



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY  
 MIKE STRAIN DVM  
 COMMISSIONER



LOUISIANA WEIGHTS AND MEASURES COMMISSION HEARING

**MINUTES**

**MAY 02, 2019**

9:30 a.m.

Louisiana Department of Agriculture & Forestry

Veterans' Memorial Auditorium

5825 Florida Blvd.

Baton Rouge, LA 70806

**Agricultural & Environmental Sciences**  
 Suite 3000  
 (225) 925-3770  
 Fax: 925-3760

**Agro-Consumer Services**  
 Suite 5000  
 (225) 922-1341  
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**Animal Health & Food Safety**  
 Suite 4000  
 (225) 925-3962  
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**Forestry**  
 Suite 6000  
 (225) 925-4500  
 Fax: 922-1356

**Management & Finance**  
 Suite 1000  
 (225) 922-1255  
 Fax: 925-6012

**Soil & Water Conservation**  
 Suite 7000  
 (225) 922-1269  
 Fax: 922-2577

**I. CALL TO ORDER**

Chairman Larry Terrell called the hearing to order at 9:30 a.m.

**II. ROLL CALL AND DECLARATION OF QUORUM**

**Commission Members present**

Mr. Larry Terrell, Chairman  
 Mr. Dave George, Vice Chairman  
 Mr. Paul Coreil  
 Mr. Nolan Percy  
 Mr. Justin Alford  
 Ms. Christy Ingram  
 Mr. Brian Girardot  
 Mr. Mark Westmoland

**Members absent**

Mr. Dane Hebert  
 Mr. Frank LoPinto  
 Mr. Brad Terral

**LDAF staff present**

Amy McInnis - LDAF Attorney-General Counsel, Baleigh Olah - Assistant to LDAF Attorney, Steven Sessums, Paul Floyd, Milton Hunter, Mark Lovisa, Jarrad Poirrier, Dedra Moore, Laura Oliver, Joshua Moody, Joshua Salley, Brannon Andrus, and Rachel Baham.

**Also in attendance**

Alicia Wheeler, Hearing Officer for Attorney General Office  
 Commission Alternate – Andre' Ledoux  
 Farhan Quadri, Checkout (Shell) #40, Case #19-05-02  
 Vijay Khurana, VJ Spells Grocery - Covington, Case #19-05-15  
 Azam Aziz Popatiya, Texaco Jackson, Case #19-05-16

### **DECLARATION OF QUORUM**

Eight (8) members being present, Chairman Larry Terrell declared a quorum.

### **III. APPROVAL OF JANUARY 24, 2019 MINUTES**

**Motion** was made by Mr. Justin Alford and **seconded** by Mr. Paul Coreil to approve the minutes for the January 24, 2019 meeting. All members were in favor. **Motion carried.**

### **IV. PUBLIC COMMENTS**

Dr. Steven Sessums, Assistant Commissioner of Agro Consumer Services, requested members of the commission to announce their names when passing a motion for the purposes of identifying members on the hearings audio recordings.

### **V. ADJUDICATORY HEARING**

#### **CONTINUED**

- (1) Case No. 19-05-28**  
**Brother's St. Claude**  
**5104 St. Claude Avenue**  
**New Orleans, LA 70117**  
**23 violations**

1 - Overcharge- LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

22 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

**Continuance granted** by Hearing Officer Alicia Wheeler in light of new evidence received the morning of the hearing.

**(2) Case No. 19-05-14**  
**Transcontinental Shell**  
**4941 Veterans Memorial Blvd**  
**Metairie, LA 70006**

**12 - violations**

3 – Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

9 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

**Continuance granted** by Hearing Officer Alicia Wheeler at the request of the respondents counsel.

**STIPULATIONS**

**(3) Case No. 18-03-03**  
**Downman Road Shell**  
**3901 Downman Road**  
**New Orleans, LA 70126**

**19 violations**

1 - Overcharge- LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

18 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.



