

1 ROB BONTA
Attorney General of California
2 EVAN EICKMEYER
Supervising Deputy Attorney General
3 VALERIE OPET, State Bar No. 351735
NICHOLAS MOORE, State Bar No. 318948
4 JEREMY C. THOMAS, State Bar No. 231973
Deputy Attorneys General
5 1300 I Street, Suite 125
Sacramento, CA 95814
6 Telephone: (916) 210-7821
Fax: (916) 327-2319
7 E-mail: JeremyC.Thomas@doj.ca.gov
8 *Attorneys for Complainant Ken Everett in his official*
capacity as the Deputy Director, Programs Division,
9 *Department of Pesticide Regulation*

10 **BEFORE THE**
11 **DEPARTMENT OF PESTICIDE REGULATION**
12 **STATE OF CALIFORNIA**
13

14
15 In the Matter of the Accusation Against:

Case No. 25-001L

16 Trinkle Ag Flying, Inc.,
17 Pest Control Business - Main, License No.
46006, located at 2394 Avenue 376, in
18 Kingsburg, California 93631;

ACCUSATION

19 Mark R. Trinkle, Jr.,
20 Journeyman Pilot Certificate, License No.
127490, Qualified Applicator License, License
21 No. 136441,

22 Respondents.

23 KEN EVERETT (Complainant) alleges:

24 **PARTIES**

25 1. Complainant brings this Accusation solely in his official capacity as the Deputy
26 Director, Programs Division, Department of Pesticide Regulation (“Department” or “DPR”). The
27 Department is the lead state agency responsible for developing and implementing California’s
28

1 pesticide regulatory program pursuant to Divisions 6 and 7 of the California Food and
2 Agricultural Code (“Code”) and their implementing regulations (Cal. Code Regs., tit. 3 [3 CCR],
3 § 6000 et seq.).

4 2. Respondent Trinkle Ag Flying, Inc. (Trinkle Ag Flying) is a business that provides
5 aerial pest control application services. Trinkle Ag Flying’s business location is 2394 Avenue
6 376, in Kingsburg, California 93631. On or about March 14, 2022, the Department issued a Pest
7 Control Business – Main License (PCM License) No. 46006 to licensee Trinkle Ag Flying. At all
8 times relevant to this action, Trinkle Ag Flying was registered to conduct business in Tulare and
9 Kings Counties. The license was in full force and effect at all times relevant to this action. This
10 license expires on December 31, 2025, unless renewed.

11 3. Respondent Mark R. Trinkle, Jr., an individual, is an aerial pesticide applicator for
12 Trinkle Ag Flying. On or about October 14, 2011, the Department issued a Journeyman Pilot
13 Certificate (JPC) No. 127490 to Licensee Mark R. Trinkle, Jr. The license was in full force and
14 effect at all times relevant to this action. This license expires on December 31, 2025, unless
15 renewed. Respondent Mark R. Trinkle, Jr. lists his address with DPR as 2394 Avenue 376, in
16 Kingsburg, California 93631.

17 4. Respondent Mark R. Trinkle, Jr., an individual, is the President and qualified
18 person for Trinkle Ag Flying. On or about February 11, 2015, the Department issued a Qualified
19 Applicator License (QAL) No. 136441 to Licensee Mark Trinkle, Jr. The license was in full force
20 and effect at all times relevant to the charges brought herein. This license expires on December
21 31, 2025, unless renewed. Respondent Mark R. Trinkle, Jr. lists his address with DPR as 2394
22 Avenue 376, in Kingsburg, California 93631.

23 5. Respondents are collectively referred to as “Licensees” or “Respondents.”

24 **JURISDICTION AND AUTHORITY FOR DISCIPLINE**

25 6. This Accusation is brought before the Department and the Director pursuant to the
26 Department’s authority under Food and Agricultural Code section 11501.5,¹ which grants the

27 _____
28 ¹ All further statutory references are to the Food and Agricultural Code unless otherwise
indicated.

1 Director the authority to enforce Division 6, related to pest control operations, and the regulations
2 which are issued pursuant to it.

3 7. Section 11701 requires that any person who “advertise[s], solicit[s], or operate[s]
4 as a pest control business” obtain a PCM license by the Department.

5 8. Section 11701.5 provides that each licensed pest control business must have at
6 least one individual with a QAL in a supervisory position whose license includes the categories of
7 pest control activities supervised by that person. The QAL, known as the “designated person” or
8 “qualified person” is responsible for the pest control operations of each location.

9 9. In addition to a QAL qualified person, businesses that perform aerial pest control
10 must also employ an individual who holds a valid aerial pest control license to perform those
11 applications.

12 10. Regarding the Department’s authority and basis to discipline a PCM business
13 license, section 11708 provides that:

14
15 The director may refuse to grant any license and may revoke or suspend any license
16 if the applicant or licensee. ... (d) Violates or permits the violation of any provision
17 of this division and Division 7 (commencing with Section 12501) pertaining to
18 pesticides or of any regulations adopted pursuant thereto by the director or any
19 commissioner. Any hearing to deny, suspend, or revoke a license shall be heard
under the Administrative Procedure Act, Chapter 5 [concerning formal hearings, per
Government Code, section 11500 et seq.].

20 11. Section 11791 pertains to any business or individual licensee under the jurisdiction
21 of the Department. It provides that “[i]t is unlawful for any person subject to this division to do
22 any of the following: ... [o]perate in a faulty, careless, or negligent manner. ... Refuse or neglect
23 to comply with this division, or any regulation issued pursuant to this division, or any lawful
24 order of the commissioner or the director.”

25 12. Regarding the Department’s authority and basis to discipline a JPC, section 11910
26 provides that “The director ... may revoke or suspend a manned or unmanned pest control aircraft
27 pilot certificate after a hearing in which one or more of the following findings are made: ... (4)
28

1 The person has violated any provision of, or any regulation adopted pursuant to, this division
2 [Division 6, pertaining to pest control businesses] or Division 7 (commencing with Section
3 12501) pertaining to pesticides”

4 13. Regarding the Department’s authority and basis to discipline a QAL, section
5 12205 provides that:

6
7 [A] qualified applicator license may be refused, revoked, or suspended by the director,
8 after a hearing, for any of the following: (a) Failure to comply with this division [Division
9 6 pertaining to pest control businesses] or Division 7 (commencing with Section 12501) or
10 regulations adopted pursuant to these divisions. ... (c) Failure to ensure that the
11 responsibilities of the pest control business specified in regulations are carried out. (d)
12 Failure to supervise operations, activities, and employees of the pest control business in a
13 manner that ensures compliance with this division [Division 6] and Division 7
14 (commencing with Section 12501) pertaining to pesticides.

15 14. Section 12999.6, subdivision (c)(1) provides that the Director may “initiate and
16 maintain an enforcement action for a violation of a statute or implementing regulation described
17 in Section 12999.5 [pertaining to administrative civil penalty actions by the county agricultural
18 commissioner] ... (1) Where the county agricultural commissioner and director agree that
19 enforcement by the department is appropriate.” Section 12999.6, subdivision (b) further provides
20 that the Director “may levy a civil penalty of not more than twenty thousand dollars (\$20,000) for
21 each violation described in subdivision (c).”

22 **STATUTORY AND REGULATORY PROVISIONS**

23 **Statutory Provisions**

24 15. Section 12972 provides that “[t]he use of any pesticide by any person shall be in
25 such a manner as to prevent substantial drift to nontarget areas.”

26 16. Section 12973 provides that “[t]he use of any pesticide shall not conflict with
27 labeling registered pursuant to this chapter which is delivered with the pesticide or with any
28 additional limitations applicable to the conditions of any permit issued by the [DPR] director or
[county agricultural] commissioner.”

