

## **Proposed Administrative Consent Agreement Background Summary**

**Subject:** Stephen Goodwin  
Firehouse Property Maintenance  
190 U.S. Route 1 #347  
Falmouth, Maine 04105

**Date of Incident(s):** August 23, 2012

**Background Narrative:** August 23, 2012, the Board received a call from a retired licensed pesticide applicator who reported that someone from Firehouse Property Maintenance was making an outdoor pesticide application at the Bank of America in Gardiner. The caller asked that we check the applicator license status of this company. He also said the wind was gusting at the time of the application and no signs were posted.

**Summary of Violation(s):** Any person making a pesticide application that is a custom application, as defined under 22 M.R.S. § 1471-C(5-A), must be a certified commercial applicator or under the direct supervision of a certified applicator in accordance with 22 M.R.S. § 1471-D(1)(A) and CMR 01-026 Chapter 31 Section 1(A)III. No one from Firehouse Property Maintenance was certified as commercial applicator at the time of this application.

**Rationale for Settlement:** The staff compared the violation to similar cases settled by the Board.

**Attachments:** Proposed Consent Agreement

**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION, AND FORESTRY**  
**BOARD OF PESTICIDES CONTROL**

|                                |   |                                  |
|--------------------------------|---|----------------------------------|
| Stephen Goodwin                | ) | ADMINISTRATIVE CONSENT AGREEMENT |
| Firehouse Property Maintenance | ) | AND                              |
| 190 U.S. Route 1 #347          | ) | FINDINGS OF FACT                 |
| Falmouth, Maine 04105          | ) |                                  |

This Agreement, by and between Firehouse Property Maintenance (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 amended by the Board on June 3, 1998.

The parties to this Agreement agree as follows:

1. That on August 23, 2012, the Board received a call that the Company was suspected of making an unlicensed outdoor pesticide application to the Bank of America in Gardiner, Maine this same day.
2. That in response to the call in paragraph one, a Board inspector conducted a follow-up inspection with Stephen Goodwin, the owner/applicator of Company on August 28, 2012.
3. That from the inspection in paragraph two, it was determined that Goodwin applied Roundup Weed & Grass Killer, EPA # 71995-29, to the cracks and crevices of the parking lot at Bank of America, 192 Water Street in Gardiner, on August 23, 2012.
4. That any person making a pesticide application that is a custom application, as defined under 22 M.R.S. § 1471-C(5-A), must be a certified commercial applicator or under the direct supervision of a certified applicator in accordance with 22 M.R.S. § 1471-D(1)(A) and CMR 01-026 Chapter 31 Section 1(A)III.
5. That a custom application is defined in 22 M.R.S. § 1471-C(5-A) as any application of any pesticide under contract or for which compensation is received or any application of a pesticide to a property open to use by the public.
6. That the pesticide applications made to Bank of America property as outlined in paragraph three, constitutes a custom application under 22 M.R.S. § 1471-C(5-A) and, therefore, a commercial applicator's license was required for those applications.
7. That no one from the Company had a commercial pesticide applicator's license at the time of the pesticide applications described in paragraph three.
8. That the circumstances described in paragraphs one through seven constitute a violation of 22 M.R.S. § 1471-D(1)(A) and CMR 01-026 Chapter 31 Section 1(A)III.
9. That the Board has regulatory authority over the activities described herein.
10. That the Company expressly waives:
  - a. Notice of or opportunity for hearing;
  - b. Any and all further procedural steps before the Board; and

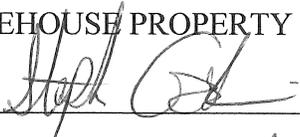
c. The making of any further findings of fact before the Board.

11. That this Agreement shall not become effective unless and until the Board accepts it.

12. 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 eight, the Company agrees to pay to the State of Maine the sum of \$500. (Please make checks payable to Treasurer, State of Maine.)

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

FIREHOUSE PROPERTY MAINTENANCE

By:  Date: 3/22/13

Type or Print Name: Stephen Goodwin

BOARD OF PESTICIDES CONTROL

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Henry Jennings, Director

APPROVED

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark Randlett, Assistant Attorney General