

HORTICULTURE COMMISSION MEETING

March 24, 2016

9:30 a.m.

Veterans' Memorial Auditorium

5825 Florida Boulevard

Baton Rouge, LA 70806

Minutes

CALL TO ORDER

The hearing was called to order by Mr. Bass at 9:35 a.m.

ROLL CALL

The roll was called by Mrs. Bellington.

Members present: Chad Danos, Rob Barry, Cole Sims, Zefferino Von Kurnatowski, Mitch Mayes, Steven Hoover, Jack Hopper, Rusty Ruckstuhl, Gary Bullock, Fred Bass, Todd Parker and Dr. Allen Owings representing Dr. William Richardson.

Members absent: Harold Tani

A quorum was present.

Others present: John Morris, Hearing Officer; Lindsey Hunter, LDAF Legal Counsel; Ansel Rankins, LDAF; Tina Peltier, LDAF; Ashley Champagne, LDAF; Fran Bellington, LDAF; Hugh Lee, LDAF Guard and Robert Rarick, LDAF Guard.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Ruckstuhl made a motion to approve the minutes from the December 10, 2015 hearing. This motion was seconded by Mr. Parker and passed unanimously.

APPOINTMENT OF DIRECTOR & ASSISTANT DIRECTOR

Mr. Parker made a motion that Mrs. Tina Peltier be appointed as Assistant Director of Horticulture Commission and that Mr. Ansel Rankins be appointed as Director of Horticulture Commission. This motion was second by Mr. Danos and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, June 23, 2016 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUEST

Mr. David Abadie requested to have his landscape horticulturist license reinstated. **Motion:** Mr. Parker made a motion to allow reinstatement of Mr. Abadie's landscape horticulturist license. This motion was seconded by Mr. Mayes and passed unanimously.

Mr. Donald Burris requested to have his landscape horticulturist license reinstated. **Motion:** Mr. Parker made a motion to allow reinstatement of Mr. Burris' landscape horticulturist license. This motion was seconded by Mr. Bullock and passed unanimously.

Mr. Michael Shane Guillet requested to have his arborist license reinstated. **Motion:** Mr. Danos made a motion to allow reinstatement of Mr. Guillet's arborist license. This motion was seconded by Mr. Mayes and passed unanimously.

Mr. Alexander Adkins requested to have his arborist license reinstated. **Motion:** Mr. Mayes made a motion to allow reinstatement of Mr. Adkins' arborist license. This motion was seconded by Mr. Hopper and passed unanimously.

At 10:00 a.m. the meeting was turned over to the hearing officer, John Morris.

ADJUDICATORY HEARING
CONTINUED CASES

Barbara Arton
d/b/a Arton's of Louisiana
1318 Main St.
Jeanerette, LA 70544

Case No.: 15-018

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (retail florist), without a proper license.

Ms. Arton was not present but the department proceeded because service was effected. Ms. Arton sent information for the department to present on her behalf. **Motion:** Mr. Hoover made a motion to find Ms. Arton in violation. This motion was seconded by Mr. Bullock and passed unanimously. The department recommended a penalty of \$500.00. **Motion:** Mr. Hoover made a motion to imposed a \$500.00 penalty with \$500.00 suspended. 9 members voted for the motion, 2 members voted against the motion and 1 member abstained. The motion carried.

Prentice Robins
d/b/a Robins Tree Service
12352 East Milburn
Baton Rouge, LA 70815

Case No.: 15-020

One violation of L.R.S. 3:3804 (C) for engaging, advertising and soliciting in a regulated profession (arborist), without a proper license.

Mr. Robins was not present but the department proceeded because service was effected. **Motion:** Mr. Parker made a motion to find Mr. Robins in violation. This motion was seconded by Mr. Von Kurnatowski and passed unanimously. The department recommended a penalty of \$1,000.00. **Motion:** Mr. Danos made a motion to accept the recommended penalty. This motion was seconded by Mr. Hopper and passed unanimously.

Curtis Butler, Jr.
d/b/a Butler's Tree Service
268 Masters Road
Jonesville, LA 71343

Case No.: 15-022

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist), without a proper license. One violation of L.R.S. 3:3810 A (2) for violating a notice of non-compliance.

This case was continued to the next hearing date.