**Stipulation Received:** The department recommended a penalty of \$4,750.00. **Motion** to accept the stipulation and recommended penalty was made by Paul Coreil and **seconded** by Justin Alford. All members were in favor. **Motion carried.**

(4) **Case No. 18-03-14**  
**Tiger Touchdown #6**  
**398 Main Street**  
**Arnaudville LA 70512**

**5 violations**

5 - Prices not displayed - LAC 7:XXXV.117

- A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item, which is clearly visible and legible.
- B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$1,250.00. **Motion** to accept the stipulation and recommended penalty was made by Dave George and **seconded** by Justin Alford. All members were in favor. **Motion carried.**

(5) **Case No. 18-05-10**  
**Chef Menteur Shell**  
**9232 Chef Menteur Highway**  
**New Orleans LA 70127**

**12 violations**

12 - Prices not displayed - LAC 7:XXXV.117

- A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.
- B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$3,000.00. **Motion** to accept the stipulation and recommended penalty was made by Paul Coreil and **seconded** by Brian Girardot. All members were in favor. **Motion carried.**

(6) **Case No. 19-05-01**  
**Books-A-Million #577**  
**2934 Ryan Street**  
**Lake Charles LA 70601**

**8 violations**

3 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

5 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item, which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$2,000.00. **Motion** to accept the stipulation and recommended penalty was made by Brian Girardot and **seconded** by Christy Ingram. All members were in favor. **Motion carried.**

(7) **Case No. 19-05-03**  
**Circle K Store #8337**  
**444 West Burton Street**  
**Sulphur LA 70663**

**5 violations**

5 - Price not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$1,250.00. **Motion** to accept the stipulation and recommended penalty was made by Dave George and **seconded** by Nolan Percy. All members were in favor. **Motion carried.**

(8) **Case No. 19-05-05**  
**Dollar General #8438**  
**132 Suave Road**  
**River Ridge LA 70123**

**10 violations**

10 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

**Stipulation Received:** The department recommended a penalty of 2,500.00. **Motion** to accept the stipulation and recommended penalty was made by Christy Ingram and **seconded** by Brian Girardot. All members were in favor. **Motion carried.**

(9) **Case No. 19-05-06**  
**Dollar General #10500**  
**400 Gause Blvd.**  
**Slidell LA 70460**

**8 violations**

8 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

**Stipulation Received:** The department recommended a penalty of \$2,000.00. **Motion** to accept the stipulation and recommended penalty was made by Justin Alford and **seconded** by Paul Coreil. All members were in favor. **Motion carried.**

(10) **Case No. 19-05-07**  
**Dollar General #12469**  
**2615 Broad Street**  
**Lake Charles LA 70601**

**14 violations**

4 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

10 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.



**Stipulation Received:** The department recommended a penalty of \$3,500.00. **Motion** to accept the stipulation and recommended penalty was made by Dave George and **seconded** by Justin Alford. All members were in favor. **Motion carried.**

**(11) Case No. 19-05-08**  
**Dollar General #17232**  
**6683 Highway 10**  
**Lebeau LA 71345**  
**6 violations**

5 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

1 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$1,500.00. **Motion** to accept the stipulation and recommended penalty was made by Paul Coreil and **seconded** by Christy Ingram. All members were in favor. **Motion carried.**

**(12) Case No. 19-05-09**  
**Fred's Store #2450**  
**400 Dixie Plaza**  
**Natchitoches LA 71457**  
**8 violations**

3 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

5 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$2,000.00. **Motion** to accept the stipulation and recommended penalty was made by Dave George and **seconded** by Justin Alford. All members were in favor. **Motion carried.**

**(13) Case No. 19-05-10**  
**Gaspard's Fast Stop**  
**9346 Gulf Highway**  
**Lake Charles LA 70607**  
**15 violations**

6 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

9 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$3,750.00. **Motion** to accept the stipulation and recommended penalty was made by Christy Ingram and **seconded** by Nolan Percy. All members were in favor. **Motion carried.**

**(14) Case No. 19-05-11**  
**Gillis Food Mart**  
**6191 Highway 171 North**  
**Lake Charles LA 70611**  
**4 violations**

4 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.



