

**LOUISIANA AGRICULTURAL CHEMISTRY AND SEED COMMISSION
MINUTES
NOVEMBER 8, 2017
9:30 a.m.**

**Louisiana Department of Agriculture & Forestry Building
LDAF Veterans Memorial Auditorium
5825 Florida Boulevard
Baton Rouge, LA 70806**

CALL TO ORDER

The meeting was called to order at 9:36 a.m. by Mr. Fred Bass, Confidential Assistant to Commissioner Dr. Mike Strain.

ROLL CALL

The roll was called by Mrs. Tina Ficklin.

The following commission members and/or designees were present: Mr. Fred Bass, Designee for Commissioner Dr. Mike Strain; Dr. Eric Webster, Louisiana Cooperative Extension Service; Mr. Michael Hensgens, Seed Industry LAIA; Mr. Don Philley, Fertilizer Industry, LAIA; and Mr. Ed O'Neal, Feed Industry, LAIA. A quorum was declared.

Absent members: Dr. Philip Elzer, Louisiana Agricultural Experiment Station and Mr. Ronnie Anderson, Louisiana Farm Bureau Assn.

Others Present: Benjy Rayburn, Assistant Commissioner of Agricultural and Environmental Sciences; Lester Cannon, Director of Seed Programs Division; Dr. Mark LeBlanc, Director of Agricultural Chemistry Programs Division; Angelle Pearson, Assistant Director of Agricultural Chemistry Programs Division; Meagan Davis, Feed Director/Assistant Director of Agricultural Chemistry Programs; Lauren Boydston, Agricultural Chemistry Programs Division, Cheryl McGee, Agricultural Chemistry Programs Division; Tina Ficklin, LDAF Seed Programs ; Jason Schmidt, Agricultural Chemistry Programs Division; David Johnston, LDAF Seed Programs ; John Walther , Assistant Commissioner of Animal Health; David Causey, Tabitha Gray, LDAF Executive Counsel and Mr. Michael Heier, Assistant Attorney General.

PUBLIC COMMENT

No public comment.

APPROVAL OF PROCEEDINGS

Motion to approve the proceedings as written from the April 19, 2017 Louisiana Agricultural Chemistry and Seed Commission meeting was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion approved unanimously.

ESTABLISH DATE FOR NEXT COMMISSION MEETING

LDAF staff recommended a tentative date of April 18, 2018 for the next commission meeting.

OLD BUSINESS

Lester Cannon gave an update on Seed Programs Division, including the status of the proposed Seed Program rule changes presented at the April 19, 2017 meeting. Mr. Cannon informed the commission that the rules went into effect October 20, 2017, and there were no negative comments or opposition. He followed with an update on recent changes to the Louisiana Agricultural Chemistry and Seed Commission members as a result of changes in the LSU system and the resignation of Mr. Don Philley from the commission. Dr. Eric Webster named as member representing Louisiana Cooperative Extension Service with Dr. Ed Twidwell as his designee; Dr. Christine Navarre as designee for Dr. Philip Elzer; Mr. David Causey was recommended by LAIA as the Fertilizer Industry's replacement for outgoing member Don Philley.

Dr. Mark LeBlanc gave an update on the Agricultural Chemistry Feed, Fertilizer and Agricultural Liming Programs. He also informed the commission of the staff's increased efforts on more focused sampling process, the status of the Animal Feed FDA grant and the ISO accreditation. He also updated the members on transitioning the Fertilizer and Lime programs to an online registration and tonnage entry system via the USAPlants software.

NEW BUSINESS

Approved Plant Breeder Application

LDAF staff recommended acceptance of the application for Approved Plant Breeder from Dr. Adam Famoso, with the LSU AgCenter H. Rouse Caffey Rice Research Station.

Motion: Mr. Michael Hensgens made a motion to accept Dr. Famoso's application. Mr. Don Philley seconded the motion. Motion passed unanimously.

ADJUDICATORY HEARING

Mr. Fred Bass turned over the meeting to hearing officer, Mr. Michael Heier, Assistant Attorney General.

Seed Programs Division Cases

Seed Programs Division Case Number 18-01 – Lowe's Home Centers #589

Lowe's Home Center #589 was charged with one violation of the Louisiana Seed Law R.S. 3:1440 for violation of a written Seed Programs Division Stop Order.

