

HORTICULTURE COMMISSION MEETING

December 15, 2022

9:30 a.m.

Veterans' Memorial Auditorium

5825 Florida Boulevard

Baton Rouge, LA 70806

CALL TO ORDER

The hearing was called to order by Mr. Parker at 9:31 a.m.

ROLL CALL

The roll was called by Mrs. Smith

Members present: Chad Danos, Cole Sims, George Bofinger, Dan Johnson, Gary Bullock, Todd Parker, Rebekah O'Quin, Dr. Ansel Rankins, Dr. Ed Bush, Rusty Ruckstuhl.

A quorum was present.

Others present: Assistant Attorney General, Alicia Wheeler, Hearing Officer; Paeton Burkett; LDAF Legal Counsel; Tina Peltier, LDAF; Marsha Dugas, LDAF; and Marissa Smith, LDAF.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Paeton Burkett, LDAF attorney, made several additions and one correction to the minutes of the September 29, 2022 meeting.

Motion: Mr. Ruckstuhl made a motion to approve the amended minutes from the September 29, 2022 meeting. This motion was seconded by Mr. Bush and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be held March 23, 2023 at 9:30am in the Veterans' Memorial Auditorium.

OLD BUSINESS

Ms. Burkett requested a motion to amend the Agenda to add item VIII. b. Update on pending Alton Dillon litigation.

Motion: Mr. Danos made a motion to approve the amended Agenda. This motion was seconded by Dr. Rankins and passed unanimously.

At 9:36 a.m. the meeting was turned over to the hearing officer, Ms. Wheeler.

ADJUDICATORY HEARING

CONTINUED CASE FROM LAST HEARING

Raphael Brown

Case No.: 22-001

d/b/a Mr. Reliable Lawncare and Mr. Reliable Groundworks
45 Sawgrass Drive
LaPlace, LA 70068

Two violations of L.R.S. 3:3804(C) for advertising in a regulated profession (arborist) without a proper license.

Mr. Brown was not present but the department proceeded because service was affected.

Motion: Mr. Sims made a motion to find Mr. Brown in violation of charge one. This motion was seconded by Mr. Ruckstuhl and passed unanimously. The department recommended a penalty of \$500.00 for charge one. Mr. Danos made a motion to accept the recommended penalty. This motion was seconded by Mr. Sims and passed unanimously.

Mr. Danos made a motion to find Mr. Brown in violation of charge two. This motion was seconded by Mr. Parker and passed unanimously. The department recommended a penalty of \$500.00 for charge two. Dr. Rankins made a motion to accept the recommended penalty. This motion was seconded by Mr. Parker and passed unanimously for a total fine of \$1,000.00.

NEW CASES

Nathanael Scales

Case No.: 22-008

d/b/a Garden Doctors
201 St. Charles Street Ste. 114
New Orleans, LA 70170

Two violations of L.R.S. 3:3810(A)(3) for Performing any fraudulent practice while engaged in a regulated profession or occupation or intentionally misrepresenting any matter involved in or related to work in a regulated profession or occupation.

One violation of L.R.S. 3:3810(A)(4) for altering, forging, counterfeiting, or using without authority any license, permit, or other document.

One violation of L.R.S. 3:3810(A)(1)(c) for performing any of the following acts in a regulated profession or occupation without either a valid appropriate license or permit.

This case was continued to the next hearing date as requested by Mr. Scales.

Alton Dillon

Case No.: 22-009

40664 Ranch Road
Slidell, LA 70461

Five violations of L.R.S. 3:3804(C) for engaging in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3810 A(2) for violating a stop order dated 9/20/2022.

Mr. Dillon was present and not represented by counsel.

Mr. Dillon plead guilty to charges 1-4 and a hearing was held on charges 5 & 6.

Motion: Dr. Rankins made a motion to find Mr. Dillon in violation of all charges. This motion was seconded by Mr. Johnson and passed unanimously. The department recommended a penalty of \$1,500.00 per violation for a total fine of \$9,000.00.

Motion: Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Dr. Rankins and passed unanimously.

NEW BUSINESS

Director's Report:

Mrs. Peltier gave the following updates:

Staffing Update: Two new inspectors have been added to the Opelousas district staff, Daniel Zaunbrecher (October) and Janee Zenon (November). Our Boll Weevil Director, Marc Bordelon, will be retiring January 4, 2023. Marc began his career with LDAF in 1997 with the Boll Weevil Eradication Program. He has been the Director since 2005.

P. ramorum Update: The fall compliance inspection at the P. ramorum positive nursery in Forest Hill took place on October 28th, 2022. 332 foliar samples and 8 water bait samples were taken. 11 ELISA positives were reported from the foliar samples and 2 from the water bait samples. All samples were confirmed negative for P. ramorum. A team of approximately 20 employees from PPQ and LDAF completed the inspection. All stop orders have been lifted and the spring compliance inspection will be scheduled for some time in April of 2023.

Citrus Updates: On 9/23/22 CC was confirmed at a residence in Lafayette parish. On 11/17/22 the Opelousas district inspectors performed a delimiting survey 1 mile around the positive find. 46 citrus trees were inspected at 25 different locations and no CC symptoms were observed. A quarantine of the area is being discussed. This was self-reported by the homeowner.

The survey of St. Tammany parish has been completed. The final results are 14 samples are positive for HLB and 3 samples for CC. All positive samples are located below I-12 and mainly along Lake Pontchartrain. A quarantine of the area is being discussed.

On 11/30/22 two citrus samples taken from a residence in LaPlace, St. John the Baptist Parish, were confirmed positive for HLB by the Beltsville lab. This is a new parish find for HLB. St. John is already quarantined for CC. The samples were submitted as part of the 2022 Citrus Commodity Survey fall inspections. The samples were taken from a lemon and a satsuma tree. A delimiting survey will be conducted in the area to determine how widespread the disease is.

Beekeeping Grant: LDAF was awarded a specialty crop block grant for the Apprenticeship Project for Growing New Beekeepers in La. for 2022-2024. LDAF will sponsor 5 high schools with up to \$10,000 each in beehive equipment and beekeeping resources. Over the course of two years, students will learn beekeeping basics through classroom instruction and hands on experience. Eight students from each school will be chosen to start and care for their own hive for at least a year. The students will also be responsible for documenting their experiences and giving a presentation to their peers who are interested in beekeeping. Nine high schools applied for the grant and seven met the qualifications but only five could be chosen to participate. The five high schools chosen are Fountainbleau High School, Weston High School, Bossier Parish School for Technology and Innovative Learning, Zachary High School and Hathaway High School. Mark Earl is in the process of ordering the equipment necessary for the school to start building their hives. The bees will be delivered sometime in the early spring.

Update on pending Alton Dillon litigation:

Ms. Burkett updated the Commission on the pending litigation on Alton Dillon. Mr. Dillon is under a permanent injunction in a court signed order, signed and dated June 2019 where he agreed that: "Acting or claiming on his behalf of whom do not hold a valid or appropriate license issued by the Commissioner, and is restrained and prohibited from performing any acts as an arborist or engaging in the arborist profession without a license from the commissioner; including soliciting and advertising for business as an arborist and from performing any services normally performed by an arborist until he has obtained a valid license."

The Department will be pursuing a contempt charge in the injunction matter.

PUBLIC COMMENTS

Mr. Danos requested documentation or reports tracking the departments outreach to the public informing them of the Horticulture laws rules and regulations.

ADJOURNMENT

Motion: Dr. Rankins made a motion to adjourn at 10:57 a.m.
This motion was seconded by Mr. Danos and passed unanimously.