

Proposed Administrative Consent Agreement Background Summary

Subject: Peter Chapman
Paris Farmers Union
1435 Main Street
Oxford, Maine 04270

Date of Incident(s): May and July 2007, and April, May and June 2008.

Background Narrative: That during the above time frame, licensed restricted use pesticide dealers employed by Paris Farmers Union, sold restricted use pesticides to six unlicensed pesticide applicators. In some cases multiple restricted use pesticides were sold and some sales occurred to the same applicator more than one time.

Summary of Violation(s): M.R.S.A. 22 § 1471-D (3) (B), states that no pesticide dealer shall distribute limited or restricted use pesticides to any person who is not licensed or certified by the Board.

Rationale for Settlement: The staff, in consultation with the Assistant District Attorney, established a penalty commensurate with the violations. The primary factor considered was that multiple sales of restricted use pesticides were made to unlicensed applicators. Dealer attention to this license requirement is the cornerstone of the regulations related to the sale and distribution of restricted use pesticides.

Attachments: Proposed Consent Agreement

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

Paris Farmers Union)	
attn: Peter Chapman)	ADMINISTRATIVE CONSENT AGREEMENT
1435 Main Street)	AND
Oxford, Maine)	FINDINGS OF FACT
04270)	

This Agreement by and between Paris Farmers Union (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 is South Paris based and distributes restricted use pesticides through their licensed, restricted use pesticide dealer employees.
2. That in May of 2008, a company restricted use pesticide dealer sold Brigade WSB, a restricted use pesticide to Vaughn Rasar. Rasar was not a licensed applicator at the time of the sale.
3. That in May of 2008, a company restricted use pesticide dealer sold Atrazine 90WDG/DF and Lumax Herbicide, both restricted use pesticides, to Walter Fletcher. Fletcher was not a licensed applicator at the time of the sale.
4. That in April of 2008, and again in June of 2008, a company restricted use pesticide dealer sold Atrazine 4L, a restricted use pesticide, to John Tibbetts. Tibbetts was not a licensed applicator at the time of the sale.
5. That in April of 2008, a company restricted use pesticide dealer sold Lumax Herbicide, and again in May of 2008, sold Atrazine 90WDG/DF, both restricted use pesticides, to Carl D. Smith. Smith was not a licensed applicator at the time of the sales.
6. That in May of 2007, a company restricted use pesticide dealer sold Atrazine 4L and Proaxis, and again in July of 2007, sold Warrior Insecticide, all restricted use pesticides, to Brian Baggott. Baggott was not a licensed applicator at the time of the sales.
7. That in July of 2007, a company restricted use pesticide dealer sold Lannate 90 WSP, Asana XL and Atrazine 4L, all restricted use pesticides, to Mike Lowell. Lowell was not a licensed applicator at the time of the sales.
8. That M.R.S.A. 22 § 1471-D (3) (B), states that no pesticide dealer shall distribute limited or restricted use pesticides to any person who is not licensed or certified by the Board.
9. That the circumstances described in paragraphs one through eight constitute multiple violations of M.R.S.A. 22 § 1471-D (3) (B).

10. That the Board has regulatory authority over the activities described herein.
11. That the Distributor 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.
12. That this Agreement shall not become effective unless and until the Board accepts it.
13. That in consideration for the release by the Board of the causes of action which the Board has against the Distributor resulting from the violations referred to in paragraph nine, the Company agrees to pay to the State of Maine the sum of \$1400.00 (Please make checks payable to Treasurer, State of Maine).

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

PARIS FARMERS UNION

By: _____ Date: _____

Type or Print Name: _____

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____

Henry Jennings, Director

APPROVED:

By: _____ Date: _____

Mark Randlett, Assistant Attorney General