Ms. Tabitha Gray entered exhibits LACS 1 and LACS 2 into evidence as the findings of facts and conclusions of law. LACS 1: charge letters sent via certified mail with signed receipts. LACS 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Five Hundred Dollars (\$500.00) for the violation, with no suspension of penalty due to Respondent's probationary status from a previous case.

It was further recommended that the waived portion of the penalty, Two Hundred and Fifty Dollars (\$250), from Case 17-02 become immediately due and payable due to violation of the terms of the stipulation agreement by Respondent.

Motion to accept the stipulation letter as the findings, facts and conclusions of law, to accept the recommended penalty of Five Hundred Dollars (\$500.00) for Case 18-01 and to accept the recommended recovery of the suspended penalty of Two Hundred and Fifty Dollars (\$250.00) for Case 17-02 for a total penalty of Seven Hundred and Fifty Dollars (\$750.00) was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Seed Programs Division Case Number 18-02 – Tractor Supply Company #1177

Tractor Supply Company #1177 was charged with two violations of the Louisiana Seed Law R.S. 3:1440 for violation of a written Seed Programs stop Order.

Ms. Tabitha Gray entered exhibits LACS 1 and LACS 2 into evidence as the findings of facts and conclusion of law. LACS 1: charge letters sent via certified mail with signed receipts. LACS 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Mr. Michael Heier, accepted the evidence as presented.

The Seed Programs Division Staff recommended a penalty of One Thousand Dollars (\$1,000.00) for the violation. The Staff also recommended that Five Hundred Dollars (\$500.00) of the penalty be suspended due to the Respondent's past compliance record. The Commission accepted the department's recommendation and offered no modifications.

Motion to accept the stipulation as the findings of fact and conclusions of law and to accept the recommended total fine of Five Hundred Dollars (\$500.00) was made by Mr. Don Philley and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Seed Programs Division Case Number 18-03 – Walmart Store #415

Walmart Store #415 was charged with one violation of the Louisiana Seed Law R.S. 3:1440 for violation of a written Seed Programs Division Stop Order.

Ms. Tabitha Gray entered exhibits LACS 1 and LACS 2 into evidence as the findings of facts and conclusion of law. LACS 1: charge letters sent via certified mail with signed receipts. LACS 2: emailed copy of signed, witnessed and notarized stipulations between the LDAF and Respondent. Mr. Michael Heier accepted the terms of the provisional stipulations pending completion of the original documents.

The Seed Programs Staff recommended a penalty of Five Hundred Dollars (\$500.00) for the violation. The Staff also recommended that Two Hundred and Fifty Dollars (\$250.00) of the penalty be suspended due to Respondent's past compliance record. The Commission accepted the department's recommendation and offered no modifications.

Motion to accept the provisional stipulation as the findings of fact and conclusions of law and to accept the recommended total fine of Two Hundred and Fifty Dollars (\$250.00) was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Seed Programs Division Case Number 18-04 – Walmart Supercenters #2706

Walmart Supercenters #2706 was charged with two violations of the Louisiana Seed Law R.S. 3:1440 for violation of a written Seed Programs Stop Order.

Ms. Tabitha Gray entered exhibits LACS 1 and LACS 2 into evidence as the findings of facts and conclusion of law. LACS 1: charge letters sent via certified mail with signed receipts. LACS 2: emailed copy of signed, witnessed and notarized stipulations between the LDAF and Respondent. Mr. Michael Heier accepted the terms of the provisional stipulations pending completion of the original documents.

The Seed Programs Staff recommended a penalty of One Thousand Dollars (\$1,000.00). The Staff also recommended that Five Hundred Dollars (\$500.00) of the penalty be suspended due to Respondent's past compliance record. The Commission accepted the department's recommendation and offered no modification.

Motion to accept the provisional stipulation as the findings of fact and conclusions of law and to accept the recommended total fine of Five Hundred Dollars (\$500.00) was made by Mr. Ed O'Neal and seconded by Mr. Don Philley. Motion passed unanimously.

Agricultural Chemistry Division Cases:

CASES WITH STIPULATIONS

Three delinquent fertilizer tonnage report violations with no prior appearances in the past five years.

