

September 4, 2020

Concerned Residents of the Town of Baldwin
West Baldwin, ME 04091

Town of Baldwin Elected Officials
(Selectboard & Planning Board)
534 Pequawket Trail
West Baldwin, ME 04091

Town of Baldwin Officials:

Nature's Wilderness, LLC has become a growing concern for residents of the Town of Baldwin, especially those living on Senator Black Road; and, more specifically, those who are property abutters. For four tumultuous years, the owner (Scott Efron) and manager (Gerry Brown) of Nature's Wilderness, LLC have largely ignored local codes, refused to provide substantiating information to the Baldwin Planning Board, presented false information to members of the Baldwin Selectboard, and disregarded State of Maine laws, all in a concerted effort to mislead Town of Baldwin officials and to illegally open and operate a campground.

At the Tuesday, August 4, 2020, meeting of the Selectboard, Gerry Brown intentionally delivered misinformation about the licensure status of Nature's Wilderness, LLC. Rather than provide written verification of State of Maine licensure, he chose to read general information from the Maine.gov website using his mobile device. When pressed for an actual letter to substantiate his claim that Nature's Wilderness, LLC had the "green light" to be operating, he skirted the request, offering a fabrication that the campground had been granted a conditional license from the State of Maine, pending the results of a water test. He deceived the residents of Baldwin and Town Officials by saying the license would arrive through the mail within three weeks. When asked to reread the information from his mobile device, he reluctantly agreed with gestures of impatience, saying, "I just read it." Code Enforcement Officer Wes Sunderland sat quietly and did not question Gerry Brown's web of deception.

Suspicious that false information had been provided deliberately to hoodwink Town of Baldwin elected officials and the residents who were in attendance, concerned individuals contacted the Department of Health and Human Services (DHHS), Maine Center for Disease Control and Prevention, Division of Environmental and Community Health, Health Inspection Program in Augusta on Wednesday, August 5, 2020. They asked many well-informed questions and were provided with factual information by Michelle Mason Webber, Compliance Specialist. Indeed, as suspected, **Nature's Wilderness, LLC was operating without a license and no application had ever been submitted.** The park was operating illegally. Unbeknownst to our elected town officials?

The State of Maine Department of Health and Human Services moves quickly when there is an imminent danger to health. Thus, Inspector Laurie Harris was assigned to the case. Wasting no time, Inspector Harris visited Nature's Wilderness, LLC the next day, August 6, 2020. After inspecting the pool, an **Imminent Health Hazard Notice** was issued. The pool was not certified, and the campground was not licensed. The pool was to be closed as of August 6. The campground was also issued an **Imminent Health Hazard Notice**.

In spite of the **Imminent Health Hazard Notices** and directives to close the pool and campground, it was evident that the park remained open in violation. When concerned community members once again contacted the State of Maine DHHS to report this total lack of regard for governance and public health (by the owner and manager of Nature's Wilderness, LLC), this prompted the return of Inspector Harris, who saw, firsthand, that park management had not complied as directed. This defiance and total disregard of the laws of the State of Maine resulted in **two Notices of Administrative Penalty Assessment for operating in violation of Imminent Health Hazard Notices**: one for the pool on August 21, 2020; the other for the campground. These documents were sent certified mail and were signed for at Nature's Wilderness, LLC, on August 26, 2020.

On Thursday, August 27, 2020, an individual in attendance at a regularly scheduled Planning Board Meeting asked if Nature's Wilderness, LLC was licensed by the State of Maine to be in operation. A definitive answer was not provided, nor did it appear to be forthcoming.

Further complicating this quagmire is the fact that Selectperson Gerry Brown routinely refuses to fully recuse himself when Nature's Wilderness, LLC is on the agenda. Thus, he influences the discussions and hinders the objectiveness of the other selectpersons. Gerry positions himself to gain an advantage as he pushes forward his "not so hidden" business agenda, specifically, to manage Nature's Wilderness, LLC without following all State of Maine laws pertaining to campgrounds and RV resorts as set forth to protect the safety of the general public.

