

# Proposed Administrative Consent Agreement Background Summary

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**Subject:** Central Exterminating Services, Inc.  
175 Main Street  
Lincolntonville, Maine 04849

**Date of Incident(s):** July 11, 2018

**Background Narrative:** The owner of Central Exterminating Services, Inc. self-reported a misplaced pesticide application by one of their applicators. Gary Nevius applied Cy-Kick CS insecticide as a perimeter treatment to a home at 41 Melvin Heights Road in Camden on July 11, 2018. The owners of this residence were not company customers. The intended property was at 61 Melvin Heights in Camden.

**Summary of Violation(s):** CMR 01-026 Chapter 20 Section 6(D)2 No person may apply a pesticide to a property of another unless prior authorization for the pesticide application has been obtained from the owner, manager, or legal occupant of that property.

**Rationale for Settlement:** Central Exterminating Services, Inc. did not have the property owners' authorization to apply a pesticide to their property and did not take the necessary steps to confirm the correct address.

**Attachments:** Proposed Consent Agreement

Amt: 1000-  
Ck# 14756  
Date 9-24-21

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

In the Matter of: ) ADMINISTRATIVE CONSENT  
Central Exterminating Services, Inc. ) AGREEMENT  
175 Main Street ) AND  
Lincolnvile, Maine 04849 ) FINDINGS OF FACT

This Agreement by and between Central Exterminating Services, Inc (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. §1471-M (2)(D) and in accordance with the Enforcement Protocol amended by the Board on December 13, 2013.

The parties to this Agreement agree as follows:

1. That the Company provides commercial pest control services and has the firm license number SCF 741 issued by the Board pursuant to 22 M.R.S. § 1471-D (1)(B).
2. That on June 12, 2018 Rebecca Richards, a licensed applicator and owner for the Company, called the Board's office to report one of the Company's licensed applicators made a pesticide application to the wrong property in Camden the previous day.
3. That in response to the call described in paragraph two, a Board inspector met Company applicator, Gary Nevius, on June 13, 2018. Nevius completed a written statement about the misapplication. The inspector met with Rebecca Richards the same day and she also filled out a written statement about the incident.
4. That from the inspections described in paragraph three, the inspector documented that Nevius applied Cy-Kick CS insecticide as a perimeter treatment to the Sidiris' home at 41 Melvin Heights Road in Camden on July 11, 2018. The owners of this residence were not a Company customer. The intended property was the Ducharme residence at 61 Melvin Heights in Camden.
5. That from the inspection with Nevius described in paragraphs three and four, Nevius reported that he relied solely on his GPS unit which told him he was at the correct address and in his haste mistook # 41 for # 61. In Nevius' written statement he said he should have checked the CMP meter number, but he did not.
6. That CMR 01-026 Chapter 20 Section 6(D)2 requires prior consent from the property owner before a person can apply pesticides to the property of another.
7. That the Company did not have the homeowner's authorization to make a pesticide application at 41 Melvin Heights Road in Camden.
8. That the circumstances described in paragraphs one through seven constitute a violation of CMR 01-026 Chapter 20 Section 6(D)2.
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.

That in consideration for the release by the Board of the cause of action which the Board has against the Company resulting from the violation referred to in paragraph eight, the Company agrees to pay a penalty to the State of Maine in the sum of \$1,000.00. (Please make checks payable to Treasurer, State of Maine).

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

CENTRAL EXTERMINATING SERVICES, INC.

By: Evetchen Richards Date: 9.24.21

Type or Print Name: Evetchen M. Richards, Office Mgr

BOARD OF PESTICIDES CONTROL

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Megan Patterson, Director

APPROVED:

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