Agricultural Chemistry Division Case Number 16 – 06 – EcoScraps c/o The Scotts Company
EcoScraps c/o The Scotts Company was charged with three violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417(A) (8) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letters sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalties. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) per violation was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 02 – Dr. Earth

Dr. Earth was charged with three violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417 (A)(8) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 03 – Giles Chemical

Giles Chemical was charged with three violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417 (A)(8) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Ed O’Neal and seconded by Mr. Don Philley. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) was made by Mr. Ed O’Neal and seconded by Mr. Don Philley. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 04 – Global Organics

Global Organics was charged with three violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417 (A)(8) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Don Philley and seconded by Mr. Ed O’Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty on One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) was made by Mr. Don Philley and seconded by Mr. Ed O’Neal. The motion passed unanimously.

Four delinquent fertilizer tonnage report violations with no prior appearances in the past five years.

Agricultural Chemistry Division Case Number AC17 – 06 – 3H Trading Company LLC

3H Trading Company LLC was charged with four (4) violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417(A)(8) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letters as the findings of facts and conclusions of law was made by Mr. Ed O’Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Four Hundred Dollars (\$400.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for the total of Four Hundred Dollars (\$400.00) per violation was made by Mr. Ed O’Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 10 – River Road Distillery

River Road Distillery was charged with four (4) violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417(A)(8) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Four Hundred Dollars (\$400.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Four Hundred Dollars (\$400.00) was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 11 – Sipcam Agro USA Inc. Sipcam Agro USA Inc. was charged with four (4) violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417(A)(8) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Ed O'Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Four Hundred Dollars (\$400.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Four Hundred Dollars (\$400.00) was made by Mr. Ed O'Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

CASES WITHOUT STIPULATIONS

Four delinquent fertilizer tonnage report violations with no prior appearances in the past five years.

Agricultural Chemistry Division Case Number AC17 – 07 – Emerald Triangle

Emerald Triangle was charged with four (4) violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417(A)(8) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits one (charge letter sent via certified mail with receipt), two (tonnage report), three (tonnage report) and four (tonnage report) be accepted into evidence. Because Emerald Triangle did not sign and return the stipulation that was enclosed with the charge letter, Ms. Angelle Pearson was called to testify on behalf of the Louisiana Department of Agriculture and Forestry. Mr. Michael Heier, hearing officer, accepted the evidence. Ms. Pearson testified that the exhibits had not been tampered with in any way and also stated that Emerald Triangle had recently canceled their company's registration with the LDAF. Mr. Michael Heier, hearing officer, accepted the evidence presented in front of the commission.

Motion to accept exhibits one through four into evidence as presented by the Louisiana Department of Agriculture and Forestry was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Eight Hundred Dollars (\$800.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violation for a total of Eight Hundred Dollars (\$800.00) was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 08 – Humboldt Bottling

Humboldt Bottling has been charged with four (4) violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417(A)(8) – failure to timely file quarterly tonnage reports and inspection fees.

Ms. Tabitha Gray asked that exhibits one (charge letter sent via certified mail with receipt), two (tonnage report), three (tonnage report), four (tonnage report) and five (tonnage report) be accepted into evidence. Because Humboldt Bottling did not sign and return the stipulation that was enclosed with the charge letter, Ms. Angelle Pearson was called to testify on behalf of the Louisiana Department of Agriculture and

Forestry. Mr. Michael Heier, hearing officer, accepted the evidence. Ms. Pearson testified that the exhibits had not been tampered with in any way and also stated that Humboldt Bottling had recently canceled their company's registration with the LDAF. Mr. Michael Heier, hearing officer, accepted the evidence presented in front of the commission.

Motion to accept exhibits one through five into evidence as presented by the Louisiana Department of Agriculture and Forestry was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Eight Hundred Dollars (\$800.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violation for a total of Eight Hundred Dollars (\$800.00) was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Four delinquent fertilizer tonnage report violations with prior appearances in the past five years.

Agricultural Chemistry Division Case Number AC17 – 12 – Progressive Turf

Progressive Turf was charged with four (4) violations of the Louisiana Fertilizer Law R.S. 3:1411 *et seq.*, particularly, R.S. 3:1417(A)(8) – failure to timely file quarterly tonnage reports and pay inspection fees. Ms. Pearson stated that she and other LDAF staff had made multiple attempts to contact Progressive Turf both by email and phone, but none of those attempts was acknowledged or returned. Progressive Turf previously appeared in front of the commission in 2013 and was fined a total fine of \$300.00.

