

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

In the Matter of:	)	ADMINISTRATIVE CONSENT
Stephen Antonson	)	AGREEMENT
9 Mechanic Steet	)	AND
Rockport, Maine 04856	)	FINDINGS OF FACT

This Agreement by and between Stephen Antonson (hereinafter referred to as “Antonson”) and the State of Maine Board of Pesticides Control (hereinafter referred to as the “Board”), as approved by the Office of the Attorney General (“OAG”), is entered into pursuant to 22 M.R.S. § 1471 M(2)(D), and in accordance with the Enforcement Protocol, as amended by the Board on December 13, 2013.

The Board of Pesticides Control alleges as follows:

- 1) That Antonson owns the residence located at 9 Mechanic Street in Rockport, Maine.
- 2) That 9 Mechanic Street is located near Rockport Harbor. The residence does not have ocean frontage, and there is no direct view of the ocean due to trees growing on the property of Ruth Graham, located at 11 Mechanic Street in Rockport, Maine.
- 3) That, prior to 2021, Antonson approached Ruth Graham on multiple occasions about purchasing harbor frontage or removing trees that impede the harbor view from 9 Mechanic Street.
- 4) That Graham stated she would not sell harbor frontage or remove trees from her property in response to the inquiries described in paragraph three.
- 5) That on October 12, 2021, Ruth Graham contacted the Maine Forest Service requesting a second opinion relative to multiple trees on her property that were declining unexpectedly. Graham had previously contacted an arborist company that was unable to determine the cause of decline.
- 6) That on October 13, 2021, an entomologist from the Maine Forest Service conducted a field visit to observe the declining trees. The entomologist observed:
 - a) disturbances of the ground cover around the base of the affected trees;
 - b) leaf curling on herbaceous plants remaining at the base of the affected trees;
 - c) a series of perfectly round one-inch holes bored into the root collar of the affected trees;

- d) that the affected trees were directly within a narrow corridor that would allow a view of the harbor from the deck attached to the Antonson residence; and
 - e) that the combination of observations relating to the declining trees was indicative of herbicide use.
- 7) That on October 13, 2021, the entomologist contacted the Board to relay his observations because he believed that matter fell within the Board's regulatory purview.
 - 8) That representatives from the Board conducted site inspections at the Graham property on October 14 and 29, 2021.
 - 9) That during the October 29, 2021, site inspection, Board representatives collected liquid present in some of the bore holes drilled in the affected trees.
 - 10) That the liquid described in paragraph nine was sent to the University of Montana Analytical Laboratory for analysis.
 - 11) That on December 8, 2021, the University of Montana Analytical Laboratory submitted a report to the Board indicating the pesticide active ingredient imazapic was detected at 660 parts per billion and the pesticide active ingredient triclopyr was detected at 8,200,000 parts per billion in the bore hole liquid.
 - 12) That on October 17, 2023, Douglas Cole, Chair of the Rockport Parks and Beautification Committee, contacted the Board to report that additional tree decline on the Graham property had been observed from Rockport Harbor.
 - 13) That in response to the concern expressed by Cole, a Board inspector returned to the Graham's property on October 23, 2023, to assess and document site conditions.
 - 14) That during the course of the inspection described in Paragraph 13, the inspector documented additional tree mortality that was not observed in 2021.
 - 15) That the inspector observed and documented that the recent tree mortality aligned with harbor view sight lines from the Antonson property.
 - 16) That the inspector observed and documented a distinct circle surrounding each recently affected tree in which the ground cover was dead.
 - 17) That the inspector collected three soil samples from the base of newly affected trees.
 - 18) That laboratory analysis of the (combined) soil samples described in Paragraph 17 disclosed the presence of triclopyr at a concentration of 360 parts per million.
 - 19) That the visual and laboratory evidence described in this agreement demonstrate that the decline observed in trees on the Graham property was caused by the deliberate application of

herbicides to the root collar and/or root zone of the affected trees.

