



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY

MIKE STRAIN DVM

COMMISSIONER



LOUISIANA WEIGHTS AND MEASURES COMMISSION HEARING MINUTES

NOVEMBER 18, 2021, 9:30 A.M.

Louisiana Department of Agriculture & Forestry

Veterans' Memorial Auditorium

5825 Florida Blvd.

Baton Rouge, LA 70806

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Management & Finance
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Marketing
Suite 2001
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Fax: 922-1289

Soil & Water Conservation
Suite 7000
(225) 922-1269
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I. CALL TO ORDER

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

II. ROLL CALL AND DECLARATION OF QUOROM

Commission Members Present

Members Absent

Mr. Larry Terrell, Chairman

Mr. Dane Hebert

Mr. Dave George, Vice Chairman

Mr. Scott Simonson, Alternate

Mr. Mark Westmoland

Mr. Tommy "Bo" Haring

Mr. Justin Alford

Mr. Frank Lopinto

Mr. Felton Jones, Jr., Alternate

LDAF Staff Present

Ms. Baleigh Olah & Amy McInnis – LDAF Attorney-General Counsel; Assistant Commissioner: Dr. Bobby Fletcher; Director: Paul Floyd; Assistant Director: Gene Cavalier; Scales and Packages Program Manager: Mr. Mark Lovisa; Motor Fuels Program Manager: Mr. Lee Mabile; Scales, Packages and Labeling Program Manager: Mr. Steven Coco; District Enforcement Supervisor: Teri Berken; Inspector: Allicia Waller, Administrative Assistant: Laurie Walker.

III. DECLARATION OF QUOROM

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

IV. APPROVAL OF MAY 20, 2021, MINUTES

Motion was made by Justin Alford to approve the minutes for the **May 20, 2021**, meeting. Mr. Bo Haring **seconded** the motion. All members were in favor. **Motion carried.**

V. PUBLIC COMMENTS

Assistant Commissioner Dr. Bobby Fletcher introduced Weights & Measures staff promoted following the retirement of Dr. Steven Sessums in June 2021: Paul Floyd, Director of Agro-Consumer Services for Weights & Measures; Gene Cavalier, Assistant Director of Agro-Consumer Services for Weights & Measures. Dr. Fletcher also introduced inspectors Allicia Waller and Tricia Berry, Attorney General Legal Staff, Baleigh Olah and Amy McInnis, and Program Managers, Mark Lovisa, Steven Coco and Lee Mabile.

VI. ADJUDICATORY HEARING

CONTINUED CASES

CASE #21-10-01 / ARMSTRONG MCCALL #359

3351 YOUREE DRIVE

SHREVEPORT, LA 71105

19 VIOLATION(S)

1-Overcharge(s) – 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-Price(s) 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.

CASE #21-10-33 / THE CORNER STORE

315 NORTH CUTTING AVENUE

JENNINGS, LA 70546

2 VIOLATION(S)

2-Overcharge(s) – 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.

CASE #21-10-08 / CORNER MARKET #74

8800 JEWELLA AVENUE

SHREVEPORT, LA 71108

22 VIOLATION(S)

22-Price(s) 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.

STIPULATED CASES

CASE #21-10-02 / AUTOZONE #1331

1875 NORTH MARKET STREET

SHREVEPORT, LA 71107

8 VIOLATION(S)

7-Overcharge(s) – 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(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-10-03 / CIRCLE K STORE #1691

624 EAST KALISTE SALOOM ROAD

LAFAYETTE, LA 70508

7 VIOLATION(S)

7-Overcharge(s) – 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 \$3,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Mark Westmoland. All members were in favor. **Motion carried.**

CASE #21-10-04 / CIRCLE K STORE #1731

2602 KALISTE SALOOM ROAD

LAFAYETTE, LA 70508

6 VIOLATION(S)

3-Overcharge(s) – 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(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Hearing and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

CASE #21-10-05 / CIRCLE K STORE #6841

301 LOUISVILLE AVENUE

MONROE, LA 71201

12 VIOLATION(S)

12-Overcharge(s) – 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(s) 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 \$6,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-06 / CIRCLE K #2706833

3201 JOHNSTON STREET

LAFAYETTE, LA 70506

6 VIOLATION(S)

3-Overcharge(s) – 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(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-10-07 / CIRCLE K #2706835

105 WEST GLORIA SWITCH ROAD

LAFAYETTE, LA 70507

4 VIOLATION(S)

2-Overcharge(s) – 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-Price(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

CASE #21-10-09 / DOLLAR GENERAL #4589

1709 POINCIANA AVENUE

MAMOU, LA 70554

6 VIOLATION(S)

5-Overcharge(s) – 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(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-10-10 / DOLLAR GENERAL STORE #10500

400 GAUSE BOULEVARD WEST

SLIDELL, LA 70460

8 VIOLATION(S)

7-Overcharge(s) – 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(s) 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 \$4,000. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-11 / DOLLAR GENERAL STORE #12558