Regulatory Provisions

17. California Code of Regulations, title 3, section 6000 defines “person” as “any individual, partnership, association, corporation, business entity or organized group of persons whether incorporated or not.”

18. California Code of Regulations, title 3, section 6600 provides that “[e]ach person performing pest control shall: ... (b) Perform all pest control in a careful and effective manner.”

19. California Code of Regulations, title 3, section 6614, subdivision (b) provides that:

Notwithstanding that substantial drift will be prevented, no pesticide application shall be made or continued when:

- (1) There is a reasonable possibility of contamination of the bodies or clothing of persons not involved in the application process;
- (2) There is a reasonable possibility of damage to nontarget crops, animals or other public or private property; or
- (3) There is a reasonable possibility of contamination of nontarget public or private property, including the creation of a health hazard, preventing normal use of such property. In determining a health hazard, the amount and toxicity of the pesticide, the type and uses of the property and related factors shall be considered.

20. California Code of Regulations, title 3, section 6738, subdivision (a)(1) provides that employers shall “[p]rovide all personal protective equipment required by pesticide product labeling, regulation, and restricted material permit condition[s].”

INTRODUCTION

21. The causes of discipline are predicated on two incidents which occurred in 2024, the first in Kings County and the second in Tulare County. The incident in Tulare County is a “priority incident” which includes incidents where “[d]amage to any property ... that is estimated to represent a \$20,000 loss, or 20% of crop yield loss (whichever is appropriate),” according to the cooperative agreement between DPR, the U.S. Environmental Protection Agency (U.S. EPA), and the California Agricultural Commissioners and Sealers Association (CACASA) in force at the time the incident occurred. In Tulare, herbicide drift caused by Respondents’ failure to follow label instructions and standards of care resulted in over \$35,000 in damages to a nontarget, adjacent orchard.

1 22. The Kings County incident displays Respondents' cavalier attitude toward worker
2 health and safety. In this incident, Respondents refused to cooperate with inspectors at an
3 application, and continued the application despite numerous, visible worker health and safety
4 violations, including violations regarding personal protective equipment. Moreover, in another
5 incident cited as a matter in aggravation, Respondents failed to comply with worker health and
6 safety directives. Employees were directed to mix and load restricted materials and minimal
7 exposure pesticides - highly regulated products that require specific, additional worker
8 protections due to the hazards these products pose to human health - while failing to comply with
9 health and safety requirements.

10 23. Also cited are five matters in aggravation, describing incidents from 2018 to 2023
11 where Respondents, or a related entity, failed to adhere to pesticide law and regulation. This
12 includes two priority incidents where a combined total of seventy-one (71) individuals
13 experienced symptoms of pesticide exposure, including vomiting, headache, burning sensations in
14 the mucus membranes, watering eyes, nose bleeds, chest tightness, difficulty breathing and
15 stomachache. Fourteen (14) of those seventy-one (71) individuals sought and received medical
16 treatment as a result of Respondents' actions.

17 24. The Department brings this action after the Kings County Agricultural
18 Commissioner brought five prior actions with penalties totaling \$13,550. These enforcement
19 actions failed to bring Respondents into compliance with requirements for pesticide use, handling
20 and storage.

21 25. In consideration of the foregoing, Complainant Ken Everett requests that a hearing
22 be held on the matters herein alleged, and following the hearing, that the Director of the
23 Department of Pesticide Regulation issue a decision to suspend or revoke Respondents' licenses,
24 award a monetary penalty of \$30,000.00, and take such other and further action as deemed
25 necessary and proper.
26
27
28

FACTUAL BACKGROUND

Violations

PEIR 104-16-24-M01A-003 / File No. 004-AC-KIN-23/24 (“Kings County”)

26. On January 16, 2024, Kings County CAC Inspector Jorge Mendoza inspected an aerial pesticide application conducted by Respondent Trinkle Ag Flying (PCM No. 46006), made by Respondent pilot Mark R. Trinkle, Jr. (JPC No. 127490; QAL No. 136441), PEIR No. 104-16-24-M01A-003. The application occurred at property operated by Philip Verwey Farms, at Verwey Hanford City NEQ, Site ID 69W.

27. Pesticide handlers and Trinkle Ag Flying employees Adam Gonzalez and Jose Espinoza assisted Respondent Mark R. Trinkle, Jr. with the application.

28. Respondents applied the following pesticide products to Site ID 69W: Simplicity CA (EPA Reg. No. 62719-568; DPR Reg. No. 62719-568-AA, active ingredient, Pyroxsulam); ET Herbicide/Defoliant (EPA Reg. No. 71711-7; DPR Reg. No. 71711-7-AA, active ingredient Pyraflufen ethyl); Shark EW (EPA Reg. No. 279-3242; DPR Reg. No. 279-3242-AA) and Fortify (EPA Reg. No. 893921-50021; DPR Reg. No. 893921-50021-AA).

29. The signal word for Simplicity CA is “Caution.” The PPE requirements state **“[a]pplicators and other handlers must wear:** Long-sleeved shirt and long pants[,], Barrier Laminate or Viton gloves[,], Shoes plus socks[,], Protective eyewear[.]” (Emphasis in original.)

30. The signal word for ET Herbicide is “Danger.” The PPE requirements state **“[a]pplicators and other handlers must wear:** Long-sleeved shirt and long pants[,], Barrier Laminate or Viton gloves[,], Shoes plus socks[,], Protective eyewear [and] For overhead exposure, wear chemical resistant headgear[.]” (Emphasis in original.)

31. PEIR No. 104-16-24-M01A-003 reflects the following violations which occurred during the application phase:

a. Food and Agricultural Code, § 12973 (Conflict with the Label) – Handler Mr. Gonzalez was not wearing chemical-resistant headwear, eye protection or approved gloves, in conflict with the instructions on Simplicity CA’s registered label.

b. 3 CCR § 6738 (PPE) – Trinkle Ag Flying had not provided Handler Mr. Gonzalez

1 with the PPE required to handle the pesticides being used at the work site. Handler Mr.
2 Gonzalez was not provided with chemical-resistant headwear, eye protection or approved
3 gloves.

4 32. PEIR No. 104-16-24-M01A-003 reflects the following violations which occurred
5 during the mix/load phase.

6 a. Food and Agricultural Code, § 12973 (Conflict with the Label) – Handler Mr.
7 Gonzalez was not wearing chemical-resistant headwear, eye protection or approved
8 gloves, in conflict with the instructions on Simplicity CA’s registered label.

9 b. 3 CCR § 6738 (PPE) – Trinkle Ag Flying had not provided Handler Mr. Gonzalez
10 with the PPE required to handle the pesticides being used at the work site. Handler Mr.
11 Gonzalez was not provided with chemical-resistant headwear, eye protection or approved
12 gloves.

13 33. Overhead protection is required by the registered label for ET Herbicide/Defoliant.
14 However, Inspector Perez observed that Handler Mr. Gonzalez was using a face shield – which is
15 not compliant PPE – as overhead protection, in violation of section 12973.

16 34. Respondent Mark R. Trinkle, Jr. was informed that Mr. Gonzalez did not have the
17 required PPE in violation of section 12973 and 3 CCR section 6738. Inspector Mendoza issued a
18 Cease and Desist Order as indicated on the PEIR to Respondent Mark R. Trinkle, Jr. ordering him
19 to immediately cease the application.

20 35. Respondent Mark R. Trinkle, Jr. became confrontational and aggressive with
21 Inspector Mendoza during the inspection. Respondent Mark R. Trinkle, Jr. refused to cease the
22 application, despite the cited violations concerning worker health and safety.

