

LOUISIANA WEIGHTS AND MEASURES COMMISSION
ADJUDICATORY HEARING MINUTES
May 25, 2023, 9:30 A.M.
Louisiana Department of Agriculture & Forestry
Veterans' Memorial Auditorium
5825 Florida Blvd.
Baton Rouge, LA 70806

I. CALL TO ORDER

Director, Paul Floyd, called the hearing to order at 9:29 a.m.

II. ROLL CALL AND DECLARATION OF QUORUM

Kasey LeRoux, LDAF Staff, called roll, and the following Commission Members were present:

Commission Members Present

Mr. Scott Simonson, Chairman

Mr. Justin Alford

Mr. Mickey Freiberg

Mr. Cal Simpson

Ms. Christy Ingram

Mr. Frank Lopinto

Mr. Michael Diresto

With Seven (7) members present, a quorum was declared.

III. PUBLIC COMMENTS

No public comments were given at this time.

IV. APPROVAL OF FEBRUARY 16, 2023, MINUTES

Motion made by Michael Diresto to approve the minutes from the February 16, 2023, meeting. Mr. Justin Alford seconded the motion. All members were in favor. Motion carried.

V. ADJUDICATORY HEARING

LDAF Staff Attorney Baleigh Olah represented the department and presented the following cases. Assistant Attorney General Alicia Wheeler presided as Hearing Officer.

ADJUDICATED CASES

CASE #23-WM-511 / SUPER FOOD MART (LAKE CHARLES)

6 VIOLATION(S)

6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

Director Paul Floyd, Program Manager Steven Coco, and LDAF inspector were called as witnesses by the Department. The previously conducted price verification inspection reports were introduced into evidence. Paul Floyd identified and authenticated the Charge Letter, which was introduced into evidence.

Steven Coco identified and authenticated the Warning Letter, which was introduced into evidence.

Respondent was not present.

The department recommended a penalty of Three Thousand Hundred Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Frank Lopinto. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-522 / SAVE AND GO 4 (LAKE CHARLES)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

Director Paul Floyd, Program Manager Steven Coco, and LDAF inspector were called as witnesses by the Department. The previously conducted price verification inspection reports were introduced into evidence. Paul Floyd identified and authenticated the Charge Letter, which was introduced into evidence.

Steven Coco identified and authenticated the Warning Letter, which was introduced into evidence.

Respondent was not present.

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Justin Alford. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-524 / ONE STOP (LAKE CHARLES)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

Director Paul Floyd, Program Manager Steven Coco, and LDAF inspector were called as witnesses by the Department. The previously conducted price verification inspection reports were introduced into evidence. Paul Floyd identified and authenticated the Charge Letter, which was introduced into evidence.

Steven Coco identified and authenticated the Warning Letter, which was introduced into evidence.

Respondent was not present.

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Ms. Christy Ingram. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

STIPULATED CASES

CASE #23-WM-002 / DOLLAR GENERAL STORE # 610 (CHURCH POINT)

8 VIOLATION(S)

8 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Four Thousand Dollars (\$4,000.00). Motion was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

A motion was made to amend the agenda by Mr. Justin Alford and seconded by Mr. Michael Diresto.

CASE #23-WM-501 / Smart Style # 11559 (LAKE CHARLES)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Two Hundred Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

CASE #23-WM-503 / DOLLAR GENERAL STORE # 10475 (ELIZABETH)

7 VIOLATION(S)

7 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

CASE #23-WM-504 / DOLLAR GENERAL STORE #9976 (LAFAYETTE)

8 VIOLATION(S)

8 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Four Thousand Dollars (\$4,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-505 / POP N GO (YOUNGSVILLE)

4 VIOLATION(S)

4 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Dollars (\$1,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-506 / DOLLAR GENERAL STORE # 14262 (DELCAMBRE)

11 VIOLATION(S)

11 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Five Thousand Five Hundred Dollars (\$5,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-507/ DOLLAR GENERAL STORE #12898 (OPELOUSAS)

21 VIOLATION(S)

21 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Ten Thousand Five Hundred Dollars (\$10,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-508 / DOLLAR GENERAL STORE # 7755 (IOTA)

9 VIOLATION(S)

9 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Four Thousand Five Hundred Dollars (\$4,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-509 / ORBIT 5(LAKE CHARLES)

4 VIOLATION(S)

4 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Dollars (\$1,000.00). 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 #23-WM-510 / CIRCLE K STORE # 7676 (SLIDELL)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-512 /AUTOZONE # 3047 (OAKDALE)

10 VIOLATION(S)

10 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

CASE #23-WM-513 / DOLLAR GENERAL STORE # 22442 (GONZALES)

20 VIOLATION(S)

20 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Ten Thousand Dollars (\$10,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-514 / DOLLAR GENERAL STORE #19993 (PRAIRIEVILLE)

23 VIOLATION(S)

23 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Eleven Thousand Five Hundred Dollars (\$11,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-515 / BROTHERS FOOD MART #115 (GRETNA)

6 VIOLATION(S)

6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Five Hundred Dollars (\$1,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-516 / DOLLAR GENERAL STORE # 11625 (GRETNA)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-517 /DISCOUNT LIQUOR AND TOBACCO (LAKE CHARLES)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Two Hundred Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-518 / DOLLAR GENERAL STORE #12469 (LAKE CHARLES)

9 VIOLATION(S)

9 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Four Thousand Five Hundred Dollars (\$4,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-519 / SAVE BUCKS (BOSSIER)

7 VIOLATION(S)

7 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-520 / DOLLAR GENERAL STORE #6742 (LAFAYETTE)

7 VIOLATION(S)

7 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-521 / FAMILY DOLLAR STORE #24828 (LAKE CHARLES)

5 VIOLATION(S)

5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-523 / CIRCLE K STORE #2701715 (LAFAYETTE)

4 VIOLATION(S)

4 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Dollars (\$2,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-525 /GERSTNER MEMORIAL HOP IN (LAKE CHARLES)

9 VIOLATION(S)

9 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Two Hundred Fifty Dollars (\$2,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-526 / FAMILY DOLLAR STORE #29298 (EUNICE)

7 VIOLATION(S)

7 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23-WM-527 / DOLLAR GENERAL STORE #22986 (LAKE CHARLES)

4 VIOLATION(S)

4 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Dollars (\$2,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

8 VIOLATION(S)

8 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Four Thousand Dollars (\$4,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael Diresto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

VI. OLD BUSINESS

No old business was presented.

VII. NEW BUSINESS

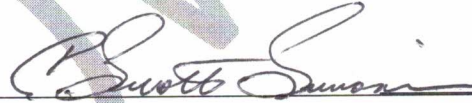
VIII. PUBLIC COMMENTS

No public comments were given at this time.

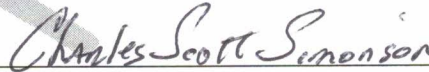
IX. NEXT MEETING DATE

X. ADJOURNMENT

A motion was made at 10:55 a.m. to adjourn the meeting by Mr. Justin Alford and seconded by Mr. Frank Lopinto. All members were in favor. Motion carried.



Chairman Signature



Printed Name

APPROVED