

HORTICULTURE COMMISSION MEETING

June 30, 2011

9:30 a.m.

Veterans' Memorial Auditorium

5825 Florida Boulevard

Baton Rouge, LA 70806

Minutes

CALL TO ORDER

The hearing was called to order by Mr. Bass at 9:32 a.m.

ROLL CALL

The roll was called by Mrs. Bellington.

Members present: Fred Bass, Todd Parker, Dr. Allen Owings, Chad Danos, Stephen Hoover, Rob Barry, Aaron Wade, Harold Tani, Rusty Ruckstuhl and Patsy Spedale.

Members absent: Paul Orr, Bill Fleming and Roger Mayes.

A quorum was present.

Others present: Murphy Bell, Commission's Attorney; Lindsey Hunter, Hearing Officer; Craig Roussel, LDAF; Ansel Rankins, LDAF; Thelma Earls, LDAF; E. B. Thompson, LDAF; and Fran Bellington, LDAF.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Parker made a motion to approve the minutes from the March 24, 2011 hearing. This motion was seconded by Mrs. Spedale and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, September 29th, 2011 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUESTS

Mr. Allan Schramm requested to have his Landscape Architect license reinstated. **Motion:** Mr. Danos made a motion to allow Mr. Schramm to reinstate his license after he takes and passes the State Section of the Landscape Architect exam. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

Mr. Patrick Lemoine requested to have his Arborist license reinstated. **Motion:** Mr. Barry made a motion to allow Mr. Lemoine to reinstate his arborist license after he attends a continuing education seminar. This motion was seconded by Mr. Parker and passed unanimously.

The meeting was turned over to the hearing officer at 9:50 a.m.

HEARING

Continued Cases

Gerald Brecheen
d/b/a Gerald's Tree Service
30905 Burgess Rd. Lot 13
Denham Springs, LA 70726

Case No.: 11-003

One violation of L.R.S. 3:3804(C) for engaging in a regulated profession (arborist) without the proper license.

Continued.

New Cases

Robert Brewster
d/b/a Roberts Tree Service
1242 Oden Street
Shreveport, LA 71104

Case No.: 11-007

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

Stipulation received. Recommended penalty of \$250.00 per violation, with ½ of the fine suspended, for a total fine of \$500.00. **Motion:** Mr. Parker made a motion to accept the stipulation and the recommended penalty. This motion was seconded by Mr. Hoover and passed unanimously.

John Keiper
d/b/a Keiper's Tree Removal
P O Box 441
Lacombe, LA 70445

Case No.: 11-011

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

Stipulation received. Recommended penalty of \$250.00 per violation for a total fine of \$750.00. **Motion:** Mr. Parker made a motion to accept the stipulation and the recommended penalty. This motion was seconded by Mr. Tani and passed unanimously.

Alvin Davis
d/b/a Ndeez Treez
409 Cain Street
DeRidder, LA 70634

Case No.: 11-006

Five violations of L.R.S. 3:3804(C) for soliciting and engaging in a regulated profession (arborist) without the proper license.

Mr. Davis was not present but the department proceeded because service was effected. **Motion:** Dr. Owings made a motion to find Mr. Davis in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$1,250.00. **Motion:** Mr. Hoover made a motion to accept the recommended penalty. This motion was seconded by Mr. Wade and passed unanimously. **Motion:** Mr. Parker made a motion to seek an injunction against Mr. Davis. This motion was seconded by Mr. Danos and passed unanimously.

Scott Haines
4043 Common Street
Lake Charles, LA 70605

Case No.: 11-008

One violation of L.R.S. 3:3804(C) for soliciting in a regulated profession (arborist) without the proper license.

Mr. Haines was not present but the department proceeded because service was effected. Recommended penalty of \$500.00. **Motion:** Mr. Parker made a motion to find Mr. Haines in violation and to accept the recommended penalty. This motion was seconded by Mr. Hoover and passed unanimously.

David Leak
d/b/a Top Tier Turf
5911 Burgundy Avenue
Baton Rouge, LA 70806

Case No.: 11-009

Two violations of L.R.S. 3:3804 (C) for advertising and engaging in a regulated profession (arborist & landscape horticulturist) without the proper license.

Mr. Leak was not present but the department proceeded because service was effected. **Motion:** Dr. Owings made a motion to find Mr. Leak in violation. This motion was seconded by Mr. Ruckstuhl and passed unanimously. Recommended penalty of \$250.00 per violation for a total

fine of \$500.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

Tim Elliot
d/b/a Tim's Tree Service
2499 Hwy 378 Lot 18
Lake Charles, LA 70663

Case No. 11-010

Three violations of L.R.S. 3:3804 (C) for soliciting and engaging in a regulated profession (arborist) without the proper license.

Mr. Elliot was not present but the department proceeded because service was effected. Recommended penalty of \$250.00 per violation for a total fine of \$750.00. **Motion:** Mr. Parker made a motion to find Mr. Elliot in violation and to accept the recommended penalty. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

The meeting was turned back over to Mr. Bass at 10:48 a.m.

NEW BUSINESS

There was no new business.

PUBLIC COMMENTS

There were no public comments. Mr. Parker took a moment to thank the inspectors for their hard work and to introduce new inspector Beth Blackwell from the New Orleans District. Mr. Bass told the department that they do a good job, to keep up the good work and thanked the Commission for their time.

ADJOURNMENT

Motion: Mr. Parker made a motion to adjourn at 11:02 a.m. This motion was seconded by Mr. Tani and passed unanimously.