23 36. Respondent Mark R. Trinkle, Jr. otherwise refused to cooperate with Inspector
24 Mendoza. Due to Respondent’s failure to cooperate, Inspector Mendoza could not complete the
25 PEIR as to sections 12 (3 CCR § 6724 – handler training), 13 (3 CCR § 6726 – emergency
26 medical care posting), 15 (3 CCR § 6734 – decontamination facilities) and 16 (3 CCR § 6724,
27 subd. (b) – eyewash availability).
28

1 37. On February 20, 2024, the Kings County CAC issued a Notice of Proposed Action
2 (NOPA) to Respondent Trinkle Ag Flying (File No. 004-ACP-KIN-23/24) alleging a violation of
3 section 12973 and 3 CCR section 6738 and proposing a \$800.00 fine. On July 16, 2024, Trinkle
4 Ag Flying stipulated to the violation, waived its right to a hearing and paid the fine.

5 **Inv. No. 54-20230530-062; Priority No. 27-TUL-014 (“Tulare County”)**

6 38. On February 13, 2024, Respondent Trinkle Ag Flying, Inc. (PCM No. 46006)
7 made an aerial pesticide application of the herbicides Shark EW (EPA No. 79-3242; DPR No. 79-
8 3242-AA, active ingredient Carfentrazone) and Envy Six Max (EPA No. 89167-47-89391; DPR
9 No. 89167-47-89391-AA, active ingredient Glyphosate).

10 39. The “Directions for Use” on the registered label for Envy Six Max states “[a]void
11 drift. Extreme care must be used when applying this product to prevent injury to desirable plants
12 and crops which do not contain a RoundUp Ready gene.”

13 40. The “Directions for Use” on the registered label for Shark EW states “[a]void drift
14 conditions that would allow the product to contact desirable vegetation.”

15 41. The February 13, 2024, application was to a cornfield operated by Jim Conway,
16 for Conway Hay Sales (Operator ID No. 5411529). The Conway Hay Sales site is located north
17 of Avenue 286, east of Road 60 located in Visalia, in Tulare County. The pilot for the application
18 was identified as Mark Trinkle. Mark R. Trinkle, Jr. is registered as a pilot in Tulare County (JPC
19 No. 127490). On information and belief, Mark R. Trinkle, Jr. was the pilot who conducted the
20 application at Conway Hay Sales on February 13, 2024. The qualified person for Trinkle Ag
21 Flying is Mark R. Trinkle, Jr. (QAL No. 136441).

22 42. Conway Hay Sales is adjacent to an almond orchard operated by Gilbert
23 Marroquin, located at 5625 West Prospect Drive, in Visalia, California located in Tulare County,
24 identified as Site 02-101. On April 2, 2024, Mr. Marroquin came to the Tulare CAC office to
25 obtain PUR information for pesticide applications conducted in the vicinity of his almond
26 orchard. The request for information was in response to Mr. Marroquin’s observation of crop
27 injury symptoms that he observed to his almond trees in the southwest portion of Site 02-101,
28 which is directly adjacent to Conway Hay Sales.

1 43. The PUR search revealed the above-described pesticide application conducted by
2 Respondent Trinkle Ag Flying on February 13, 2024.

3 44. The Tulare CAC opened INV-54-20240408-027, which was assigned to Gerardo
4 Nevarez, Agricultural & Standards Inspector Trainee.

5 45. On April 11, 2024, Inspector Nevarez inspected Mr. Marroquin's field, where he
6 observed and documented damage to 10 almond trees, in the area in southwest portion of Site 02-
7 101, directly adjacent to the site operated by Conway Hay Sales.

8 46. On April 23, 2024, at the request of Inspector Nevarez, Fruit and Almond Advisor
9 Mr. Raymond Mireles and Farm Advisor Jorge Angeles, both from the University of California
10 Cooperative Extension, came to Site 02-101 to inspect the almond orchard.

11 47. In their report dated May 1, 2024, Mr. Mireles and Mr. Angeles stated that they
12 observed deformed stacked leaves and twig dieback on the tops of the trees at Site 02-101.

13 48. The report stated that Carfentrazone is a contact herbicide that will cause rapid
14 tissue death and necrosis on plant tissue. The report stated that Glyphosate is a systemic herbicide
15 that disrupts the production of amino acids in plants. This disruption of amino acid synthesis in
16 trees can result in chlorosis, necrosis, stunting, leaf malformation, leaf stacking and terminal bud
17 death. Carfentrazone and Glyphosate can be absorbed through the stems and green wood of trees.

18 49. As stated in their report, Mr. Mireles and Mr. Angeles observed leaf stacking and
19 twig dieback on the tops of the almond trees. This resembled damage that can be caused by
20 Carfentrazone and Glyphosate through herbicide drift.

21 50. On May 14, 2024, Inspector Nevarez met with the pilot who conducted the
22 application at Conway Hay Sales on February 13, 2024, who on information and belief was Mark
23 R. Trinkle, Jr.

24 51. On May 15, 2024, Mr. Marroquin filed a Report of Loss, Nonperformance or
25 Damage with the Tulare CAC. Accompanying the Report of Loss, Nonperformance or Damage
26 was an assessor's report, finding \$32,587.00 in crop loss at Site 02-101.

27 52. The U.S. EPA, the Department and the California Agricultural Commissioners and
28 Sealers Association (CACASA, on behalf of all county agricultural commissioners, including

1 Tulare County) investigate and address “priority incidents” pursuant to the “Cooperative
2 Agreement Between the United States Environmental Protection Agency, Region IX, The
3 California Department of Pesticide Regulation and CACASA” (“MOU” or “Cooperative
4 Agreement.”) At the time the incident occurred, Appendix A of the Cooperative Agreement had
5 been in effect since 2005. Under the terms of the Cooperative Agreement, a “priority incident”
6 includes violations of pesticide law and regulation that result in “Economic Loss” defined as
7 “[d]amage to any property, equipment or livestock (including bees) that is estimated to represent
8 a \$20,000 loss, or a 20% crop yield loss (whichever is appropriate).”

9 53. Because damage to nontarget property exceeded \$20,000, this incident was
10 designated a priority incident and assigned as Priority No. 27-TUL-014.

11 54. On May 21, 2024, Tulare County CAC issued a Violation Notice (VN-54-
12 20240521-034) to Trinkle Ag Flying for one violation of section 12973 (application in conflict
13 with a registered label) and one violation of 3 CCR section 6614 (protection of persons, animals
14 or property).

15 55. The Tulare CAC referred administrative civil penalty enforcement for this matter
16 to the Department, pursuant to section 12999.6.

17 MATTERS IN AGGRAVATION

18 56. **PEIR No. 104-16-18-M006-0011:** On March 23, 2018, Kings County Agricultural
19 Inspector Biologist Bruce Perez conducted a pesticide use monitoring inspection of a pesticide
20 application by Trinkle Ag Flying Service (PCM No. 33041; exp. Dec. 2023, qualified person,
21 Mark Trinkle, QAL No. 96960) occurring at NW 15th Street and Lacey Boulevard in Hanford,
22 California located in Kings County, as stated in PEIR No. 104-16-18-M006-011. The application
23 was made by Respondent pilot Mark R. Trinkle, Jr. (JPC No. 127490). Inspector Perez listed the
24 following violations on PEIR No. 104-16-18-M006-011, which were observed during the
25 application, related to worker health and safety: California Code of Regulations, title 3, sections
26 6726, 6734, 6726 and 6630. A Violation Notice was issued (VN No. 165-20180402-006). All
27 violations were designated as Class B (Moderate) violations pursuant to California Code of
28 Regulations, title 3, section 6128. A follow-up inspection on April 3, 2018 noted that

1 noncompliances were corrected. On or about April 18, 2025, the Department approved a Decision
2 Report submitted by the Kings County CAC and no further action was taken.