At this point, the illegal activity and total lack of regard for the law has gone on too long. Incompetent park management is not trustworthy. Scott Efron and Gerry Brown must be held accountable and be required to substantiate all claims with written documentation on official letterhead from appropriate governing bodies (certifying and licensing). Indeed, past behavior is a reliable indicator of future behavior. Thus, it behooves members of the Baldwin Selectboard to make phone calls to the various agencies that oversee the licensure of campgrounds and RV resorts to ascertain that Nature's Wilderness, LLC is in compliance.

And now since many of Gerry Brown's fabrications have been uncovered, and his intent to deceive is not arguable, we, the undersigned individuals, urge Town of Baldwin officials to move forward with intense scrutiny when addressing issues regarding Nature's Wilderness, LLC. It is imperative to examine closely all incoming information from the administrative staff members of Nature's Wilderness, LLC and to consistently require that all submissions be accompanied by documentation. Seemingly a daunting task, it is a reliable best practice to adopt. It is essential to avoid being repeatedly pulled into Gerry Brown's web of deception.

In closing, we want to make it clear that we will continue to make phone calls and have a strong voice. We will not be silenced by our very own elected officials. We will continue to safeguard our liberties and our way of life. Furthermore, we should not be criticized for this commitment, but should be commended for our diligence in keeping Baldwin, Maine, a safe place to live.

Michelle Mercier

Signature

9/6/20

Date

Ronald M. Mercier

Signature

9/6/20

Date

Signature Samantha Barney

Date 9/6/20

Signature Betty Lawrence

Date 9/6/20

Signature Timothy Lawrence

Date 9/6/20

Signature James H. Sample

Date 9/6/20

Signature Rebecca Sample

Date 9/6/20

Signature Janet Puri

Date 9/6/20

Signature Kathleen Puri

Date 9/6/2020

Signature Cynthia Beckwith

Date 9/6/2020

Signature Stacy J. Harris

Date 9/6/2020

Signature Kathleen Morgan

Date 9/6/2020

Signature Marian L. Gullett

Date 9/6/2020

Signature Laurie Downey

Date 9/7/2020

Signature Mark A. Miller

Date 9/7/2020

Signature Cassie Dove PhD

Date 9/7/2020

Signature Erin Kennedy

Date 9-7-2020

Eleanor Draper

Signature

9.6.2020

Date

Cheri Brunault

Signature

9/6/20

Date

Al Diney

Signature

9/6/20

Date

Diane Dunning

Signature

9/6/2020

Date

Conrad Dunning

Signature

9/7/2020

Date

Ken Diney

Signature

9/7/2020

Date

Keith Brown

Signature

9/7/2020

Date

Bernadette Menette

Signature

9/7/2020

Date

Gronnet Kingley

Signature

9-8-2020

Date

Craig L. Kingley

Signature

9/8/20

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Signature Jane Kuntz Date 8-7-2020

Signature Kelly Morgan Date 8-7-2020

Signature Barbara L. Linn Date 8-7-2020

Signature Ruth Puthner Date 8-7-2020

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Rodney A. Sings
Signature

9-07-2020
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Quinn Sings
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Glenda K Metray
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David L. Tucker
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9-8-2020
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Norma J. Haines
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9/7/2020
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Glenn E. Haines
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Addendum

On **September 8, 2020**, Michelle Mason Webber, Compliance Specialist at the Department of Health and Human Services (DHHS), Maine Center for Disease Control and Prevention, Division of Environmental and Community Health, Health Inspection Program in Augusta, Maine, provided an update about Nature's Wilderness, LLC. She informed concerned Baldwin residents that an application from Nature's Wilderness, LLC had been received on September 2, 2020, and tagged as "active." An application for the pool had also been received. However, licenses for the pool and campground have not been issued because the Administrative Penalties have not been paid. Nature's Wilderness, LLC has until September 26, 2020, to appeal the two Administrative Penalty Assessment Notices.

The attached letter dated September 4, 2020, has not been altered because it is the letter that the signatories read.

Contact Information

Department of Health and Human Services (DHHS), Maine Center for Disease Control and Prevention,
Division of Environmental and Community Health, Health Inspection Program, Augusta, Maine.

