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**Florida Department of Agriculture & Consumer Services**  
 Division of Agricultural Environmental Services  
**PESTICIDE SAMPLE COLLECTION REPORT**  
 Section 487.071, F.S.

Job# 110920163145 Rec# 2.7 Lab Sample No. PL15515  
 Date Received 9/20/11 EPA Sample Number: PHY 093011-1110-0102  
 File Number 111-163-1018  
 File Name: Berghart, Robert  
 Brand Name: UNKNOWN  
 EPA Reg. Number: UNKNOWN EPA Est. Number: UNKNOWN

Insecticide     Fungicide     Soil     Sediment     Disinfectant     Plant Matter     Water  
 Herbicide     Animal Material     Container Residue     Sludge     Other

Manufacturer (from label): UNKNOWN Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
CVS Pharmacy 3035 Apalachee Pkwy Tallahassee FL 32305  
 Piece Taken: \_\_\_\_\_ Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Date Taken: 9-20-11 at 3:00 AM/PM No. of Packages Sampled: NA  
 Representing Quantity: NA Package Size (lb., gal., etc.): NA  
 Batch / Lot No.: NA Other Batch/Package?  Yes  No

Shipping Remarks (check):  Yes  No    Stop Sale Issued?  Yes  No  
 Was product agitated according to label directions before sampling?  Yes  No

List active ingredient(s) and / or compounds to analyze for: Pesticide Screen    GPS Coordinates: N 30° 27.246' W 084° 11.227'  
 Sample Container: \_\_\_\_\_  
 Production No.: 474155  
 Container No.: 000319

List ingredients not more than \_\_\_\_\_  
 DESCRIPTION OF SAMPLE: 32 oz Glass Jar filled with soil

The above sample was collected by:  
 The State of Florida, and receipt is hereby acknowledged pursuant to section 487.071 of the Florida Pesticide Law, Chapter 487, Florida Statutes.  
 The State of Florida as agent for the U. S. E.P.A., and receipt is hereby acknowledged pursuant to Section 9.1(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7U.S.C. 136j).

Acknowledgement: The undersigned acknowledge that the sample above was obtained from:  
 a pesticide or device that was packaged, labeled, and released for shipment.  
 pesticide or other material that was in neither possession or employer's possession.

Signature: [Signature] Title: Manager  
 Signature: [Signature] Title: ES/IT  
 Sample Delivered to: FDAES Lab Destination: Tallahassee

Date: 9-20-11 4:10PM    Sample collected, prepared, and analyzed per FDAES standard operating procedure?  Yes  No  
 Analyzed by: [Signature] Labeled by: [Signature] Date/Time: \_\_\_\_\_  
 Reviewed by: \_\_\_\_\_ Insured by: \_\_\_\_\_ Date/Time: \_\_\_\_\_  
 Original - With Stamp    Copy - File    Copy - Specialist    Copy - File

Sample ID: PL15515

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## Office of Agricultural Law Enforcement

## ACISS Transcript Report 11-3545/6

Report Date: 04/04/2012

**Primary Information**

Report Number:	11-3545/6
Report Date:	04/04/2012
Type Of Report:	Transcript
Occurrence From:	09/20/2011 00:00
Occurrence To:	09/20/2011 00:00
Source Of Info:	observed
Dissemination Code:	Recommend Case Closure
Reporting LEO:	Newell, John (Ashley) Inv. (Investigative Region 2 / Department of Agriculture Law Enforcement)
Mileage:	0
Approval Status:	Approved
Approved Date:	04/05/2012
Approved By:	Mincy, Chuck Lt. (Investigative Region 2 / Office of Agricultural Law Enforcement)

**Synopsis**

transcribed interview of Robert Barnhart.

