF VIOLATION

Case Number: 74414

Dear Beck I, LLC:

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

### **A. Factual Basis of Action**

On March 8, 2023, Pesticide Investigator Ryan Rutherford initiated an investigation in response to a complaint. Specifically, the complainant alleged that your firm (Pesticide Business License Number 6107) permitted uncertified applicators to apply pesticides, and that certain pesticide safety protections were not in place.

On March 16, 2023, Investigator Rutherford visited your facility. A Notice of Inspection signed by Erin Bradford, Co-Owner, and Justin Dunn, Supervisor, was issued for interviewing and data collection purposes. Investigator Rutherford obtained three of your firm's pesticide application records. Review of those records revealed the following:

- (1) February 23, 2023 application of *GreenYard Crabgrass Preventer with 0.22% Dimension* (EPA Reg. No. 62719-494-534) and *MEC AMINE-D* (EPA Reg. No. 34704-239) by Adam V. Cross to a residential property in Dumfries, Virginia;

- (2) February 24, 2023 application of *GreenYard Crabgrass Preventer with 0.22% Dimension* by Joshua L. Rice to a residential property in Warrenton, Virginia, and;
- (3) February 24, 2023 application of *GreenYard Crabgrass Preventer with 0.22% Dimension* and *MEC AMINE-D* by Eduardo M. Zarraga to a residential property in Fredericksburg, Virginia.

A records check revealed that Mr. Cross, Mr. Rice, and Mr. Zarraga were not certified as Virginia commercial pesticide applicators or registered technicians at the time of the respective applications. Further review of the application records revealed incomplete information for the February 23, 2023 application by Mr. Cross and the February 24, 2023 application by Mr. Zarraga. Specifically, both records lacked the application rate and the total units treated for *MEC AMINE-D*.

On May 22, 2024, this office sent you a letter notifying you of the potential violation and providing you with an opportunity to document your good faith efforts to correct the adverse condition. On June 18, 2024, we received your completed Good Faith Effort Reporting Form.

**B. Virginia Pesticide Control Act Sections Violated**

- 1) Virginia Code § 3.2-3930(A) (1950), as amended, states the following regarding application and certification of commercial applicators:

*"No person shall use (except under supervised conditions of training for certification) or supervise the use of any pesticide in exchange for compensation...without first obtaining certification as either a commercial applicator or registered technician in accordance with regulations adopted by the Board."*

- 2) Virginia Administrative Code 2VAC5-680-65, *Recordkeeping of pesticide applications by licensed pesticide businesses*, which states:

*"Licensed pesticide businesses shall maintain a record of each pesticide applied. This shall apply to both general use and restricted use pesticides. Each record shall contain the:*

1. Name, address, and telephone number of customer and address or location, if different, of site of application;
2. Name and certification number (or certification number of the supervising certified applicator) of the person making the application;
3. Day, month and year of application;
4. Type of plants, crop, animals, or sites treated and principal pests to be controlled;
5. Acreage, area, or number of plants or animals treated;
6. Brand, trademark, or product name appearing on the product's label;
7. EPA registration number;
8. Amount of pesticide concentrate and amount of diluent used, by weight or volume, in mixture applied; and
9. Type of application equipment used."

We appreciate your firm's prompt response to provide good faith and the effort put forth by Mr. Rice and Mr. Zarraga to become certified. However, according to our records, Mr. Rice was hired or transferred into a position where duties and functions involve the commercial use of pesticides on September 26, 2022. According to 2VAC5-685-50 of the regulations Pursuant to the Act, *"individuals seeking certification as registered technicians must [...] Take the examination within 90 days after an individual is hired or transferred into a position where duties and functions involve the commercial use of pesticides [...] Individuals failing to take and pass the exam within 90 days of the initial examination may not apply pesticides commercially, even under direct on-site supervision, until they pass the examination."* Ninety days (90) from Mr. Rice's date of hire or transfer would fall on December 25, 2022. Mr. Rice was prohibited from applying pesticides commercially, even under direct on-site supervision, following this date until he was issued certification by the commissioner on March 4, 2023.

Our records indicate that Mr. Cross and Mr. Zarraga were issued their first authorization to test on April 14, 2023. During this period between date of hire and examination, individuals seeking certification as registered technicians must follow the certification procedures set forth under 2VAC5-685-50, which requires on-the-job training be made under the direct on-site supervision of a certified commercial applicator. In your good faith response, it is stated that Mr. Zarraga was under supervision during his training period by a commercial applicator. While we acknowledge this statement, the application record does not provide the name and certification number of the direct on-site supervising certified applicator as required under 2VAC5-680-65.

#### C. Conclusion of Law

- 1) Based on the evidence, the Office of Pesticide Services concludes that Beck I, LLC violated Virginia Code § 3.2-3930(A).
- 2) Based on the evidence, the Office of Pesticide Services concludes that Beck I, LLC violated Virginia Administrative Code 2VAC5-680-65.

#### D. Penalty Assessment

Virginia Code § 3.2-3943(A) provides for the assessment of monetary civil penalties when violations of the Act and regulations occur.

- 1) For applying pesticides commercially without proper certification, Beck I, LLC is assessed a penalty of \$520.00.
- 2) For failure to comply with recordkeeping requirements, Beck I, LLC is assessed a penalty of \$120.00.

Enclosed is an itemized explanation of each penalty assessment along with a payment statement for the total amount assessed of \$640.00. **This penalty reflects good faith credit and a 20% reduction for no previous violation within a three-year period.**

#### E. Appeal Procedure

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

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

#### F. Payment of Civil Penalty

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

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

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

For questions or assistance with the Online Payment Portal, contact VDACS by email at: [VDACSPaymentPortal@vdacs.virginia.gov](mailto:VDACSPaymentPortal@vdacs.virginia.gov).

