



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2011 JAN 18 AM 9:15

FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: FIFRA-08-2010-0017

IN THE MATTER OF:

WENDY MEALER and  
DENNIS STOKEBRAND

RESPONDENTS

)  
)  
)  
)  
)  
)

FINAL ORDER

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

SO ORDERED THIS 18<sup>th</sup> DAY OF January, 2011.

\_\_\_\_\_  
Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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FILED  
EPA REGION VIII  
HEARING CLERK

Docket No. FIFRA-08-2010-0017

In the Matter of: )  
)  
Wendy Mealer and Dennis Stokebrand, ) **CONSENT AGREEMENT**  
)  
Respondents. )

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondents, Wendy Mealer and Dennis Stokebrand, hereby consent and agree as follows:

1. On September 29, 2010 Complainant issued a complaint alleging a violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136. The complaint proposed a civil penalty for the violation alleged therein.

2. Respondents admit the jurisdictional allegations of the complaint and neither admit nor deny the specific factual allegations of the complaint.

3. Complainant and Respondents waive their rights to a hearing before any tribunal, to contest any issue of law or fact set forth in the complaint or this consent agreement.

4. This consent agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondents and Respondents' heirs, successors or assigns. Any transfer of assets or real or personal property, shall not alter Respondents' responsibilities under this agreement. This consent agreement contains all terms of the settlement agreed to by the parties.

5. Respondents consent and agree to pay a civil penalty in the amount of **two thousand dollars (\$2,000)** in the manner described below:

- a. Payment is due within 30 calendar days from the date written on the final order, issued by the Regional Judicial Officer that adopts this consent agreement. If the due date falls on a weekend or legal federal holiday, the due date is the next business day. The date the payment is made is considered to be the date of the deposit ticket (standard form 215) issued by the U.S. Bank. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.
- b. Respondents shall make this payment by remitting a cashier's or certified check, including the name and docket number of this case (Wendy Mealer

and Dennis Stokebrand; Docket No. FIFRA-08-2010-0017), for the specified amount, payable to "Treasurer, United States of America," to:

Regular Mail:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

For payments sent in a manner other than by regular mail or for payments other than by check, please see the instructions in attachment 1 entitled "Collection Information."

A copy of the check shall be sent simultaneously to:

Tina Artemis  
Regional Hearing Clerk (8RC)  
U.S. EPA Region 8  
1595 Wynkoop  
Denver, CO 80202-1129

- c. In the event a payment is not received by the specified due date, interest on the remaining unpaid balance accrues from the date of the final order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received. (i.e., on the 1<sup>st</sup> late day, 30 days of interest accrues). Respondents agree and consent that if Respondents fail to pay the penalty amount on the due date set forth above, any unpaid balance thereof, shall become due and owing by the Respondents. EPA, in its sole discretion, may waive all or part of such acceleration and or such interest payment.
- d. In addition, in the event that payment is not received by the due date specified in this consent agreement, a handling charge of fifteen dollars (\$15) shall be assessed on the 31<sup>st</sup> day from the date of the final order, and each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121<sup>st</sup> day from the date the final order is signed). Payments are first applied to handling charges, 6% penalty interest, late interest, and any balance is then applied to the outstanding principal amount.

e. Respondents agree that the penalty shall never be claimed as a federal or other tax deduction or credit.

6. Nothing in this consent agreement shall relieve Respondents of the duty to comply with FIFRA and its implementing regulations.

7. Failure by Respondents to comply with any of the terms of this consent agreement shall constitute a breach of the consent agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement.

8. Nothing in this consent agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondents' failure to perform pursuant to the terms of this consent agreement.

9. The parties agree to submit this consent agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

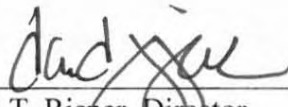
10. Each party shall bear its own costs and attorney fees in connection with this matter.

11. This consent agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the complaint.

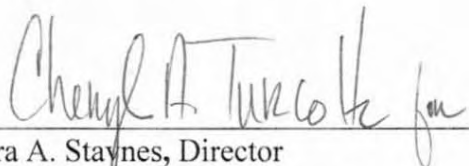
**In the Matter of: Wendy Mealer and Dennis Stokebrand**  
**Docket No.: FIFRA-08-2010-0017**

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,  
Complainant,

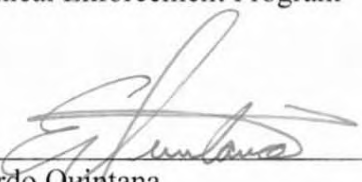
Date: JAN 13 2011

By:   
Michael T. Risner, Director  
David J. Janik, Supervisory Enforcement Attorney  
Legal Enforcement Program

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

By:   
Sandra A. Staynes, Director  
Technical Enforcement Program

Date: 1/13/2011

By:   
Eduardo Quintana  
Senior Enforcement Attorney  
Legal Enforcement Program

**In the Matter of: Wendy Mealer and Dennis Stokebrand**  
**Docket No.: FIFRA-08-2010-0017**

Wendy Mealer and Dennis Stokebrand,  
Respondents,

Date: 1-11-11

By: Wendy Mealer  
Wendy Mealer

Date: 1-11-11

By: Dennis Stokebrand  
Dennis Stokebrand

**ATTACHMENT 1  
COLLECTION INFORMATION**

**WIRE TRANSFERS:**

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read “ D 68010727 Environmental Protection Agency “

**OVERNIGHT MAIL:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

Contact: Natalie Pearson  
314-418-4087

**ACH (also known as REX or remittance express):**

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074  
Contact – Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 - checking  
Environmental Protection Agency  
Account 310006  
CTX Format

**ON LINE PAYMENT:**

There is now an On Line Payment Option, available through the Dept. of Treasury.  
This payment option can be accessed from the information below:

WWW.PAY.GOV

Enter sfo 1.1 in the search field

Open form and complete required fields.



## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT and FINAL ORDER** in the matter of **WENDY MEALER and DENNIS STOKEBRAND; DOCKET NO.: FIFRA-08-2010-0017** was filed with the Regional Hearing Clerk on January 18, 2011.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Eduardo Quintana, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on January 18, 2011 to:

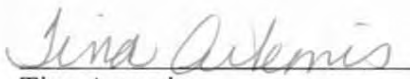
Steven D. Sandven, Esq.  
Steven D. Sandven, Law Offices  
Three Hundred Building, Suite 106  
300 North Dakota Avenue  
Sioux Falls, SD 57104

E-mailed to:

Honorable Barbara A. Gunning  
Administrative Law Judge (1900L)  
U. S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-2001

Elizabeth Whitsel  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-0002)  
Cincinnati, Ohio 45268

January 18, 2011

  
Tina Artemis  
Paralegal/Regional Hearing Clerk