**Address #1 - LOCATION OCCURED #1 - 2005 Apalachee Parkway, Terry Rhodes Bldg.****Primary Information**

Address:	2005 Apalachee Parkway, Terry Rhodes Bldg. OALE Office, Tallahassee, FLORIDA 32399-6500 , United States of America
Description:	OALE Office

**Subject #1 - Assisting Agency #1 - Agricultural Environmental Services****Primary Information**

Record Type:	AGENCY
Subject Name:	Agricultural Environmental Services
Juvenile:	No

**Subject #2 - Assisting Agency #2 - Department of Environmental Protection****Primary Information**

Record Type:	AGENCY
Subject Name:	Department of Environmental Protection
Juvenile:	No

**Related Addresses**

Address	Relationship
3900 Commonwealth Blvd Douglas Building, Tallahassee, FLORIDA 32399 , United States of America	Business Address

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## Office of Agricultural Law Enforcement

## ACISS Transcript Report 11-3545/6

Report Date: 04/04/2012

**Subject #3 - Government Official #1 - Smithey, Bryan****Primary Information**

Race: WHITE  
 Record Type: Government Official  
 Subject Name: Smithey, Bryan  
 Sex: MALE  
 Juvenile: No

**Employment Information**

Employed: Yes  
 Occupation: AES / Compliance Monitoring

**Subject #4 - LAW ENFORCEMENT OFFICER #1 - Field, Charles****Primary Information**

Exempt From Disclosure: Yes  
 Race: WHITE  
 Record Type: LAW ENFORCEMENT OFFICIAL  
 Subject Name: Field, Charles  
 Sex: MALE  
 Rank/Position: SA  
 Juvenile: No

**Related Addresses**

<u>Address</u>	<u>Relationship</u>
3900 Commonwealth Blvd Douglas Building, Tallahassee, FLORIDA 32399 , United States of America	Business Address

**Subject #5 - Government Official #1 - Spears, Dexton****Primary Information**

Race: UNKNOWN  
 Record Type: PERSON  
 Subject Name: Spears, Dexton  
 Sex: MALE  
 Juvenile: No

**Employment Information**

Employed: Yes  
 Occupation: AES Field Supervisor

**Related Addresses**

<u>Address</u>	<u>Relationship</u>
3125 Conner Blvd Bldg #8, L-29, Tallahassee, FLORIDA 32399-1650 , United States of America	Business Address

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Alright, let's see the date is uh 9-20-2011; 10:09 am. I'm meeting with uh Robert Barnhart in relation to the Lamar Advertising Sign case. Alright Mr. Barnhart you can start telling us your story and what all your involvement is with your uh employer there.

Barnhart – Alright it started out as uh me just you know working with them. We always cut trees illegal and you know come in early and I had just started out uh bill poster and slowly you know throughout the years moved up with them. And then after a while I started uh actually riding around with my boss and he would show me trees that he wanted poisoned. And uh you know he would tell me how to do it you know, call it hit and run, machete at the roots and you pour poison, pesticides – we don't know what it is uh you would put it in a plastic container and it would eat its way through the plastic container. I mean it's pretty gnarly stuff.

Newell – What was it stored in?

Barnhart – Uh it was actually stored...I mean if you put it in like a thin plastic coffee cream can that's when you know it would eat through it. But it's actually stored in like a thick plastic you know big jug with a handle. Almost like a fifty-five gallon drum with you know a nozzle on it. But uh he would tell us to wear kitchen gloves and a dust mask and uh go out there. Anyway hack at the roots, pour uh you know anywhere from you know a half gallon to a gallon on it. Make sure it would uh die. Uh on a couple different occasions he would go with me and he would try two different measures where we would drill a hole into the tree and pour it uh into the hole directly and uh uh you know the other where you hit it with a machete where I guess it looks like a lawn mower hit it or you know a car backed into it. That's why he would call it a hit and run. And uh so he started you know getting me doing that uh we did that on a couple of different occasions. Uh more than a couple of different occasions and it would always be come in you know real early I mean I have time cards so you know proving it and everything. Come in real early and uh take his truck which has magnetic logos. Take the magnetic logos off uh go park in the parking lot next door to the scene. Sometimes even drive the day before, like the CVS sign on Apalachee Parkway, he would tell me to go see if there was a video camera, surveillance tape so I would be seen on camera. And uh that's when I really started getting worried about it. And so, so I mean we would do it on several different occasions you know, not just poison but cutting trees down and uh you know what else do you want to know? I mean I've got fired for you know letting them know that I didn't want to do it.

