

# **Proposed Administrative Consent Agreement Background Summary**

**Subject:** James McCormack  
Sugarloaf Golf Course  
5029 Access Road  
Carrabassett Valley, ME 04947

**Date of Incident(s):** September 10, 2008

**Background Narrative:** Through information gathered from a routine records/operations inspection at the golf course, it was determined the course was operating without a licensed master applicator on staff. The company was operating without a commercial master applicator from June 2008 until hiring a master applicator on September 19, 2008.

**Summary of Violation(s):** CMR 01-026 Chapter 31, Section 1 (D) That each company that employs commercial applicators must employ at least one master applicator.

**Rationale for Settlement:** The staff thought this was more than an administrative oversight on the course's part. This was a basic requirement that was not met. However, there was no history of violations at this course and a commercial applicator licensed at the operator level was on staff when the applications were made.

**Attachments:** Proposed Consent Agreement

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

James McCormack	)	ADMINISTRATIVE CONSENT
Sugarloaf Golf Course	)	AGREEMENT
5029 Access Road	)	AND
Carrabassett Valley, ME 04947	)	FINDINGS OF FACT

This Agreement by and between Sugarloaf 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 Carrabassett Valley, Maine.
2. That on September 10, 2008 a Board inspector conducted a record check inspection at the Company's golf course.
3. That from that record check, the Board inspector obtained information that Kyle Ladd, the master pesticide applicator for the company, terminated employment in June of 2008.
4. That the golf course is considered open to use by the public in accordance with 22 M.R.S.A. § 1471-C (5-A).
5. 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).
6. That commercial pesticide applications can only be made or supervised by licensed commercial applicators pursuant to CMR 01-026 Chapter 31, Section 1(A).
7. That each company that employs commercial applicators must employ at least one master applicator as required by CMR 01-026 Chapter 31, Section 1 (D)
8. That all commercial applicator licenses are affiliated with a company/agency and terminate when the employee leaves the employment of that company or agency per CMR 01-026 Chapter 31, Section 1 B.
9. That the Company continued to make pesticide applications to the golf course without a commercial master applicator from June 2008 until September 19, 2008 when it hired Phillip Landry as its new master pesticide applicator.
10. That the circumstances described in paragraphs one through nine constitute a violation of CMR 01-026 Chapter 31, Section 1 (D).

11. That the Board has regulatory authority over the activities described herein.
12. 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.
13. That this Agreement shall not become effective unless and until the Board accepts it.
14. 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 ten; the Company agrees to pay to the State of Maine the sum of \$250. (Please make checks payable to Treasurer, State of Maine).

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

SUGARLOAF GOLF COURSE

By: \_\_\_\_\_ Date: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_

BOARD OF PESTICIDES CONTROL

By: \_\_\_\_\_ Date: \_\_\_\_\_

Henry Jennings, Director

APPROVED:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Mark Randlett, Assistant Attorney General