

LOUISIANA BOLL WEEVIL ERADICATION COMMISSION

March 15, 2016

10:00 a.m.

Scott Research and Extension Center

212 Macon Ridge Road

Winnsboro, LA 71295

Minutes

CALL TO ORDER

The meeting was called to order by Mr. Jack Dailey at 10:05 a.m.

ROLL CALL

The roll was called by Tonya Peairs.

Members present: Jack Dailey, Todd Parker (Representing Commissioner Strain), Tim White, Dr. Rogers Leonard (Representing Chancellor Richardson), Ben Guthrie, Luke Sayes and George Lacour

Members absent: None

Others present: Marc Bordelon, Ansel Rankins, Nolan Adcock, Becky Wilkerson, John Dumas, Kurt Moreau, Ronald Williams, Lindsey Hunter (Attorney), Madeline Carbonette (Hearing Officer), Thomas Ater, Dan Fromme, Mike Turner, Bobby Skeen, Brian Breaux, Ronnie Kelley, Chad Spillers, Wesley Ford, and Blaine Lee.

PUBLIC COMMENT

There were no public comments.

APPROVAL OF MINUTES

Motion to approve minutes from the March 31, 2015 meeting was made by Mr. Sayes. Mr. Parker seconded the motion. Motion passed.

APPOINTMENT OF DIRECTOR

Mr. Parker made a motion to reappoint Marc Bordelon as Director of the Boll Weevil Eradication Program. The motion was seconded by Mr. Sayes. Motion passed.

ADJUDICATORY HEARING

Case #16BW01 – Kelley Ag Services Inc., is charged with 31 violations of LAC 7:XV.323 (B), which requires the destruction of cotton stalks on or before December 31 of the crop year. Mr. Ronnie Kelley was present and agreed to the allegations after being sworn in by the hearing officer. He stipulated to the facts and pleaded his case, citing poor weather conditions.

Motion: A motion to accept the stipulation was made by Mr. Lacour. Mr. Guthrie seconded the motion. Motion passed.

Mr. Bordelon gave a recommended penalty based on the percentage of acres that were not destroyed. There was a discussion on the recommended penalty and payable portions of said penalty. The commission agreed to hear cases #16BW02 and #16BW03, then make a decision on all three cases at one time due to the relation of the cases.

Case #16BW02 – Spillers Ag Inc., is charged with 31 violations of LAC 7:XV.323 (B), which requires the destruction of cotton stalks on or before December 31 of the crop year. Mr. Chad Spillers was present, was sworn in by the hearing officer, and agreed to the allegations against him. Mr. Spillers stipulated to the facts and pleaded his case, citing poor weather conditions.

Motion: A motion to accept the stipulation was made by Mr. Guthrie. Mr. Parker seconded the motion. Motion passed.

Case #16BW03 – Wesley Ford, is charged with 31 violations of LAC 7:XV.323 (B), which requires the destruction of cotton stalks on or before December 31 of the crop year. Mr. Wesley Ford was present, was sworn in by the hearing officer, and agreed to the allegations against him. Mr. Ford stipulated to the facts and pleaded his case, citing poor weather conditions.

Motion: A motion to accept the stipulation was made by Mr. Guthrie. Mr. Sayes seconded the motion. Motion passed.

Motion: Regarding cases #16BW01 and #16BW02, Mr. Dailey made a motion to charge a flat fine of \$750.00 with the understanding that no further violations of the Boll Weevil Eradication Laws or Regulations be made for a period of 3 years. If there are any violations before December 31, 2018, Mr. Kelley and Mr. Spillers would again be brought before the commission and further penalized. Mr. Sayes seconded the motion. Motion passed.

Motion: Regarding case #16BW03, Mr. Dailey made a motion to charge a flat fine of \$75.00 with the understanding that no other violations of the Boll Weevil Eradication Laws or Regulations be made for a period of 3 years. If there are any violations before December 31, 2018, Mr. Ford would again be brought before the commission and further penalized. Mr. Sayes seconded the motion. Motion passed.