Newell – The last one you did, do you remember when it was, which one it was?

Barnhart – Yeah the last one I did was on uh Apalachee Parkway and Capital Circle at the CVS there. And me and a co-worker did that with me but he doesn't want to be in the...involved with anything so.

Newell – That's the CVS right there at Magnolia?

Barnhart – Uh no on Apalachee Parkway and Capital Circle.

Newell – Oh okay, that one down there.

Barnhart – Yes sir.

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Newell – Where is the sign?

Barnhart – Uh right there in the back of CVS parking lot. It's kind of in between uh...

Newell – The ABC Liquor and?

Barnhart – No it's more on Capital Circle, the sign is.

Newell – Okay,

Barnhart – It's right there on that side of the back door.

Newell – So it's back there facing Capital Circle.

Barnhart – And there is actually a wall there and we're able to park behind the wall and walk up through the gap and do it, so.

Newell – I think I saw a picture of Capital Circle and the Parkway.

Barnhart – Yeah I think he has some pictures here.

Newell – With uh Kentucky Fried Chicken was it?

Barnhart – Yeah there's one across the street at Kentucky Fried Chicken but that uh that was one that we actually covered the whole stump up but let me see if I can find it here.

Newell – So there was a tree there now it's gone?

Barnhart – Yes sir. Yeah it's not in these here. Is this the only ones you have.

Smithy – That's the only ones I have yeah.

Barnhart – But yeah, that's the hit and run pretty much is like go up hit it a couple of times with the machete and dump the pesticides all over it.

Newell – Are all those trees dead?

Barnhart – Oh yes sir, I mean like this one here this is the one that was on the news. I don't know if you seen it or not.

Newell – Yeah I rode by it and looked at it.

Barnhart – There's not a single leaf, branch you know they're all starting to come off.

Newell – Now that one wasn't really blocking the sign?

Barnhart – It is if you're driving down the road, Capital Circle.

Newell – If you're in the outside lane I guess if it were still there...

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Barnhart – That's the \_\_\_\_\_ that they look for. See they're trying to get anywhere from you know they, they want to get out of the five second reads into the you know the more ten to twenty second reads on the billboards that way you have a chance to take it all in. And this tree behind there, we actually cut in the morning in an L shape just to you know enhance the fuel a little bit, so.

Newell – Do ya'll have a tree trimming crew that goes in...

Barnhart – Yeah, me most the time. I would be the one to go out and do it. He would tell me to...

Newell – I've noticed some of the signs that have trimmed trees right under them.

Barnhart – Yeah we do have some that uh we had tree companies come in. I can't remember their name and that would be just because they were on a digital board or we couldn't reach them with our bucket truck. We had a thirty-two foot boom. Anything we could reach with our bucket truck that he felt we could get away with we would go take it down.

Newell – Okay. Brian, do you want to clarify anything? Get some more info?

Smithy – Back to the question, when was the last time that one, the CVS? How long ago?

Barnhart – Uh you know I really can't remember exactly. It was probably about a month before uh I got injured at Lamar and I was injured on 6/7/11, so within that time somewhere.

Newell – April, May?

Barnhart – Yes sir.

Smithy - Um so you don't, you never saw a name on that drum or a label or anything?

Barnhart – No sir, I heard where it come from uh supposedly it come from Terry Pafford which was a previous Ops Manager which Chris Oaks holds the current Ops Manager position. It's the guy he took his uh employment from basically and he gave him the jug with uh kitchen gloves and a dusk mask and told him that uh you know it was tree killing stuff that you know he got it from some convention, expo something like that. And uh so...

Smithy - It was a liquid?

Barnhart – Yeah it was just you know some, it, it looked two different tones. Like on the bottom it was almost like a thicker tar syrup and on the top was like a clear almost like a diesel look to it. And uh you had to mix it up to get it going.