If you have any questions concerning this violation, the appeal procedure, or payment of the civil penalty, you may reach me by email ([Michelle.Lee@vdacs.virginia.gov](mailto:Michelle.Lee@vdacs.virginia.gov)) or by phone (804-371-6560).

Sincerely,



Michelle Lee  
Compliance Officer III

Beck I, LLC  
July 2, 2024  
Page 5 of 7

**Enclosures**

cc: Larry M. Nichols, Division Director  
Liza Fleeson Trossbach, Program Manager  
Eric Pratt, Enforcement & Field Operations Supervisor – North  
Nicole Wilkins, Senior Compliance Officer  
Ryan Rutherford, Pesticide Investigator  
Allison Jewell, Finance Office  
Lawn Doctor (Stafford Co.): 101 Juliad Court, Ste 102, Fredericksburg, VA 22406

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

PENALTY ASSESSMENT EXPLANATION

PERSON/FIRM NAME: Beck I, LLC  
PESTICIDE BUSINESS LICENSE NUMBER: 6107  
CASE NUMBER: 74414

<u>VIOLATION 1 OF 2</u>	<u>POINTS ASSESSED</u>
<b>A. Type of Violation</b> Not Certified.	<b>RANGE 1 → 10 PTS</b> 2
<b>B. Damage Caused by Violation</b> Moderate, but significant potential damage to property or the environment or such threat to human health and safety.	<b>RANGE 0 → 10 PTS</b> 4
<b>C. Culpability</b> Knowing.	<b>RANGE 0 → 6 PTS</b> 5
<b>D. History of Previous Violations</b> 1 PT / PREVIOUS VIOLATION None within a three-year period.	
<b>E. Good Faith Credit for Prompt Compliance</b> RANGE 0 → 4 PTS Received. Mr. Rice obtained Registered Technician License on 3/4/2023 (164947-T) and Mr. Zarraga obtained Registered Technician License on 6/22/2023 (165625-T).	<u>-4</u>
	<b>TOTAL POINTS:</b> 7
	<b>BASE PENALTY AMOUNT:</b> \$650.00
<b>F. Reduction of base penalty by 20%, if no previous violation within a three-year period.</b>	-130.00
<b>G. Additional Penalty for Serious Damage/Injury/Death</b> No additional penalty.	<u>+0.00</u>
	<b>TOTAL PENALTY AMOUNT:</b> \$520.00

Compliance Manager: \_\_\_\_\_



Date: 7 / 2 / 2024

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

PENALTY ASSESSMENT EXPLANATION

CASE NUMBER: 74414

**VIOLATION 2 OF 2** **POINTS ASSESSED**

- |  |                         |                  |
|--|-------------------------|------------------|
| <b>A. Type of Violation</b><br>Recordkeeping.  | <b>RANGE 1 → 10 PTS</b> | <b>1</b>         |
| <b>B. Damage Caused by Violation</b><br>Slight threat to human health and safety.                      | <b>RANGE 0 → 10 PTS</b> | <b>1</b>         |
| <b>C. Culpability</b><br>Knowing. Licensed Pesticide Business since 2001.                              | <b>RANGE 0 → 6 PTS</b>  | <b>5</b>         |
| <b>D. History of Previous Violations</b> 1 PT / PREVIOUS VIOLATION<br>None within a three-year period. |                         |                  |
| <b>E. Good Faith Credit for Prompt Compliance</b><br>Received.   | <b>RANGE 0 → 4 PTS</b>  | <b><u>-4</u></b> |

**TOTAL POINTS: 3**

**BASE PENALTY AMOUNT: \$150.00**

**F. Reduction of base penalty by 20%, if no previous violation -30.00**

**G. Additional Penalty for Serious Damage/Injury/Death +0.00**  
No additional penalty.

**TOTAL PENALTY AMOUNT: \$120.00**

Compliance Manager: \_\_\_\_\_



Date: 7 / 2 / 2024



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

**Invoice #: 372548**

**Total Amount Due:** \$640.00

Invoice Date: Jul 02, 2024

Due Date: Aug 01, 2024

Amount Remitted: \$ \_\_\_\_\_

Make Check Payable to:  
**TREASURER OF VIRGINIA**

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

BECK I, LLC  
 LAWN DOCTOR (STAFFORD CO)  
 101 JULIAD CT SUITE 102  
 FREDERICKSBURG VA 22406-

Customer #3981188 RETURN THIS PORTION WITH PAYMENT FOR PROPER CREDIT  
 VDACS, PO BOX 430, RICHMOND VA 23218-0430, (804) 371-6560

Customer #3981188

Page 1 of 1

**Invoice #: 372548**

Date of Service	Description of Service	Unit Price	Qty	Line Total
Jul 02, 2024	PESTICIDE CIVIL PENALTY ASSESSMENT CASE #74414 NOT CERTIFIED 770-08319-CP-PSTENF	\$520.00	1	\$520.00
Jul 02, 2024	PESTICIDE CIVIL PENALTY ASSESSMENT CASE #74414 RECORDKEEPING 770-08319-CP-PSTENF	\$120.00	1	\$120.00

**Total Amount Due:** \$640.00

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

Dear Program Manager:

I request a Fact-Finding Conference for Case # 74414.

I request the conference by:  teleconference or  meeting in Richmond

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

I waive my right to a Fact-Finding Conference and request to proceed directly to a Formal Hearing for Case # 74414.

