

UNITED STATES DISTRICT COURT

for the

District of Maryland

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2:17 pm, Aug 25 2020

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY crp Deputy

United States of America
v.

Marek Majtan

Case No. 1:20-mj-2186 TMD

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 22, 2020 in the county of Frederick in the
District of Maryland, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1341

Mail Fraud

7 U.S.C. § 136(j)(a)(A), 136j(a)(1)
(E), and 136(b)(1)(B)

Violation of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

This criminal complaint is based on these facts:

See affidavit.

☒ Continued on the attached sheet.Allison Landsman

Complainant's signature

Allison Landsman, Special Agent EPA-CID

Printed name and title

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d).

Date:

8/25/2020Thomas M. DiGirolamo

Judge's signature

City and state:

Baltimore, Maryland

Hon. Thomas M. DiGirolamo, U.S. Magistrate

Printed name and title

2:18 pm, Aug 25 2020

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY crp Deputy

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Criminal Investigation Division, having been duly sworn, depose and state the following:

INTRODUCTION

1. I make this affidavit in support of a criminal complaint. Based on the following facts, there is probable cause to believe that **MAREK MAJTAN (MAJTAN)** has violated federal criminal statutes, including mail fraud, in violation of 18 U.S.C. § 1341; and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), in violation of 7 U.S.C. § 136j(a)(1)(A), 136j(a)(1)(E), and 136l(b)(1)(B). This investigation relates to the sale of unregistered and misbranded pesticides during the COVID-19 pandemic.

2. I am a Special Agent (SA) with the Environmental Protection Agency- Criminal Investigation Division (EPA-CID), Washington Resident Office in Washington, D.C. As a Special Agent with EPA-CID, I am authorized to conduct investigations of suspected criminal violations of federal laws, including violations of FIFRA, 7 U.S.C. § 136, and mail fraud, 18 U.S.C. § 1341. I am authorized to investigate violations of the laws of the United States and execute warrants issued under the authority of the United States under 18 U.S.C. § 3063.

3. On or about May 19, 2020, I was assigned to help investigate allegations of the illegal sale and use of pesticides by **MAJTAN** in Frederick, Maryland.

4. The information contained in this affidavit is submitted for the purpose of demonstrating probable cause to obtain a criminal complaint against **MAJTAN** for (1) knowingly distributing and selling a pesticide that is not registered and that is adulterated and misbranded, in violation of 7 U.S.C. §§ 136j(a)(1)(A), 136j(a)(1)(E), and 136l(b)(1)(B) (FIFRA);

and (2) utilizing the mails to further his scheme to defraud, in violation of 18 U.S.C. § 1341 (mail fraud).

5. My investigation has revealed that **MAJTAN** committed multiple violations of FIFRA by fraudulently selling unregistered and misbranded pesticides. **MAJTAN** purchased pesticides of unknown vintage and origin, repackaged them at his home, and created his own handmade label and application directions, using EPA registration information from a discontinued product. **MAJTAN**, who was not authorized by the EPA to manufacture or distribute any pesticides, advertised on the internet that the product was EPA-registered and that it “Kills 99.9% Bacterias & Viruses” and “Kills Covid 19 & Seasonal Flu,” in order to entice people to buy it. In so doing, **MAJTAN** endangered the lives of people who bought his product in order to protect against the virus that causes COVID-19, by supplying a false EPA registration number on his products, and failing to provide essential handling to reduce the risk of injury to purchasers. He failed to provide application directions concerning how long his products must remain in contact with a surface to be effective, thus reducing, if not eliminating, any chance for his products to be effective. This gave customers a false sense of security that his products were providing protection from the virus that causes COVID-19.

6. The facts contained in this affidavit are based on my personal knowledge, information provided to me by other agents involved in this investigation, surveillance, and documents obtained in the course of the investigation, as well as other sources. All observations that were not made by me personally were related to me by persons with knowledge of this investigation. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for this

criminal complaint. I submit that this affidavit contains the information necessary to establish probable cause to support the application for this criminal complaint.

STATUTORY AND REGULATORY BACKGROUND

I. Mail Fraud

7. 18 U.S.C. § 1341 makes it a federal crime for a person to knowingly devise or participate in a scheme to defraud another by using false or fraudulent pretenses, representations, or promises about a material fact, with the intent to defraud, and by using the mail.

II. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

8. FIFRA regulates the production, sale, distribution and use of pesticides in the United States. A “pesticide” is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(u); 40 C.F.R. § 152.3. The term “pest” is broadly defined to include, among other things, viruses, bacteria, or other micro-organisms. 7 U.S.C. § 136(t).

9. An “antimicrobial pesticide” is defined as a pesticide that is intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or to protect inanimate objects, or surfaces, from contamination caused by bacteria, virus, and other microbes. 7 § U.S.C. § 136(mm).

10. FIFRA requires all pesticides to be registered with the Environmental Protection Agency (EPA) before they can be sold or distributed. 7 U.S.C. § 136a(a). The registration process is detailed, and applicants are required to submit a substantial amount of information to the EPA in support of a request for registration.

11. First, prior to registering a company's first pesticide, EPA assigns a company number to a company based on information submitted to the government. A “company number”

is a unique identifier assigned to a company that wishes to register a pesticide; such companies are commonly referred to as “registrants.” A registrant must obtain a company number first and then it may submit an application for registering a pesticide. Registrants who plan to produce their own products will also need to obtain an “establishment number.”

12. Next, registrants must apply for registration for each pesticide the registrant wishes to sell or distribute. Items of information a registrant must submit in support of an application to register a pesticide include: the complete formula of each pesticide for which registration is sought, including the identity of its active and inert ingredients; all proposed labeling for the pesticide; and a statement of all pesticidal claims to be made for the pesticide. *See* 7 U.S.C. § 136a(c); 40 C.F.R. § 158.155. Registered pesticides are given a product registration number beginning with the phrase “EPA Reg. No.” Pesticide-producing establishments receive an "establishment-number" (designated by the phrase “EPA Est. No.”) as discussed above. 40 C.F.R. §§ 156.10(e) and 156.10(f).

13. As a condition of registration, all registered pesticides must have a label that bears both the product registration and establishment numbers. 40 C.F.R. § 156.10(a). This label also must contain several other pieces of information, such as the directions for use of the pesticide (40 C.F.R. § 156.10(i)); child hazard warnings (40 C.F.R. § 156.66); a first aid statement (40 C.F.R. § 156.68); precautionary statements for humans and domestic animals (40 C.F.R. § 156.70); and environmental hazard and precautionary statements (40 C.F.R. §§ 156.80 and 156.85). Proposed labels must be submitted to the EPA along with the application for registration. 40 C.F.R. § 152.50(e). EPA approves the label when it approves a pesticide for registration.

14. Antimicrobial pesticides are subject to specific antimicrobial pesticide data requirements in order to be registered by the EPA. 40 C.F.R. Part 158, Subpart W. All antimicrobial pesticide applicants for registration must ensure through testing that their product is effective when used in accordance with label directions and commonly accepted pest control practices. 40 C.F.R. § 158.2220(a)(1). An antimicrobial pesticide that makes “public health claims” must be supported by additional product performance data required by the EPA as part of the application for registration. 40 C.F.R. § 158.2220(a)(2). An antimicrobial pesticide product is considered to make a “public health claim” if the product bears a claim to control pest microorganisms that pose a threat to human health, and whose presence cannot be readily observed by the user. 40 C.F.R. § 158.2204(a).

15. The EPA has published for the public a list of EPA-registered products that are likely to be effective against SARS-CoV-2, which is the virus that causes COVID-19, titled “List N: Disinfectants for Use Against SARS-CoV-2.” However, even a List N disinfectant cannot make a claim on the label that it is effective against SARS-CoV-2 without specific product performance data. The only claims that can be made are that the product has demonstrated effectiveness against viruses similar to SARS-CoV-2; that COVID-19 is caused by SARS-CoV-2; and that the product kills similar viruses and therefore can be used against SARS-CoV-2 when used in accordance with the directions for use. 40 C.F.R. § 158.2220.

16. It is unlawful for any person in any state to distribute or sell to any other person a pesticide that has not been registered under FIFRA. 7 U.S.C. § 136j(a)(1)(A).

17. It is also unlawful for any person to sell or distribute to any other person a pesticide that is “misbranded.” 7 U.S.C. § 136j(a)(1)(E). A pesticide is “misbranded” under FIFRA if, *inter alia*, its label does not bear the registration number assigned to each

establishment in which it was produced, 7 U.S.C. § 136(q)(1)(D); its label does not contain a warning or caution statement necessary that, if complied with, is adequate to protect health and the environment, 7 U.S.C. § 136(q)(1)(G); its label bears any statement, design or graphic representation relative to the pesticide or its ingredients, that is false or misleading. 7 U.S.C. § 136(q)(1)(A); or its label does not contain directions for use necessary for effecting the intended purposes for use that are adequate to protect health and the environment, 7 U.S.C. § 136(q)(1)(F).