**Stipulation Received:** The department recommended a penalty of \$1,000.00. **Motion** to accept the stipulation and recommended penalty was made by Brian Girardot and **seconded** by Nolan Percy. All members were in favor. **Motion carried.**

(15) **Case No. 19-05-12**  
**Munros Safety Apparel**  
**300 North Cities Service Highway, Suite 5**  
**Sulphur LA 70663**

**6 violations**

2 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

4 - Price not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$1,500.00. **Motion** to accept the stipulation and recommended penalty was made by Paul Coreil and **seconded** by Christy Ingram. All members were in favor. **Motion carried.**

(16) **Case No. 19-05-13**  
**Q's of Sulphur**  
**2484 South Cities Service Highway**  
**Sulphur LA 70665**

**6 violations**

1 - Overcharge - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

5 - Price not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$1,500.00. **Motion** to accept the stipulation and recommended penalty was made by Dave George and **seconded** by Justin Alford. All members were in favor. **Motion carried.**

(17) **Case No. 19-05-17**  
**Dollar General #16013**  
**307 Highway 5**  
**Logansport LA 71049**  
**6 violations**

3 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

3 - Price not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$1,500.00. **Motion** to accept the stipulation and recommended penalty was made by Justin Alford and **seconded** by Christy Ingram. All members were in favor. **Motion carried.**

(18) **Case No. 19-05-18**  
**Countryside Exxon**  
**7980 Barksdale Blvd.**  
**Bossier City LA 71112**  
**15 violations**

1 - Overcharge - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

14 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item, which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$3,750.00. **Motion** to accept the stipulation and recommended penalty was made by Paul Coreil and **seconded** by Nolan Percy. All members were in favor. **Motion carried.**

**(19) Case No. 19-05-19**  
**Victor's Fuel Stop**  
**2200 Main Street**  
**Logansport LA 71049**  
**4 violations**

1 - Overcharge - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

3 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$1,000.00. **Motion** to accept the stipulation and recommended penalty was made by Justin Alford and **seconded** by Christy Ingram. All members were in favor. **Motion carried.**

**(20) Case No. 19-05-20**  
**Bumper to Bumper #152**  
**2400 Newcombe Street**  
**Monroe LA 71201**  
**6 violations**

3 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

3 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.



B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$1,500.00. **Motion** to accept the stipulation and recommended penalty was made by Paul Coreil and **seconded** by Brian Girardot. All members were in favor. **Motion carried.**

**(21) Case No. 19-05-21**  
**Brown Derby Superstore**  
**3402 Tulane Avenue**  
**New Orleans LA 70119**  
**11 violations**

1 - Overcharge - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

10 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$2,750.00. On the date of the hearing, the original stipulation documents had not yet been received in office. However, an emailed copy had been accepted and tracking information had been provided for the original documents en route. A **Conditional Motion** was made to accept the stipulation and recommended penalty upon receipt of the original stipulations by Dave George and **seconded** by Christy Ingram. All members were in favor. **Motion carried.**

**(22) Case No. 19-05-22**  
**Bumper to Bumper #150**  
**2200 Booth Street**  
**Monroe, LA 71201**  
**3 violations**

1 - Overcharge - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

2 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a

computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$750.00. **Motion** to accept the stipulation and recommended penalty was made by Paul Coreil and **seconded** by Nolan Percy. All members were in favor. **Motion carried.**

(23) **Case No. 19-05-23**  
**Dollar General #10603**  
**7123 Veterans Memorial Blvd.**  
**Metairie LA 70003**

**11 violations**

11 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

**Stipulation Received:** The department recommended a penalty of \$2,750.00. **Motion** to accept the stipulation and recommended penalty was made by Dave George and **seconded** by Justin Alford. All members were in favor. **Motion carried.**

(24) **Case No. 19-05-24**  
**Dollar General #2708**  
**4659 Quitman Highway**  
**Hodge LA 71247**

