

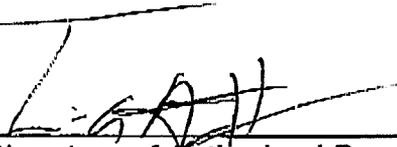
In the matter of Timothy A. Holtz II
and Adrian Lawn & Landscape
8655 Sand Creek Highway
Sand Creek, MI 49279

File Number: PCT No. 08-950-460017; SOAHR File No. 2008-1296

CONSENT AGREEMENT AND FINAL ORDER

1. On February 1, 2008, Michigan Department of Agriculture (MDA) staff found Timothy A. Holtz II and Adrian Lawn & Landscape advertising pesticide application services on the Internet at www.adrianlawnandlandscape.com. Neither Timothy A. Holtz II nor Adrian Lawn & Landscape had a valid 2008 Michigan Pesticide Application Business License, a violation of MCL 324.8313(1).
2. Timothy A. Holtz II and Adrian Lawn & Landscape continued to hold themselves out to the public as being in the business of applying pesticides after December 31, 2007 after receiving a Stop Prohibited Conduct order issued by MDA in October 2007, a violation of MCL 324.8329 (1).
3. Timothy A. Holtz II and Adrian Lawn & Landscape acknowledge receipt of a Notice of Intent from the MDA and agree to enter into a Consent Agreement and Final Order (Agreement) with MDA to settle File No. PCT No. 08-950-460017.
4. Timothy A. Holtz II and Adrian Lawn & Landscape acknowledge the violations identified by MDA in the Notice of Intent and agree to refrain from committing violations of MCL 324.8301 *et seq*, and its administrative rules, and understand that future violations may result in additional enforcement action by MDA.
5. To resolve the violations stated above, Timothy A. Holtz II and Adrian Lawn & Landscape agree to pay the civil penalty of two thousand dollars (\$2,000.00) as stated in the Notice of Violation; payable by cashier's check to the "State of Michigan" and will enclose the penalty amount with this signed Agreement. MDA Account No. PCT No. 08-950-460017 must appear on the face of the check.
6. Timothy A. Holtz II and Adrian Lawn & Landscape agree to return the signed Agreement and penalty payment on April 20, 2009 to the Pesticide Enforcement Program Manager at 525 West Allegan Street, Lansing, Michigan 48909.

- 7. If the Consent Agreement and Final Order with payment is not returned by April 20, 2009, MDA reserves the right to either pursue criminal prosecution or proceed to administrative proceedings under MCL 324.8333, in accordance with the contested case provisions of the Administrative Procedures Act, 1969 PA 306, MCL 24.201 *et seq.*
- 8. Once the Consent Agreement and Final Order with payment has been received by the Pesticide Enforcement Program Manager, MDA will authorize the pesticide applicator certification of Timothy A. Holtz II be reinstated and the 2009 pesticide application business license of Timothy A. Holtz II and Adrian Lawn & Landscape be released from suspension.
- 9. This Agreement does not become effective until both parties sign it. Changes to this Agreement are not effective unless they are identified in writing and signed by both parties.



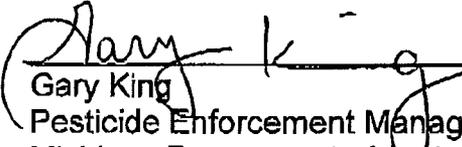
 Signature of Authorized Representative
 for Adrian Lawn & Landscape

4-20-09

 Date

Owner / president

 Title



 Gary King
 Pesticide Enforcement Manager
 Michigan Department of Agriculture

4-20-09

 Date

MDA 83081-1 04/24/2009
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