



**U.S. Department of Justice**

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**FOR IMMEDIATE RELEASE  
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**NEWS RELEASE**  
***INDICTMENT CHARGES BUGMAN PEST AND  
LAWN, INC., AND ITS EMPLOYEE  
WITH UNLAWFUL USE OF PESTICIDE***

SALT LAKE CITY – Bugman Pest and Lawn, Inc., and Coleman Nocks, age 63, of Bountiful are charged with unlawful use of a registered pesticide in a three-count indictment returned by a federal grand jury Wednesday afternoon. The violations are Class A misdemeanors.

According to the indictment, Nocks, an employee of Bugman Pest and Lawn, Inc., was a commercial applicator of pesticides and certified to dispense Fumitoxin, a registered pesticide. The counts in the indictment relate to three separate occasions where Nocks, as an employee of the company, applied Fumitoxin pellets at residences in Layton, Centerville, and North Salt Lake. The indictment alleges that in all three cases, the pesticide was applied inconsistent with its labeling.

“The United States Attorney's Office, the Layton City Attorney's Office, the Layton City Police Department and the Environmental Protection

Agency's Criminal Investigation Division have been working closely together as this investigation has continued. At this point in the investigation, we believe evidence shows there has been more than a single violation by the company and its employee, Mr. Nocks," U.S. Attorney Carlie Christensen and Steve Garside, an Assistant Layton City Attorney, said today.

"The majority of the apparent violations occurred outside of Layton City's jurisdiction. After reviewing that evidence and discussing the prosecution of these cases, a decision was made to transfer the Layton case to the U.S. Attorney's Office for prosecution, along with the other alleged violations. This will facilitate a more efficient use of resources, precluding a duplication of processes, while achieving the same objectives," Garside said.

Procedurally, Layton City will dismiss its case (two Class A misdemeanor counts of negligent homicide) without prejudice, meaning it reserves the ability to re-file the charges. The United States Attorney's Office, with today's indictment (three Class A misdemeanors counts of unlawful use of a registered pesticide), is proceeding with the prosecution.

The first count of today's indictment alleges that on Feb. 5, 2010, Nocks and the company applied Fumitoxin at a residence in Layton in a manner inconsistent with its labeling. According to the indictment, Fumitoxin was applied into a burrow system that was within 15 feet of a home; dosage requirements for the pesticide were exceeded; the pesticide was applied when temperatures were below 41 degrees Fahrenheit; and neither the company nor Nocks provided a Material Safety Data Sheet or applicable portions of the manual to the homeowner.

The indictment also alleges that on Sept. 29, 2009, and May 26, 2009, the defendants applied Fumitoxin in a manner inconsistent with its labeling, including applying the pesticide into a burrow system that was within 15 feet of homes and failing to provide homeowners with applicable portions of the Material Safety Data Sheet.

"Strict regulations are in place for dealing with registered pesticides because of the potential for serious harm if they are applied incorrectly," U.S. Attorney Christensen said. "When homeowners hire pesticide service companies, they have a right to expect that the company and its

representatives will follow those rules and regulations. When that trust is broken, we can have the type of tragic outcome that led to today's indictment."

"Today's charges demonstrate how seriously EPA takes pesticide regulations," said Lori Hanson, Special Agent in Charge of EPA's criminal enforcement program in Utah. "Product labels on pesticides are there for a reason. If not followed carefully, there can be serious, even fatal, consequences."

An indictment is not a finding of guilt. Individuals and companies charged in indictments are presumed innocent unless or until proven guilty in court. The potential maximum penalty for each misdemeanor count in the indictment is up to one year in prison and a \$25,000 fine. The company could face a fine of \$200,000 per count of conviction. Prosecutors can seek an increase in sentencing calculations if the offense resulted in a substantial likelihood of death or serious bodily injury.

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