**6 violations**

4 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

2 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$1,500.00. **Motion** to accept the stipulation and recommended penalty was made by Dave George and **seconded** by Justin Alford. All members were in favor. **Motion carried.**

(25) **Case No. 19-05-25**  
**Circle K Store #8158**  
**1000 Shreveport Barksdale Highway**  
**Shreveport LA 71105**  
**12 violations**

6 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

6 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

**Stipulation Received:** The department recommended a penalty of \$3,000.00. **Motion** to accept the stipulation and recommended penalty was made by Christy Ingram and **seconded** by Brian Girardot. All members were in favor. **Motion carried.**

(26) **Case No. 19-05-26**  
**Murphy Oil USA**  
**Murphy USA Store #6626**  
**9570 Mansfield Road**  
**Shreveport LA 71118**  
**Murphy USA Store #7648**  
**6241 Westport Avenue**  
**Shreveport LA 71129**  
**73 violations**

1 – Store No. 6626 - Offering for sale of a Nonconforming Product – LAC 7:XXXV.§347

E. The following methods are approved for non-conforming products:

3. The nonconforming product may be blended out to remove the contaminating substances in an effort to make the product conform to specification. The blended product shall not be offered for sale again until tested and approved by the department.

72 – Store No. 7648 - Offering for sale of a Nonconforming Product – LAC 7:XXXV.§347



- E. The following methods are approved for non-conforming products:
3. The nonconforming product may be blended out to remove the contaminating substances in an effort to make the product conform to specification. The blended product shall not be offered for sale again until tested and approved by the department.

**Stipulation Received:** The department recommended a penalty of \$18,250.00. **Motion** to accept the stipulation and recommended penalty was made by Nolan Percy and **seconded** by Brian Girardot. All members were in favor. **Motion carried.**

**(27) Case No. 19-05-27**  
**Country Convenience**  
**319 North Front Street**  
**Converse LA 71419**  
**6 violations**

5 – Nonconforming Products - LAC 7:XXXV.347

3. The nonconforming product may be blended out to remove the contaminating substances in an effort to make the product conform to specification. The blended product shall not be offered for sale again until tested and approved by the department, for offering diesel that was found to be nonconforming to ASTM standards at Country Convenience at 319 North Front Street in Converse without testing or approval by the department.

1 – Removal of LDAF Tag - La. R.S. 3:4610

- No one shall remove from any weight, measure, or weighing or measuring device, contrary to law or regulation, any tag placed thereon by the department.

**Stipulation Received:** The department recommended a penalty of \$1,500.00. **Motion** to accept the stipulation and recommended penalty was made by Dave George and **seconded** by Paul Coreil. All members were in favor. **Motion carried.**

**(28) Case No. 19-05-29**  
**Circle K Store #7661**  
**480 North Highway 190**  
**Covington LA 70433**  
**9 violations**

9 – Removals of Notice or Tag - LAC 7:XXXV.105.B.3

- All commodities in package form shall be in full compliance with the law; otherwise, there shall be applied thereto an appropriate violation notice or tag. Such notice or tag shall not be obliterated or removed from the package until the commodity in question shall be in compliance with the law, and approved by the commission.

**Stipulation Received:** The department recommended a penalty of \$2,250.00. **Motion** to accept the stipulation and recommended penalty was made by Paul Coreil and **seconded** by Nolan Percy. All members were in favor. **Motion carried.**

**ADJUDICATORY**

(29) **Case No. 19-05-02**  
**Checkout (Shell) #40**  
**412 Main Street**  
**Logansport LA 71049**  
**4 violations**

4 - Prices not displayed - LAC 7:XXXV.117

- A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.
- B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

Mr. Farhan Quadri, the owner of Checkout (Shell) #40, was in attendance. No legal representation for the respondent was in attendance for the hearing.

Inspector Joshua Salley was called as a witness and the previously conducted Price Verification inspections were entered in as evidence, along with the charge letter, the stipulation agreement and proof of service for both.