3 **57. PEIR No. 104-16-18-M00G-005:** On or about June 28, 2018, Kings County
4 Agricultural Inspector Biologist Bruce Perez conducted a pesticide use monitoring inspection of
5 an aerial application of Comite (EPA Reg. No. 400-104-ZC; DPR Reg. No. 400-105-ZC, active
6 ingredient Propargite) occurring at NW 13th Street at Houston Avenue in Hanford, California,
7 located in Kings County (PEIR No. 104-16-18-M00G-005). The application was conducted by
8 Trinkle Ag Flying Service (PCM No. 33041; exp. Dec. 2023; qualified person, Mark Trinkle,
9 QAL No. 96960). The application was made by Respondent pilot Mark R. Trinkle, Jr. (JPC No.
10 127490). Assisting with the application was Johnny Evans, a Trinkle Ag Flying Service employee
11 and pesticide handler..

12 **58.** Comite is restricted material with the signal word “Danger.” Products, including
13 Comite, that contain Propargite are also designated as “minimal exposure pesticides.” (3 CCR §
14 6793, subd. (d).) Additional restrictions apply to the use and handling of minimal exposure
15 pesticides. (*Id.* at § 6790, subd. (d).) Inspector Perez observed that the mix/load tank was leaking
16 and that the handlers employed by Trinkle Ag Flying Service were not provided PPE as required
17 by the label and regulations. The handlers were also not using a closed mix/load system as
18 required for this pesticide. The following violations were listed on PEIR No. 104-16-18-M00G-
19 005: Food and Agricultural Code, § 12973 (conflict with the labeling – failure to use a closed
20 system); 3 CCR § 6738 (failure to provide PPE – respiratory protection and chemical-resistant
21 footwear and socks); 3 CCR § 6793 (failure to provide PPE for minimal exposure pesticides); 3
22 CCR § 6739 (failure to provide respiratory protection as required by label); 3 CCR § 6742
23 (equipment must be in good working order); 3 CCR § 6746 (failure to use a closed system); and 3
24 CCR § 6684 (failure to triple rinse containers).

25 **59. INV-16-20191202-030 / Priority No. 44-KIN-19:** On July 3, 2019, Respondent
26 pilot Mark R. Trinkle, Jr. (JPC No. 127490), on behalf of Trinkle Ag Flying Service (PCM No.
27 33041, exp. 12/31/2023; qualified person Mark Trinkle, QAL No. 96960) conducted an aerial
28 application by helicopter of the herbicide RoundUp PowerMAX Herbicide and Onager Optek

1 Miticide at a site identified as DVR-2, operated by Johnnie De Jongs, located at SW Dover
2 Avenue and 6th Street, in Hanford, in Kings County, California. Fieldworkers in adjacent farms
3 reported seeing and/or hearing a helicopter making turns near their worksite, feeling droplets fall
4 on their person and smelling a chemical odor. Sixty-two (62) people then began experiencing
5 symptoms consistent with pesticide exposure including headache, nausea, vomiting, irritation of
6 the mucus membranes (congestion, throat irritation, tongue pain), watering and tightness of the
7 eyes, sleepiness, reduced vision, coughing, chest pain, difficulty breathing, nose bleeds and
8 stomachaches. Five (5) bystanders sought medical care. This incident was designated a priority
9 incident, Priority No. 44-KIN-19. On June 11, 2021, the Kings County CAC issued a NOPA(File
10 No. 003-ACP-KIN-20/21) to Trinkle Ag Flying Service pursuant to Code section 12999.5. The
11 NOPA proposed a \$10,000 fine at \$2,000 per violation, for five (5) violations of California Code
12 of Regulations, title 3, section 6614, subdivision (b)(1), for making or continuing a pesticide
13 application when “[t]here is a reasonable possibility of contamination of the bodies or clothing of
14 persons not involved in the application process.” Each violation was a Class A (Serious)
15 violation. On December 17, 2021, Trinkle Ag Flying Service waived its right to a hearing,
16 stipulated to the violation and paid the \$10,000 fine.

17 60. **INV-16-20191017-26 / NOPA File No. 011-ACP-KIN-20/21:** On July 28, 2019,
18 Trinkle Ag Flying Service (PCM No. 33041, exp. 12/31/2023; qualified person, Mark Trinkle,
19 QAL No. 96960) conducted an aerial pesticide application of RoundUp PowerMAX Herbicide to
20 an alfalfa field at a site listed as TM 1, operated by Tony Maciel & Sons, located at NE Excelsior
21 Avenue and Lemoore Canal (15th Avenue) in Hanford, located in Kings County, California. On
22 August 13, 2019, the Kings County CAC received a Report of Loss, Nonperformance or Damage
23 from an adjacent property owner, who operates a grape field adjacent to site TM 1. The Report
24 described how the grape leaves and vines displayed signs of herbicide damage, including
25 underdeveloped leaf veins and mottling/curling in the leaves, following the pesticide application
26 by Trinkle Ag Flying Service. On July 22, 2021, the Kings County CAC issued a NOPA to
27 Trinkle Ag Flying Service. The NOPA proposed to fine Trinkle Ag Flying Service for one Class
28 A violation of Code section 12973, for use of RoundUp PowerMAX in conflict with its registered

1 label. The Kings County CAC proposed a fine of \$2,500. On December 17, 2021, Trinkle Ag
2 Flying Service stipulated to the violation, waived its right to a hearing and paid the fine.

3 61. **INV-16-20230926-025 / Priority No. 53-KIN-23:** On September 22, 2023, at
4 approximately 3:00 AM, Respondent pilot Mark R. Trinkle, Jr. (JPC No. 127490) and qualified
5 person (QAL No. 136441) for Respondent Trinkle Ag Flying, Inc. (PCM No. 46066) conducted
6 an aerial pesticide application of Ethephon 2SL and Intrepid Edge to a walnut orchard identified
7 as Site 92C at Tos Farms, located in Laton, California in Kings County. Approximately sixty (60)
8 bystanders were working at a site north of Tos Farms. Twelve (12) workers observed a helicopter
9 applying pesticides in the proximity of their worksite or flying overhead. One worker observed
10 that the helicopter flew directly over the worksite several times. Workers reported that
11 temperatures were in the 50- to 60-degree Fahrenheit range, with winds from the southwest.

12 62. Multiple bystanders reported smelling an unpleasant odor after observing the
13 helicopter and nine (9) people experienced the following symptoms consistent with pesticide
14 exposure: gagging, stomachache, wheezing, coughing, shortness of breath, headache, burning in
15 the throat and diarrhea. Symptoms were prolonged, with five (5) of the workers reporting that
16 they continued to experience symptoms at the time of the interview, four days later. Six (6) of the
17 affected bystanders were seen at Valley Industrial & Family Medical Group in Visalia, California.
18 This incident was designated a priority incident, Priority No. 53-KIN-23. On December 18, 2023,
19 the Kings County CAC issued a NOPA to Trinkle Ag Flying Service for one Class B violation of
20 Code section 12973 for applying a pesticide in conflict with the registered label. The NOPA
21 proposed a \$250 administrative civil penalty. On information and belief, Respondent Trinkle Ag
22 Flying, Inc. waived a hearing, stipulated to the violation and paid the fine.

