

STRUCTURAL PEST CONTROL COMMISSION
Veterans' Memorial Auditorium
5825 Florida Blvd., Baton Rouge, LA
March 3, 2020 – 9:30 a.m.
MINUTES

CALL TO ORDER

The meeting was called to order by Mr. Bass at 9:36 a.m.

ROLL CALL

Members present: Fred Bass, Benjy Rayburn, and Dr. James Ottea.

Members absent: Jarrod Horton and Edward Reynolds

Others present: Harry Schexnayder-LDAF, Kevin Wofford-LDAF, Amanda LaGroue-LDAF Attorney, Kelly Moore-LDAF, Alicia Wheeler-Hearing Officer, Shelly Graham-LDAF, Amy McInnis-LDAF General Counsel, Jim Wright-BASF, Dr. Bob Davis-BASF, Dr. Janis Reed-Control Solutions, Milton Schleismann-LDAF, Robert Achary-Appollo Pest Control, DeShea Bethel-LDAF, and Jeff Porter-LPMA.

AMENDMENTS TO THE AGENDA

Motion: Mr. Rayburn made a motion to include Sherrie Schocken's licensee application under agenda item X. Consideration of Licensee Applications. The motion was seconded by Dr. Ottea and passed unanimously.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF THE MINUTES

Motion: Mr. Rayburn made a motion to approve the minutes from the December 10, 2019 meeting. The motion was seconded by Dr. Ottea and passed unanimously.

LABELS FOR REVIEW

Termidor (EP/LI section) – Jim Wright, BASF

Mr. Wright presented information on BASF's Termidor products, and requested that the Commission approve EP/LI directions-for-use in Louisiana in the following labels: Termidor 80WG Termiticide/Insecticide, Termidor SC Termiticide/Insecticide, Termidor HE Termiticide, Termidor HP High Precision Termiticide, and Termidor HP II High Precision Termiticide.

Taurus SC (EP/LI section) – Dr. Janis Reed, Control Solutions Inc.

Dr. Reed acknowledged her company's support of adding the EP/LI language to the Louisiana regulations.

After some discussion, the Commission decided to wait until the industry Commission members are in attendance before voting to approve/disapprove the labels.

ADJUDICATORY HEARING

Hearing Officer Alicia Wheeler conducted the hearing. LDAF Attorney Amanda LaGroue presented the following cases:

Kenneth Aucoin, Case No. 2236 (Continued)

Ms. LaGroue stated that the Defendant requested this matter be continued. Ms. Wheeler granted the request.

Jacob Cohn, Case No. 2219

The Department charged Mr. Cohn with two (2) violations; LRS 3:3371(A)(14), specifically LAC 7:XXV 119(A)(1) and one (1) violation; LRS 3:3371(A)(14), specifically LAC 7:XXV 141(H)(2)(a-b).

Ms. LaGroue admitted LDAF's Exhibits 1 and 2 into the record.

Mr. Cohn was not present. Respondent admits to allegations and agrees to pay the penalty of \$1,500 within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

Motion: Dr. Ottea made a motion to accept the facts set forth in the stipulation and that the penalty be accepted. The motion was seconded by Mr. Rayburn and passed unanimously.

Jeremy Calais, Case No. 2270

The Department charged Mr. Calais with four (4) violations; LRS 3:3371(A)(14), specifically LAC 7:XXV 141(E)(1) and two (2) violations; LRS 3:3371(A)(14), specifically LAC 7:XXV 141(A)(2).

Ms. LaGroue admitted LDAF's Exhibits 1 and 2 into the record.

Mr. Calais was not present. Respondent admits to allegations and agrees to pay the penalty of \$3,000 within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

Motion: Mr. Rayburn made a motion to accept the facts set forth in the stipulation and that the penalty be accepted. The motion was seconded by Dr. Ottea and passed unanimously.

Robert Achary, Case No. 2218

The Department charged Mr. Achary with one (1) violation; LRS 3:3371(A)(14), specifically LAC 7XXV.117(B).

Mr. Achary was present and sworn in by the Hearing Officer. He gave an opening statement to the Commission and admitted to the violation.

Ms. LaGroue admitted LDAF's Exhibits 1 and 2 into the record.

Ms. LaGroue called Ms. DeShea Bethel, LDAF AES Inspector 3, in Baton Rouge, Louisiana, as a witness. Ms. Bethel was sworn in by the Hearing Officer. Ms. LaGroue questioned Ms. Bethel regarding her investigation involving Mr. Achary.