General Information (207) 287-5671

Michelle Mason Webber, Compliance Specialist (207) 287-4282

Laurie Davis, State Inspector (207) 592-5573

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel: (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

IMMINENT HEALTH HAZARD FINDING

Issued: 8-6-20

Name of Establishment: NATURES WILDERNESS RESORT License # _____

Address: 2 UPPER TWAIN RD. W. BALDWIN

The imminent health hazard(s) noted below was found at the above-mentioned establishment. The Health Inspection Program recommends that the establishment immediately cease eating service/lodging/campground/POOL operations until such time as the hazard can be corrected and / or removed.

- ☐ An extended electrical power outage
- ☐ Flood water or sewage backup into the establishment
- ☐ An extended loss of water supply
- ☐ Excessive levels of drinking water contaminants
- ☒ Other POOL UNLICENSED AND EXCESSIVE VIOLATIONS. POOL CLOSED

The failure to immediately voluntarily cease operations and / or correct the hazard may result in a temporary suspension or revocation of the establishment's license with the Health Inspection Program for a period up to thirty days. In addition, the failure to address an imminent health hazard may cause the Health Inspection Program to seek a court order to fully suspend or revoke an establishment's license with the Health Inspection Program.

After the health hazard has been eliminated, please contact the Health Inspection Program at 287-5671.

Hand/mailed delivered to the establishment's representative GERRY BROWN on 8-6-20 by the Department's Public Health Inspector

LARIE DAVIS

Person in Charge please check appropriate box:

Voluntarily Close ☒ Refuse to Close ☐ Refuse to Sign ☐

Person in Charge Signature: Gerry Brown Gerry Brown
GERRY BROWN

UNLICENSED

State of Maine Pool and Spa Inspection Report

Establishment Name NATURES WILDERNESS RESORT		As Authorized by 22 MRSA §2496		Certified Pool Operator		Time In:	
License/EST. ID#		Address 2 UPPER TOWN RD		City/State W. BALDWIN		Zip Code	
Pool: Indoor <input type="checkbox"/> Outdoor <input checked="" type="checkbox"/>		Owner Name JANE		Purpose of Inspection COMPLIANCE		Telephone 207-959-346	
Spa: Indoor <input type="checkbox"/> Outdoor <input type="checkbox"/>				Location BALDWIN			
Compliance Status mark "X" in the appropriate box for COS and/or R				Compliance Status COS= corrected on site during inspection R= repeat violation			
COS				R			
Maintenance and Operation				Specific Safety Features and Regulations			
1	<input checked="" type="checkbox"/>	Proper Supervision (3.A.2)		27	<input type="checkbox"/>	Suitable handholds (6.A)	
2	<input checked="" type="checkbox"/>	Routine procedures posted (3.A.3)		28	<input checked="" type="checkbox"/>	Suitable rope and float line present (6.B.3)	
3	<input checked="" type="checkbox"/>	Manufacturers' instructions available (3.A.4)		29	<input checked="" type="checkbox"/>	Depth markers present and correct (6.C)	
4	<input checked="" type="checkbox"/>	Main drain visible (3.B.1, 3.B.2)		30	<input type="checkbox"/>	Edges of steps, ledges & seats marked correctly (6.C.8)	
5	<input type="checkbox"/>	Circulation system operating continuously (3.B.1) UNKNOWN		31	<input checked="" type="checkbox"/>	Lifesaving equipment is conspicuously placed and conveniently located at all times by the pool. (6.D.1)	
6	<input checked="" type="checkbox"/>	Chemical storage area locked. (3.A.5)		32	<input type="checkbox"/>	Depth transition point marked correctly (6.C.9)	
7	<input checked="" type="checkbox"/>	¹ Sanitizer levels correct (3.C) Type: MANUAL CHLORINE		33	<input checked="" type="checkbox"/>	Pole with body hook present within ≥ 12' (6.D.2)	
Pool: Chlorine [<input type="checkbox"/>] ppm (1-3ppm), Bromine [<input type="checkbox"/>] ppm (3-5ppm)				34			
Spa: Chlorine [<input type="checkbox"/>] ppm (4-5ppm), Bromine [<input type="checkbox"/>] ppm (6-8ppm)				35			
8	<input type="checkbox"/>	pH correct (3.C.3) (Range 7.2-7.8) Pool: 7.4 Spa: [<input type="checkbox"/>]		36			
9	<input type="checkbox"/>	Cleaning system available (3.F)		37			
10	<input checked="" type="checkbox"/>	Sanitizer residual and pH recorded ≥ 3 times per day (3.G.1)		38			
11	<input checked="" type="checkbox"/>	Proper records of maintenance and chemicals added (3.G.1)		39			
12	<input checked="" type="checkbox"/>	Free and combined chloramines recorded (3.G.1)		40			
13	<input checked="" type="checkbox"/>	Weekly test readings recorded (3.G.1)		If yes, type used:			
Total Alkalinity: [<input type="checkbox"/>] Calcium Hardness: [<input checked="" type="checkbox"/>] ² Cyanuric Acid: [<input type="checkbox"/>]				41			
14	<input checked="" type="checkbox"/>	Appropriate test kit (DPD or FAS-DPD) (3.G.2)		42			
15	<input checked="" type="checkbox"/>	MSDS sheets available (3.G.4)		43			
Supplemental Layers of Protection- Outdoor Pools				Hygienic Considerations			
16	<input checked="" type="checkbox"/>	Proper fencing and walls (4.A, 4.B)		44			
17	<input checked="" type="checkbox"/>	Proper self-closing, self-latching gate (4.C)		45			
Ancillary Area and Facilities				46			
18	<input type="checkbox"/>	Dressing and sanitary facilities properly constructed (5.A)		47			
19	<input type="checkbox"/>	Dressing and sanitary facilities properly maintained (5.A.3)		Public Spa Special Requirements			
20	<input type="checkbox"/>	Furnished items cleaned and/or sanitized after use (5.D.1&2)		48			
21	<input type="checkbox"/>	Shower before entering pool sign posted (5.D.3)		49			
22	<input checked="" type="checkbox"/>	Pool data sheet posted in pump room (5.B.1)		50			
23	<input checked="" type="checkbox"/>	Flow meter installed (5.B.2) Flow: <input type="checkbox"/> gpm		Water Supply and Waste Disposal			
24	<input checked="" type="checkbox"/>	Disinfectant feeder installed (5.B.3) Type: MANUAL FEED		51			
25	<input checked="" type="checkbox"/>	³ Water circulation adequate (5.B.4) UNKNOWN		52			
Pool: every [<input type="checkbox"/>] hrs Spa: every [<input type="checkbox"/>] hr NO MAIN DRAIN				53			
Wading Pools and Water slide flumes: every [<input type="checkbox"/>] hr				Proper water and backwash disposal (8.B, 8.C)			
26	<input type="checkbox"/>	Physical facilities maintained as safe and sanitary (5.C)					
¹ Max chlorine for pools is 4 and for a spa is 8. Max bromine for pools is 7 and for a spa is 10. ² Cyanuric Acid should be 0 if indoor							
³ Water turnover rates: Pools every 6 hrs, Spas every 1/2 hr, Wading Pools every hour, Water Slide Flumes every hour							
Notes: POOL HAS NO CPO AND IS UNLICENSED. THT ISSUED AND POOL IS CLOSED. PLEASE ENCLOSE POOL WITH TEMP. READING TO BAR ENTRANCE AND POST POOL AS CLOSED. SUBMIT APPLICATION FOR POOL REGISTRATION							
Person in Charge (Signature) Gerry Brown				Date: 8-6-20			
Health Inspector (Signature) Kennel				Follow-up: <input checked="" type="radio"/> YES NO (Circle one) Follow-up Date:			

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel: (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

IMMINENT HEALTH HAZARD FINDING

Issued: August 11, 2020

Name of Establishment: Nature's Wilderness Resort License#- Unlicensed

Address: 2 Upper Twain Rd West Baldwin, ME 04091

The imminent health hazard(s) noted below was found at the above-mentioned establishment. The Health Inspection Program recommends that the establishment immediately cease eating service/lodging/campground operations until such time as the hazard can be corrected and / or removed.

- ☐ An extended electrical power outage
- ☐ Flood water or sewage backup into the establishment
- ☐ An extended loss of water supply
- ☐ Excessive levels of drinking water contaminants
- ☒ Other: No license, no water test, Do Not Drink Order issued by DWP, operating without a license for 5-6 weeks.

The failure to immediately voluntarily cease operations and / or correct the hazard may result in a temporary suspension or revocation of the establishment's license with the Health Inspection Program for a period up to thirty days. In addition, the failure to address an imminent health hazard may cause the Health Inspection Program to seek a court order to fully suspend or revoke an establishment's license with the Health Inspection Program.