Smithy - Did it have an odor to it?

Barnhart – Oh yeah, it had a real bad odor. And it was kind of slippery on the gloves and uh yeah he would, you know it had uh a/c cleaner on it at first written in sharpie. And then it was sanded off at one time when uh we had a city inspection come. And wrote roundup on it with same black magic marker or whatever. And on a couple of different occasions I would be called back into the shop because a city

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inspection was going to be coming and I'd be told to get the crew guys to go get aerosol cans out the dumpsters to you know get the gas cans in order, all the you know tanks, everything like that and get cleaned up. Uh we had a pit out back where we burned old vinyl's that would come down off the old bill boards and..

Spears - What location? What was \_\_\_\_\_

Barnhart - I'm sorry?

Smithy - Whenever he would fill these containers was it filled at the office location or?

Barnhart - Yeah, all, all yeah all of it was done at uh the shop. He would uh, you talking about for the tree poisoning itself?

Smithy - Yeah.

Barnhart - Yeah, he would tell me to come in the next morning, he would tell me not to mix it until the next morning. That way I could come in and nobody would see me mixing it and uh he would tell me to stir it up and most the time I would use just an old coffee cream can or coffee can and uh fill that up.

Smithy - And what was the address? Where was that located at?

Barnhart - Uh 6 uh what is it...470..

Newell - We got that.

Barnhart - Uh what is it?

Smithy - It's fine.

Barnhart - 4706 Capital Circle uh

Newell - Southwest?

Barnhart - Yes sir.

Newell - What were you mixing just water with the?

Barnhart - No I wasn't mixing at all, I just stir the chemical up and then pour that into the container.

Smithy - It was diluted?

Barnhart - No sir. Do you have an idea of what it is or?

Smithy - Not really, but we will.

Newell - Did ya'll ask a color?

Smithy - No I didn't ask color, I asked about odor.

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Barnhart – From what I can tell because it was a semi clear jug uh the bottom was a darker brown almost like this table and then the top was a thinner brown beige almost like the color of the doors there. And uh you would have to mix it up pretty good to you know get it going and then again it's real slippery uh pretty thick stuff.

Spears - Do you know if it was diluted, I mean...

Barnhart – No it was diluted beforehand.

Spears - As far as you know that was in original container? It didn't have a label?

Barnhart – As far as I know that was the original container, no label, wasn't diluted at all.

Spears - There was no label on it?

Barnhart – Correct.

Smithy - And he only gave you like latex gloves and a dusk mask?

Barnhart – Yes sir.

Spears - And \_\_\_\_\_ know the supervisor's name who gave you...

Barnhart – Chris Oaks.

Spears - Chris Oaks.

Barnhart – Yes sir.

Spears – Are you still employed? Are you still...

Barnhart – No sir, they actually say that I'm employed but my boss told me verbally over the phone I was let go. And then I sent him a follow up email confirming that I had been let go, so. After I uh filed the complaint is when they said that I hadn't been let go yet because I filed pretty quickly.

Spears - Do you have the exact date, I can't recall you mentioning..do you have the exact date of the last application to this location down here.

Smithy - He said April or Mayish.

Spears - April or Mayish but you don't have an exact date?

Barnhart – No sir.

Spears - April or Mayish. Sometime in April or May. Did uh, were other people involved in making applications?

Barnhart – Yes sir, but I don't want to like I say I don't want to, they don't want to come forward. They still work there and they said they don't want to fight the hand that feeds them basically.



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Smithy - On this last application, was it...what was the weather that day? Hot or cold?

Barnhart - No sir, it wasn't hot it was real early in the morning, I can remember going to get breakfast afterwards but I remember sitting in the truck uh we probably had the heat on that morning 'cause it was just me and a buddy of mine.

Smithy - So it was cool then?

Barnhart - Yes it was, it wasn't too, too warm.

Spears - And these treatment sites they were, to your knowledge they were definitely not on Lamar Signs property?