I waive my right to a Fact-Finding Conference and Formal Hearing for Case # 74414.

printed name	signature	date
business name	daytime phone #	
email address		

Attach additional pages(s) if needed:

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

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

**OR**

**send via email to:**

**[ops.enf@vdacs.virginia.gov](mailto:ops.enf@vdacs.virginia.gov)**

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



# COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

Division of Consumer Protection

*Office of Pesticide Services*

PO Box 1163, Richmond, Virginia 23218

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

[www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

September 20, 2024

CERTIFIED MAIL

Joseph W. Guthrie  
Commissioner

Beck I, LLC  
c/o Charles W. Payne Jr., Registered Agent  
725 Jackson St., Ste 200  
Fredericksburg, VA 22401

## RESULTS OF FACT-FINDING CONFERENCE

Case Number: 74414

Dear Beck I, LLC:

This letter serves as the Fact-Finding Conference decision regarding Case #: 74414. The fact-finding conference was held on September 10, 2024 at 10:00 AM via teleconference.

### A. Findings of Fact

On March 8, 2023, Pesticide Investigator Ryan Rutherford initiated an investigation in response to a complaint. Specifically, the complainant alleged that your firm (Pesticide Business License Number 6107) permitted uncertified applicators to apply pesticides, and that certain pesticide safety protections were not in place.

On March 16, 2023, Investigator Rutherford visited your facility. A Notice of Inspection signed by Erin Bradford, Co-Owner, and Justin Dunn, Supervisor, was issued for interviewing and data collection purposes. Investigator Rutherford obtained three of your firm's pesticide application records. Review of those records revealed the following:

- (1) February 23, 2023 application of *GreenYard Crabgrass Preventer with 0.22% Dimension* (EPA Reg. No. 62719-494-534) and *MEC AMINE-D* (EPA Reg. No. 34704-239) by Adam V. Cross to a residential property in Dumfries, Virginia;
- (2) February 24, 2023 application of *GreenYard Crabgrass Preventer with 0.22% Dimension* by Joshua L. Rice to a residential property in Warrenton, Virginia, and;

- (3) February 24, 2023 application of *GreenYard Crabgrass Preventer with 0.22% Dimension and MEC AMINE-D* by Eduardo M. Zarraga to a residential property in Fredericksburg, Virginia.

A records check revealed that Mr. Cross, Mr. Rice, and Mr. Zarraga were not certified as Virginia commercial pesticide applicators or registered technicians at the time of the respective applications. Further review of the application records revealed incomplete information for the February 23, 2023 application by Mr. Cross and the February 24, 2023 application by Mr. Zarraga. Specifically, both records lacked the application rate and the total units treated for *MEC AMINE-D*.

On May 22, 2024, this office sent you a letter notifying you of the potential violations and providing you with an opportunity to document your good faith efforts to correct the adverse condition. On June 18, 2024, we received your completed Good Faith Effort Reporting Forms.

On July 2, 2024, this office issued a Notice of Violation.

- 1) Based on the evidence, the Office of Pesticide Services concluded that Beck I, LLC violated Virginia Code § 3.2-3930(A).
- 2) Based on the evidence, the Office of Pesticide Services concluded that Beck I, LLC violated Virginia Administrative Code 2VAC5-680-65.

#### **B. Questions of Fact**

On July 17, 2024, this office was notified of your request for a Fact-Finding Conference which was held via teleconference on September 10, 2024.

The following appeared on behalf of Beck I, LLC: Justin Dunn, Operations Manager.

The Office of Pesticide Services staff in attendance is as follows: Micah Raub, Unit Supervisor CLRT (Fact Finding Conference Officer); Eric Pratt, Enforcement and Field Operations Regional Supervisor-North; Ryan Rutherford, Pesticide Investigator; Nateshia Mitchell, Registration and Business License Lead Coordinator; Sue Odom, Worker Safety Coordinator; and Michelle Lee, Compliance Officer.

At the conference, Mr. Dunn provided the following information:

- 1) Mr. Cross was employed as a registered technician in the state of Tennessee and once employed by Beck I, LLC, was asked to transfer his certification to Virginia. After no receipt of the license information, the business applied for Mr. Cross to take the registered technician exam.

In response to this information, it was provided to Mr. Dunn that Virginia does not reciprocate registered technician licenses from other states.

- 2) Mr. Rice was hired on September 26, 2022 as a landscaping and mowing employee. January 25, 2023 marked the date of transfer into a position involving the use of pesticides.

Mr. Dunn requested clarification of the regulation language cited in the Notice of Violation. Specifically, Administrative Code 2VAC5-685-50(4), which specifies that “*individuals seeking certification as registered technicians must... take the examination within 90 after an individual is hired or transferred into a position where duties and functions involve the commercial use of pesticides.*” Clarification was provided in reference to Mr. Rice’s registered technician application submitted to the Office of Pesticide Services. Specifically, the application indicates date of hire or transference into a position involving pesticides is September 26, 2022. While the new date, January 25, 2023, provided during the conference indicates that Mr. Rice was within the ninety (90) day period, Mr. Dunn acknowledged that neither Mr. Rice, Mr. Cross, nor Mr. Zarraga were under the direct on-site supervision of a commercial applicator. Specifically, Mr. Dunn provided that after the individuals were trained by a commercial applicator, they were permitted to apply pesticides on their own with the understanding that supervision qualified as being accessible via phone. It was clarified that a commercial applicator must be on-sight and in-sight of the individual(s) during pesticide applications until certification has been issued.

Mr. Dunn asked for clarification of the recordkeeping elements. Clarification was provided that fertilizer-only products are regulated by the Office of Plant Industry Services and may have different recordkeeping requirements; fertilizer products containing a pesticide and pesticide-only products are regulated by the Office of Pesticide Services. Mr. Dunn added that the application records now contain information indicating if the application was a spot treatment and the total amount of product used, and inquired if any additional information is lacking from their records. Supervisor Pratt and Investigator Rutherford offered further explanation of the required elements and specific examples of deficient or insufficient information on records provided by the firm.