18. Under FIFRA, the term “person” means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not. 7 U.S.C. § 136(s).

19. FIFRA defines “distribute or sell” to mean to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. 7 U.S.C. § 136(gg); 40 C.F.R. § 152.3.

20. FIFRA defines “labeling” to mean all labels and all other written, printed, or graphic matter accompanying the pesticide at any time. 7 U.S.C. § 136(p)(2).

21. Under FIFRA, it is a misdemeanor criminal offense to knowingly violate any provision of the statute. 7 U.S.C. § 136l(b)(1)(B).

FACTS SUPPORTING PROBABLE CAUSE***Introduction***

22. Since approximately May 19, 2020, your affiant has been investigating allegations that a business called Capitol Cleaning Solutions (CCS) was selling disinfectant products on eBay without authorization from the EPA and fraudulently claiming that the products were EPA-registered pesticides under FIFRA, that the products were registered with the Centers for Disease Control (CDC), and that these products were on FIFRA's List N: Disinfectants for Use Against SARS-CoV-2. In addition to the initial information received, EPA received additional complaints about CCS from members of the public identifying potentially fraudulent claims about the products.

23. Your affiant and a U.S. Postal Inspection Service (USPIS) inspector determined that CCS was being operated by an individual named **Marek MAJTAN** out of his residence in Frederick, Maryland. As **MAJTAN** later admitted during an interview with investigators, on April 8, 2020, in the midst of the COVID-19 pandemic, **MAJTAN** filed a trade name application with the Maryland State Department of Assessment and Taxation for Capitol Cleaning Solutions under his mother's name. **MAJTAN** does not appear to have incorporated the business. The description of the business on the application stated that "[o]ur primary focus is to provide superior cleaning, sanitizing, and disinfecting solutions."

24. Neither CCS nor **MAJTAN** has obtained a company number from EPA as required prior to registering a pesticide. Neither CCS nor **MAJTAN** submitted an application for registering a pesticide to the EPA. CCS does not produce any pesticides registered by the EPA pursuant to FIFRA.

25. Nevertheless, based on records obtained from eBay, EPA-CID has determined that CCS, under the eBay seller name “ccs-solutions,” has sold on eBay approximately 100 products/bottles identified as CCS products that CCS claims are “EPA-registered disinfectants” and “CDC-registered disinfectants” effective against SARS-CoV-2, the virus that causes COVID-19. It is worth noting that the CDC does not even register disinfectants. Rather, the CDC directs consumers back to the EPA website for information on EPA-registered disinfectants. eBay records reveal that CCS products have been sold to consumers across the United States.

26. In addition to selling CCS products on eBay, EPA-CID and USPIS observed that CCS appeared to market and sell products on a website, <http://ccs-box.com>, created on April 25, 2020, that **MAJTAN** later admitted he created. This website claimed that its products are “Compliant and Approved” by EPA and the CDC. The website also makes false claims about CCS’s products: “Kills 99.9% Bacterias [sic] & Viruses” and “Kills Covid 19 & Seasonal Flu.” The website states that 1,231 CCS product bottles have been sold, and the company has served 323 customers. In an interview discussed later in this affidavit, **MAJTAN** admitted he falsified these figures in order to further entice buyers.

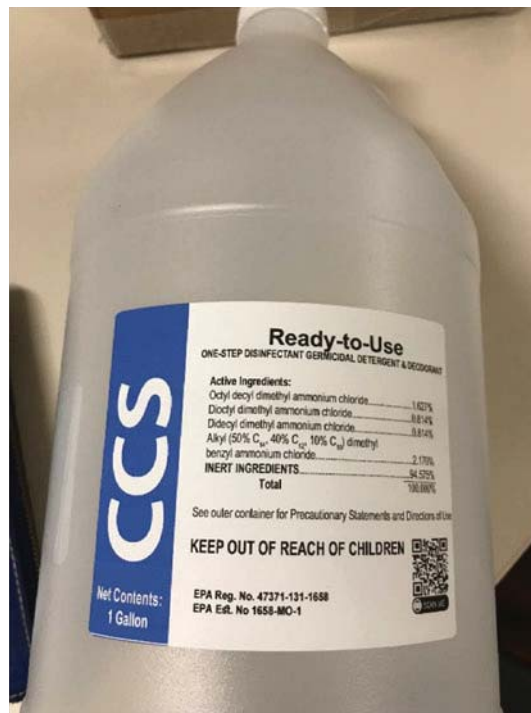
27. CCS’s products, marketed and sold by **MAJTAN**, meet the definition of an antimicrobial pesticide under FIFRA since they were intended to disinfect microbiological organisms as evidenced by **MAJTAN**’s advertisements on eBay and CCS’s website and his statements to investigators, discussed below.

