

**STATE OF MAINE
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES
BOARD OF PESTICIDES CONTROL**

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|----------------------------------|---|--------------------------------|
| In the Matter of: |) | |
| Robert Hayes |) | ADMISTRATIVE CONSENT AGREEMENT |
| J.L. Hayes & Company Inc.- Agway |) | AND |
| 807 Minot Avenue |) | FINDINGS OF FACT |
| Auburn, Maine 04210 |) | |

This Agreement by and between J.L. Hayes & Company Inc.- Agway (hereinafter called the "Company") and the State of Maine Board of Pesticides Control (hereinafter called the "Board") is entered into pursuant to 22 M.R.S.A. §1471-M (2)(D) and in accordance with the Enforcement Protocol adopted by the Board on September 19, 1984.

The parties to this Agreement agree as follows:

1. That the Company distributes general use pesticides in Maine.
2. That the distribution of general use pesticides in Maine requires a general use pesticide dealer's license pursuant 22 M.R.S.A. § 1471-W.
3. That the Company held a Maine general use pesticide dealer's license during calendar years 2004, 2005, 2006, and 2007.
4. That on April 21, 2010, a Board inspector conducted a routine marketplace inspection at the Company.
5. That from the inspection in paragraph four, it was determined that the Company did not possess a valid Maine general use pesticide dealer's license during calendar years 2008, 2009, and part of 2010, and that the Company distributed pesticides in Maine during this period.
6. That the circumstances described in paragraph one through five constitute three violations of 22 M.R.S.A. § 1471-W.
7. That the Board has regulatory authority over the activities described herein.
8. That the Company expressly waives:
 - A. Notice of or opportunity for hearing;
 - B. Any and all further procedural steps before the Board; and

C. The making of any further findings of fact before the Board.

9. That this Agreement shall not become effective unless and until the Board accepts it.

10. That in consideration for the release by the Board of the cause of action which the Board has against the Company resulting from the violations referred to in paragraph six, the Company agrees to pay a penalty to the State of Maine in the sum of \$160.00. (Please make checks payable to Treasurer, State of Maine).

IN WITNESS WHEREOF, the parties have executed this Agreement of two pages.

J.L.HAYES AND COMPANY INC.- AGWAY

By: _____ Date: _____

Type or Print Name: _____

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____

Henry Jennings, Director

APPROVED:

By: _____ Date: _____

Mark Randlett, Assistant Attorney General