14652 HIGHWAY 1064

NATALBANY, LA 70451

7 VIOLATION(S)

7-Overcharge(s) – 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 \$3,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Frank Lopinto. All members were in favor. **Motion carried.**

CASE #21-10-12 / DOLLAR GENERAL #16604

1820 AMBASSADOR CAFFERY PARKWAY

LAFAYETTE, LA 70506

6 VIOLATION(S)

3-Overcharge(s) – 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(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-13 / DOLLAR GENERAL #18751

141 HIGHWAY 6

CLARENCE, LA 71414

11 VIOLATION(S)

11-Overcharge(s) – 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 \$5,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

CASE #21-10-14 / FAMILY DOLLAR STORE #20877

631 VETERANS DRIVE

CARENCRO, LA 70520

6 VIOLATION(S)

2-Overcharge(s) – 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(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Frank Lopinto. All members were in favor. **Motion carried.**

CASE #21-10-15 / FAMILY DOLLAR STORE #21262

3038 DESIARD STREET

MONROE, LA 71201

4 VIOLATION(S)

4-Overcharge(s) – 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-16 / I 49 CORNER EXPRESS

2798 NORTHEAST EVANGELINE THROUGHWAY

LAFAYETTE, LA 70507

4 VIOLATION(S)

3-Overcharge(s) – 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(s) 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 \$1000. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Frank Lopinto. All members were in favor. **Motion carried.**

CASE #21-10-17 / LAFAYETTE CORNER EXPRESS

1525 NORTH UNIVERSITY AVENUE

LAFAYETTE, LA 70506

9 VIOLATION(S)

3-Overcharge(s) – 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-Price(s) 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 \$2,250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-10-19 / LOVES TRAVEL STOP #523

126 LEXINGTON DRIVE

RAYNE, LA 70578

6 VIOLATION(S)

5-Overcharge(s) – 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(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Felton Jones, Jr., and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

CASE #21-10-21 / PARTY CITY #625

5700 JOHNSTON STREET, SUITE 1200

LAFAYETTE, LA 70503

14 VIOLATION(S)

12-Overcharge(s) – 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-Price(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and **seconded** by Mr. Dave George. All members were in favor. **Motion carried.**

CASE #21-10-22 / RACETRAC #487

1001 NORTHEAST EVANGELINE THROUGHWAY

LAFAYETTE, LA 70501

9 VIOLATION(S)

4-Overcharge(s) – 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(s) 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 \$2,250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-23 / ROSES #696

6363 HEARNE AVENUE

SHREVEPORT, LA 71108

8 VIOLATION(S)

1-Overcharge(s) – 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.

7-Price(s) 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 \$2000. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Felton, Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-24 / SALONCENTRIC #770

1899 WEST PINHOOK ROAD

LAFAYETTE, LA 70508

5 VIOLATION(S)

4-Overcharge(s) – 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(s) 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 \$1250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Frank Lopinto. All members were in favor. **Motion carried.**

CASE #21-10-26 / THE SHERWIN WILLIAMS COMPANY #7368

215 EAST KALISTE SALOOM ROAD

LAFAYETTE, LA 70508

6 VIOLATION(S)

2-Overcharge(s) – 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(s) 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 \$1500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-27 / TOBACCO PLUS #6

3044 WEST PINHOOK ROAD

LAFAYETTE, LA 70508

6 VIOLATION(S)

2-Overcharge(s) – 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(s) 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 \$1500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-10-28 / TOBACCO PLUS #8

1906 AMBASSADOR CAFFERY PARKWAY

LAFAYETTE, LA 70506

7 VIOLATION(S)

6-Overcharge(s) – 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(s) 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 \$1750. **Motion** to accept the stipulation and recommended penalty was made by Mr. Felton Jones, Jr., and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

CASE #21-10-30 / WALMART SUPERCENTER #0415

123 SAINT NAZAIRE ROAD

BROUSSARD, LA 70518

5 VIOLATION(S)

5-Overcharge(s) – 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 \$1250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and **seconded** by Mr. Scott Simonson. Member Mark Westmoland recused himself from the overall vote. All remaining members were in favor. **Motion carried.**

CASE #21-10-31 / USA FOOD EXPRESS

2133 KALISTE SALOOM ROAD

LAFAYETTE, LA 70508

12 VIOLATION(S)

10-Overcharge(s) – 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-Price(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-34 / HIT N RUN FOOD STORE #10

2999 GRAND POINT HIGHWAY

BREAUX BRIDGE, LA 70517

4 VIOLATION(S)

3-Overcharge(s) – 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(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Frank Lopinto. All members were in favor. **Motion carried.**

CASE #21-10-35 / FAMILY DOLLAR STORE #29033

8831 CAMERON STREET

DUSON, LA 70529

5 VIOLATION(S)

2-Overcharge(s) – 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(s) 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 \$1250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-36 / CIRCLE K STORE #9075

944 HIGHWAY 171 NORTH

LAKE CHARLES, LA 70611

4 VIOLATION(S)

1-Overcharge(s) – 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(s) 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-37 / RACETRAC #2393

3200 LOUISIANA AVENUE
LAFAYETTE, LA 70501

8 VIOLATION(S)

4-Overcharge(s) – 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(s) 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

Stipulation Received: The department recommended a penalty of \$750. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and **seconded** by Mr. Justin Alford. Member Mark Westmoland recused himself from the overall vote. All remaining members were in favor. **Motion carried.**

CASE #21-05-03 / CHADEAUX'S CAJUN KITCHEN

14440 HIGHWAY 165 SOUTH

KINDER, LA 70648

16 VIOLATION(S)

8-Overcharge(s) – 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.

