

LOUISIANA WEIGHTS AND MEASURES COMMISSION
ADJUDICATORY HEARING MINUTES

March 28, 2024 at 9:30 A.M.

Louisiana Department of Agriculture & Forestry
Veterans' Memorial Auditorium
5825 Florida Blvd.
Baton Rouge, LA 70806

I. CALL TO ORDER

Director, Paul Floyd, called the hearing to order at 9:24 a.m.

II. ROLL CALL AND DECLARATION OF QUOROM

Blaire LeBlanc, LDAF Staff, called roll, and the following Commission Members were present:

Commission Members Present

Mr. Bryan Stafford
Mr. Dave George
Mr. Mickey Freiberg
Mr. Cal Simpson
Mr. Scott Simonson, Chairman.
Mr. Joe Bushnell
Mr. Justin Alford

Alternates Present:

Mrs. Tressy Leindecker

With Eight (8) members present, a quorum was declared.

III. PUBLIC COMMENTS.

No Comments from the public.

Mr. Cal Simpson made a motion to elect Mr. Scott Simonson as chairman of the board. Mr. Bryan Stafford seconded the motion. All members were in favor. The motion carried.

IV. APPROVAL OF CORRECTED MAY 25, 2023, MINUTES AND NOVEMBER 15, 2023 MEETING MINUTES.

Motion made by Cal Simpson to approve the minutes from the Corrected May 25, 2023, meeting. Mr. Bryan Stafford seconded the motion. All members were in favor. Motion carried.

Motion made by Mickey Freiberg to approve the minutes from the November 15, 2023, meeting. Mr. Justin Alford seconded the motion. All members were in favor. Motion carried.

V. ADJUDICATORY HEARING

LDAF Staff Attorney Bethany Gonzales represented the department and presented the following cases. Assistant Attorney General Tanika Starks presided as Hearing Officer.

CONTINUED CASES

Case #24-WM-0325 Mason Gauthreaux

With Respondent, Mr. Mason Gauthreaux, and Counsel, Ms. Faye Dysart, present, the Department and Respondent mutually requested this case to be continued to the next hearing, June 20, 2024. Mr. Gauthreaux waived service. Hearing Officer, Ms. Tanika Starks, granted the continuance.

STIPULATED CASES

CASE #24-WM-0302 Jubilee Foods (Pearl River)

2 VIOLATION(S)

2 – Not Meeting Declared Quantity - LA. R.S. 3:4617 (A)

The department recommended a penalty of Five Hundred Dollars (\$500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Cal Simpson and seconded by Mr. Bryan Stafford. All members were in favor. Motion carried.

CASE #24-WM-0304 Live Oak Food and Fuel (Lafayette)

3 VIOLATION(S)

3 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Seven Hundred and Fifty Dollars (\$750.00). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

CASE #24-WM-0306 Circle K 2740365 (Lafayette)

3 VIOLATION(S)

3 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Five Hundred Dollars (\$1,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Cal Simpson. All members were in favor. Motion carried.

CASE #24-WM-0307 Grab N Geaux 8 (Lake Charles)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Two Hundred Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Bryan Stafford and seconded by Mr. Dave George. All members were in favor. Motion carried.

CASE #24-WM-0308 Grab N Geaux 24 (Scott)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Two Hundred Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Cal Simpson and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

CASE #24-WM-0310 Circle K 2706834 (Lafayette)

3 VIOLATION(S)

3 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Five Hundred Dollars (\$1,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Dave George. All members were in favor. Motion carried.

CASE #24-WM-0311 Family Dollar Store 04433 (Ville Platte)

3 VIOLATION(S)

3 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Five Hundred Dollars (\$1,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Cal Simpson. All members were in favor. Motion carried.

CASE #24-WM-0314 Grab N Geaux 9 (Lake Charles)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Two Hundred Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Cal Simpson and seconded by Mr. Scott Simonson. All members were in favor. Motion carried.

CASE #24-WM-0313 More 4 Less Gold (Lafayette)

9 VIOLATION(S)

9 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Two Hundred Fifty Dollars (\$2,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Bryan Stafford and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

CASE #24-WM-0316 Octane (Lake Charles)

3 VIOLATION(S)

3 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Seven Hundred and Fifty Dollars (\$750.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Cal Simpson. All members were in favor. Motion carried.