- 20) That Antonson had motive to apply the herbicides to the trees on the Graham property in order to improve the ocean view from their property.
- 21) That the circumstances described in this agreement support a Board finding that Antonson either applied or caused the application of herbicides to the affected trees.
- 22) That 01-026 C.M.R. ch. 20, § 6 (2024) requires prior authorization from the legal occupant before pesticides may be applied on the property of another.
- 23) That Antonson did not have prior authorization to apply herbicides to the affected trees on the Graham property.
- 24) The Board believes the facts alleged in Paragraphs 1 through 23 above constitute multiple violations of 01-026 C.M.R. ch. 20, § 6 of the Board's rules.
- 25) That while Antonson does not admit the alleged violations, and while he disputes the facts and conclusions alleged by the Board in Paragraphs 1 through 24 above, he agrees to enter into this Consent Agreement for the purpose of resolving the alleged violations.
- 26) That Antonson expressly waives the following with respect to the above violations:
 - 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.
- 27) That this Agreement shall not become effective unless and until the Board accepts it.
- 28) That in consideration for the release by the Board of the causes of action which the Board may have against Antonson resulting from the alleged violations referred to in Paragraph 24, Antonson agrees to pay a penalty to the State of Maine in the sum of \$3,000.00. (Please make checks payable to Treasurer, State of Maine.)
- 29) The Board and OAG grant a release of their causes of actions against Antonson for the specific violations cited in the immediately preceding paragraph (Paragraph 28) on the express condition that all actions listed in Paragraph 28 of this Agreement are completed in accordance with the express terms and conditions of this Agreement and to the satisfaction of the Board and the OAG. The release shall not become effective until Antonson has completed the obligations pursuant to Paragraph 28.
- 30) Any non-compliance with any term or condition of this Agreement, as determined by the Board and OAG in their sole discretion, voids the release set forth in Paragraph 28 of this

Agreement and may lead to an enforcement, suspension/revocation, equitable, and/or civil violation action pursuant to Titles 7 and 22 of the Maine Revised Statutes..

- 31) Nothing in this Agreement shall be construed to be a relinquishment of the Board's or OAG's powers under Titles 7 and 22 of the Maine Revised Statutes against Antonson for any other violations other than those expressly listed in this Agreement.
- 32) This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and indorsed on this Agreement.
- 33) The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.
- 34) Provided this Agreement is accepted by the Board, by signing and executing this Agreement, Antonson knowingly, intentionally, permanently, and irrevocably waives any and all defenses he has or may have with respect to the enforcement of this Agreement, including the enforcement of this Agreement as a final administrative order and a money judgment pursuant to 14 M.R.S. § 3138.

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

STEPHEN ANTONSON



01/31/2025

Date: _____

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____

Alexander Peacock, Director

APPROVED:

By: _____ Date: _____

Carey Gustanski, Assistant Attorney General

SIGNATURE CERTIFICATE



REFERENCE NUMBER

D5EAE44C-0F13-4FAA-A2DA-4AEA58DE29E1

TRANSACTION DETAILS	DOCUMENT DETAILS
Reference Number D5EAE44C-0F13-4FAA-A2DA-4AEA58DE29E1 Transaction Type Signature Request Sent At 01/31/2025 09:06 EST Executed At 01/31/2025 12:17 EST Identity Method email Distribution Method email Signed Checksum a912e7933e1b0c7bf4df5531ca0e857c9d070c939f2d6c91b54b9482219476ab Signer Sequencing Disabled Document Passcode Disabled	Document Name Antonson PCA rev 250124 Filename Antonson_PCA_rev_250124.pdf Pages 4 pages Content Type application/pdf File Size 83.8 KB Original Checksum c4483b72fc90e0da041bf4a8a8986c2da20db8a715529719f27578437d97f74d

SIGNERS

SIGNER	E-SIGNATURE	EVENTS
Name Stephen Antonson Email stephenantonsonbyhand@gmail.com Components 2	Status signed Multi-factor Digital Fingerprint Checksum fb8707f3ebef663715f02e5186387f489a9b78e61c4f70c09d993ca2f314d882 IP Address 104.28.55.231 Device Mobile Safari via iOS Drawn Signature Signature Reference ID 891B78D3 Signature Biometric Count 3	Viewed At 01/31/2025 12:16 EST Identity Authenticated At 01/31/2025 12:17 EST Signed At 01/31/2025 12:17 EST

AUDITS

TIMESTAMP	AUDIT
01/31/2025 09:06 EST	Suzanne Pierce (spierce@brannlaw.com) created document 'Antonson_PCA_rev_250124.pdf' on Microsoft Edge via Windows from 216.107.217.18.
01/31/2025 09:06 EST	Stephen Antonson (stephenantonsonbyhand@gmail.com) was emailed a link to sign.
01/31/2025 12:16 EST	Stephen Antonson (stephenantonsonbyhand@gmail.com) viewed the document on Mobile Safari via iOS from 104.28.55.231.
01/31/2025 12:17 EST	Stephen Antonson (stephenantonsonbyhand@gmail.com) authenticated via email on Mobile Safari via iOS from 104.28.55.231.
01/31/2025 12:17 EST	Stephen Antonson (stephenantonsonbyhand@gmail.com) signed the document on Mobile Safari via iOS from 104.28.55.231.