

Proposed Administrative Consent Agreement Background Summary

Subject: Ralph Boynton
1142 Main Street
Lincoln, Maine 04457

Date of Incident(s): Prior to June 5, 2009

Background Narrative: Ralph Boynton, a resident of Lincoln asked a neighbor if he could apply an herbicide to his field at the same time he treated his own abutting field. The neighbor said he was not interested in having his field treated. Boynton thought he received permission and treated his neighbor's field with Roundup Herbicide. The neighbor called the local police and the police then called the Board. A follow-up investigation concluded Boynton never was given permission to apply herbicide to his neighbor's field.

Summary of Violation(s): CMR 01-026 Chapter 20 Section 6 (B)... no person may apply a pesticide to a property of another unless prior consent for the pesticide application has been obtained from the owner, manager or legal occupant of that property....

Rationale for Settlement: The staff balanced input from the inspector who investigated the complaint, the applicator and the complainant. Between the time the consent agreement was sent and later resolved, the complainant and applicator were negotiating for the applicator to purchase the field in question.

Attachments: Proposed Consent Agreement

8. That the Board has regulatory authority over the activities described herein.
9. That the Grower 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 Applicator resulting from the violation referred to in paragraph seven, the Applicator agrees to pay to the State of Maine the sum of \$150. (Please make checks payable to Treasurer, State of Maine).

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

RALPH BOYNTON

By: _____ Date: _____

Type or Print Name: _____

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____

Henry Jennings, Director

APPROVED:

By: _____ Date: _____

Mark Randlett, Assistant Attorney General