

Proposed Administrative Consent Agreement Background Summary

Greg Schick
Kezar Falls Hardware
23 Federal Road, PO Box 600
Parsonsfield, ME 04047

Date of Incident(s): 2003, 2004, 2005, 2006, 2007 and seven months into 2008

Background Narrative: Kezar Falls Hardware is located in Parsonsfield. The store distributes general use pesticides. They initially licensed to sell general use pesticides in 2002. That license expired on 12-31-02. In 2005, an inspector made on site contact with the dealer who was selling general use pesticides at that time without a license. A license renewal packet was left with the owner. The owner did not send this license renewal form in to the Board to renew his expired license. On July 31, 2008, a marketplace inspection was conducted at the dealer. The dealer was distributing pesticides without a license at that time. Again a licensing packet was left and the dealer renewed his license on August 1, 2008.

Summary of Violation(s): 22 M.R.S.A. §1471- Unless exempted under subsection 5, no person may distribute general use pesticides without a license.

Rationale for Settlement: The dealer sold general use pesticides without a license in 2003, 2004, 2005, 2006, 2007 and seven months in 2008. The settlement took into account that the dealer knowingly operated without the required license and realized an economic benefit for doing so.

Attachments: Proposed Consent Agreement

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

Greg Schick)	ADMINISTRATIVE CONSENT AGREEMENT
Kezar Falls Hardware)	AND
23 Federal Road, PO Box 600)	FINDINGS OF FACT
Parsonsfield, ME 04047)	

This Agreement by and between Kezar Falls Hardware (hereinafter called the "Dealer") 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 Dealer distributes general use pesticides at Kezar Falls Hardware in Parsonsfield, Maine, the distribution of which requires a license in accordance with 22 M.R.S.A. §1471-W.
2. That the Dealer was initially licensed to distribute general use pesticides in 2002. That license expired on 12-31-02.
3. That in 2005 and inspector made on site contact with the Dealer who was distributing general use pesticides at that time without a license.
4. That at the time of the inspection in paragraph three, the inspector gave the Dealer a licensing packet to apply for renewal of his general use pesticides dealer license. The Dealer did not send this license renewal form in to the Board to renew his expired license.
5. That on July 31, 2008, a marketplace inspection was conducted at the Dealer's hardware store. The Dealer was still distributing pesticides without a license at that time. Again a licensing packet was left and the Dealer finally renewed his license on August 1, 2008.
6. That the Dealer sold general use pesticides without a license in 2003, 2004, 2005, 2006, 2007 and seven months in 2008 in violation of 22 M.R.S.A. §1471-W.
7. That the Board has regulatory authority over the activities described herein.
8. That the Dealer 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 causes of action which the Board has against the Dealer resulting from the violations referred to in paragraph six, the Dealer agrees to pay to the State of Maine the sum of \$200. (Please make checks payable to Treasurer, State of Maine).

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

GREG SCHICK

By: _____ Date: _____

Type or Print Name: _____

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
Henry Jennings, Director

APPROVED:

By: _____ Date: _____
Mark Randlett, Assistant Attorney General