Undercover Purchase

28. On May 20, 2020, your affiant conducted an undercover purchase of two pesticides sold by CCS on eBay. The listing names of the products on eBay purchased were

“CCS Spray | 2 Gallons Commercial Grade Disinfectant | EPA Registered | No Bleach” and “2 Pk CCS Multi-Surface Hospital Grade Disinfectant Spray | 48Oz | EPA Registered.” The total price for these items was \$78.16. Your affiant received a purchase confirmation email from CCS with a FedEx tracking number.

29. On May 22, 2020, your affiant and a USPIS Inspector retrieved the undercover purchase from a FedEx store in Frederick, Maryland. The brown cardboard box had a white sticker and blue CCS letters on it with a return address of CCS-BOX.com, at a Post Office Box in Frederick, Maryland. Inside the box were two 24-ounce bottles labeled “CCS Spray- Ready-To-Use,” two 2- ounce bottles of “CCS 2 FL OZ Disinfectant Concentrate,” and an empty one-gallon plastic container labeled “CCS Ready-to-Use, ONE-STEP DISINFECTANT GERMICIDAL DETERGENT & DEODORANT.” A photo of the one-gallon container appears below:



30. When agents went to pick up the undercover purchase from FedEx on May 22, 2020, a FedEx representative informed agents that CCS had sent other packages to that location for shipping to customers. Agents executed a search warrant at FedEx on May 27, 2020, and seized the additional five packages sent by CCS to the same FedEx store. The five additional packages were sent by CSS and were intended for customers in Florida (two packages), Georgia, Massachusetts, and Illinois.

31. FIFRA requires that pesticides must display labels that show the following information clearly and prominently: name, brand, and trademark under which the product is sold; name and address of the producer or registrant; product registration number and producing establishment's number; ingredient statement; warning or precautionary statements; directions for use; and use classification.

32. The labels on the products purchased from CCS do not contain the information required by FIFRA. CCS's 24-ounce bottles did not have any EPA registration number or EPA establishment number on their labels. The CCS products that do display an EPA registration number (including the one-gallon container pictured above) display a registration number that is associated with a different pesticide ("the discontinued pesticide") previously produced by another company ("Company #1"). The EPA registration number for Company #1's discontinued pesticide has been cancelled, and Company #1 has not produced its discontinued pesticide since 2014.

33. As explained further below, the investigation revealed that **MAJTAN** repackaged one of Company #1's active pesticides as a CCS product while using the EPA registration number from one of Company #1's discontinued pesticides. The EPA registration number on the CCS product purchased during the undercover eBay operation contains different active

ingredients than the ingredients that appear on the label. A scientist with the EPA Region 3 Enforcement and Compliance Assurance Division informed EPA-CID that CCS does not produce any pesticides registered by the EPA pursuant to FIFRA. She also confirmed EPA-CID's observation that the ingredients on the eBay CCS product label do not match the EPA accepted label for the registration number listed by **MAJTAN** on the pesticide he sold. The pesticide contained in the bottles EPA purchased from CCS was thus neither the substance described on the labels **MAJTAN** affixed to those bottles nor Company #1's discontinued pesticide to which the EPA registration number **MAJTAN** used on the CCS bottles had been issued.

34. Additionally, FIFRA requires that pesticides must display labels that contain directions for use necessary for effecting the intended purposes for use that are adequate to protect health and the environment.

35. For example, according to Company #1's Vice President of Regulatory Affairs, Company #1's active pesticide, which, according to **MAJTAN**, CCS was repacking as its own product, needed to be left on surfaces for 10 minutes in order to be effective. Company #1's VP explained to your affiant that it was essential that a person follow the directions on the EPA-accepted label to apply Company #1's pesticide. Part of the directions include the "dwell" time or contact time that the pesticide must have with the surface it is trying to disinfect. He said the "dwell time" for Company #1's pesticide is longer than most products, with a 10-minute contact requirement. He stated that if the pesticide does not "dwell" on the surface it is trying to disinfect for 10 minutes, it will not effectively disinfect for viruses like SARS-CoV-2.