Ms. Tabitha Gray asked that exhibits one (charge letter sent via certified mail with receipt), two (tonnage report) and three (tonnage report) be accepted into evidence. Because Progressive Turf did not sign and return the stipulation that was enclosed with the charge letter, Ms. Angelle Pearson was called to testify on behalf of the Louisiana Department of Agriculture and Forestry. Mr. Michael Heier, hearing officer, accepted the evidence. Ms. Pearson testified that the exhibits had not been tampered with in any way. Mr. Michael Heier, hearing officer, accepted the evidence presented in front of the commission.

Motion to accept exhibits one through three into evidence as presented by the Louisiana Department of Agriculture and Forestry was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Four Hundred Dollars (\$400.00) per violation for a total fine of Sixteen Hundred Dollars (\$1,600.00).

Motion to accept the recommended penalty of Four Hundred Dollars (\$400.00) per violation for the total of Sixteen Hundred Dollars (\$1,600.00) was made by Mr. Ed O'Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

CASES WITH STIPULATIONS

Three delinquent lime tonnage report violations with no prior appearances in the past five years.

Agricultural Chemistry Division Case Number AC17 – 13 – American Sugar Refining

American Sugar Refining was charged with three (3) violations of the Louisiana Agricultural Liming Materials Law R.S. 3:1430.1 *et seq.*, particularly, R.S. 3:1430.7 – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 14 – Carmeuse Lime Inc. dba Carmeuse Lime & Stone

Carmeuse Lime Inc. dba Carmeuse Lime & Stone was charged with three (3) violations of the Louisiana Agricultural Liming Materials Law R.S. 3:1430.1 *et seq.*, particularly, R.S. 3:1430.7 – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letters sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Michael Hensgens and seconded by Mr. Ed O’Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) was made by Mr. Ed O’Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Three delinquent feed tonnage report violations with no prior appearances in the past five years.

Agricultural Chemistry Division Case Number AC17 – 16 – Globalinx Pet, LLC

Globalinx Pet, LLC was charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C) (4) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed

receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Ed O'Neal and seconded by Mr. Don Philley. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) per violation was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 19 – Isle of Dogs Corporation

Isle of Dogs Corporation was charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C)(4) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 22 – Quality Feeds Inc.

Quality Feeds Inc. was charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C) (4) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 24 – Wal-Mart Stores, Inc. FDA Imports
Wal-Mart Stores, Inc. FDA Imports was charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C)(4) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Three Hundred Dollars (\$300.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Three Hundred Dollars (\$300.00) was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

CASES WITHOUT STIPULATIONS

Three delinquent feed tonnage report violations with no prior appearances in the past five years.

Agricultural Chemistry Division Case Number AC17 – 21 – Omega Paw Inc.

Omega Paw Inc. was charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C) (4) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits one (charge letter sent via certified mail with receipt), two (tonnage report), three (tonnage report), four (tonnage report) and five (tonnage report) be accepted into evidence. Because Omega Paw Inc. did not sign and return the stipulation that was enclosed with the charge letter, Ms. Cheryl McGee was called to testify on behalf of the Louisiana Department of Agriculture and Forestry. Mr. Michael Heier, hearing officer, accepted the evidence. Ms. McGee testified that the exhibits had not been tampered with in any way. Mr. Michael Heier, hearing officer, accepted the evidence presented in front of the commission.

Motion to accept exhibits one through five into evidence as presented by the Louisiana Department of Agriculture and Forestry was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Six Hundred Dollars (\$600.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violation for a total of Six Hundred Dollars (\$600.00) was made by Mr. Michael Hensgens and seconded by Mr. Ed O’Neal. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 23 – Treat Simple

Treat Simple has been charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C)(4) – failure to timely file quarterly tonnage reports and inspection fees.

Ms. Tabitha Gray asked that exhibits one (charge letter sent via certified mail with receipt), two (tonnage report) and three (tonnage report) be accepted into evidence. Because Treat Simple did not sign and return the stipulation that was enclosed with the charge letter, Ms. Cheryl McGee was called to testify on behalf of the Louisiana Department of Agriculture and Forestry. Mr. Michael Heier, hearing officer, accepted the evidence. Ms. McGee testified that the exhibits had not been tampered with in any way. Mr. Michael Heier, hearing officer, accepted the evidence presented in front of the commission.