Mr. Farhan Quadri offered for exhibit a letter dated April 30, 2019 from C Store Pro Technologies Inc. The letter was introduced into evidence. Alicia Wheeler, the hearing officer, read the letter allowed. The representative addressed Mr. Quadri's concerns of price changes in relation to the point of sale system in the letter.

Chairman, Larry Terrell, addressed the letter in regards to the actual violation charges of prices not displayed— noting that the issue addressed in the letter was for price changes regarding the software and that the two issues were not the same. Mr. Quadri agreed.

Program Manager, Milton Hunter, was called as a witness to speak on behalf of the departments attempts to follow up with the respondent in regards to the charge letter and provided stipulations.

**Motion** made by Paul Coreil and **seconded** by Dave George to find Checkout (Shell) #40 guilty as charged. All members were in favor. **Motion carried.**

The motion was set before the commission to assess a penalty of a maximum \$500.00 for each violation, for a total of up to \$2,000.00 in penalties to be paid. The **motion** was made by Paul Coreil and **seconded** by Dave George to set the penalty rate at the full rate of \$500.00 per violation, for a total of \$2,000.00 to be paid in penalties – with 50% of the overall fee to be suspended if the penalty is paid in full within the first 60 days of receipt of the demand letter and invoice – for a total of \$1000.00 to be paid. All members were in favor. **Motion carried.**

**(30) Case No. 19-05-15**  
**VJ Spells Grocery - Covington**  
**75209 Highway 437**  
**Covington LA 70435**  
**5 violations**

4 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

1 - Price not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

Mr. Vijay Khurana, the owner of VJ Spells Grocery - Covington, was in attendance. No legal representation for the respondent was in attendance for the hearing. Mr. Khurana was presented with the violation charges and admitted full acceptance to all violations.

The previously conducted Price Verification inspections were entered in as evidence, along with the charge letter, the stipulation agreement and proof of service for both.

**Motion** made by Dave George and **seconded** by Justin Alford to find VJ Spells Grocery - Covington guilty as charged. All members were in favor. **Motion carried.**

The motion was set before the commission to assess a penalty of a maximum \$500.00 for each violation, for a total of up to \$2,500.00 in penalties to be paid. The **motion** was made by Dave George and **seconded** by Christy Ingram to set the rate at \$1,875.00 to be paid in penalties. All members were in favor. **Motion carried.**



**(31) Case No. 19-05-16**  
**Texaco Jackson**  
**5203 Jackson Street**  
**Alexandria LA 71301**  
**11 violations**

6 - Overcharges - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

5 - Prices not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

Mr. Azam Aziz Popatiya, the manager of Texaco Jackson and son of the owner Aziz Popatiya, was in attendance. No legal representation for the respondent was in attendance for the hearing.

Inspectors Dedra Moore and Brannon Andrus were called as witnesses and the previously conducted Price Verification inspections were entered in as evidence, along with the charge letter, the stipulation agreement and proof of service for both.

**Motion** made by Dave George and **seconded** by Mark Westmoland to find Texaco Jackson guilty as charged. All members were in favor. **Motion carried.**

The motion was set before the commission to assess a penalty of a maximum \$500.00 for each violation, for a total of up to \$5,500.00 in penalties to be paid. The **motion** was made by Dave George and **seconded** by Larry Terrell to set the penalty rate at the full rate of \$500.00 per violation, for a total of \$5,500.00 to be paid in penalties. All members were in favor. **Motion carried.**

**VI. NEW BUSINESS**

Appreciation and thanks were given to the board members by Assistant Director Paul Floyd on behalf of Director Bobby Fletcher and the department.

**VII. OLD BUSINESS**

None

**VIII. PUBLIC COMMENT**

None

**IX. NEXT MEETING DATE**

Available dates for the next Commission Hearing were announced to be August 15, 2019 or August 22, 2019. At the request of Chairman Larry Terrell, the department agreed to send out an email with this information for further discussion and decision.

**X. ADJOURNMENT**

Motion made by Mr. Justin Alford and seconded by Ms. Christy Ingram  
All members were in favor. Motion carried.

  
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Mr. Larry Terrell, Chairman