8-Price(s) 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 \$4000. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

CASE #21-10-07 / JOEY'S STOP AND GO LLC

2400 OLD STERLINGTON ROAD

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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Felton Jones, Jr. All members were in favor. **Motion carried.**

CASE #21-10-39 / JOEY'S SPECIALTY FOODS & CATERING

503 BERTRAND DRIVE
LAFAYETTE, LA 70506

2 VIOLATION(S)

2-Short Weight(s) – 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 \$500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Felton Jones, Jr., and **seconded** by Mr. Frank Lopinto. All members were in favor. **Motion carried.**

CASE #21-10-41 / CHAMPAGNE'S

701 VETERANS DRIVE
CARENCRO, LA 70520

2 VIOLATION(S)

3-Short Weight(s) – 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.

MONROE, LA 71202

5 VIOLATION(S)

1-Overcharge(s) – 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(s) 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 \$1250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Dave George. All members were in favor. **Motion carried.**

CASE #21-10-01 / ONE STOP

3216 GERSTNER MEMORIAL DRIVE

LAKE CHARLES, LA 70601

9 VIOLATION(S)

1-Overcharge(s) – 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.

8-Price(s) 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 \$2,250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Felton Jones, Jr., and **seconded** by Mr. Frank Lopinto. All members were in favor. **Motion carried.**

CASE #21-05-21 / QUICK STOP

708 1ST AVENUE

KINDER, LA 70648

6 VIOLATION(S)

3-Overcharge(s) – 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(s) 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 \$1500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

ADJUDICATORY CASES

CASE #21-10-32 / DOLLAR GENERAL STORE #9536

4249 HIGHWAY 12

STARKS, LA 70661

4 VIOLATION(S)

1-Overcharge(s) – 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(s) 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.

There were no parties present on behalf of the Respondent.

Assistant Commissioner Dr. Bobby Fletcher, Director Paul Floyd and Regional Enforcement Supervisor/Inspector Tricia Berry were called as witnesses and the previously conducted price verification inspections were entered in as evidence, along with the warning letter, charge letter, and all associated proof of service notices showing

proper service to the Registered Agent on file with the Louisiana Secretary of State's office.

A **motion** was made by Mr. Frank Lopinto and seconded by Mr. Justin Alford to find the Respondent guilty as charged. All members were in favor. **Motion carried.**

A motion was made by Mr. Frank Lopinto and seconded by Mr. Justin Alford to set the penalty at the \$500 per violation, for a total of \$2000. All members were in favor. **Motion carried.**

CASE #21-10-38 / CORNER MARKET #33

5454 WEST 70TH STREET

SHREVEPORT, LA 71129

9 VIOLATION(S)

5-Overcharge(s) – 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(s) 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.

There were no parties present on behalf of the Respondent.

Director Paul Floyd, Program Manager Steven Coco and Inspector Allicia Waller were called as witnesses and the previously conducted price verification inspections were entered in as evidence, along with the warning letter, charge letter, and all associated proof of service notices showing proper service to the Registered Agent on file with the Louisiana Secretary of State's office.

A **motion** was made by Mr. Dave George and seconded by Mr. Scott Simonson to find the Respondent guilty as charged. All members were in favor. **Motion carried.**

A motion was made by Mr. Dave George and seconded by Mr. Scott Simonson to set the penalty at \$500 per violation, for a total of \$4500. All members were in favor. **Motion carried.**

VII. NEW BUSINESS

Director Paul Floyd reviewed and discussed with board members present the Notice of New Rules tentatively being published on December 20, 2021. He also reminded board members of the required annual Ethics and Sexual Harassment training completion deadline of December 31, 2021.

VIII. OLD BUSINESS

Director Paul Floyd gave an update on CASE NO. 21-05-01 / A & J's MART stating an inspection of this location made within 90 days after the May 20, 2021, hearing, for reinspection, showed this location received a passing score of 100% of the follow-up inspection in order to avoid paying a fine.

IX. PUBLIC COMMENTS

None

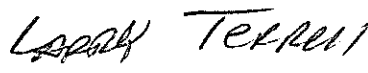
X. NEXT MEETING DATE

It was announced that an email would be sent to Commission Members and Alternates to determine the next hearing date between February 17, 2022, or March 17, 2022.

XI. ADJOURNMENT

A motion was made by Mr. Justin Alford and seconded by Mr. Larry Terrell. All members were in favor. Motion carried.

 _____ Chairman
Signature



Printed Name