NEW CASES

Brookshire's Food Store #25
Roland Woods, Store Manager
388 Bert Kouns
Shreveport, LA 71106

Case No.: 16-001

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (retail florist), without a proper license. One violation of L.R.S. 3:3810 A (2) for violating a stop order. One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (retail florist), without a proper license.

Stipulation received. **Motion:** Mr. Danos made a motion to accept the stipulation. This motion was seconded by Mr. Mayes and passed unanimously. Recommended penalty of \$500.00 per violation for a total fine of \$1,500.00. **Motion:** Mr. Danos made a motion to accept the recommended penalty. This motion was seconded by Mr. Hoover and passed unanimously.

James Hernberger
d/b/a Affordable Tree Service
2930 Hwy 90 West Lot 32
P O Box 1785
Sulphur, LA 70664

Case No.: 16-002

One violation of L.R.S. 3:3804 (C) for engaging, advertising, and soliciting in a regulated profession (arborist), without a proper license.

Stipulation received. **Motion:** Mr. Danos made a motion to accept the stipulation. This motion was seconded by Mr. Sims and passed unanimously. Recommended penalty of \$500.00. **Motion:** Mr. Danos made a motion to accept the recommended penalty. This motion was seconded by Mr. Sims and passed unanimously.

Kelvin Robins
7758 Menlo Drive
Baton Rouge, LA 70808

Case No.: 16-003

One violation of L.R.S. 3:3804 (C) for soliciting in a regulated profession (landscape horticulturist), without a proper license.

Mr. Robins was not present but the department proceeded because service was effected. **Motion:** Mr. Hopper made a motion to find Mr. Robins in violation. This motion was seconded by Mr. Parker and passed unanimously. The department recommended a penalty of \$1,500.00. **Motion:** Mr. Danos made a motion to accept the recommended penalty. This motion was seconded by Mr. Von Kurnatowski and passed unanimously.

Wil Kingston
d/b/a La Men Trees
318 Westwood Drive
Mandeville, LA 70471

Case No.: 16-004

One violation of L.R.S. 3810 (3) for performing a fraudulent practice while engaged in a regulated profession (arborist), without a proper license. One violation of L.R.S. 3:3804 (C) for soliciting and advertising in a regulated profession (arborist) without a valid arborist license. One violation of L.R.S. 3810 A (2) for violating a stop order. One violation of L.R.S. 3:3804 (C) for advertising in a regulated profession (arborist) without a proper license.

Mr. Kingston was not present but the department proceeded because service was effected.

Motion: Mr. Mayes made a motion to find Mr. Kingston in violation. This motion was seconded by Mr. Parker and passed unanimously. The department recommended a penalty of \$500.00 per violation for a total fine of \$2,000.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Bullock and passed unanimously.

NEW BUSINESS

Proposed Amendment to LAC 7: XXIX. §117

Motion: Mr. Ruckstuhl made a motion to move forward with promulgating the amendments to LAC 7:XXIX.117 and to allow the commissioner to sign the act of adoption if no substantive changes are made to the proposed rule prior to its final adoption. The motion was seconded by Mr. Parker and passed unanimously.

Director's Report

Mr. Rankins expressed his excitement to continue his service as Director of the Horticulture Commission. He believes we have a very competent and professional field staff at LDAF and feels fortunate to have them on our team.

Mr. Rankins offered his sincere thanks to the members of the Commission for their service to the Commission and to their respective industries. He gave a special welcome to Tina Peltier, new Assistant Director. Mrs. Peltier has served our agency for 18 years and has extensive field experience from serving in her previous role as the AES Baton Rouge District Manager.

The H&Q staff will be participating in the 2016 Southern Plant Board meeting in April. This annual regional meeting allows states to address plant pest and green industry issues of concern to the region. The USDA also attends, allowing useful interaction with our federal counterparts.

Sue Otwell joined our Horticulture team on February 15th. Mrs. Otwell will handle all of the permit work in our office, including cut flower, nursery grower and nursery stock dealer permits as well as honeybee registration and other routine duties. We are pleased to have Sue with us.

PUBLIC COMMENTS

There were no public comments but Mr. Bass took a moment to thank the commission members and inspectors for the good job that they do.

ADJOURNMENT

Motion: Mr. Parker made a motion to adjourn at 11:38 a.m. This motion was seconded by Mr. Danos and passed unanimously.