### **C. Decision of the Conference Officer**

As discussed at the conference, Administrative Code 2VAC5-685-20 states, “*Applicants for certification cannot engage in the activity for which they are requesting certification, unless participating in supervised direct on-site training, until certification has been issued by the commissioner.*” Administrative Code 2VAC5-685-10 defines “*Under the direct on-site supervision of*” as “*the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified commercial applicator who is responsible for the actions of that person and is physically present on the property upon which the pesticide is being applied, and is in constant visual contact with the person applying the pesticide.*” As previously stated, and acknowledged, Adam V. Cross, Joshua L. Rice, and Eduardo M. Zarraga were not certified at the time of the respective applications and were not under direct on-site supervision of a certified commercial applicator.

The pesticide application recordkeeping elements required by licensed pesticide businesses, as provided by 2VAC5-680-65, were also reiterated at the conference. According to the regulations pursuant to the Act, “*Each record shall contain the:*

- 1. Name, address, and telephone number of customer and address or location, if different, of site of application;*
- 2. Name and certification number (or certification number of the supervising certified applicator) of the person making the application;*
- 3. Day, month and year of application;*
- 4. Type of plants, crop, animals, or sites treated and principal pests to be controlled;*

5. *Acreage, area, or number of plants or animals treated;*
6. *Brand, trademark, or product name appearing on the product's label;*
7. *EPA registration number;*
8. *Amount of pesticide concentrate and amount of diluent used, by weight or volume, in mixture applied; and*
9. *Type of application equipment used.*"

Each record of pesticide applied must be maintained with the nine (9) elements for the protection of human health and the environment.

The Office of Pesticide Services issued a Notice of Violation on July 2, 2024, assessing civil penalties totaling \$640.00. An itemization of the assessed civil penalties is as follows:

- (1) For applying pesticides commercially without proper certification, Beck I, LLC is assessed a penalty of \$520.00.
- (2) For failure to comply with recordkeeping requirements, Beck I, LLC is assessed a penalty of \$120.00.

The penalty reflects the maximum amount of good faith credit awarded and a 20% reduction for no previous violation within a three-year period. Based on the facts of the case, including those presented during the conference, I have decided to affirm the violations and uphold the civil penalties assessed.

#### **D. Appeal Procedure**

You have the right to appeal the decision of the fact-finding conference to a formal hearing. Pursuant to Virginia Code § 3.2-3943(D), a **request for a formal hearing must be submitted in writing** to the Program Manager, Office of Pesticide Services, Virginia Department of Agriculture and Consumer Services, **and postmarked within 15 calendar days from receipt of this notice**. The request must include the case number referenced above.

Formal hearings are conducted pursuant to Virginia Code § 2.2-4020 and § 2.2-4021 by a Hearing Officer selected from a list prepared by the Executive Secretary of the Supreme Court of Virginia and maintained in the Office of the Executive Secretary of the Supreme Court of Virginia.

Additionally, if you request a formal hearing, Virginia Code § 3.2-39433(D) requires that you forward the original civil penalty amount of **\$640.00 within 15 calendar days of receipt of this notice**. Your request for a formal hearing and the original civil penalty assessment must be sent to:

**Program Manager  
Office of Pesticide Services  
VA Dept. of Agriculture & Consumer Services  
P.O. Box 1163  
Richmond, VA 23218-0430**

The civil penalty will be placed in an interest-bearing trust account in the State Treasurer's Office. If through administrative or judicial review of the enforcement action, it is determined that no violation

occurred, or that the civil penalty should be reduced, the Commissioner shall within 30 calendar days of that determination remit the appropriate amount to you with interest accrued thereon.

**E. Payment of Civil Penalty**

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

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

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

For questions or assistance with the Online Payment Portal, contact VDACS by email at: [VDACSPaymentPortal@vdacs.virginia.gov](mailto:VDACSPaymentPortal@vdacs.virginia.gov).

Payment of this civil penalty affirms your intent not to request a formal hearing to further contest the penalty. If you have any questions concerning this violation, the appeal procedure, or payment of the civil penalty, you may reach contact Michelle Lee, Compliance Officer, by email ([Michelle.Lee@vdacs.virginia.gov](mailto:Michelle.Lee@vdacs.virginia.gov)) or by phone (804-371-6560).

Sincerely,



Micah Raub  
Fact-Finding Conference Officer

Case Number	74414
<b>Invoice Number</b>	<b>372548</b>
Original Bill Amount	\$ 640.00
Reduced By (Abated)	<b>- \$0.00</b>
<b>Total Due</b>	<b>\$ 640.00</b>

cc: Larry M. Nichols, Division Director  
Nicole Wilkins, Program Manager  
Eric Pratt, Supervisor, Enforcement & Field Operations – North  
Michelle Lee, Compliance Officer  
Ryan Rutherford, Pesticide Investigator  
Allison Jewell, Finance Office  
Lawn Doctor (Stafford Co.): 101 Juliad Court, Ste 102, Fredericksburg, VA 22406

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

OFFICE OF PESTICIDE SERVICES

**GUIDELINES FOR ENFORCEMENT OF THE VIRGINIA PESTICIDE CONTROL ACT:  
CIVIL PENALTY ASSESSMENT DECISION MATRIX**

Statutory Authority: § 3.2-3943 of the Code of Virginia (1950), as amended.

**§ 1.1 Definitions**

The following words and terms, when used in these guidelines, shall have the following meanings, unless the context clearly indicates otherwise:

**“Act”** means the Virginia Pesticide Control Act, Chapter 39 of Title 3.2 (§§ 3.2-3900 through 3.2-3947) of the Code of Virginia (1950), as amended.