23 **CAUSES FOR DISCIPLINE**

24 **RESPONDENT TRINKLE AG FLYING, INC. (PCM NO. 46006)**

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Food and Agricultural Code, § 11791, subd. (b) - Operate in a faulty, careless or negligent**
27 **manner)**

28 63. Complainant incorporates each and every paragraph above by reference, as though

1 fully set forth herein. Respondent Trinkle Ag Flying, Inc.'s Pest Control Business – Main License
2 No. 46006 is subject to discipline under sections 11708, subd. (d) and 11791, subd. (b) because
3 on January 16, 2024, Respondent Trinkle Ag Flying, Inc. conducted an aerial pesticide
4 application of Simplicity CA and ET Herbicide at Philip Verway Farms in Kings County, in a
5 faulty, careless or negligent manner. The facts and circumstances are described with particularity
6 in the paragraphs above (Kings County).

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(2 violations of Food and Agricultural Code, § 12973 – Conflict with the label)**

9 64. Complainant incorporates each and every paragraph above by reference, as though
10 fully set forth herein. Respondent Trinkle Ag Flying, Inc.'s Pest Control Business – Main License
11 No. 46006 is subject to discipline under sections 11708, subd. (d) and 12973 because on January
12 16, 2024, Respondent Trinkle Ag Flying conducted an aerial pesticide application of Simplicity
13 CA and ET Herbicide at Philip Verway Farms in Kings County, in conflict with the directions on
14 the registered labels for both pesticide products. The facts and circumstances are described with
15 particularity in the paragraphs above (Kings County).

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(3 CCR § 6600, subd. (b) – General Standards of Care)**

18 65. Complainant incorporates each and every paragraph above by reference, as though
19 fully set forth herein. Respondent Trinkle Ag Flying, Inc.'s Pest Control Business – Main License
20 No. 46006 is subject to discipline under section 11708, subd. (d) and 3 CCR § 6600, subd. (b)
21 because on January 16, 2024, Respondent Trinkle Ag Flying Inc. conducted a pesticide
22 application of Simplicity CA and ET Herbicide at Philip Verway Farms in Kings County, in a
23 manner that was not careful and effective, by failing to obey a cease and desist order and failing
24 to cooperate with the pesticide use inspection. The facts and circumstances are described with
25 particularity in the paragraphs above (Kings County).

26 **FOURTH CAUSE FOR DISCIPLINE**

27 **(2 violations of 3 CCR § 6738, subd. (a) – Personal Protective Equipment)**

28 66. Complainant incorporates each and every paragraph above by reference, as though

1 fully set forth herein. Respondent Trinkle Ag Flying, Inc.'s Pest Control Business – Main License
2 No. 46006 is subject to discipline under section 11708 and 3 CCR § 6738, subd. (a) because on
3 January 16, 2024, Trinkle Ag Flying, Inc. conducted a pesticide application of Simplicity CA and
4 ET Herbicide at Philip Verway Farms in Kings County, and did not provide all personal
5 protective equipment required by product labeling, regulation and/or permit condition during the
6 mix/load and application phase. The facts and circumstances are described with particularity in
7 the paragraphs above (Kings County).

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Food and Agricultural Code, § 11791, subd. (b) - Operate in a faulty, careless or negligent**
10 **manner)**

11 67. Complainant incorporates each and every paragraph above by reference, as though
12 fully set forth herein. Respondent Trinkle Ag Flying, Inc.'s Pest Control Business – Main License
13 No. 46006 is subject to discipline under sections 11708, subd. (d) and 11791, subd. (b) because
14 on February 13, 2024, Respondent Trinkle Ag Flying Inc. made an aerial application of the
15 herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County in a
16 faulty, careless or negligent manner. The facts and circumstances are described with particularity
17 in the paragraphs above (Tulare County).

18 **SIXTH CAUSE FOR DISCIPLINE**

19 **(Food and Agricultural Code, § 12972 – Substantial drift)**

20 68. Complainant incorporates each and every paragraph above by reference, as though
21 fully set forth herein. Respondent Trinkle Ag Flying, Inc.'s Pest Control Business – Main License
22 No. 46006 is subject to discipline under sections 11708, subd. (d) and 12972, because on
23 February 13, 2024, Respondent Trinkle Ag Flying, Inc. made an aerial application of the
24 herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County in a
25 manner that did not prevent substantial drift to nontarget areas. The facts and circumstances are
26 described with particularity in the paragraphs above (Tulare County).

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(2 violations of Food and Agricultural Code, § 12793 – Conflict with the label)**

3 69. Complainant incorporates each and every paragraph above by reference, as though
4 fully set forth herein. Respondent Trinkle Ag Flying, Inc.’s Pest Control Business – Main License
5 No. 46006 is subject to discipline under sections 11708, subd. (d) and 12793 because on February
6 13, 2024, Respondent Trinkle Ag Flying, Inc. made an aerial application of the herbicides Shark
7 EW and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County in conflict with the
8 directions on the registered labels for both pesticide products. The facts and circumstances are
9 described with particularity in the paragraphs above (Tulare County).

10 **EIGHTH CAUSE FOR DISCIPLINE**

11 **(3 CCR § 6600, subd. (b) – General standards of care)**

12 70. Complainant incorporates each and every paragraph above by reference, as though
13 fully set forth herein. Respondent Trinkle Ag Flying, Inc.’s Pest Control Business – Main License
14 No. 46006 is subject to discipline under section 11708, subd. (d) and 3 CCR § 6600, subd. (b)
15 because on February 13, 2024, Respondent Trinkle Ag Flying, Inc. made an aerial application of
16 the herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County, in
17 a manner that was not careful and effective, causing damage to nontarget property. The facts and
18 circumstances are described with particularity in the paragraphs above (Tulare County).

19 **NINTH CAUSE FOR DISCIPLINE**

20 **(3 CCR § 6614, subd. (b)(2) – Protection of persons, animals and property)**

21 71. Complainant incorporates each and every paragraph above by reference, as though
22 fully set forth herein. Respondent Trinkle Ag Flying, Inc.’s Pest Control Business – Main License
23 No. 46006 is subject to discipline under section 11708, subd. (d) and 3 CCR § 6614, subd. (b)
24 because on February 13, 2024, Respondent Trinkle Ag Flying, Inc. made an aerial application of
25 the herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County
26 where there was a reasonable possibility of damage to nontarget crops, animals or other public or
27 private property. The facts and circumstances are described with particularity in the paragraphs
28 above (Tulare County).

1 **RESPONDENT MARK R. TRINKLE JR., QAL NO. 136441**

2 **TENTH CAUSE FOR DISCIPLINE**

3 **(Food and Agricultural Code, § 11791, subd. (b) – Operate in a faulty, careless or negligent**
4 **manner)**

5 72. Complainant incorporates each and every paragraph above by reference, as though
6 fully set forth herein. Respondent Mark R. Trinkle Jr.'s QAL License No. 136441 is subject to
7 discipline under sections 12205, subd. (d) and 11791, subd. (b) because on January 16, 2024,
8 Respondent Trinkle Ag Flying, Inc. conducted an aerial pesticide application of Simplicity CA
9 and ET Herbicide at Philip Verway Farms in Kings County. Respondent Mark R. Trinkle Jr.
10 (QAL License No. 136441) failed to supervise the operations of the pest control business in a way
11 that ensured compliance with Division 6 and Division 7 of the Food and Agricultural Code; thus,
12 as Respondent Trinkle Ag Flying, Inc. operated in a faulty, careless or negligent manner. The
13 facts and circumstances are described with particularity in the paragraphs above (Kings County).

