

HORTICULTURE COMMISSION MEETING

June 25, 2015

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 9:35 a.m.

ROLL CALL

The roll was called by Mrs. Bellington.

Members present: Fred Bass, Steven Hoover, Mitch Mayes, Rob Barry, Jack Hopper, Chad Danos, Cole Sims, Gary Bullock, Harold Tani and Rusty Ruckstuhl.

Members absent: Todd Parker, Zefferino Von Kurnatowski and Dr. William Richardson.

A quorum was present.

Others present: Michael Vallan, Hearing Officer; Lindsey Hunter, LDAF Legal Counsel; Murphy Bell, LDAF Legal Counsel; Tad Hardy, LDAF; Ansel Rankins, LDAF; Katie Farlow, LDAF; and Fran Bellington, LDAF.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Ruckstuhl made a motion to approve the minutes from the March 26, 2015 hearing. This motion was seconded by Mr. Danos and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, September 24, 2015 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUEST

Mr. Carlos McKnight requested to have his arborist license reinstated. **Motion:** Mr. Hopper made a motion to allow reinstatement of Mr. McKnight's arborist license. This motion was seconded by Mr. Mayes and passed unanimously.

Mr. Sadik Artunc requested to have his landscape architect license reinstated. **Motion:** Mr. Ruckstuhl made a motion to allow reinstatement of Mr. Artunc's landscape architect license. This motion was seconded by Mr. Danos and passed unanimously.

At 9:55 a.m. the meeting was turned over to the hearing officer, Michael Vallan.

ADJUDICATORY HEARING
CONTINUED CASES

Jimmy Nutt
d/b/a Nutt's Tree Service
451 Shadow Lane
Dubberly, LA 70124

Case No.: 15-001

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

Stipulation received. The department recommended a penalty of \$500.00 per violation for a total fine of \$1,000.00. **Motion:** Mr. Danos made a motion to accept the stipulation and the recommended penalty. This motion was seconded by Mr. Tani and passed unanimously.

Jeremie Branton
d/b/a The Grounds Guys
1140 Burt Street
Shreveport, LA 71107

Case No.: 15-004

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

Stipulation and \$500.00 payment received. **Motion:** Mr. Ruckstuhl made a motion to accept the stipulation and the payment. This motion was seconded by Mr. Barry and passed unanimously.

NEW CASES

Joe Fecher
d/b/a South Beach Palms, LLC
215 Jeff Davis
Waveland, MS 39576

Case No.: 15-006

One violation of L.R.S. 3:3804 (D) for engaging in a regulated occupation (nursery stock dealer), without a proper permit.

Stipulation received. The department recommended a penalty of \$500.00. **Motion:** Mr. Hoover made a motion to accept the stipulation and the recommended penalty. This motion was seconded by Mr. Sims and passed unanimously.

Perry Thompson
d/b/a Perry and Pops, LLC
306 A W Drive
Stonewall, LA 71078

Case No.: 15-008

Two violations of L.R.S. 3:3804 (C) for engaging and advertising in a regulated profession (landscape horticulturist), without a proper license. One violation of L.R.S. 3:3810 (A) (2) for violating a cease and desist order.

Mr. Thompson was present. The department recommended a penalty of \$250.00 per violation for a total fine of \$750.00. **Motion:** Mr. Ruckstuhl made a motion to find Mr. Thompson in violation but to waive the fees contingent upon any of the business partners taking and passing the landscape horticulturist exam. This motion was seconded by Mr. Barry and passed unanimously.

Nick Glover
d/b/a Glovers Tree Service
700 St. Julien Street
Kenner, LA 70065

Case No.: 15-009

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

Mr. Glover was not present but the department proceeded because service was effected. The department asked that Mr. Glover be found in violation, recommended a penalty of \$500.00 and asked for the commission to request to obtain an injunction against Mr. Glover. **Motion:** Mr. Mayes made a motion to accept the recommendation. This motion was seconded by Mr. Hoover and passed unanimously.

