

HORTICULTURE COMMISSION MEETING

March 13, 2019

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 9:37 a.m.

ROLL CALL

The roll was called by Mrs. Bellington.

Members present: Rob Barry, Fred Bass, Gary Bullock, Richard Hill, Steven Hoover, Jack Hopper, Mitch Mayes, Benjy Rayburn, Rusty Ruckstuhl, and Cole Sims.

Members absent: Chad Danos, Zefferino Von Kurnatowski and Dr. William Richardson.

A quorum was present.

Others in attendance: Alicia Wheeler, Hearing Officer; Amanda LaGroue, LDAF Legal Counsel; Amy McInnis, LDAF Legal Counsel; Tina Peltier, 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 December 6, 2018 and the December 18, 2018 hearings. This motion was seconded by Mr. Hopper and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, June 06, 2019 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business but Mr. Rayburn took a moment to introduce the new Hearing Officer, Alicia Wheeler and new LDAF Legal Counsel, Amanda LaGroue to the Commission members.

At 9:40 a.m. the meeting was turned over to the hearing officer, Alicia Wheeler.

ADJUDICATORY HEARING

CONTINUED CASES

Gerald Brecheen

d/b/a Gerald's Tree Care

9673 Florida Blvd

Walker, LA 70785

Case No.: 18-010

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

One violation of L.R.S 3:3810A(2) for violating a written stop order dated May 21, 2018 when he advertised and engaged in a regulated profession (arborist) without a proper license.

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

One violation of L.R.S 3:3810A(2) for violating a written stop order dated September 11, 2018 when he solicited and engaged in a regulated profession (arborist) without a proper license.

Continued to next hearing date at Mr. Brecheen's request.

Rex Dukes
d/b/a Duke's Tree Removal and R.E. Storm Clean Up
6424 Vardaman Road
Keithville, LA 71047
Case No.: 18-013

Two violation(s) 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 written stop order dated May 22, 2018 when he advertised in a regulated profession (arborist), without a proper license.

Mr. Dukes was present. The department recommended a penalty of \$500 per violation for a total fine of \$1,500. **Motion:** Mr. Rayburn made a motion to find Mr. Dukes in violation. This motion was seconded by Mr. Ruckstuhl and passed unanimously. **Motion:** Mr. Hoover made a motion to accept the recommended penalty and to suspend \$1,500 as long as there are no further violations within 5 years. This motion was seconded by Mr. Mayes and passed unanimously.

NEW CASES

Bradley Diaz
d/b/a Louisiana's Own Landscaping Co.
6397 West End Blvd.
New Orleans, LA 70124
Case No.: 19-001

Three violations of L.R.S. 3:3804(C) for advertising and soliciting in a regulated profession (arborist, landscape horticulturist, and irrigation contractor), without a proper license.

Two violations of L.R.S. 3:3810 A(2) for violating a written stop order dated March 15, 2018 when he advertised in a regulated profession (arborist, landscape horticulturist, and irrigation contractor), without a proper license.

Continued to next hearing date because the Department could not effect service.

Jean Paul Rico
d/b/a Premier Cuts
50 Oaklawn Drive
Metairie, LA 70005
Case No.: 19-002

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

Mr. Rico was not present but the department proceeded because service was effected. The department recommended a penalty of \$1,000 per violation for a total fine of \$2,000. **Motion:** Mr. Ruckstuhl made a motion to find Mr. Rico in violation. This motion was seconded by Mr. Hoover and passed unanimously. **Motion:** Mr. Mayes made a motion to accept the recommended penalty. This motion was seconded by Mr. Sims and passed unanimously.

Ronnie Hilliard
10159 Pine Orchard Road
Shreveport, LA 71129
Case No.: 19-003

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

Continued to the next hearing date at Mr. Hilliard's request.

Alton Dillon
41208 Hwy 190 E
Slidell, LA 70461
Case No.: 19-004

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

Continued because the Department could not effect service.

Kelvin Robins
d/b/a Certified Tree Care
5959 Snowden Drive
Baton Rouge, LA 70816
Case No.: 19-005

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

Continued because the Department could not effect service.

The meeting was turned back over to Mr. Bass at 10:58 a.m.

NEW BUSINESS

Director's Report:

Mrs. Peltier gave the Director's Report since Mr. Rankins was not present. Mr. Rankins was defending his doctoral dissertation today.

On March 7th, USDA APHIS announced that they are seeking stakeholder feedback on the protocol for interstate movement of citrus nursery stock from quarantined areas. The protocol, initially published in 2013, contains standards and requirements that a nursery must meet in order to move citrus nursery stock interstate from areas quarantined for citrus canker, citrus greening, and Asian citrus psyllid. In March 2018, APHIS revised the protocol and enacted several changes. APHIS is reviewing the impacts of the enacted changes and requesting feedback from citrus stakeholders to determine if additional changes are needed. Louisiana has 5 APHIS-approved facilities that are under a compliance agreement and authorized to ship citrus nursery stock across state lines.

USDA recently awarded Horticulture and Quarantine approximately \$39,000 for the HLB Tree Removal Program. The funds will be used in their efforts to continue removing HLB infected trees in the quarantined areas.

Long time staff member Faye Worsham retired on February 1st. Faye was a tremendous asset to our office for 20 years who primarily worked with the examination and initial licensing of landscape architects.

The Horticulture and Quarantine staff will be participating in the 2019 Southern Plant Board meeting in April, which will be held in Nashville, TN. This annual regional meeting allows states to address plant pest and green industry issues of concern to the region. The USDA also attends, allowing useful interaction with our federal counterparts.

Mrs. Peltier also gave Horticulture Commission updates on the year 2018. The LDAF/AES Division has 7 Districts with 48 Inspectors. During 2018 a total of 5,504 licenses were issued and 3,161 permits were issued for a total of 8,665. The total number of license and permit inspections was 3,362. 532 exams were administered with an overall average pass rate of 65%. There were 286 new licenses issued and 206 new permits were issued. There were 5 Commission meetings held, 6 reinstatements approved, 20 call to hearing letters sent out, 12 cases heard with 33 violations. \$31,250 in fines were assessed and \$3,250 in fines were collected through LDAF. There are currently 64 cases at DOJ for collection totaling \$78,800 and \$3,500 has been collected so far.

PUBLIC COMMENTS

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

ADJOURNMENT

Motion: Mr. Hoover made a motion to adjourn at 11:17 a.m. This motion was seconded by Mr. Hopper and passed unanimously.