

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

**Subject:** Mainely Ticks Inc.  
48 William Knight Road  
Windham, Maine 04062

**Date of Incident(s):** May 15, 2018

**Background Narrative:** An applicator from Mainely Ticks Inc.(MTI) applied Tempo EC Ultra to the lawn and perimeter of the residential yard at 39 Great Works Drive in Sandford to control ticks. However, the MTI customer from last year at this location sold the property and the 2018 application was made to the property of the new owners at this address. The owner of Mainely Ticks Inc. said his standard practice is to call customers before the season starts to let them know he will continue their service the following year. If no one is home, he leaves a voice message. The MTI owner thought he did this with his customer of two years at 39 Great Works Drive. The MTI owner, hearing no reply, had his employee make the unauthorized pesticide application. To his credit, the MTI owner self-reported the misapplication to the Board shortly before the new owner of the house called the Board to lodge a complaint.

**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:** Mainely Ticks Inc. did not have the property owner's authorization to apply a pesticide to property and did not take the necessary steps to get that authorization.

**Attachments:** Proposed Consent Agreement



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

In the Matter of: )  
Mainely Ticks Inc. ) ADMINISTRATIVE CONSENT AGREEMENT  
48 William Knight Road ) AND  
Windham, Maine 04062 ) FINDINGS OF FACT

This Agreement by and between Mainely Ticks 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 tick/mosquito services and has the firm license number SCF 2032 issued by the Board pursuant to 22 M.R.S. § 1471-D(1)(B).
2. That on May 16, 2018, Ed Maurais, the Company owner called the Board to self-report that the Company made an unauthorized outdoor insecticide application to the lawn and lawn perimeter at 39 Greatworks Drive in Sanford.
3. That Maurais reported that his practice is to call customers before the season starts to let them know he will continue their service the following year. If no one is home, he leaves a voice message. Maurais said he thought he did this with Matt Tardiff, his customer of two years at 39 Greatworks Drive. Maurais did not hear back from Tardiff.
4. That Maurais reported that he left a voice mail message about the pending application on Matt Tardiff's phone two days in advance of May 15, 2018, application. Tardiff did not respond
5. That Maurais said he received a call from Zachery Boston later the same day of the application. Boston informed Maurais that he and his wife had purchased the home at 39 Greatworks Drive and did not authorize the pesticide application and was not aware of it until his wife returned home to see their property posted and the Company's job invoice hanging on their door.
6. That Boston then called the Board to report the unauthorized pesticide application.
7. That in response to the unauthorized pesticide application, a Board inspector met with Maurais on May 18, 2018, to conduct an inspection.
8. That from the inspection described in paragraph seven, the inspector determined that a Company applicator applied Tempo EC Ultra insecticide to Zachery and Emily Boston's property at 39 Greatworks Drive in Sanford on May 15, 2018.
9. That CMR 01-026 Chapter 20 Section 6(D)2 requires prior authorization from the property owner before a person can apply pesticides to their property.
10. That the Company did not have the Boston's authorization for the May 15, 2018, application of pesticide to their property.

11. That the circumstances described in paragraphs one through ten constitute a violation of CMR 01-026 Chapter 20 Section 6(D)2.

12. That the Board has regulatory authority over the activities described herein.

13. 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.

14. 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 eleven, the Company agrees to pay a penalty to the State of Maine in 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.

MAINELY TICKS INC.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_

BOARD OF PESTICIDES CONTROL

By: \_\_\_\_\_ Date: \_\_\_\_\_

Megan Patterson, Director

APPROVED:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Mark Randlett, Assistant Attorney General