**“Board”** means the Board of Agriculture and Consumer Services

**“Pesticide Business”** means any person engaged in the business of: distributing, applying, or recommending the use of a product; or storing, selling, or offering for sale pesticides directly to the user. The term “pesticide business” does NOT include (i) wood treaters not for hire; (ii) seed treaters not for hire; (iii) operations that produce agricultural products unless the owners or operators of such operations described in clauses (i), (ii), and (iii) are engaged in the business of selling or offering for sale pesticides, or distributing pesticides to persons outside of that agricultural producing operation in connection with commercial transactions; or (iv) businesses exempted by regulations adopted by the Board.

**“Previous Violation”** means any violation of the Virginia Pesticide Control Act, or regulations adopted pursuant thereto, that resulted in a Notice of Warning or civil penalty cited within the three-year period preceding the current violation.

**“Reportable pesticide spill, accident, or incident”** means any release of a pesticide into the environment in any manner not in accordance with instructions for use or disposal provided on the product label.

**§ 1.2 Provision for Civil Penalties Generally**

- A. The Board may assess a penalty of not more than \$1,000 for a violation that is less than serious, not more than \$5,000 for a serious violation, and not more than \$20,000 for a repeat or knowing violation.\*
- B. The Board may assess an additional penalty of up to \$100,000 for any violation that causes serious damage to the environment, causes serious injury to property; serious injury to, or death of, any person.\*
- C. Civil penalties may be imposed against a pesticide business or its employees for acts determined to be violations of the Pesticide Control Act or regulations of the Board. Each physical business location shall be treated as a separate entity.
- D. Civil penalties may be imposed against any person for acts determined to be violations of the Pesticide Control Act or regulations of the Board.

\*Language taken from the Code of Virginia, § 3.2-3943, Part B

### § 1.3 Assessment of separate violations

- A. Each violation of the Act, or regulations adopted pursuant thereto, shall be assessed separately for the purpose of determining the total civil penalty assessment.
- B. In cases of continued violation, a civil penalty may be assessed separately for each day of the violation beginning with the date of notification of the violation and ending with the date of abatement.

### § 1.4 Penalty Point System

The point system described in this section shall be used to determine the amount of the civil penalty.

- A. Type of violation

A natural person or pesticide business in violation of the Act, or regulations adopted pursuant thereto, shall be assigned up to 10 points for the type of violation described in one of the following categories:

<b>Points</b>	<b>Violation Category</b>
1-2	Failing to comply with the regulations for certification or licensing, or the conditions of a certificate or license.
1-2	Failing to meet all requirements regarding labeling, registration, color, composition, and container for a pesticide or device.
1-2	Making any statement, declaration or representation through any medium implying that any natural person certified or registered under the provisions of Article 3 of the Act is recommended or endorsed by any agency of the Commonwealth.
2-3	Applying any pesticide in a negligent manner.
2-3	Failing to maintain proper records or permit access to records as required.
2-3	Failing to notify Department of a reportable pesticide spill, accident, or incident.
2-3	Dispensing, applying or using any pesticide through any equipment not in sound mechanical condition, or not properly equipped with effective cut-off valves, leak-proof pesticide tanks and distribution systems, or not equipped to dispense a pesticide at the proper rate.
2-4	Handling, transporting, storing, displaying, or distributing pesticides in a manner that may endanger humans, and the environment, or which may contaminate food, feed, or other products transported, displayed, stored, or distributed with pesticides.
2-4	Making pesticide recommendations, or causing a natural person to use any pesticide, in a manner inconsistent with label directions or in violation of the Act, or regulations promulgated pursuant thereto.

- 2-4 Making false or fraudulent records, invoices or reports.
- 3-6 Using any pesticide, or storing or disposing of any pesticide or container inconsistent with label directions or in violation of the Act, or regulations promulgated pursuant thereto.
- 3 Providing one's certification or registration to be used by another natural person.
- 4 Using to fill pesticide handling, storage, or application equipment, any hose, pump, or other equipment that has not been fitted with an effective device to prevent back flow or back siphon.
- 4 Providing or making available any restricted use pesticide to any natural person not certified to use such a pesticide.
- 7-8 Aiding, abetting or conspiring with any natural person to violate the provisions of Article 3 of the Act, or regulations adopted pursuant thereto.
- 8 Using fraud, or false claims involving pesticide sale or use, or involving licensing, certification, or registration requirements of the Act, or regulations adopted pursuant thereto.
- 8 Making false or fraudulent claims misrepresenting the effect of materials or methods to be utilized or sold or the effects of a pesticide application on the environment or on human health and safety.
- 10 Violating a stop sale, use, or removal order.
- 10 Failure to comply with any lawful order of the Commissioner or the Board.
- 10 Neglecting, or after notice, refusing to comply with the provisions of Article 5 of the Act, or regulations promulgated pursuant thereto.
- 10 Interfering with the Commissioner or his duly authorized agents in the performance of duties.
- 10 Impersonating any federal, state, county or city inspector or official.

**B. Damage Caused or Potential for Causing Damage**

A natural person or pesticide business in violation of the Act, or regulations adopted pursuant thereto, shall be assigned up to 10 points for the real or potential damage associated with the violation, taking into consideration any harm to the environment and any hazard to public health and safety, as described in one of the following categories:

<b>Points</b>	<b>Damage Category</b>
0	No actual or potential damage to the environment or threat to human health and safety.
1-2	Slight actual or potential damage to property or the environment, or such threat to human health and safety.
3-4	Moderate, but significant, actual damage to property or the environment; also, moderate, but significant, potential damage to property or the environment, or such threat to human health and safety.
5-6	Serious actual damage to property or the environment; also, serious potential damage to property or the environment, or such threat to human health and safety.
7-8	Very serious actual damage to property or the environment; also, very serious potential damage to property, the environment, or such threat to human health and safety.
9-10	Extremely serious actual damage to property or the environment that may be irreparable, or which can be corrected only after a considerable effort or period of time; also, extremely serious potential damage to property or the environment, or such threat to human health and safety.