14 **ELEVENTH CAUSE FOR DISCIPLINE**

15 **(2 violations of Food and Agricultural Code, § 12973 – Conflict with the label)**

16 73. Complainant incorporates each and every paragraph above by reference, as though
17 fully set forth herein. Respondent Mark R. Trinkle Jr.'s QAL License No. 136441 is subject to
18 discipline under sections 12205, subd. (d) and 12973 because on January 16, 2024, Respondent
19 Trinkle Ag Flying, Inc. conducted an aerial pesticide application of Simplicity CA and ET
20 Herbicide at Philip Verway Farms in Kings County and Respondent Mark R. Trinkle Jr. (QAL
21 License No. 136441) failed to supervise the operations of the pest control business in a way that
22 ensured compliance with Division 6 and Division 7 of the Food and Agricultural Code; thus,
23 Respondent Trinkle Ag Flying, Inc. conducted the pesticide application in conflict with the
24 directions on the registered labels for both pesticide products. The facts and circumstances are
25 described with particularity in the paragraphs above (Kings County).

26 **TWELFTH CAUSE FOR DISCIPLINE**

27 **(3 CCR § 6600, subd. (d) – General Standards of Care)**

28 74. Complainant incorporates each and every paragraph above by reference, as though

1 fully set forth herein. Respondent Mark R. Trinkle Jr.'s QAL License No. 136441 is subject to
2 discipline under section 12205, subd. (d) and 3 CCR § 6600, subd. (b) because on January 16,
3 2024, Respondent Trinkle Ag Flying, Inc. conducted an aerial pesticide application of Simplicity
4 CA and ET Herbicide at Philip Verway Farms in Kings County. Respondent Mark R. Trinkle Jr.
5 (QAL License No. 136441) failed to supervise the operations of the pest control business in a way
6 that ensured compliance with Division 6 and Division 7 of the Food and Agricultural Code; thus,
7 Respondent Trinkle Ag Flying, Inc. failed to perform pest control in a careful and effective
8 manner. The facts and circumstances are described with particularity in the paragraphs above
9 (Kings County).

10 **THIRTEENTH CAUSE FOR DISCIPLINE**

11 **(2 violations of 3 CCR § 6738, subd. (a))**

12 75. Complainant incorporates each and every paragraph above by reference, as though
13 fully set forth herein. Respondent Mark R. Trinkle Jr.'s QAL License No. 136441 is subject to
14 discipline under section 12205, subd. (d) and 3 CCR § 6738, subd. (a) because on January 16,
15 2024, Respondent Trinkle Ag Flying, Inc. conducted an aerial pesticide application of Simplicity
16 CA and ET Herbicide at Philip Verway Farms in Kings County. Respondent Mark R. Trinkle Jr.
17 (QAL License No. 136441) failed to supervise the operations of the pest control business in a way
18 that ensured compliance with Division 6 and Division 7 of the Food and Agricultural Code; thus,
19 Respondent Trinkle Ag Flying, Inc. did not provide all personal protective equipment required by
20 product labeling, regulation and/or restricted material permit conditions during both the mix/load
21 and application phases. The facts and circumstances are described with particularity in the
22 paragraphs above (Kings County).

23 **FOURTEENTH CAUSE FOR DISCIPLINE**

24 **(Food and Agricultural Code, § 11791, subd. (b) – Operate in a faulty, careless or negligent** 25 **manner)**

26 76. Complainant incorporates each and every paragraph above by reference, as though
27 fully set forth herein. Respondent Mark R. Trinkle Jr.'s QAL License No. 136441 is subject to
28 discipline under sections 12205, subd. (d) and 11791, subd. (b) because on February 13, 2024,

Respondent Trinkle Ag Flying, Inc. made an aerial application of the herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County. Respondent Mark R. Trinkle Jr. (QAL License No. 136441) failed to supervise the operations of the pest control business in a way that ensured compliance with Division 6 and Division 7 of the Food and Agricultural Code; thus, Respondent Trinkle Ag Flying, Inc. operated in a faulty, careless or negligent manner. The facts and circumstances are described with particularity in the paragraphs above (Tulare County).

FIFTEENTH FOR DISCIPLINE

(Food and Agricultural Code, § 12972 – Substantial drift)

77. Complainant incorporates each and every paragraph above by reference, as though fully set forth herein. Respondent Mark R. Trinkle Jr.'s QAL License No. 136441 is subject to discipline under sections 11708, subd. (d) and 12972, because on February 13, 2024, Respondent Trinkle Ag Flying, Inc. made an aerial application of the herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County. Respondent Mark R. Trinkle Jr. (QAL License No. 136441) failed to supervise the operations of the pest control business in a way that ensured compliance with Division 6 and Division 7 of the Food and Agricultural Code; thus, Respondent Trinkle Ag Flying, Inc. used a pesticide in a manner that did not prevent substantial drift to nontarget areas. The facts and circumstances are described with particularity in the paragraphs above (Tulare County).

SIXTEENTH CAUSE FOR DISCIPLINE

(2 violations of Food and Agricultural Code, § 12973 – conflict with the label)

78. Complainant incorporates each and every paragraph above by reference, as though fully set forth herein. Respondent Mark R. Trinkle Jr.'s QAL License No. 136441 is subject to discipline under sections 12205, subd. (d) and 12973 because on February 13, 2024, Respondent Trinkle Ag Flying, Inc. made an aerial application of the herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County. Respondent Mark R. Trinkle Jr. (QAL License No. 136441) failed to supervise the operations of the pest control business in a way that ensured compliance with Division 6 and Division 7 of the Food and Agricultural Code; thus, Respondent Trinkle Ag Flying, Inc. applied the pesticide products in conflict with the directions on the

1 registered labels. The facts and circumstances are described with particularity in the paragraphs
2 above (Tulare County).

3 **SEVENTEENTH CAUSE FOR DISCIPLINE**

4 **(3 CCR § 6614, subd. (b) – General standards of care)**

5 79. Complainant incorporates each and every paragraph above by reference, as though
6 fully set forth herein. Respondent Mark R. Trinkle Jr.'s QAL License No. 136441 is subject to
7 discipline under section 12205, subd. (d) and 3 CCR § 6614, subd. (b)(2) because on February 13,
8 2024, Respondent Trinkle Ag Flying, Inc. made an aerial application of the herbicides Shark EW
9 and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County. Respondent Mark R.
10 Trinkle Jr. (QAL License No. 136441) failed to supervise the operations of the pest control
11 business in a way that ensured compliance with Division 6 and Division 7 of the Food and
12 Agricultural Code; thus, Respondent Trinkle Ag Flying, Inc. failed to perform pest control in a
13 careful and effective manner. The facts and circumstances are described with particularity in the
14 paragraphs above (Tulare County).

15 **EIGHTEENTH CAUSE FOR DISCIPLINE**

16 **(3 CCR § 6614, subd. (b)(2) – Protection of persons, animals and property)**

17 80. Complainant incorporates each and every paragraph above by reference, as though
18 fully set forth herein. Respondent Mark R. Trinkle Jr.'s QAL License No. 136441 is subject to
19 discipline under section 12205, subd. (d) and 3 CCR § 6614, subd. (b)(2) because on February 13,
20 2024, Respondent Trinkle Ag Flying, Inc. made an aerial application of the herbicides Shark EW
21 and Envy Six Max at Conway Hay Sales in Visalia, in Tulare County. Respondent Mark R.
22 Trinkle Jr. (QAL License No. 136441) failed to supervise the operations of the pest control
23 business in a way that ensured compliance with Division 6 and Division 7 of the Food and
24 Agricultural Code; thus, Respondent Trinkle Ag Flying, Inc. made or continued a pesticide
25 application where there was a reasonable possibility of damage to nontarget crops, animals or
26 other public or private property. The facts and circumstances are described with particularity in
27 the paragraphs above (Tulare County).