36. Included in the package EPA-CID purchased from CCS during the undercover eBay operation were two double-sided typed pieces of paper. These pages directed the customer

to dilute two ounces of CCS concentrate with one gallon of water using the empty one-gallon plastic container provided by CCS. Nowhere in the instructions that accompanied the CCS products did **MAJTAN** provide application directions concerning how long CCS products must remain in contact with a surface to be effective, thus reducing, if not eliminating, any chance for his products to be effective disinfectants, as required under FIFRA.

37. Also as required under FIFRA, pesticides must display labels containing a warning or caution statement necessary that, if complied with, is adequate to protect human health and the environment.

38. **MAJTAN** failed to include the EPA-accepted precautionary statements associated with the actual pesticide he was selling that are critical to the proper handling of the product, as required by FIFRA. The empty one gallon plastic container labeled “CCS Ready-to-Use, ONE-STEP DISINFECTANT GERMICIDAL DETERGENT & DEODORANT” purchased during the undercover operation stated on the container “See outer container for Precautionary Statements and Directions for Use,” but there was no outer container in the package received as part of the undercover operation. The accepted precautionary statement for one of Company #1’s active pesticides contained in CCS products includes the following statement, which **MAJTAN** failed to provide to customers:

DANGER: Corrosive. Causes irreversible eye damage. Do not get in eyes or on clothing. Wear protective eyewear (goggles, face shield, or safety glasses). Harmful if inhaled. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

39. One of the pieces of paper inside the CCS package EPA-CID purchased from eBay directed a customer to use the product’s Material Safety Data Sheet (MSDS) for safety

information and the products' labels for handling and proper use information. However, such information was not provided in the box or on the labels of the containers inside the box. If a customer looked up the MSDS or EPA-accepted label based on the EPA registration number on the CCS products, it would have led the customer to a different product than what he/she purchased from CCS, therefore giving inaccurate ingredient statements, precautionary statements, directions for use, and use classification. It is vitally important to provide a customer with this information for the proper administration of first aid if someone is exposed to the pesticide, for properly identifying the chemical contents in the pesticide, and for how to use the product to make it effective as a pesticide.

40. In summary, the first undercover purchase item, the 24-ounce bottle labeled "CCS Spray- Ready-To-Use," did not meet the EPA labeling requirements and failed to have a product registration number, producing establishment's number, ingredient statement, directions for use, accepted precautionary statement, or accepted health warning on the bottle.

41. The second undercover purchase item was actually a package of three items, the two two-ounce bottles of "CCS 2 FL OZ Disinfectant Concentrate" and the empty one-gallon plastic container labeled "CCS Ready-to-Use, ONE-STEP DISINFECTANT GERMICIDAL DETERGENT & DEODORANT." The label had an EPA registration number and EPA establishment number that is in no way connected to CCS. Rather the EPA registration number listed by CCS is associated with the discontinued pesticide as discussed previously.

Warnings from Company #1 to Cease and Desist

42. On May 26, 2020, Company #1's VP told your affiant that Company #1 had not authorized CCS to produce or distribute a product with any of its EPA registration numbers or EPA establishment numbers. The Company #1 VP stated that he informed CCS in writing earlier

that day that it must remove Company #1's EPA registration number and EPA establishment number immediately or he would initiate legal proceedings. In response to the demand, a person who purported to be named "Sue" from CCS emailed back on May 26, 2020, and stated that CCS would take down the product listing from eBay. As is detailed below, **MAJTAN** later admitted that the email was sent by him and that he pretended to be Sue in order to conceal his identity.

43. On May 27, 2020, your affiant received an additional call from Company #1's VP, who stated that despite his warning to CCS that it must remove all products with Company #1's EPA registration and establishment numbers immediately, he had found that morning another CCS product for sale on eBay with the EPA registration and establishment numbers. The Company #1 VP emailed CCS again to take down the product on eBay and stop the sale of all products from all online sources, all store fronts, and any other means for sale that CCS had been employing. In the same email, Company #1 VP also told CCS that the product being sold "is being illegally packaged and sold in violation of FIFRA regulations."

