

Proposed Administrative Consent Agreement Background Summary

Subject: Brian Baggott
Belle Vue Farm
PO Box 306 Route 17
Manchester, Maine 04351

Date of Incident(s): 2007 Growing Season

Background Narrative: Through information gathered from a restricted use pesticide dealer, it was determined that a vegetable grower with an expired private applicator license and expired certification, purchased and applied Atrazine 4L and Proaxis, both restricted use pesticides.

Summary of Violation(s): 22 M.R.S.A. § 1471- D (2), No private applicator shall use or supervise the use of any limited or restricted use pesticide without prior certification from the Board...

Rationale for Settlement: The staff compared the violation to similar cases settled by the Board in formulating a penalty proposal.

Attachments: Proposed Consent Agreement

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

In the Matter of:)	
Brian Baggott)	ADMINISTRATIVE CONSENT
Belle Vue Farm)	AGREEMENT
PO Box 306 Route 17)	AND
Manchester, Maine 04351)	FINDINGS OF FACT

This Agreement by and between Brian Baggott (hereinafter called the "Applicator") 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 Applicator is in the business of commercially producing agricultural commodities.
2. That in 2007, the Applicator purchased Atrazine 4L and Proaxis, both restricted use pesticides, from Paris Farmers Union.
3. That in 2007, the Applicator applied Atrazine 4L and Proaxis, to agricultural commodities.
4. That any person who uses or supervises the use a Restricted Use Pesticide for producing an agricultural commodity is by definition a private applicator pursuant to 22 M.R.S.A. § 1471-C (22).
5. That private applicators must be certified by the Board prior to applying any Restricted Use Pesticide in accordance with 22 M.R.S.A. § 1471- D (2).
6. That the Applicator was not certified, nor was anyone employed at Belle Vue Farm certified, at the time of the applications described in paragraph three.
7. That the circumstances described in paragraphs one through six constitute a violation of 22 M.R.S.A. § 1471- D (2).
8. That the applicator, upon realizing his license had expired, was prompt in renewing his license.
9. That the Board has regulatory authority over the activities described herein.
10. That the Applicator 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 cause of action which the Board has against the Applicator resulting from the violation referred to in paragraph eight, the Applicator agrees to pay a penalty to the State of Maine in the sum of \$100.00. (Please make checks payable to Treasurer, State of Maine).

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

Brian Baggott

By: _____ Date: _____

Type or Print Name: _____

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____

Henry Jennings, Director

APPROVED:

By: _____ Date: _____

Mark Randlett, Assistant Attorney General