After the health hazard has been eliminated, please contact the Health Inspection Program at 287-5671.

Hand/mailed delivered to the establishment's representative Gerry Brown on August 11, 2020 by the Department's Public Health Inspector Laurie Davis.

Person in Charge please check appropriate box:

Voluntarily Close ☐ Refuse to Close ☒ Refuse to Sign ☐

Person in Charge Signature: Sent via email to Gerry Brown, Director of Operations

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

STATE OF MAINE

vs.

Natures Wilderness Resort

NOTICE OF ADMINISTRATIVE

PENALTY ASSESSMENT

This Notice of Administrative Penalty Assessment is issued to Natures Wilderness Resort, pursuant to 22 MRS §2498 and 10-144 CMR Chapter 201, whereby, the State of Maine, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Environmental and Community Health, Health Inspection Program (the Department) may seek and impose administrative remedies for any non-compliance with Maine eating and lodging licensing statutes and/or rules.

I. FINDINGS/AUTHORITY:

1. The Department is the agency of the executive branch of government charged with the responsibility of administering and enforcing the statutes, rules and regulations adopted pursuant to Maine statute (22 M.R.S. Chapter 562).
2. Natures Wilderness Resort is an unlicensed campground as defined in Section (1)(A)(7) of the *Administration and Enforcement of Establishments Licensed by the Health Inspection Program Rule*. The establishment's principal place of business is in West Baldwin, Maine.
3. Natures Wilderness LLC is the owner of Natures Wilderness Campground and is responsible for complying and operating in accordance with the Campground Rules and the *Administration and Enforcement of Establishments Licensed by the Health Inspection Program Rule*.
4. Pursuant to 22 M.R.S. §2498(1)(B), the Department may direct an eating establishment, eating and lodging place, lodging place, recreational camp, youth camp, public pool or public spa or campground to correct any violations in a manner and within a timeframe that the Department determines is appropriate to ensure compliance with state rules or to protect public health.
5. Pursuant to 10-144 C.M.R. Ch. 201, §6(F)(1), a campground must immediately cease operations and notify the Department if an imminent health hazard may exist because of circumstances that may endanger public health. The Department may set a period of time in which the conditions posing an imminent health hazard must be corrected.
6. On August 5, 2020, the Department received a complaint about Natures Wilderness Resort being an unlicensed campground.

7. On August 6, 2020, Inspector Laurie Davis conducted a complaint investigation and interviewed the Director of Operations Gerry Brown. Inspector Davis found an unlicensed campground. Mr. Brown stated that he had been working with Kate Tufts from the State of Maine Drinking Water Program (DWP) and that everything was ok as far as the drinking water system was concerned. He also stated that he had approval from the town of Baldwin to operate up to 60 sites at the campground and that he had engineered plans for the campground. He stated that the Licensed Plumbing Inspector for Baldwin had approved the septic for the campground and that he was under the impression he had obtained all required permits to operate the campground. He also stated that he had been working with the Maine State Department of Environmental Protection for compliance. Inspector Davis contacted Lisa Silva, Manager of the Health Inspection Program to apprise her of the complaint findings. Based upon the information supplied by Mr. Brown it was determined that a conditional license to operate the campground could be issued once the campground had applied for the campground license and the information presented could be verified.
8. On August 11, 2020 Inspector Davis received notice via phone from Kate Tufts (DWP) that Natures Wilderness Resort had received well drilling approval but no water testing had been done on the system and there had not been any final approval issued for the system. She stated if there were people present in the campground, the campground would need to be on a Do Not Drink Order.
9. On August 11, 2020 Inspector Davis had a telephone conversation with Mr. Brown informing him that the Department would not be able to issue Natures Wilderness Resort a conditional campground license because the Health Inspection Program had been informed by the State of Maine Drinking Water Program that the campground did not have approval for the drinking water system. Inspector Davis informed Mr. Brown that he would need to close the campground and have the guests currently onsite vacate the premises. Mr. Brown told Inspector Davis that he was not willing to close the campground and that he would not ask his current guests to leave.
10. On August 11, 2020 Inspector Davis issued an Imminent Health Hazard (IHH) finding for the campground. The IHH cited Natures Wilderness Resort with operating without a license for 4-5 weeks, not testing the drinking water system and operating the campground while under a Do Not Drink Order issued by the State of Maine Drinking Water Program. The IHH was delivered via email to Mr. Brown at brownconstruction24@yahoo.com.
11. On August 13, 2020 Inspector Davis received an email from Natures Wilderness Resort confirming that the opening date of the campground was July 4, 2020 and in response to her email question about his plans for cancelling future reservations stated, "We hope to keep the reservations we have because shutting down would financially ruin us."
12. Social media posts on Natures Wilderness Campground's Facebook page showed that Natures Wilderness Resort's campground was open and operating on August 16, 2020 and August 17, 2020.
13. Inspector Davis took pictures of the pool being accessed by a member of the public and the temporary fencing being open for foot traffic to the pool on August 18, 2020. She also observed the campground in operation with many of the cabins and RV sites occupied.
14. The Department is authorized to impose Administrative Penalties of up to \$100 per violation per day, pursuant to 10-144 C.M.R. Ch. 201§§6(F) and 8(F), for operating in violation of an IHH; and authorized to impose fines for unlicensed operation, pursuant to 10-144 C.M.R. Ch. 201§8(E).

II. NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT:

Pursuant to Maine statute (22 MRS §2498) and the *Administration and Enforcement of Establishments Regulated by the Health Inspection Program Rule* (10-144 CMR Chapter 201), the Department hereby issues this formal Notice of

Administrative Penalty Assessment to the establishment and imposes administrative penalties against the establishment for the amount of \$1,600, which has been calculated as set forth below:

• Operating unlicensed from July 4, 2020 to present:	\$500
• August 11, 2020 operation in violation of IHH:	\$100
• August 12, 2020 operation in violation of IHH:	\$100
• August 13, 2020 operation in violation of IHH:	\$100
• August 14, 2020 operation in violation of IHH:	\$100
• August 15, 2020 operation in violation of IHH:	\$100
• August 16, 2020 operation in violation of IHH:	\$100
• August 17, 2020 operation in violation of IHH:	\$100
• August 18, 2020 operation in violation of IHH:	\$100
• August 19, 2020 operation in violation of IHH:	\$100
• August 20, 2020 operation in violation of IHH:	\$100
• August 21, 2020 operation in violation of IHH:	\$100
TOTAL:	\$1,600

III. GENERAL PROVISIONS:

1. The establishment remains responsible for operating in a manner that complies with Maine statutes and applicable license regulations, including the requirement that they comply with the IHH.
2. The establishment shall make payment by bank check or money order to "Treasurer, State of Maine". The full amount of the penalty is due within 30 days of receipt of this Notice of Penalty Assessment. Please send payment to the following address:

Attn: Carol Gott, Licensing Clerk
Maine CDC Health Inspection Program
11 State House Station – 286 Water Street
Augusta, Maine 04333-0011

3. The establishment has the right to appeal the above penalty amount and request an administrative hearing. Requests for a hearing must be made in writing to the Department within 30 days of receipt of this penalty assessment. A request for hearing must be sent to Lisa Silva, Program Manager at the Health Inspection Program by emailing Lisa at lisa.silva@maine.gov or mailing the request to the address above.
4. A representative of the establishment may contact Lisa Silva by telephone at (207) 287-5691 or email at lisa.silva@maine.gov, if there are any questions about the Administrative Notice of Penalty Assessment.
5. According to 22 MRS §2498(3), the Department is authorized to withhold processing of a license until the Licensee pays all penalties due, including those cited in this Penalty Assessment or in subsequent penalties assessed.

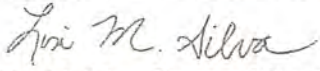
PHONE: (207) 287-5671

TTY USERS: Dial 711 (Maine Relay)

FAX: (207) 287-3165

6. Continued violation may result in additional formal enforcement, which may include referral for civil action to the Maine Attorney General's Office. Civil referrals may result in civil fines and attorney fees incurred by the Department being imposed against you, in addition to the administrative penalties currently due.

Dated this 21st day of August, 2020.