C. Culpability

A natural person or pesticide business in violation of the Act, or regulations adopted pursuant thereto, shall be assigned up to six points, from one of the following categories, based on the degree of fault of the natural person to whom the violation was attributed:

<b>Points</b>	<b>Culpability Category</b>
0	No fault attributed; an inadvertent violation that was unavoidable by the exercise of reasonable care.
1-2	Negligent.
3-6	Knowing, aware of actions.

D. History of Previous Violations

In determining the amount of a civil penalty, the history of previous violations of the pesticide business or natural person shall be considered.

For current violations resulting from actions of a pesticide business, one point shall be assigned for each previous violation found that resulted from the actions of the pesticide business. Each physical business location shall be treated as a separate entity.

For current violations resulting from the actions of a natural person, one point shall be assigned for each previous violation found that is attributable to the same natural person cited in the current violation.

Previous violations overturned through the appeal process shall not be counted.

In instances where both the pesticide business and a natural person have been cited in the current case, and both have previous violations, points may be assigned for both.

E. Credit for good faith in attempting to achieve compliance.

The demonstrated good faith of the natural person or pesticide business in attempting to achieve rapid compliance after notification of the violation shall be taken into consideration in determining penalty points. No more than four points may be deducted from the total points assigned under Subsections A, B, C, and D, based on the following categories:

<b>Points</b>	<b>Good Faith Credit Category</b>
3-4	Immediate action taken to abate the violation, and correct any conditions resulting from the violation, in the shortest possible amount of time.
1-2	Prompt and diligent efforts made to abate the violation, and correct any conditions resulting from the violation, within a reasonable period of time.
0	No points deducted.

F. Determination of base civil penalty

The total penalty point amount shall be determined by adding the points assigned under Subsections A, B, C, and D, and subtracting from that subtotal the points assigned under Subsection E of this Section. The resulting total penalty point amount is converted to a dollar amount, according to Table A.

G. Reduction of Penalty

In the case of a less than serious violation where no previous violation exists, the base civil penalty may be reduced by 20 percent. In the case of a serious violation or a previous violation, the base civil penalty shall not be reduced.

H. Additional penalty for causing serious damage, illness, or death

An additional penalty of up to \$100,000 may be assessed for any violation that causes serious damage to the environment, serious injury to property, or serious injury to or death of any person. Each serious incident shall be examined on a case-by-case basis, taking into consideration the severity of the damage or injury, the potential long-term effects, and any economic loss involved. The basis for an additional assessment shall be fully explained and documented in the records of the case.

**§ 1.5 Waiver of Use of Formula to Determine Civil Penalty**

- A. The Board may waive the use of the formula contained in Section 1.4 to set the civil penalty, if the Board determines that, taking into account exceptional factors present in the particular case, the penalty is demonstrably unjust. The basis for every waiver shall be fully explained and documented in the records of the case.
  
- B. If the Board waives the use of the formula, it shall give a full written explanation of the basis for any penalty assessment to the natural person or pesticide business found in violation.

Virginia Department of Agriculture and Consumer Services  
Office of Pesticide Services  
September 1995 (published revision)  
December 2003 (reformatted)  
February 2009 (code citations updated)  
July 2012 (reference to Board of Agriculture & Consumer Services updated)

**TABLE A**  
**For converting total penalty points into base civil penalty**

<b>Points</b>	<b>Dollars</b>	<b>Points</b>	<b>Dollars</b>
<b>1</b>	<b>\$ 50</b>	<b>21</b>	<b>\$ 7000</b>
<b>2</b>	<b>100</b>	<b>22</b>	<b>7500</b>
<b>3</b>	<b>150</b>	<b>23</b>	<b>8000</b>
<b>4</b>	<b>200</b>	<b>24</b>	<b>8500</b>
<b>5</b>	<b>350</b>	<b>25</b>	<b>9000</b>
<b>6</b>	<b>500</b>	<b>26</b>	<b>9500</b>
<b>7</b>	<b>650</b>	<b>27</b>	<b>10000</b>
<b>8</b>	<b>800</b>	<b>28</b>	<b>10500</b>
<b>9</b>	<b>1000</b>	<b>29</b>	<b>11000</b>
<b>10</b>	<b>1500</b>	<b>30</b>	<b>11500</b>
<b>11</b>	<b>2000</b>	<b>31</b>	<b>12000</b>
<b>12</b>	<b>2500</b>	<b>32</b>	<b>12500</b>
<b>13</b>	<b>3000</b>	<b>33</b>	<b>13000</b>
<b>14</b>	<b>3500</b>	<b>34</b>	<b>14000</b>
<b>15</b>	<b>4000</b>	<b>35</b>	<b>15000</b>
<b>16</b>	<b>4500</b>	<b>36</b>	<b>16000</b>
<b>17</b>	<b>5000</b>	<b>37</b>	<b>17000</b>
<b>18</b>	<b>5500</b>	<b>38</b>	<b>18000</b>
<b>19</b>	<b>6000</b>	<b>39</b>	<b>19000</b>
<b>20</b>	<b>6500</b>	<b>40</b>	<b>20000</b>

**COMMONWEALTH OF VIRGINIA  
VDACS OFFICE OF PESTICIDE SERVICES**

**Appeal of Beck I, LLC,  
From Notice of Violation and Civil Penalty Assessment  
(Case No. 74414)**

**RECOMMENDED DECISION OF HEARING OFFICER**

**March 13, 2026**

**I. Introduction and Past Proceedings**

This matter first came before the Hearing Officer in April 2025. An initial pre-hearing conference was held by telephone on April 22. Participating with the Hearing Officer was Justin Dunn on behalf of the Appellant, Beck I, LLC, doing business as Lawn Doctor, of which he is the Manager; and Justin Bell, Assistant Attorney General representing the Virginia Department of Agriculture and Consumer Services, through its Office of Pesticide Services (the “Office”).