RESPONDENT MARK R. TRINKLE JR. JPC NO. 127490

NINETEENTH CAUSE FOR DISCIPLINE

(Food and Agricultural Code, § 11791, subd. (b) – Operate in faulty, careless or negligent manner)

81. Complainant incorporates each and every paragraph above by reference, as though fully set forth herein. Respondent Mark R. Trinkle Jr.'s JPC No. 127490 is subject to discipline under section 11910 and section 11791, subd. (b) because on January 16, 2024, Respondent Mark R. Trinkle Jr. (JPC No. 127490) conducted an aerial pesticide application of Simplicity CA and ET Herbicide at Philip Verway Farms in Kings County, in a faulty, careless or negligent manner. The facts and circumstances are described with particularity in the paragraphs above (Kings County).

TWENTIETH CAUSE FOR DISCIPLINE

(2 violations of Food and Agricultural Code, § 12973 – Conflict with the label)

82. Complainant incorporates each and every paragraph above by reference, as though fully set forth herein. Respondent Mark R. Trinkle Jr.'s JPC No. 127490 is subject to discipline under section 11910 and section 12973, because on January 16, 2024, Respondent Mark R. Trinkle Jr. (JPC No. 127490) conducted an aerial pesticide application of Simplicity CA and ET Herbicide at Philip Verway Farms in Kings County in violation of the registered labels for those products, both in the mix/load and application phases of the application. The facts and circumstances are described with particularity in the paragraphs above (Kings County).

TWENTY-FIRST CAUSE FOR DISCIPLINE

(3 CCR § 6600, subd. (b) – General standards of care)

83. Complainant incorporates each and every paragraph above by reference, as though fully set forth herein. Respondent Mark R. Trinkle Jr.'s JPC No. 127490 is subject to discipline under section 11910 and 3 CCR § 6600, subd. (b) because on January 16, 2024, Respondent Mark R. Trinkle Jr. (JPC No. 127490) conducted an aerial pesticide application of Simplicity CA and ET Herbicide at Philip Verway Farms in Kings County and failed to do so in a careful and effective manner. The facts and circumstances are described with particularity in the paragraphs

1 above (Kings County).

2 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

3 **(2 violations of 3 CCR § 6738, subd. (a) – Personal protective equipment)**

4 84. Complainant incorporates each and every paragraph above by reference, as though
5 fully set forth herein. Respondent Mark R. Trinkle Jr.'s JPC No. 127490 is subject to discipline
6 under section 11910 and 3 CCR § 6738, subd. (a) because on January 16, 2024, Respondent Mark
7 R. Trinkle Jr. (JPC No. 127490) conducted an aerial pesticide application of Simplicity CA and
8 ET Herbicide at Philip Verway Farms in Kings County and did not provide all of the personal
9 protective equipment required by the product's labeling, regulation and/or restricted material
10 permit condition during both the mix/load and application phases of the application. The facts and
11 circumstances are described with particularity in the paragraphs above (Kings County).

12 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

13 **(Food and Agricultural Code, § 11791, subd. (b) - Operate in a faulty, careless or negligent**
14 **manner)**

15 85. Complainant incorporates each and every paragraph above by reference, as though
16 fully set forth herein. Respondent Mark R. Trinkle Jr.'s JPC No. 127490 is subject to discipline
17 under sections 11910 and 11791, subd. (b) because on February 13, 2024, Respondent Mark R.
18 Trinkle Jr made an aerial application of the herbicides Shark EW and Envy Six Max at Conway
19 Hay Sales in Visalia in Tulare County in a faulty, careless or negligent manner. The facts and
20 circumstances are described with particularity in the paragraphs above (Tulare County).

21 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

22 **(Food and Agricultural Code, § 12972 – Substantial drift)**

23 86. Complainant incorporates each and every paragraph above by reference, as though
24 fully set forth herein. Respondent Mark R. Trinkle Jr.'s JPC No. 127490 is subject to discipline
25 under sections 11910 and 12972, because on February 13, 2024, Respondent Mark R. Trinkle Jr.
26 made an aerial application of the herbicides Shark EW and Envy Six Max at Conway Hay Sales
27 in Visalia in Tulare County and used a pesticide in a manner that did not prevent substantial drift
28 to nontarget areas. The facts and circumstances are described with particularity in the paragraphs

1 above (Tulare County).

2 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

3 **(2 violations of Food and Agricultural Code, § 12793 – Conflict with the label)**

4 87. Complainant incorporates each and every paragraph above by reference, as though
5 fully set forth herein. Respondent Mark R. Trinkle Jr.'s JPC No. 127490 is subject to discipline
6 under sections 11910 and 12973, because on February 13, 2024, Respondent Trinkle Ag Flying,
7 Inc. made an aerial application of the herbicides Shark EW and Envy Six Max at Conway Hay
8 Sales in Visalia in Tulare County in conflict with the registered labels for both pesticides. The
9 facts and circumstances are described with particularity in the paragraphs above (Tulare County).

10 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

11 **(3 CCR § 6600, subd. (b) – General standards of care)**

12 88. Complainant incorporates each and every paragraph above by reference, as though
13 fully set forth herein. Respondent Mark R. Trinkle Jr.'s JPC No. 127490 is subject to discipline
14 under section 11910 and 3 CCR § 6600, subd. (b) because on February 13, 2024, Respondent
15 Trinkle Ag Flying, Inc. made an aerial application of the herbicides Shark EW and Envy Six Max
16 at Conway Hay Sales in Visalia in Tulare County in a manner that was not careful and effective,
17 causing damage to nontarget property. The facts and circumstances are described with
18 particularity in the paragraphs above (Tulare County).

19 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

20 **(3 CCR § 6614, subd. (b)(2) – Protection of person, animals and property)**

21 89. Complainant incorporates each and every paragraph above by reference, as though
22 fully set forth herein. Respondent Mark R. Trinkle Jr.'s JPC No. 127490 is subject to discipline
23 under section 11910 and 3 CCR § 6614, subd. (b)(2) because on February 13, 2024, Respondent
24 Trinkle Ag Flying, Inc. made an aerial application of the herbicides Shark EW and Envy Six Max
25 at Conway Hay Sales in Visalia in Tulare County where there was a reasonable possibility of
26 damage to nontarget crops, animals or other public or private property. The facts and
27 circumstances are described with particularity in the paragraphs above (Tulare County).

1 **CAUSE FOR CIVIL PENALTIES:**

2 **AS TO ALL RESPONDENTS**

3 **FIRST CAUSE FOR CIVIL PENALTIES**

4 **(Food and Agricultural Code, § 12999.6 and § 11791, subd. (b) – Operate in a faulty,**
5 **careless, or negligent manner)**

6 90. Complainant incorporates each and every paragraph above by reference, as though
7 fully set forth herein. Section 12999.6, subd. (b) provides that “[i]n lieu of a civil penalty levied
8 by the agricultural commissioner, the director may levy a civil penalty of not more than twenty
9 thousand dollars (\$20,000) for each violation described in subdivision (c).” Section 12999.6,
10 subd. (c)(1) provides that: “The director may initiate and maintain an enforcement action for a
11 violation of a statute or implementing regulation described in Section 12999.5 meeting any of the
12 following conditions: (1) Where the county agricultural commissioner and director agree that
13 enforcement by the department is appropriate.” Section 11791, subd. (b) is a statute described in
14 Section 12999.5, under Division 6 of the Food and Agricultural Code. Respondent Trinkle Ag
15 Flying, Inc. (PCM No. 46006) is subject to civil penalties under section 12999.6 and section
16 11791, subd. (b) because on February 13, 2024, Respondent Trinkle Ag Flying, Inc. conducted an
17 aerial application of the herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia
18 in Tulare County in a faulty, careless or negligent manner. The facts and circumstances are
19 described with particularity in the paragraphs above (Tulare County).

20 91. This violation caused a hazard to property. The Respondents have history of
21 violations under the Food and Agricultural Code and its implementing regulations as they relate
22 to pesticide use, handling and storage. Under section 12999.6, imposing a penalty of \$5,000 for
23 this violation is necessary to ensure the protection of human health and safety and to deter future
24 violations.

