Proposed Administrative Consent Agreement Background Summary

Company: Dan Brown **License:** None

Origin of Case: Restricted use pesticide dealer inspection at Northeast Agricultural Sales in Detroit on

4-27-2012

Dates of Incident: April 13, 2010

Pesticide(s) Involved: Gramoxone Inteon Herbicide

Summary of Allegation(s): A Board inspector did a routine restricted use pesticide dealer inspection at Northeast Agricultural Sales in Detroit on April 27, 2012. As part of that inspection, the inspector asked for and received random, representative copies of Northeast Agricultural Sales sales transactions records for some 2010 restricted use pesticide sales. A review of those records revealed that Dan Brown purchased a 2 ½ gallon container of Gramoxone Inteon Herbicide on April 13, 2010. Gramoxone Inteon Herbicide is a restricted use pesticide that requires a pesticide applicator license to purchase. Brown was not licensed at the time of this purchase

Staff Action: A Board inspector collected a copy of Northeast Agricultural Sale's transaction record showing Brown's purchase of the restricted use pesticide. A consent agreement was given to Brown that included a \$50 penalty. Brown signed the consent agreement and paid the penalty.

Staff Findings: Brown purchased a restricted use pesticide without a pesticide applicator license.

Applicable Citations of Law: CMR 01-026 Chapter 40 Section 1(D) - Restricted use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32.

Attachment(s):

• Consent agreement for Dan Brown

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

Daniel E. Brown	ADMINISTRATIVE CONSENT AGREEMENT
40 Gravelwood Farm Lane	AND
Blue Hill, ME 04614	FINDINGS OF FACT

This Agreement, by and between Daniel Brown 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 amended by the Board on June 3, 1998.

The parties to this Agreement agree as follows:

- 1. That on April 27, 2012, a Board inspector conducted a routine pesticide dealer inspection with Northeast Agricultural Sales, Inc. in Detroit.
- 2. That during that inspection, the inspector collected and reviewed transaction document # 1221. That document indicated that Brown purchased a 2 ½ gallon container of Gramoxone Inteon Herbicide on April 13, 2010.
- 3. That Gramoxone Inteon Herbicide is classified as a restricted use pesticide.
- 4. That CMR 01-026 Chapter 40 Section 1(D) specifies restricted use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32 of the Board's regulations.
- 5. That Brown was not certified or licensed at the time of the pesticide purchase described in paragraph two.
- 6. That the circumstances described in paragraphs one through five constitute a violation of CMR 01-026 Chapter 40 Section 1(D)
- 7. That the Board has regulatory authority over the activities described herein.
- 8. That Brown 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 cause of action which the Board has against Brown resulting from the violation referred to in paragraph six, Brown agrees to pay a penalty to the State of Maine in the sum of \$50.00. (Please make checks payable to Treasurer, State of Maine).

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

DANIEL BROWN	
By:	Date:
Type or Print Name:	
BOARD OF PESTICIDES CONTROL	
By: Henry Jennings, Director	Date:
APPROVED:	
Ву:	Date:
Mark Randlett, Assistant Attorney General	