The possibility of settlement was addressed during the conference. Mr. Bell said he saw a possible path toward resolution, and Mr. Dunn said he welcomed an opportunity to work toward that end. The Hearing Officer therefore urged the parties to work toward reaching a settlement. They agreed to do so and to keep the Hearing Officer informed of their progress. This was confirmed by the Hearing Officer’s Initial Pre-Hearing Order of May 22, 2025.

By phone conference on September 4, the parties reported their negotiations had failed, which led to the scheduling of a hearing on October 28, 2025, held in the offices of the Hearing Officer. A Scheduling Order of October 6 set forth certain pre-hearing procedures, in response to which Mr. Bell submitted a Memorandum dated October 17. Mr. Dunn made no such submission, but the position of Lawn Doctor had previously been set forth in a two-page document found under Tab V of the binder of documents submitted on behalf of the Office. This was accepted without objection as the Exhibit for the hearing. (Hereafter referred to by the letter of its Tabs, often followed by a specific VDACS page number.)

The hearing proceeded in an orderly manner. Mr. Bell appeared as counsel to the Office. Its principal witness was Ryan Rutherford, a Pesticide Investigator for the Office. Its other witnesses were Michelle Lee, Senior Compliance Officer; Micah Raub, Program Supervisor for the Office’s Certification, Licensing, Registration, and Training Section; and Eric Pratt, the

Office's Supervisor of Enforcement and Field Operations for Northern Virginia. Lawn Doctor was not represented by counsel, but its scheduled witness was its owner, Christopher Bradford, who did not appear. In his stead was Mr. Dunn, who was allowed to examine witnesses and provide brief testimony, which primarily took the form of statements made in the course of asking a few questions of certain witnesses.

As the hearing came to a close, post-hearing procedures were addressed. The court reporter believed she would have a transcript of the hearing issued by the end of ten business days following the hearing. Given that target, the Hearing officer mentioned the possibility of briefs in light of the transcript. He followed with an Initial Post-Hearing Order of November 7, which authorized, but did not require, the parties to file a post-hearing brief after receipt of the transcript. It also offered the option of Affidavits if necessary to address any material disputed facts. Because of a delay in production of the transcript, and other circumstances, the dates of such possible submissions were changed through Second (November 29) and Third (December 5) Post-Hearing Orders. (The transcript, cited below as "Tr.," contains a number of minor errors, but one can determine from their context what should have been transcribed.)

Neither party filed either such document, and the Hearing Officer is not aware of any material disputed fact. As explained below, he is of the opinion that the relevant facts and law support the position of the Office.

## **II. Factual Background**

As noted above, the relevant facts are not in dispute. They were provided by testimony at the hearing with detailed additional information and context presented in the Exhibit. Of particular interest are Mr. Rutherford's March 23, 2023, For Cause Investigation Report (Tab D); the May 22, 2024, Notice of Alleged Violation signed by Ms. Lee, then serving as Compliance Officer III (Tab Q); the Notice of Violation, dated July 2, 2024, also signed by Ms. Lee (Tab B); and the September 20, 2024, Results of Fact-Finding Conference, issued by Mr. Raub (erroneously transcribed as "Robb") in his capacity as Fact-Finding Conference Officer. (Tab A)

The relevant facts may be summarized as follows. The matter began on March 8, 2023, with a phone call to the Office from an individual complaining about instances of Lawn Doctor employees applying pesticides without certification to do so and without proper equipment and training. (Tabs E, 024; F) Ryan Rutherford was assigned to investigate. As he testified, complaints

made from outside the agency must be kept confidential. (Tr. 11) However, documents under Tabs E, F, and P reveal that the complainant was a Lawn Doctor employee motivated by concerns about his health and that of other employees.

After initial steps of investigation, Rutherford met with representatives of Lawn Doctor on March 23, 2023. He obtained additional documents from them and took other steps in his investigation. (Tab D) His completed investigation led to the following conclusions:

- Three Lawn Doctor employees had in February 2023 collectively made 42 pesticide applications on residential properties without being certified to do so. One employee had made 18 applications in Dumfries, Virginia; another, 2 applications in Warrenton; and a third, 22 applications in Fredericksburg. (Tab D, 023)
- Application records were missing some required information, and two in particular were missing the volume and application rate for the product used. (Tab B, 007)

Underlying these deficiencies appeared to be Lawn Doctor's confusion over the applicable legal requirements. For example, Employee Cross had been a registered technician in Tennessee, and Lawn Doctor was seeking to have his certification transferred to Virginia. It came to learn, however, that Virginia does not reciprocate with certifications from other states. (Tab A, 002) Another example is the apparent belief that individuals who had been trained and were awaiting taking the required test for certification could apply pesticides so long as they were supervised by phone by a certified commercial applicator. The company learned that such indirect supervision was not enough. It must be direct – that is, on site and in sight. (Tab A, 003; Tr. 92)

There was also confusion over “spot” treatments so often provided by Lawn Doctor. Office personnel explained how to handle record keeping of such treatments, emphasizing the role of the volume used and the size of area treated in arriving at the application rate, not to be confused with the dilution rate. (Tr. 34) As noted above, the records of two of the applicators were missing these important pieces of information.