44. On May 28, 2020, the Company #1 VP continued to email CCS with directions to cease and desist selling any product associated with Company #1, that CCS was in violation of FIFRA, and that the company was selling these products illegally. "Sue" replied for CCS and stated that CCS needed to sell off its remaining product and then it would be done. The Company #1 VP replied by email:

You are selling products illegally, and you continue to violate the regulations which not only damages our reputation but opens us to legal issues as well. We have asked you to cease and desist selling of these products. We have asked you to do a recall on all that has been sold and you continue to ignore our requests. We have no choice but to start legal

proceedings, therefore **This is your final warning, before we are forced to take legal action.**

45. Following the email exchange on May 28, 2020, CCS removed the products from eBay for sale. However, **MAJTAN** did not take down the CCS website selling the same products until after execution of a search warrant at his residence.

Search Warrant and Interview of MAJTAN

46. On June 1, 2020, EPA-CID and USPIS executed a search warrant at the residence owned by **MAJTAN** (which was also the business address associated with CCS). EPA-CID seized multiple containers labeled as CCS products as well as 17 gallons of a pesticide currently distributed by Company #1 in its proper packaging. Agents seized records and sampled the contents of five containers of CCS products, including a pre-mixed Ready to Use CCS Spray, a one-gallon spray applicator container labeled as CCS disinfectant spray and a pesticide currently distributed by Company #1 in its original packaging. The agents also found and seized 31 four-ounce pouches of Company #1's discontinued pesticide.

47. Agents interviewed **MAJTAN** during the search. **MAJTAN**, who has no history of distributing or selling cleaning products, disinfectants, or pesticides, stated that he bought about 40 gallons of Company #1's pesticide from a person named Thomas, whose last name he did not know, online on Facebook Marketplace. **MAJTAN** said Thomas told him he (Thomas) had found a pallet of the pesticides in an abandoned storage unit in Baltimore, Maryland, and **MAJTAN** paid Thomas in cash. In addition to the chemicals he bought from Thomas, **MAJTAN** said he bought pouches or packets of Company #1's discontinued pesticide from a cleaning supplier online.

48. **MAJTAN** stated that he brought the one-gallon containers of one of Company #1's active pesticides that he had purchased to his home in Frederick, Maryland. At his home, he took Company #1's pesticide out of its proper packaging and repackaged it a CCS product. **MAJTAN** further stated that, in order to create his own packaging, he purchased approximately forty to fifty one-gallon containers of the cheapest pesticide from Home Depot and dumped the contents down a drain at his home. He then rinsed these containers with water, but he did not thoroughly clean them before adding other chemicals. In doing so, he did not consider the risk that mixing different pesticides could create a chemical reaction or cross-contamination.

49. **MAJTAN** admitted to finding EPA registration and establishment numbers for a different Company #1 product on the internet (the discontinued product with different active ingredients). **MAJTAN** then created his own label containing this information. During the interview, **MAJTAN** stated that he took labels from Company #1's website, made some modifications, and printed them on his home printer onto stickers.

50. **MAJTAN** further admitted that he knew if he wrote "EPA-registered" when advertising his products on eBay and his website, consumers would be more likely to buy his products.

51. The investigation has revealed that **MAJTAN** sold products to approximately 95 individuals.

CONCLUSION

52. CCS and **MAJTAN** were not authorized by EPA to distribute or sell to any other person a pesticide, including either Company #1's active pesticide repackaged by CCS, or the discontinued pesticide. **MAJTAN** did not include the proper application instructions and warning labels with his products. Furthermore, the registration number **MAJTAN** listed on his

products did not match the actual product inside the containers and, thus, customers were not informed of the necessary dangers and instructions for use if they looked up that registration number online.

53. Based on the above information, I respectfully submit there is probable cause to believe that **Marek MAJTAN** is engaging in a scheme or artifice to defraud through use of false and fraudulent pretenses, representations, and promises, and in furtherance of that scheme, used the mails, in violation of 18 U.S.C. § 1341; and is knowingly distributing and selling unregistered pesticides that are misbranded contrary to law (in violation of 7 U.S.C. §§ 136j(a)(1)(A), 136j(a)(1)(E), and 136l(b)(1)(B)).

Respectfully submitted,

Allison Landsman

Allison Landsman, Special Agent
United States Environmental Protection Agency
Criminal Investigation Division
Washington Resident Office

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4(d) and 4.1 this 25 day of August 2020.

Thomas M. DiGirolamo

The Honorable Thomas DiGirolamo
United States Magistrate Judge