Barnhart - Yes sir, they were, yes sir, there's only one property that I know of Lamar owning and we didn't do anything there as far as you know.

Spears - Almost all the applications you're aware of were on other...

Barnhart - Yes sir.

Spears - people's property.

Newell - How does that work? Say they got the sign behind CVS, do they lease space there?

Barnhart - Yes sir.

Newell - And they're allowed to keep it up or?

Barnhart - Uh I believe how it works is if they tree was there before the bill board was put there then they can't touch the tree. But if the tree was planted after the bill board was put there then they have rights to trim it back seasonally. I believe that's how it works but uh you know most the time it wouldn't be you know on their property or you know it would be on the roads right away or you know down the road a little bit.

Smithy - So whenever you made these applications, you've always poured everything out of the can right on the tree.

Barnhart - Yes sir.

Smithy - And then ya'll either...

Barnhart - And kind of on the ground too around it just to make sure. And then when we would drill the holes in top we'd pour you know, I mean the drill bit you know would be so big. We would overflow that and down the tree.

Smithy - Right and then the container you just always burn or just throw it in the trash?

Barnhart - Yes sir.

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Spears - Are you aware at that location, do they have other chemical in other jug, containers stored there? In other words, is that a storage area?

Barnhart - It was uh it was, they did have everything stored there but I highly doubt they have anything stored there now.

Spears - Any other location where they might have moved it to?

Barnhart - Uh there is a location that they might have moved it to but uh I'm, I don't have his address. It's Chris Oaks' brothers house, Chad Oaks. And he's currently employed at Lamar now too.

Newell - And you said the City would come inspect? What are they looking for?

Barnhart - Uh well on two or you know two or more different occasions, two I remember uh my boss would tell me that the city was coming to do an inspection uh and what he would have us do is clean out the dumpsters and you know get all the aerosol cans away, put away property you know go to the dump. Uh get all the gas cans you know we have a MSDS book and everything we're supposed to follow. Make sure all, everything is correct and up to date and make sure you know we're constantly doing that type of stuff. And uh you know that's, that's I mean.

Newell - They came all the time?

Barnhart - No they come two times to my knowledge so, I mean.

Smithy - Think he's talking about DEP?

Newell - I don't know who it is. Does the city inspect for occupational license stuff?

Barnhart - No he said that they would inspect for you know chemicals and I mean that's why we'd go through and get...

Smithy - It's probably DEP.

Newell - DEP ain't never been out there.

Field - Not that I know of.

Field - Ya'll should have a section I think that..

\_\_\_\_\_ - We have like code enforcement stuff like that.

Smithy - Have you ever had any formal training for pesticide use like a applicator's license or anything.

Barnhart - No sir.

Smithy - Okay.

Newell - Does anybody there got one that you know of?

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Barnhart – No sir.

Smithy - And at this location, Apalachee Parkway you just treated the one tree there?

Barnhart – Yes sir.

(Inaudible talking in the background)

Spears - Is that tree still there?

Barnhart – Yes sir, it's pretty dead though but it's still there.

Newell – Do ya'll want a list of all the locations he can remember or?

Spears - No that I, what do you think? I don't know that it's applicable. We could write in there approximately how many locations.

Barnhart – There was one that we hit a couple of times. So I mean, it's got more than enough of the poison, pesticide on it.

Spears - When was that application?

Barnhart – Uh it was probably four or five months earlier to that one but like I said we hit it a couple of times in a couple of months so. And that was at a bank so I was concerned that we were going to be on surveillance you know so I mean and like I said we hit it a couple of times.

Spears - Four or five months earlier, that would go into 2010.

Smithy - Well but we might have photos of \_\_\_\_\_

Spears - Yeah. Go ahead and write it down.

Newell – I think we've got a pretty good list of all the locations, looking at those pictures.

\_\_\_\_\_ - Yeah um...

Newell – Isn't there like seven locations?

Barnhart – Yes sir.

Newell – That you've been talking about?

