

## **Proposed Administrative Consent Agreement Background Summary**

**Subject:** Barren View Golf Course  
PO Box 160  
Jonesboro, ME 04648

**Date of Incident(s):** May 12, 2006

**Background Narrative:** On May 12, 2006, Matthew LaHaye applied Andersons Fungicide X to the greens at the Barren View Golf Course in Jonesboro. This is a public golf course. No one at the course was licensed as a commercial applicator at the time of the application.

**Summary of Violation(s):** CMR 01-026 Chapter 31, Section 1 (A) Any commercial applicator must be either: licensed as a commercial applicator/master, licensed as a commercial applicator/operator or supervised on-site by either a commercial applicator/master or a commercial applicator/operator...

**Rationale for Settlement:** The staff considered the compliance history of the company and compared the violation to similar cases settled by the Board in formulating a penalty proposal.

**Attachments:** Proposed Consent Agreement

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

Matthew LaHaye	)	ADMINISTRATIVE CONSENT
Barren View Golf Course	)	AGREEMENT
PO 160	)	AND
Jonesboro, ME 04648	)	FINDINGS OF FACT

This Agreement by and between Barren View Golf Course (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 operates a public golf course in Jonesboro, Maine.
2. That on May 12, 2006, Company employee Matthew LaHaye applied Andersons Fungicide X to the greens at the golf course.
3. That the golf course is considered open to use by the public in accordance with 22 M.R.S.A. § 1471-C (5-A).
4. That the use of any pesticide in an area open to use by the public constitutes a commercial pesticide application in accordance with 22 M.R.S.A. § 1471-C (5).
5. That commercial pesticide applications can only be made or supervised by licensed commercial applicators pursuant to CMR 01-026 Chapter 31, Section 1(A).
6. That Company employee Matthew LaHaye's Commercial Master Pesticide Applicator's license expired December 31, 2005.
7. That the circumstances described in paragraphs one through six constitutes a violation of CMR 01-026 Chapter 31, Section 1 (A).
8. That the Board has regulatory authority over the activities described herein.
9. 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.
10. That this Agreement shall not become effective unless and until the Board accepts it.

11. That in consideration for the release by the Board of the causes of action which the Board has against the Company resulting from the violations referred to in paragraph seven the Company agrees to pay to the State of Maine the sum of \$100.00. (Please make checks payable to Treasurer, State of Maine).

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

Barren View Golf Course

By: Matthew Lattaye Date: 3/4/07

Type or Print Name: Matthew Lattaye

BOARD OF PESTICIDES CONTROL

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Henry Jennings, Acting Director

APPROVED:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark Randlett, Assistant Attorney General