

Proposed Administrative Consent Agreement Background Summary

Subject: Christian Bulleman III
PO Box 327
Dresden, Maine 04242

Date of Incident(s): December 17, 2010 – February 3, 2011

Background Narrative: The Board received a call alleging that Bulleman was doing an unlicensed, commercial mold remediation job at the Phippsburg Town Hall. A follow-up inspection was done and the allegation was confirmed. Part of the project involved applying Shockwave (EPA reg. no. 61178-1-73884), a broad spectrum cleaner and disinfectant to disinfect areas of concern inside the structure. Commercial mold remediation work that involves the use of registered pesticides requires a commercial pesticide applicator license.

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.

Rationale for Settlement: Bulleman was completely cooperative when dealing with the compliance issues and took immediate steps to become licensed as a commercial master applicator. The penalty amount and alternative payment option was based largely on the company's ability to pay the penalty and holding the company accountable for the violation.

Attachments: Proposed Consent Agreement

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 Applicator resulting from the violation referred to in paragraph nine, the Applicator agrees to pay to the State of Maine the sum of \$350 (Please make checks payable to Treasurer, State of Maine). In lieu of payment of the \$350 penalty, the Applicator may perform public service work. The number of hours of public service work performed must be equivalent to the \$350 penalty assessed herein, calculated at the standard rate per hour for the type of service work performed. The Applicator must submit proof of completion of the public service work to the Board Staff before this Consent Agreement is presented to the Board for final approval.

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

CHRISTIAN BULLEMAN III

By: _____ Date: _____

Type or Print Name: _____

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____

Henry Jennings, Director

APPROVED

By: _____ Date: _____

Mark Randlett, Assistant Attorney General