Mr. Rayburn questioned the witness.

Mr. Achary did not have any questions for the witness.

Ms. LaGroue asked that the Commission find Mr. Achary in violation of LRS 3:3371(A)(14), specifically LAC 7XXV.117(B) and recommended a penalty of \$500.

The Commission questioned Mr. Achary and the Department.

Motion: Mr. Rayburn made a motion to find Mr. Achary in violation of the charges as presented. The motion was seconded by Dr. Ottea and passed unanimously.

Motion: Mr. Rayburn made a motion to assess a penalty of \$750 for one (1) violation. The motion was seconded by Dr. Ottea and passed unanimously.

Five minute recess. Everyone was present after the break.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

LPMA Report – Jeff Porter

Mr. Porter reported that the first LSU LPMA Winter Institute was a tremendous success. The 3.5 day program concentrated completely on pests and their biology and habits. There were 19 participants who completed the program in January 2020.

Mr. Porter also stated that the annual legislative session will be April 22, 2020 at the Pentagon Barracks. He invited the Commission members to attend that session.

LDAF Report – Harry Schexnayder

Mr. Schexnayder discussed the recent Public Hearing for Rules Changes that was held on February 27, 2020. The Department received several comments via email and from one pest control licensee who was in attendance at the hearing, Mr. Jacob Cohn with Arrow Pest Control. The comments pertained to readily accessible areas, contracts for termite control work, changes on WDIRs, and minimum specifications. The Department is currently going through the process to integrate those comments into the proposed rules changes.

Mr. Schexnayder requested that the Commission discuss current rules for licensed applicants being too restrictive, and come up with some less restrictive solutions for the licensees. He will gather more information for the next Commission meeting when all members will be in attendance.

Contracts for Approval – Harry Schexnayder

Mr. Schexnayder presented contracts submitted by Orkin.

Motion: Dr. Ottea made a motion for approval of the first 6 contracts submitted by Orkin. The motion was seconded by Mr. Rayburn and passed unanimously.

Mr. Schexnayder presented contracts submitted by Terminix.

Motion: Dr. Ottea made a motion for approval of the contracts submitted by Terminix, contingent on the changes suggested by the Department. The motion was seconded by Mr. Rayburn and passed unanimously.

CONSIDERATION OF LICENSEE APPLICATIONS

NAME OF APPLICANT	PHASES	STAFF RECOMMENDATION	COMMISSION DECISION
Jonathan M. Amico	TC	Approve (pending CACTP)	Approve (pending CACTP)
Houston Bates	GC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Carter Boswell	GPC CVC	Approve Approve	Approve Approve
Christopher Ross Deloach	GPC CVC TC	Approve Disapprove Approve (pending CACTP)	Approve Disapprove Approve (pending CACTP)
Gregory Todd Dulaney	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Craig Hodge	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Christopher D Hoppock	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Joseph Johnson	GPC CVC	Approve Approve	Approve Approve
John P Lewis II	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Jeff Pepper	GPC	Approve	Approve
Michael Phelps	GPC CVC TC	Approve Approve Disapprove	Approve Approve Disapprove
Sherrie Shocken	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Dustin Wall	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)

Motion: Mr. Rayburn made a motion to disapprove Mr. Christopher Ross Deloach in Commercial Vertebrate Control and Mr. Michael Phelps in Termite Control due to lack of required experience. The motion was seconded by Dr. Ottea and passed unanimously.

Motion: Mr. Rayburn made a motion to approve all remaining applicants, including Mr. Christopher Ross Deloach in General Pest Control and Termite Control and Mr. Michael Phelps in General Pest Control and Commercial Vertebrate Control. The motion was seconded by Dr. Ottea and passed unanimously.

STATUS REPORTS

Mr. Schexnayder presented the status report for the 4th Quarter of 2019.

OTHER BUSINESS

There was no other business presented for discussion.

PUBLIC COMMENT

There were no public comments.

FUTURE MEETINGS

The next Structural Pest Control Commission meeting will be held on June 24, 2020, at 9:30 a.m., at the Department of Agriculture and Forestry, Veterans' Memorial Auditorium.

ADJOURN

Motion: Mr. Rayburn made a motion to adjourn the meeting. The motion was seconded by Dr. Ottea and passed unanimously. The meeting adjourned at 11:15 a.m.