

LOUISIANA BOLL WEEVIL ERADICATION COMMISSION

March 21, 2017

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 10:08 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, Heath Herring, Travis Vallee.

Members absent: None

Others present: Marc Bordelon, Ansel Rankins, Nolan Adcock, John Dumas, Kurt Moreau, Ronald Williams, Lindsey Hunter (Attorney), Michael Heier (Hearing Officer), Thomas Ater, Dan Fromme, Mike Turner, Brian Breaux, Sebe Brown, Martin Close, Stephen Logan, Brandon Parker and Blaine Lee.

PUBLIC COMMENT

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Sayes made a motion to approve the minutes from the March 15, 2016 meeting. Mr. White seconded the motion. Motion passed.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Motion: Mr. Parker made a motion to elect Mr. Jack Dailey as Chairman and Mr. Tim White as Vice Chairman. Mr. Sayes seconded the motion. Motion passed.

ADJUDICATORY HEARING

Case #17BW01 – Brandon Parker, is being charged with 19 violations of LAC 7:XV.323 (B), which requires the destruction of cotton stalks on or before December 31 of the crop year. Mr. Parker was present and agreed to the allegations after being sworn in by Mr. Heier, 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. Todd Parker. Mr. White seconded the motion. Motion passed.

Mr. Bordelon recommended that a civil penalty of \$16,500.00 be imposed, based on the percentage of acres that were not destroyed. \$16,250.00 of the fine would be suspended on the condition that no further violations of the Boll Weevil Eradication Law or Regulations are committed through December 31, 2019. The remaining \$250.00 of the fine would be payable within 30 days after the mailing of the Commissioner's final decision in the matter.

Motion: Mr. White made a motion to accept Mr. Bordelon's recommended fine. Mr. Guthrie seconded the motion. Motion passed.

Case #17BW02 – David McGee, is charged with 30 violations of LAC 7:XV.323 (B), which requires the destruction of cotton stalks on or before December 31 of the crop year. Mr. McGee was not present.

Mrs. Hunter submitted the charge letter and signed green card into evidence marked LDAF1. Mr. Kurt Moreau was called as a witness in the case and was sworn in by Mr. Heier. Mr. Moreau gave testimony of routine checks of the fields and conversations with Mr. McGee regarding the stalks not being properly destroyed. Further evidence was submitted, inspector stalk destruction report (LDAF2), computerized map of the field(s) in question (LDAF3) and pictures of stalks left standing (LDAF4).

Motion: Mr. Parker made a motion to find Mr. McGee guilty of the 30 violations of LAC 7:XV.323 (B). Mr. Sayes seconded the motion. Motion passed.

Mr. Bordelon recommended a civil penalty of \$22,500.00 with \$22,305.00 suspended on the condition that no further violations of the Boll Weevil Eradication Law or Regulations are committed through December 31, 2019. The remaining \$195.00 of the fine would be made payable within 30 days after the mailing of the Commissioner's final decision in the matter.

Motion: Mr. Dailey made a motion to accept Mr. Bordelon's recommended fine. Mr. Parker seconded the motion. Motion passed.

REQUEST FOR WAIVERS OF MAINTENANCE FEES

Louis Grady – Mr. Louis Grady submitted a letter to the commission requesting a waiver on maintenance fees he paid on 523.29 acres of cotton that failed due to excessive rainfall. Mr. Grady also submitted Farm Service Agency (FSA) maps and FSA form 578 detailing the fields that were affected. Mr. John Dumas informed the commission that no work had been done on the fields in question before they were damaged.

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. Guthrie. Mr. White seconded the motion. Motion passed.

OLD BUSINESS

Blaine Lee-Case #16BW04 – On March 15, 2016 Mr. Lee was fined a total of \$23,250.00 for failing to destroy his cotton stalks. \$22,905.00 of the fine was suspended with the remaining \$345.00 to be paid within 30 days of receiving the Findings of Fact and Conclusions of Law from Commissioner Strain. Mr. Lee failed to pay his fine. A Call to Hearing letter was hand delivered to Mr. Lee by Louisiana Department of Agriculture and Forestry (LDAF) employee George Shepherd on March 14, 2017.

Mr. Lee was present at this meeting and explained to the commission why he failed to pay his fine in the allotted time citing financial difficulties. He brought with him a cashier's check in the amount of \$350.00. After a brief discussion an agreement was reached between both parties.

Motion: Mr. Dailey made a motion to raise the total payable fine to \$500.00. Taking Mr. Lee's \$350.00 payment into account, the remaining \$150.00 will be payable within 30 days of receiving an invoice from the LDAF. If payment is not made as agreed, the suspended portion of the original fine will immediately become due and payable. The motion was seconded by Mr. White. The motion passed.

NEW BUSINESS

Report from the Commissioner

Mr. Parker reminded the commission of the upcoming legislative session and possible budget cuts from statutory dedications to pay off bond debt.

Update from the Director

Mr. Bordelon reported to the commission that there is currently \$44,389.00 in maintenance fees from the 2015 crop year that was not paid and was turned over to the Attorney General's office for collections. For the 2016 crop year, \$698,738.00 in maintenance fees was collected. \$15,339.00 is outstanding and has been turned over to the Attorney General's office for collections.

The trapping protocol for the 2017 crop year will be one trap per 500 acres.

The Standard Operating Procedures (SOP) for the 2017 crop year were addressed.

Technical Advisory Committee

Mr. Fromme reported that the Technical Advisory Committee met in February and approved of the SOP.

USDA Report

There was no report from USDA.

Farm Bureau Oversight Committee Report

Brian Breaux gave an update from the Farm Bureau Oversight Committee. He stated that each producer that he polled continues to be pleased with the Boll Weevil Eradication program.

PUBLIC COMMENT

There was no public comment.

ADJOURN

Mr. Dailey adjourned the meeting at 11:24am.