Case #16BW04 – Blaine Lee, is charged with 31 violations of LAC 7:XV.323 (B), which requires the destruction of cotton stalks on or before December 31 of the crop year. Mr. Blaine Lee was present, was sworn in by the hearing officer, and agreed to the allegations against him. Mr. Lee stipulated to the facts and pleaded his case, citing poor weather conditions.

Motion: A motion to accept the stipulation was made by Mr. Lacour. Mr. Parker seconded the motion. Motion passed.

Mr. Bordelon recommended that a civil penalty of \$23,250.00 be imposed, with \$22,905.00 of the fine be suspended on the condition that no further violations of the Boll Weevil Eradication Law or Regulations be committed through December 31, 2018. The remaining \$345.00 of the fine will be payable within 30 days after the mailing of the Commissioner's final decision in the matter.

Motion: A motion to accept Mr. Bordelon's recommendation was made by Mr. Lacour. Mr. Sayes seconded the motion. Motion passed.

Case #16BW05 – Jamie K. Dickerson, is charged with 31 violations of LAC 7:XV.323 (B), which requires the destruction of cotton stalks on or before December 31 of the crop year. Mrs. Dickerson was not present. A signed and notarized stipulation from Mrs. Dickerson was entered into evidence by the hearing officer.

Motion: A motion to approve the stipulation was made by Mr. Parker. Mr. Lacour seconded the motion. Motion passed.

Mr. Bordelon recommended that a civil penalty of \$23,250.00 be imposed, with \$22,633.00 of the fine be suspended on the condition that no further violations of the Boll Weevil Eradication Law or Regulations be committed through December 31, 2018. The remaining \$617.00 of the fine will be payable within 30 days after the mailing of the Commissioner's final decision in the matter.

Motion: A motion to accept Mr. Bordelon's recommendation was made by Mr. Guthrie. Mr. Sayes seconded the motion. Motion passed.

REQUEST FOR WAIVERS OF MAINTENANCE FEES

- a. Kyh Allen Farms Inc.
- b. Ed Lester Farms
- c. Volentine Farms Partnership

Each requestor was negatively affected by flooding of the Red River in the spring of 2015, resulting in the failure and loss of all or part of their cotton crop. Each requestor paid the full amount of the maintenance fees required by law, and made a request in writing for a full refund of the fees paid on failed acres.

Motion: A motion to refund 100% of maintenance fees paid on failed acres due to the flooding of the Red River was made by Mr. Lacour. Mr. Parker seconded the motion. Motion passed.

OLD BUSINESS

None

NEW BUSINESS

Report from the Commissioner

Mr. Parker informed the Commission that new appointments will be made within the next week. He also stated that Commissioner Strain would like to recommend that the maintenance fees be reduced by \$1/acre.

Update from the Director

A resolution was introduced and read verbatim by Mr. Bordelon to the Commission for their approval to reduce the maintenance fees.

Motion: A motion to accept the resolution reducing the maintenance fees from \$6 to \$5/acres was made by Mr. Lacour. Mr. Parker seconded the motion. Motion passed.

Mr. Bordelon gave an update on money collected and what has been turned over to the Attorney General's office for collection.

An update on trap density was also given. One trap per 300 acres will remain in place for the 2016 crop year.

Technical Advisory Committee

Dan Fromme gave a report on the February 2016 Technical Advisory Committee meeting. The Committee reviewed and approved of the trapping protocol to be used by the Boll Weevil Eradication program for the 2016 crop year.

USDA Report

There was no report from USDA.

Farm Bureau Oversight Committee Report

Brian Breaux gave an update on the National Boll Weevil Protection Fund.

PUBLIC COMMENT

There was no public comment.

ADJOURN

Motion: A motion to adjourn the meeting was made by Mr. Lacour. Mr. Parker seconded the motion. Motion passed. Meeting was adjourned at 11:38 a.m.