Barnhart – Yes sir, seven to ten something like that.

Newell – Take a notation of about where they're all at. We got Capital Circle and CVS; we've got Capital Circle and Apalachee Parkway at Kentucky Fried Chicken; we've got Capital Circle down in front of NAPA.

Barnhart – Yes sir.

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Newell – And where else?

Barnhart – Uh continue down the same road, Capital Circle NE on Lombaugh right there at the bank across from Calico Jacks.

Newell – Okay and that's on the East side of the road?

Barnhart – Uh it would be on the yes sir, the east side or right side of the road it you're...

Newell – Going North.

Barnhart – Yes sir.

Spears - So most of the application we're referring to is in Tallahassee?

Barnhart – Yes sir, on the Northeast side of town.

Newell – That's over there by Esposito's...

Barnhart – Yes sir.

Newell – Garden Center and Corrabos and...

Barnhart – That's correct.

Newell – One of those trees in that parking lot, I guess?

Barnhart – Correct.

Smithy - Okay the application you made at the bank uh do you remember the name of the bank?

Barnhart – Uh I don't, I was just there the other day to uh with my workman's comp attorney.

Smithy - Okay.

Barnhart – Uh I can't remember the bank. It's uh

Smithy - Address or location?

Barnhart – I'm sorry?

Smithy - The location?

Barnhart – Yes sir, it's Capital Circle NE right on the corner of Lombaugh. It's where the old Fazzoli's used to be at.

\_\_\_\_\_ - I think it's Superior Bank, it's like red and white..

Newell – I think it's in that picture right there actually. One of those pictures.

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Smithy - Northeast, Capital Circle Northeast a...

Newell - Lomblauch it's spelled funny, L-O-N-G-B-L-A-U-G-H or something like that.

Field - You can put Esposito's or Corraha's in parentheses.

Newell - Well that ain't the same one, it's a different one isn't it?

Barnhart - Yes, Superior Bank.

\_\_\_\_\_ - It's Superior Bank.

Smithy - Superior?

Newell - Alright the next one after that?

Barnhart - Uh let's see there was two on Monroe right there at the Army Surplus store. Uh you talking about the next application?

Newell - Up there by Hooter's?

Barnhart - Yes sir, right across the street uh I believe it's Martin Luther King or it used to be Betton or.

Newell - Yeah.

Barnhart - Yeah right there, right there on the side of Monroe Street there's a little strip of grass and sidewalk and I believe there were two live oak trees but..

Newell - Which corner is that?

Barnhart - Uh..

Newell - Northeast, Southwest?

Barnhart - I think it would be Northeast.

Newell - Northeast corner of that intersection?

Barnhart - Yes sir.

Newell - MLK and Monroe.

Smithy - And you just treated two trees there?

Barnhart - Yes sir.

Field - It this the only area ya'll did that in? Did ya'll do it in Georgia, I know ya'll are responsible for some Georgia areas.

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Barnhart – Not that I'm aware of. I'm aware of uh you know the I guess the Ops Manager from Valdosta coming down and picking up some of the chemical and taking that back for you know tree issues they have. Uh me personally I wasn't involved or anything out of you know Leon county. Um as well as Lakeland I know that Chris Oaks father works there, same thing Ops Manager and uh you know I've overheard conversations about how the chemical works and how good it is and you know you got to get some and so. And his name is uh I believe Bobby Oaks.

Newell – But ya'll didn't do it in Madison, Jefferson, Taylor county anywhere along the interstate where signs were?

Barnhart – no sir.

Smithy - Okay.

Smithy - And again on those trees were chopped and then poured?

Barnhart – This one here in front of NAPA is the only one recently that's been uh drilled and poured. All the other ones have been chopped.

Smithy - okay these were drilled.

Barnhart – Those were chopped in front of uh uh, army surplus. The only one drilled was in front of NAPA.

Smithy - Okay.

Smithy - And again, you poured about a half to a gallon on each tree?

Barnhart – Yes sir.