Lisa M. Silva, Program Manager
Health Inspection Program
Division of Environmental & Community Health
Lisa.Silva@maine.gov

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

VIA CERTIFIED MAIL/ELECTRONIC MAIL

Ec: natureswildernessresort@gmail.com; laurie.davis@maine.gov

August 21, 2020

ATTN: Gerry Brown
Natures Wilderness Resort
2 Upper Twain Rd
Baldwin, ME 04091

RE: Notice of Administrative Penalty Assessment- Natures Wilderness Resort - unlicensed campground

Dear Gerry Brown:

Pursuant to its authority under 22 M.R.S. §2498 and 10-144 C.M.R.Ch. 201, §8, the State of Maine, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Health Inspection Program (the Department) is imposing an administrative penalty against your campground for unlicensed operation in violation of the *Rules Relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program*. The *Notice of Administrative Penalty Assessment for Natures Wilderness Resort* is enclosed.

Should you have any questions, please contact Lisa Silva by telephone at (207) 287-5691 or email at Lisa.Silva@maine.gov, if there are any questions about the Administrative Notice of Penalty Assessment.

Sincerely,

A handwritten signature in cursive script that reads "Lisa M. Silva".

Lisa M. Silva, Program Manager
Health Inspection Program
Division of Environmental & Community Health
Lisa.Silva@Maine.Gov

cc: Laurie Davis, District Health Inspector; Carol Gott, License Clerk; Michelle Mason Webber, Compliance Specialist; Rebecca Walsh, Supervisor; Tera Pare, Manager of Maine CDC Policy and Compliance

Enclosures: *Notice of Administrative Penalty Assessment*

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
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Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

STATE OF MAINE

vs.

NOTICE OF ADMINISTRATIVE

PENALTY ASSESSMENT

Natures Wilderness Resort (Pool)

This Notice of Administrative Penalty Assessment is issued to Natures Wilderness Resort, pursuant to 22 MRS §2498 and 10-144 CMR Chapter 201, whereby, the State of Maine, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Environmental and Community Health, Health Inspection Program (the Department) may seek and impose administrative remedies for any non-compliance with Maine eating and lodging licensing statutes and/or rules.

I. FINDINGS/AUTHORITY:

1. The Department is the agency of the executive branch of government charged with the responsibility of administering and enforcing the statutes, rules and regulations adopted pursuant to Maine statute (22 M.R.S. Chapter 562).
2. Natures Wilderness Resort is an unlicensed pool as defined in Section (1)(A)(63) of the *Administration and Enforcement of Establishments Licensed by the Health Inspection Program Rule*. The establishment's principal place of business is in West Baldwin, Maine.
3. Natures Wilderness LLC is the owner of Natures Wilderness Resort and is responsible for complying and operating in accordance with the Public Pool and Spa Rules and the *Administration and Enforcement of Establishments Licensed by the Health Inspection Program Rule*.
4. Pursuant to 22 M.R.S. §2498(1)(B), the Department may direct an eating establishment, eating and lodging place, lodging place, recreational camp, youth camp, public pool or public spa or campground to correct any violations in a manner and within a timeframe that the Department determines is appropriate to ensure compliance with state rules or to protect public health.
5. Pursuant to 10-144 C.M.R. Ch. 201, §6(F)(1), a public pool must immediately cease operations and notify the Department if an imminent health hazard may exist because of circumstances that may endanger public health. The Department may set a period of time in which the conditions posing an imminent health hazard must be corrected.
6. On August 5, 2020, the Department received a complaint about Natures Wilderness Resort being an unlicensed campground.

7. On August 6, 2020, Inspector Laurie Davis conducted a complaint investigation and interviewed Director of Operations Gerry Brown. Inspector Davis found an unlicensed pool with excessive violations. Inspector Davis issued an Imminent Health Hazard (IHH) finding for the pool and hand-delivered it to Mr. Brown.
8. On August 11, 2020, Inspector Davis received a text from Gerry Brown that included a picture of a sign next to the pool, saying the pool was closed.
9. A social media post on Natures Wilderness Campground's Facebook page showed that Natures Wilderness Resort's pool was open and operating on August 17, 2020.
10. Inspector Davis took pictures of the pool being accessed by a member of the public and the temporary fencing being open for foot traffic to the pool on August 18, 2020. There was no sign stating that the pool was closed.
11. The Department is authorized to impose Administrative Penalties of up to \$100 per violation per day, pursuant to 10-144 C.M.R. Ch. 201 §§6(F) and 8(F), for operating in violation of an IHH; and to impose fines up to \$200 per day for unlicensed operation pursuant to 22 MRS §2498 (1)(C).

II. NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT:

Pursuant to Maine statute (22 MRS §2498) and the *Administration and Enforcement of Establishments Regulated by the Health Inspection Program Rule* (10-144 CMR Chapter 201), the Department hereby issues this formal Notice of Administrative Penalty Assessment to the establishment and imposes administrative penalties against the establishment for the amount of **\$600**, which has been calculated as set forth below:

• August 17, 2020 operation in violation of IHH:	\$100
• August 17, 2020 operating unlicensed:	\$200
• August 18, 2020 operation in violation of IHH:	\$100
• August 18, 2020 operating unlicensed:	\$200
TOTAL:	\$600

III. GENERAL PROVISIONS:

1. The establishment remains responsible for operating in a manner that complies with Maine statutes and applicable license regulations, including the requirement that they comply with the IHH.
2. The establishment shall make payment by **bank check or money order** to "Treasurer, State of Maine". The full amount of the penalty is due within 30 days of receipt of this Notice of Penalty Assessment. Please send payment to the following address:

Attn: Carol Gott, Licensing Clerk
Maine CDC Health Inspection Program
11 State House Station – 286 Water Street
Augusta, Maine 04333-0011

3. The establishment has the right to appeal the above penalty amount and request an administrative hearing. Requests for a hearing must be made in writing to the Department **within 30 days of receipt** of this penalty assessment. **A request for hearing must be sent to Lisa Silva, Program Manager at the Health Inspection Program by emailing Lisa at lisa.silva@maine.gov or mailing the request to the address above.**
4. A representative of the establishment may contact Lisa Silva by telephone at (207) 287-5691 or email at Lisa.Silva@maine.gov, if there are any questions about the Administrative Notice of Penalty Assessment.

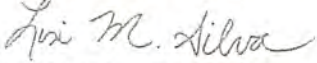
PHONE: (207) 287-5671

TTY USERS: Dial 711 (Maine Relay)

FAX: (207) 287-3165

5. According to 22 MRS §2498(3), the Department is authorized to withhold processing of a license until the Licensee pays all penalties due, including those cited in this Penalty Assessment or in subsequent penalties assessed.
6. Continued violation may result in additional formal enforcement, which may include referral for civil action at Maine's Attorneys General Office. Civil referrals may include civil fines in addition to the administrative penalties currently due, which may require you to pay further expenses, including attorney fees incurred by the Department.

Dated this 21st day of August, 2020.



Lisa M. Silva, Program Manager
Health Inspection Program
Division of Environmental & Community Health
Lisa.Silva@Maine.Gov

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

VIA CERTIFIED MAIL/ELECTRONIC MAIL

Ec: natureswildernessresort@gmail.com; laurie.davis@maine.gov

August 21, 2020

ATTN: Gerry Brown
Natures Wilderness Resort
2 Upper Twain Rd
Baldwin, ME 04091

RE: Notice of Administrative Penalty Assessment- Natures Wilderness Resort - unlicensed public pool

Dear Gerry Brown:

Pursuant to its authority under 22 MRS §2498 and 10-144 C.M.R.Ch. 201, §8, the State of Maine, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Health Inspection Program (the Department) is imposing an administrative penalty against your public pool for unlicensed operation in violation of the *Rules Relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program*. The **Notice of Administrative Penalty Assessment for Natures Wilderness Resort** is enclosed.

Should you have any questions, please contact Lisa Silva by telephone at (207) 287-5691 or email at Lisa.Silva@maine.gov, if there are any questions about the Administrative Notice of Penalty Assessment.

Sincerely,

A handwritten signature in cursive script that reads "Lisa M. Silva".

Lisa M. Silva, Program Manager
Health Inspection Program
Division of Environmental & Community Health
Lisa.Silva@Maine.Gov

cc: Laurie Davis, District Health Inspector; Carol Gott, License Clerk; Michelle Mason Webber, Compliance Specialist; Rebecca Walsh, Supervisor; Tera Pare, Manager of Maine CDC Policy and Compliance

Enclosures: *Notice of Administrative Penalty Assessment*