Suzanna Rudiger
d/b/a Rudiger's Boutique & Gift Shop
East Jefferson Hospital 1st Floor Lobby
4200 Houma Blvd.
Metairie, LA 70002

Case No.: 15-010

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

Stipulation received. The department recommended a penalty of \$500.00. Mr. Tani recused himself from this case. **Motion:** Mr. Danos made a motion to accept the stipulation and the recommended penalty. This motion was seconded by Mr. Mayes and passed unanimously.

James P. Freeman
2113 27th Street
Kenner, LA 70062
&
498 Oak Avenue, Apt. #1
Harahan, LA 70124

Case No.: 15-011

Six violations of L.R.S. 3:3804 (C) for engaging and advertising in a regulated profession (arborist), without a proper license. Two violations of L.R.S. 3:3810 (A) (2) for violating a cease and desist order.

Stipulation received. The department recommended a penalty of \$500.00 per violation for a total fine of \$4,000.00. **Motion:** Mr. Danos made a motion to accept the stipulation and to seek an injunction against Mr. Freeman. This motion was seconded by Mr. Hoover and passed unanimously.

Kelvin Robins
d/b/a Certified Tree Care
3045 Charlotte Drive
Baton Rouge, LA 70814

Case No.: 15-012

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

Stipulation & \$2,000.00 payment received. **Motion:** Mr. Danos made a motion to accept the stipulation and the payment. This motion was seconded by Mr. Mayes and passed unanimously.

Ronnie Hilliard
d/b/a Hilliard Stump & Tree Removal
10159 Pine Orchard Rd.
Shreveport, LA 71129

Case No.: 15-013

Two violations of L.R.S. 3:3804 (C) for advertising in a regulated profession (arborist), without a proper license. One violation of L.R.S. 3:3810 A (2) for violating a cease and desist order.

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

The meeting was turned back over to Mr. Bass at 10:38 a.m.

NEW BUSINESS

Director's Report

The Louisiana Legislature passed legislation in June clearing the way for increases in Horticulture Law fees for licenses, permits and violation penalties. Exam fees also will increase. LDAF also obtained authority to deny issuance of a license or permit to anyone owing LDAF money.

Loropetalum bacterial gall, *Pseudomonas savastanoi*, has been reported in the state by the LSU AgCenter. The disease likely entered the state on infected nursery stock. In response to a complaint about infected plants at a retail site, LDAF has initiated spot inspections for high-risk plants. Infected plants are held off-sale, returned to origin or destroyed. Other states have done the same. No effective treatment to eliminate the disease has been identified and no federal restrictions are in place on the disease.

The Louisiana Legislature also passed legislation in June creating oversight of medical marijuana production and distribution. The LDAF Horticulture division will be responsible for oversight of the single production facility and all related activities. This will be a significant and closely-watched program.

Mr. Hardy will be participating in the 2015 Louisiana Farm Bureau Federation annual meeting this week. A presentation will be given updating Specialty Crop attendees on citrus, nursery and sweet potatoes.

Emerald Ash Borer (EAB) continues to make its presence known in Louisiana. Infested trees have now been confirmed in Webster, Claiborne and Bossier parishes. Trapping will continue through the summer and the LSU AgCenter is making parasitoid releases for biocontrol. Nurseries in quarantined parishes cannot ship ash trees out of the quarantined areas.

Legislative Update

Mr. Rankins gave a detailed update on House Bill 291 and House Bill 269 regarding increases to fees and civil penalties and the authority for the department issuing licenses and permits to deny or not renew such privilege if the applicant owes any monies.

Motion: Mr. Ruckstuhl made a motion to authorize the department to move forward with amending the rules to increase the license & permit fees, to raise the civil penalty amounts and to allow the Commissioner to sign the Act of Adoption if no substantive changes to the rules are made throughout the rulemaking process. Mr. Hopper seconded the motion and it passed unanimously.

PUBLIC COMMENTS

There were no public comments but Mr. Bass took a moment to thank everyone for the good job that they do.

Mr. Rankins informed the Commission that this would be Attorney Murphy Bell's last meeting and presented him with a plaque in appreciation of the hard work he has done for the department. Mr. Rankins also introduced new commission member, Mr. Gary Bullock, who will be serving on the Horticulture Commission representing the Louisiana State Florists Association.

ADJOURNMENT

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