Motion to accept exhibits one through three into evidence as presented by the Louisiana Department of Agriculture and Forestry was made by Mr. Don Philley and seconded by Mr. Ed O’Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Six Hundred Dollars (\$600.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violation for a total of Six Hundred Dollars (\$600.00) per violation was made by Mr. Ed O’Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

CASES WITH STIPULATIONS

Three delinquent feed tonnage report violations *with* prior appearances in the past five years.

Agricultural Chemistry Division Case Number AC17 – 25 – Bert & Wetta Sales Inc.

Bert & Wetta Sales Inc. was charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C) (4) – failure to timely file quarterly tonnage reports and pay inspection fees. Bert & Wetta Sales Inc. previously appeared in front of the commission in 2014 and was fined \$600.00.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of two Hundred Dollars (\$200.00) per violation for a total fine of Six Hundred Dollars (\$600.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violation for a total of Six Hundred Dollars (\$600.00) was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 26 – Copper River Seafoods, Inc.

Copper River Seafoods, Inc. has been charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C) (4) – failure to timely file quarterly tonnage reports and pay inspection fees. Copper River Seafoods, Inc. previously appeared in front of the commission in 2016 and was fined \$300.00. To date, the fine still has not been paid.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Michael Hensgens and seconded by Mr. Ed O’Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalties. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Six Hundred Dollars (\$600.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violation for a total of Six Hundred Dollars (\$600.00) was made by Mr. Ed O’Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 27 – Dorskocil Manufacturing Co. dba Petmate

Dorskocil Manufacturing Co. dba Petmate was charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C)(4) – failure to timely file quarterly tonnage reports and pay inspection fees. Dorskocil Manufacturing Co. dba Petmate previously appeared in front of the commission in 2013 and was fined \$600.00.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Don Philley and seconded by Mr. Ed O’Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Six Hundred Dollars (\$600.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violation for a total of Six Hundred Dollars (\$600.00) was made by Mr. Ed O’Neal and seconded by Mr. Don Philley. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 28 – Freshpet / Professor Connors

Freshpet / Professor Connors was charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C)(4) – failure to timely file quarterly tonnage reports and pay inspection fees. Freshpet / Professor Connors previously appeared in front of the commission in 2013 and was fined \$300.00.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed

receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Six Hundred Dollars (\$600.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violation for a total of Six Hundred Dollars (\$600.00) was made by Mr. Ed O'Neal and seconded by Mr. Don Philley. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 29 – Natpets, LLC

Natpets, LLC was charged with three (3) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C)(4) – failure to timely file quarterly tonnage reports and inspection fees. Natpets, LLC previously appeared in front of the commission in 2015 and was fined \$600.00.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Six Hundred Dollars (\$600.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violation for a total of Six Hundred Dollars (\$600.00) was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

Four delinquent feed tonnage report violations with no prior appearances in the past five years.

Agricultural Chemistry Division Case Number AC17 – 32 – Big Rack Deer Supplements LLC

Big Rack Deer Supplements, LLC was charged with four (4) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401(C)(4) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits marked LDAF 1 and LDAF 2 be accepted into evidence as the findings of facts and conclusions of law. LDAF 1: Charge Letter sent via Certified Mail with signed receipt. LDAF 2: Signed, witnessed, and notarized Stipulation between the LDAF and Respondent. Mr. Michael Heier, hearing officer, accepted the evidence presented.

Motion to accept the stipulation letter as the findings of facts and conclusions of law was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of One Hundred Dollars (\$100.00) per violation for a total fine of Four Hundred Dollars (\$400.00).

Motion to accept the recommended penalty of One Hundred Dollars (\$100.00) per violation for a total of Four Hundred Dollars (\$400.00) was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

CASES WITHOUT STIPULATIONS

Four delinquent feed tonnage report violations with no prior appearances in the past five years.

Agricultural Chemistry Division Case Number AC17 – 30 – Arkansas Sports 4-U, Inc.

Arkansas Sports 4-U, Inc. was charged with four (4) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401 (C)(4) – failure to timely file quarterly tonnage reports and pay inspection fees.