CASE #24-WM-0318 LC Oberlin Inc (Oberlin)

14 VIOLATION(S)

14 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

CASE #24-WM-0319 Dollar General Store 21835 (Fenton)

5 VIOLATION(S)

5 Overcharge Violations – La. R.S. 3:4617(A)

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2500). Motion to accept the stipulation and recommended penalty was made by Mr. Cal Simpson and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

CASE #24-WM-0320 Dollar General Store 7803 (Elton)

4 VIOLATION(S)

4 Overcharge Violations – La. R.S. 3:4617(A)

The department recommended a penalty of Two Thousand Dollars (\$2000). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Cal Simpson. All members were in favor. Motion carried.

CASE #24-WM-0321 PID Services / Danny Redard.

4 VIOLATION(S)

2 – Unlicensed Service Agent -La. R.S. 3:4621 (A)

2 – Failure to submit PISR - La R.S. 3:4621(F)

The department recommended a penalty of One Thousand Dollars (\$1,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Cal Simpson. Mr. Dave George Recused himself from the overall vote, because Respondent is a competitor of Mr. George’s business. All members were in favor. Motion carried.

CASE #24-WM-0322 System Scale

3 VIOLATION(S)

3 Failure to submit PISR - La R.S. 3:4621(F)

The department recommended a penalty of Seven Hundred Fifty Dollars (\$750.00). Motion to accept the stipulation and recommended penalty was made by Mr. Cal Simpson and seconded by Mr. Jstun Alford. Mr. Dave George Recused himself from the overall vote, because Respondent is a competitor of Mr. George’s business. All members were in favor. Motion carried.

CASE #24-WM-0326 Deatons Crawfish and Catering (Kinder)

1 VIOLATION(S)

1 –Removal of a Red Tag - LA. R.S. 3:4610

The department recommended a penalty of Two Hundred Fifty Dollars (\$250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Bryan Stafford and seconded by Mr. Dave George. All members were in favor. Motion carried.

CASE #23-WM-502 Deli 2 Go (Lake Charles)

4 VIOLATIONS

4 Overcharge Violations – La. R.S. 3:4617(A)

The department recommended a penalty of One Thousand Dollars (\$1,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Cal Simpson. All members were in favor. Motion carried.

ADJUDICATED CASES

23-WM-1109 90 Pointe (Lake Charles)

9 VIOLATION(S)

9 Overcharge Violations – La. R.S. 3:4617

Bethany Gonzales, LDAF Attorney, represented the Department. Tanika Starks, Assistant Attorney General, presided over the hearing. No one was present on behalf of the Respondent.

Director Paul Floyd, LDAF Inspector Anna Greathouse, and Program Manager Steven Coco were called as witnesses by the Department. Paul Floyd identified and authenticated the Charge Letter with all original attachments, and it was offered, filed and introduced into evidence as LDAF 1. Ms. Anna Greathouse identified and authenticated, the price verification summary reports dated May 3, 2023; June 19, 2023; and July 14,

2023. The summary reports were offered, filed and introduced into evidence as LDAF 2, LDAF 3, and LDAF 5, respectively. Ms. Greathouse also identified the warning letter sent by Program Manager, Steven Coco, it was offered filed and introduced into evidence as LDAF 4. Mr. Steven Coco authenticated the warning letter previously admitted into evidence as LDAF 4.

The Department recommended the Commission to find respondent in violation for 9 violations of the Louisiana Weights and Measures, laws, rules and regulations for misrepresenting the price or quantity of a commodity and failing to meet the 98% or higher pass rate as required. The Department recommended a penalty of Four Thousand Five Hundred Dollars (\$4,500.00) to be paid within 30 days of receipt of demand letter.

The motion to find respondent in violation was made by Mr. Mickey Freiberg and seconded by Mr. Bryan Stafford. All members were in favor. The motion carried.

The motion to access the department recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Dave George. All members were in favor. The motion carried.

VI. OLD BUSINESS.

None.

VII. NEW BUSINESS.

A. Director, Paul Floyd, introduced the new LDAF/ACS Attorney, Ms. Bethany Gonzales, LDAF Attorney, Ms. Angela Jackson, the new Assistant Director of Weights and Measures, Ms. Allison Dumas, and the new hearing officer, Ms. Tanika Starks.

B. Agriculture Specialist Program Manager, Steven Coco, presented a Price Verification Inspection power point presentation.

C. Board member Mickey Freiberg suggested that new board members ride with inspectors. Mr. Justin Alford agreed with the suggestion and offered one of his stores if needed. Director, Paul Floyd agreed to the suggestion and stated that he would work on setting something up for any interested board members.

VIII. PUBLIC COMMENTS.

None

IX. NEXT MEETING DATE.

June 20, 2024

X. ADJOURNMENT.

A motion was made at 11:00 a.m. to adjourn the meeting by Mr. Cal Simpson and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

Chairman Signature

Printed Name