Smithy - And again, you wore the gloves again. Have you ever not worn gloves when they told you to?

Barnhart – Yes sir.

Smithy - Did you wear them at that time or do you remember?

Barnhart – Uh I don't remember uh you know it's, it's been a while ago on a lot of them and you know like I said there's trees that I remember that you know have been poisoned that I can't remember exactly where they were. I'll be at one tree taking a picture you know saying uh you know for instance the CVS and right across the street at the KFC there's another tree that's you know got the poison. And uh you know just realized there's one right across the street so there's a number of them. It was a pretty common deal.

Smithy - Okay on this one you said it was four or five months prior to this last one. So that would put it what January, December sometime?

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Barnhart – Yes sir. Again I'm not 100% sure on the dates. I'm just going by yeah, so probably around you know December of that time uh I mean.

Smithy - I'll put December – January.

Spears - Yeah approximately.

Smithy - And again it was probably cold and clear when you did all of that?

Barnhart – Yes sir. See the deal was to hit them in the off season for the most part is because they would have leaves on the already so nobody would notice the leaves turn brown and fall off.

Field - What was the purpose of the picture taking? Were you doing that for them or just for yourself?

Barnhart – No this was for me. After, after you know everything was done I went around and took pictures. Those, there were never no, anything. He would make work orders for them or anything like that. It was just always real discreet.

Spears - As far as you know there weren't a record kept on them.

Barnhart – Correct.

Newell – And you didn't leave the shop and spend all morning do all these trees. You'd just do one, one day and one another day.

Barnhart – Yes sir, he didn't want to draw too much attention. We were told if uh city workers or police officers, anybody was out there. For instance there was one time we were trying to cut down a magnolia tree on Magnolia Street and uh right there beside the Goodwill at the carwash and we pulled in two or three different mornings and there would be a police officer there and he would tell us just get out of there. But you know, he would have us come in real early, go do it and get out of there, come back you know, most the time four or five o'clock in the morning. Make sure nobody would be around to watch.

Spears - Are you familiar Robert with who did the purchase and where they may have purchased the chemicals?

Barnhart – I have no clue. Like I said from just what I've heard is uh Terry Pafford gave it to Chris Oaks when Chris started \_\_\_\_\_. But that was before I started there so ...

Spears - Terry Pafford.

Barnhart – That's just what Chris Oaks told me where it come from.

Spears - And so do they store other chemicals that they spray under you know like round up and stuff they have, that's their storage area where they use for all their products?

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Barnhart – They do, it's a shed out back and you know it's nothing real bad in there. The one chemical, the a/c cleaner slash roundup was the only you know real bad thing that I knew about as far as you know chemical wise.

Spears - And do you know where they might order those other chemicals from or who they might get them from.

Barnhart – Uh most the time they go to Home Depot or you know I mean they just use local accounts and so uh you know, Home Depot, Cash n Carry, \_\_\_\_\_, etc.

Smithy - Um how long did you work for Lamar Signs?

Barnhart – Uh from 2004 to this year here, so right on seven years.

Smithy - Until September of 2011.

Spears - That's most of the questions that we have isn't it?

Smithy - I think so.

Spears - So we'll complete an affidavit statement, get it signed and that will complete our, this part of our...and then we'll be following up with AgLaw as far as uh the doing an investigation at the location and then we're going to check into getting some samples.

Barnhart – So if ya'll find out what the chemical was, would there be a way that I could find out what it was because I was kind of concerned as well.

Spears - Oh yeah, it's uh, it's public record uh of course you know if goes into our file. You can contact our office.

Smithy - We may even notify him since he's the complainant.

Spears - Right, they may. That would be you know, I'm not certain exactly how that would...

Barnhart – Uh huh

Spears - But I know it is, it's available.

Barnhart – Good deal.

Newell – If ya'll don't have anything else we can kill the recorder and get him to sign off on this.

Smithy - \_\_\_\_\_ what I'm writing here is what we've already talked about.

Newell – Okay. It's 10:37.

END OF STATEMENT