Nevertheless, not all the assertions in the initiating complaint were problematic. For example, the complainant questioned what is called “service container labeling.” Rutherford's investigation revealed no concerns in that regard. (Tab D, 023; Tr. 29) Furthermore, he confirmed the consistent cooperation he received from Lawn Doctor employees. (Tr. 47)

The Office's factual findings considered under the applicable legal standards led the Office to assess a penalty of \$520 for violation of the certification standards and \$120 for violation of the record-keeping standards, yielding a total of \$640. This amount was determined after awarding Lawn Doctor good faith credit for prompt compliance (certification was achieved and completed records received) and further credit for lack of a violation within the previous three years. This was determined in accord with the Penalty Assessment Explanations found under Tab B, 011-012, sometimes referred to as the "civil penalty decision matrix." (Tr. 55)

### **III. Analysis**

The Hearing Officer sees no reason to disturb the factual findings of the informal fact-finding conference on September 10, 2024, as reported on September 20, 2024 (Tab A), and previously set forth in the Notice of Violation (Tab B). These essentially made this a case of lack of certification and lack of sufficient record-keeping. Lawn Doctor did not contest any of the factual findings.

Pesticide applications by those yet to be certified are illegal under Section 3930(A) of the Code of Virginia, which is quoted on page 007 under Tab B. Its essence is to prohibit the use of pesticides for compensation by one who has not been certified in accord with regulations adopted by the Board "except under supervised conditions of training for certification." One of those regulations within the Virginia Administrative Code is 2VAC5-685-20, which prohibits applicants for certification from engaging in pesticide applications prior to certification "unless participating in supervised on-site training." (Tab A, 003) Such supervision is defined by 2VAC5-685-10 as requiring the applicant to be "under the instructions and control of a certified commercial applicator" who is "physically present on the property upon which the pesticide is being applied, and is in constant visual contact with the person applying the pesticide." (Tab A, 003) In other words, the supervisor must be both on site and in sight. It was this lack of physical and visual contact that made Lawn Doctor fall short of the supervision requirements.

Another section, 2VAC5-680-65, sets forth record-keeping requirements for pesticide applications. (Tab A, 003) Although the term "application rate" is not included in the text of the regulation, which lists nine specific elements to be included in the records, the application rate is derived from these elements. For example, from the "area" treated (listed in element 5) and the "volume" of pesticide applied (included in element 8), one may determine the application rate.

But relevant information was missing from some of the Lawn Doctor records. As set forth in the Notice of Violation (Tab B), the specific charge with respect to two uncertified applicators was that their records “lacked the application rate and total units treated” for a specified type of pesticide.

Lawn Doctor did not directly challenge the position of the Office. Although never mentioned at the hearing, it appears Lawn Doctor was essentially relying on the undated, uncaptioned document under Tab V, referred to above. This appears to have been submitted after the September 10, 2024, informal fact-finding conference. There, and at the hearing of this pending matter, Lawn Doctor argued, for example, over the amount of time that passed before its employees could be tested for certification. “VDACS could not process the paperwork in a reasonable time for employees to test.” (Tab V, 082) Micah Raub responded by referring to the volume of applications for testing and the limited size of the Office staff. But he emphasized significant improvements in processing applications. Now through use of the Office’s online portal and auto-validation, an applicant can often be authorized for testing a day after submission of the application. (Tr. 84-85)

Insofar as record-keeping is concerned, Mr. Dunn wondered how Lawn Doctor, having been inspected in 2022 without any corrections, could in 2023 be found deficient, for its procedures had not changed in the interim. In response, Investigator Rutherford said he did not have before him any information from 2022 and thus did not know what had been inspected then by another investigator. (Tr. 43) He could only confirm that there had been no change in the applicable regulations. (Tr. 43) In sum, Lawn Doctor rested on its contention that it “shouldn’t be penalized in 2023 for record keeping according to the instructions and guidelines” given to it in 2022. (Tab V, 083) This alleged conflict, however, cannot overcome the Hearing Officer’s obligation to apply the law to the uncontested facts from 2023.

#### **IV. Conclusion**

The Hearing Officer is sympathetic toward Lawn Doctor’s concerns over strict application of legal standards to a small business such as that of Lawn Doctor. Nevertheless, he also recognizes Lawn Doctor’s experience in the pesticide business. It is not a new entrant and has had ample time to make sure it understands the legal requirements imposed upon it. Although it has

undoubtedly worked in good faith with Office representatives, they in turn have worked in good faith in enforcing those requirements.

Moreover, at least one issue had previously been addressed. In a 2020 Lawn Doctor case that concluded with a formal hearing, on-site in-sight supervision (2VAC5-685-10) was directly cited by the hearing officer there in upholding the Office's decision and penalties. (Tab S) That case provided some helpful references and, as here, concerned only modest penalties. Indeed, the modest level of penalties here from the beginning has made this Hearing Officer wonder why this case did not settle long ago.

This Hearing Officer, like the one in 2020, agrees with the Office's decision and the penalties assessed. He recommends that the Board uphold the Office's decision in full -- its factual findings, cited legal standards, and penalties assessed -- without modification.

**ISSUED** on March 13, 2026.

/s/ Daniel A. Carrell  
Daniel A. Carrell, Hearing Officer

Daniel A. Carrell, Hearing Officer  
Under Authority of the Executive Secretary of the Supreme Court of Virginia  
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**BOARD OF AGRICULTURE AND CONSUMER SERVICES  
Future Meeting Dates**

**MARK YOUR CALENDARS**

**Tuesday, July 28, 2026**

Westfields Marriott Washington Dulles  
14750 Conference Center Drive  
Chantilly, VA 20151

**Thursday, December 10, 2026**

Patrick Henry Building  
East Reading Room  
1111 East Broad Street  
Richmond, VA 23219