25 **SECOND CAUSE FOR CIVIL PENALTIES**

26 **(Food and Agricultural Code, § 12999.6 and § 12792 – Substantial drift)**

27 92. Complainant incorporates each and every paragraph above by reference, as though
28 fully set forth herein. Section 12999.6, subd. (b) provides that “[i]n lieu of a civil penalty levied

1 by the agricultural commissioner, the director may levy a civil penalty of not more than twenty
2 thousand dollars (\$20,000) for each violation described in subdivision (c).” Section 12999.6,
3 subd. (c)(1) provides that: “The director may initiate and maintain an enforcement action for a
4 violation of a statute or implementing regulation described in Section 12999.5 meeting any of the
5 following conditions: (1) Where the county agricultural commissioner and director agree that
6 enforcement by the department is appropriate.” Section 12972 is a statute described in section
7 12999.5, under Article 10 of the Food and Agricultural Code. Respondent Trinkle Ag Flying, Inc.
8 (PCM No. 46006) is subject to civil penalties under section 12999.6 and section 12972, because
9 on February 13, 2024, Respondent Trinkle Ag Flying, Inc. conducted an aerial application of the
10 herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia in Tulare County, in a
11 manner that did not prevent substantial drift to nontarget areas. The facts and circumstances are
12 described with particularity in the paragraphs above (Tulare County).

13 93. This violation caused a hazard to property. The Respondents have history of
14 violations under the Food and Agricultural Code and its implementing regulations as they relate
15 to pesticide use, handling and storage. Under section 12999.6, imposing a penalty of \$5,000 for
16 this violation is necessary to ensure the protection of human health and safety and to deter future
17 violations.

18 **THIRD CAUSE FOR CIVIL PENALTIES**

19 **(Food and Agricultural Code, § 12999.6 and § 12973 – Conflict with the label)**

20 94. Complainant incorporates each and every paragraph above by reference, as though
21 fully set forth herein. Section 12999.6, subd. (b) provides that “[i]n lieu of a civil penalty levied
22 by the agricultural commissioner, the director may levy a civil penalty of not more than twenty
23 thousand dollars (\$20,000) for each violation described in subdivision (c).” Section 12999.6,
24 subd. (c)(1) provides that: “The director may initiate and maintain an enforcement action for a
25 violation of a statute or implementing regulation described in Section 12999.5 meeting any of the
26 following conditions: (1) Where the county agricultural commissioner and director agree that
27 enforcement by the department is appropriate.” As a statute under Article 10 of the Food and
28 Agricultural Code, Section 12973 is described in section 12999.5. Respondent Trinkle Ag Flying,

1 Inc. (PCM No. 46006) is subject to civil penalties under section 12999.6 and section 12973
2 because on February 13, 2024, Respondent Trinkle Ag Flying, Inc. conducted an aerial
3 application of the herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia in
4 Tulare County, in conflict with the registered labels for both pesticide products. The facts and
5 circumstances are described with particularity in the paragraphs above (Tulare County).

6 95. This violation caused a hazard to property. The Respondents have history of
7 violations under the Food and Agricultural Code and its implementing regulations as they relate
8 to pesticide use, handling and storage. Under section 12999.6, imposing a penalty of \$5,000 per
9 violation, for a \$10,000 total civil penalty for these two violations, is necessary to ensure the
10 protection of human health and safety and to deter future violations.

11 **FOURTH CAUSE FOR CIVIL PENALTIES**

12 **(Food and Agricultural Code, § 12999.6; 3 CCR § 6600 – General standards of care)**

13 96. Complainant incorporates each and every paragraph above by reference, as though
14 fully set forth herein. Section 12999.6, subd. (b) provides that “[i]n lieu of a civil penalty levied
15 by the agricultural commissioner, the director may levy a civil penalty of not more than twenty
16 thousand dollars (\$20,000) for each violation described in subdivision (c).” Section 12999.6, subd
17 (c)(1) provides that: “The director may initiate and maintain an enforcement action for a violation
18 of a statute or implementing regulation described in Section 12999.5 meeting any of the following
19 conditions: (1) Where the county agricultural commissioner and director agree that enforcement
20 by the department is appropriate.”

21 97. As a regulation adopted pursuant to provisions identified in section 12999.5, 3
22 CCR § 6600 is an implementing regulation described in section 12999.5 that implements Division
23 6 of the Food and Agricultural Code. Respondent Trinkle Ag Flying, Inc (PCM No. 46006) is
24 subject to civil penalties under section 12999.6 and 3 CCR § 6600 because on February 13, 2024,
25 Respondent Trinkle Ag Flying, Inc. conducted an aerial application of the herbicides Shark EW
26 and Envy Six Max at Conway Hay Sales in Visalia in Tulare County, and failed to do so in a
27 careful and effective manner. The facts and circumstances are described with particularity in the
28 paragraphs above (Tulare County).

98. This violation caused a hazard to property. The Respondents have history of violations under the Food and Agricultural Code and its implementing regulations as they relate to pesticide use, handling and storage. Under section 12999.6, imposing a penalty of \$5,000 for this violation is necessary to ensure the protection of human health and safety and to deter future violations.

FIFTH CAUSE FOR CIVIL PENALTIES

**(Food and Agricultural Code, § 12999.6; 3 CCR § 6614, subd. (b)(2) – Protection of persons,
property and animals)**

99. Complainant incorporates each and every paragraph above by reference, as though fully set forth herein. Section 12999.6, subd. (b) provides that “[i]n lieu of a civil penalty levied by the agricultural commissioner, the director may levy a civil penalty of not more than twenty thousand dollars (\$20,000) for each violation described in subdivision (c).” Section 12999.6, subd. (c)(1) provides that: “The director may initiate and maintain an enforcement action for a violation of a statute or implementing regulation described in Section 12999.5 meeting any of the following conditions: (1) Where the county agricultural commissioner and director agree that enforcement by the department is appropriate.”

100. 3 CCR § 6614, subd. (b)(2) is a regulation described in section 12999.5, as it was adopted pursuant to Articles 10 and 10.5 of Division 7 and implements Division 6 of the Food and Agricultural Code. Respondent Trinkle Ag. Flying Inc. (PCM No. 46006) is subject to civil penalties under section 12999.6 and 3 CCR § 6614, subd. (b)(2) because on February 13, 2024, Respondent Trinkle Ag Flying, Inc. made or continued an aerial application of the herbicides Shark EW and Envy Six Max at Conway Hay Sales in Visalia in Tulare County, when there was a reasonable possibility of damage to nontarget crops, animals or other private property. The facts and circumstances are described with particularity in the paragraphs above (Tulare County).

101. This violation caused a hazard to property. The Respondents have history of violations under the Food and Agricultural Code and its implementing regulations as they relate to pesticide use, handling and storage. Under section 12999.6, imposing a penalty of \$5,000 for this violation is necessary to ensure the protection of human health and safety and to deter future

violations.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Pesticide Regulation issue a decision:

1. Revoking or suspending TRINKLE AG FLYING, INC.'s Pest Control Business – Main License No. 46006;
2. Revoking or suspending MARK R. TRINKLE, JR.'s Qualified Applicator License, License No. 136441;
3. Revoking or suspending MARK R. TRINKLE, JR.'s Journeyman Pilot License, License No. 38638;
4. Imposing a \$30,000 fine pursuant to section 12999.6; and
5. Taking such other and further action as deemed necessary and proper.

Dated: November 14, 2025

Ken Everett

Ken Everett
Deputy Director, Pesticide Programs
Division, Enforcement

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