Ms. Tabitha Gray asked that exhibits one (charge letter sent via certified mail with receipt), two (tonnage report), three (tonnage report), four (tonnage report) and five (tonnage report) be accepted into evidence. Because Arkansas Sports 4-U, Inc. did not sign and return the stipulation that was enclosed with the charge letter, Ms. Cheryl McGee was called to testify on behalf of the Louisiana Department of Agriculture and Forestry. Mr. Michael Heier, hearing officer, accepted the evidence. Ms. McGee testified that the exhibits had not been tampered with in any way. Mr. Michael Heier, hearing officer, accepted the evidence presented in front of the commission.

Motion to accept exhibits one through five into evidence as presented by the Louisiana Department of Agriculture and Forestry was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Eight Hundred Dollars (\$800.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violations for a total fine of Eight Hundred Dollars (\$800.00) was made by Mr. Ed O'Neal and seconded by Mr. Don Philley. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 33 – Cost Less Pet Treats

Cost Less Pet Treats has been charged with four (4) violations of the Louisiana Feed Law R.S. 3:1319 *et seq.*, particularly, R.S. 3:1401 (C)(4) – failure to timely file quarterly tonnage reports and inspection fees.

Ms. Tabitha Gray asked that exhibits one (charge letter sent via certified mail with receipt), two (tonnage report), three (tonnage report), four (tonnage report) and five (tonnage report) be accepted into evidence. Because Cost Less Pet Treats did not sign and return the stipulation that was enclosed with the charge letter, Ms. Cheryl McGee was called to testify on behalf of the Louisiana Department of Agriculture and Forestry. Mr. Michael Heier, hearing officer, accepted the evidence. Ms. McGee testified that the exhibits had not been tampered with in any way. Mr. Michael Heier, hearing officer, accepted the evidence presented in front of the commission.

Motion to accept exhibits one through five into evidence as presented by the Louisiana Department of Agriculture and Forestry was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Mr. Michael Heier asked Ms. Angelle Pearson for a recommendation on the penalty. Ms. Pearson recommended a penalty of Two Hundred Dollars (\$200.00) per violation for a total fine of Eight Hundred Dollars (\$800.00).

Motion to accept the recommended penalty of Two Hundred Dollars (\$200.00) per violations for a total fine of Eight Hundred Dollars (\$800.00) was made by Mr. Ed O'Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Cases recommended for continuation to the spring hearing due to mail inactivity.

Agricultural Chemistry Division Case Number AC17 – 01 – BAM Agricultural Solutions
Agricultural Chemistry Division Case Number AC17 – 05 – American Colloid Company
Agricultural Chemistry Division Case Number AC17 – 17 – Hay-Rite, Inc.
Agricultural Chemistry Division Case Number AC17 – 18 – Hiland Naturals
Agricultural Chemistry Division Case Number AC17 – 20 – Neighborhood Pet Products
Agricultural Chemistry Division Case Number AC17 – 34 – Hound & Gatos Pet Food Corp
Agricultural Chemistry Division Case Number AC17 – 35 – Inaba Foods (USA) Inc.
Agricultural Chemistry Division Case Number AC17 – 36 – Time Square Foods Imports, Inc.
Agricultural Chemistry Division Case Number AC17 – 37 – Hi Tek Rations

Cases recommended for dismissal.

Agricultural Chemistry Division Case Number AC17 – 09 – Perino's Garden Center
Perino's Garden Center was misinformed about the quarterly tonnage reporting deadlines and had properly reported all tonnage as required in time for the adjudicatory hearing.

Motion to accept the recommendation of dismissal was made by Mr. Don Philley and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 15 – Forest Free Range LLC
Forest Free Range LLC registered preemptively but never actually started selling their product in Louisiana.

Motion to accept the recommendation of dismissal was made by Mr. Ed O'Neal and seconded by Mr. Michael Hensgens. Motion passed unanimously.

Agricultural Chemistry Division Case Number AC17 – 31 – Asia Pac Bio-Technology Co., Ltd.
Asia Pac Bio-Technology Co., Ltd. registered preemptively but never actually started selling their product in Louisiana.

Motion to accept the recommendation of dismissal was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

Adjudicatory Hearing was concluded and the meeting was handed over to the Commission Chairman.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Don Philley and seconded by Mr. Michael Hensgens.
The motion passed unanimously.