

**TENTATIVE MINUTES (PENDING BOARD APPROVAL)
IN-PERSON MEETING OF THE**

LOUISIANA BOARD OF ANIMAL HEALTH

**December 6, 2024, 10:00 A.M.
LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
VETERANS MEMORIAL AUDITORIUM
5825 FLORIDA BOULEVARD
BATON ROUGE, LA 70806**

NOTE: THIS IS TENTATIVE MINUTES FROM THE DECEMBER 6, 2024, MEETING OF THE BOARD OF ANIMAL HEALTH. A FINAL VERSION OF THESE MINUTES WILL BE MADE AVAILABLE AFTER APPROVAL OF THE BOARD AT ITS NEXT REGULARLY-SCHEDULED MEETING.

CALL TO ORDER

The meeting was called to order by Dr. Craig Fontenot at 10:00 a.m.

PLEDGE OF ALLEGIANCE

Dr. Fontenot led the Board in reciting the Pledge of Allegiance.

ROLL CALL

The roll was called by Sara Novak.

Members present: Dr. Craig Fontenot, DVM; Dale Cambre; Thomas Early; Nickey Smith; David Mains; Giles Brown; Kurt Cazayoux; Lennie Crawford; Rayburn Smith; Sara Byrd; Brady Rutledge; Suzie Sharkey; and Josh Kaplan

Members Absent: Anna Chapman, DVM; James Cooper, DVM; Law Ponder; and Vendal Fairchild

A quorum was present at all times.

PUBLIC COMMENT

Assistant Commissioner Michelle Ribera introduced Mr. Josh Kaplan and Mrs. Susie Sharkey as two new members of the Board of Animal Health. Mr. Kaplan will be filling the alternative livestock seat and Mrs. Sharkey will be filling the dairy farmer seat.

APPROVAL OF MINUTES

Mr. Dale Cambre moved to approve the minutes as written from the board's August 30th, 2024, meeting. The motion was seconded by Mr. David Mains and passed unanimously.

LIVESTOCK MARKET HEARING

A. Wald Livestock Market- Reconsideration of Livestock Market Charter Application

Mr. John Wald appeared before the board on the *Applicants' Petition for Reconsideration of Agency Decision*, submitted on behalf of himself and Mr. Anton Wald ("applicants"), seeking reconsideration and reversal of the Board's July 12, 2024, decision denying their application for a livestock market charter. The applicants were represented by their attorney, Mr. Stacy Moak. The board was represented by Mr. Brandon Davis, of Phelps Dunbar. Assistant Attorney General, Ms. Terrell Kent, presided over the proceedings as hearing officer.

The hearing on applicants' petition for reconsideration was originally set for October 18, 2024, but was not able to proceed on that date due to lack of a quorum, and was rescheduled for December 6, 2024.

Mr. Moak presented legal argument in favor of reconsideration, arguing that according to the Livestock Market Charter law (R.S. 3:662 et seq.), the applicants are qualified to receive a livestock market charter and that the law further requires that the board grant the charter if an applicant is qualified. Mr. Moak argued that the applicants have submitted reasonable evidence in support of granting the charter. Attorney Brandon Davis objected, stating that the hearing is limited to the re-hearing of the July 12, 2024 hearing. The objection was sustained. Mr. Moak concluded his argument.

Mr. Davis argued that the board is confined to the question of whether the applicants have proven that reconsideration is appropriate based on showing that the board's July 12, 2024, decision was contrary to the law, but that the applicants have not articulated any issues that were clearly erroneous.

Board member Dale Cambre asked about the Walds' operations. Mr. Moak explained that the Walds have had 3 different operations within the past 10 years and that all sorts of livestock were bought and sold. Mr. Anton Wald was sworn in and testified regarding the process of building this new facility. He answered questions from multiple board members about business and financials. The board members expressed concerns about effects on business for other livestock markets. Mr. Moak explained that competition will be beneficial to the market by creating competition.

Ms. Terrell Kent then asked the board for a motion to vote to grant the charter. Mr. Davis stated that this form of vote is procedurally inappropriate, that the board should be voting on the question - based on today's evidence, has the applicant made an appropriate showing of clear error in the board's July 12, 2024 decision. Mr. Moak argued that in this type of proceeding, it is permissible for the Board to correct an earlier vote.

Board member, Brady Rutledge, moved to go into executive session, the motion was seconded by Mr. Kurt Cazayoux and the motion passed unanimously.

Chairman, Dr. Fontenot, moved that the agenda be changed to reflect the executive session. This motion was seconded by Mr. Nickey Smith, and the motion passed unanimously.

The board went into executive session at approximately 11:08 a.m.

At 11:32 a.m., executive session ended. A roll call was taken to reflect that all members were still present.

Members present: Dr. Craig Fontenot, DVM; Dale Cambre; Thomas Early; Nickey Smith; David Mains; Giles Brown; Kurt Cazayoux; Lennie Crawford; Rayburn Smith; Sara Byrd; Brady Rutledge; Suzie Sharkey; and Josh Kaplan.

Members Absent: Dr. Anna Chapman, DVM; James Cooper, DVM; Law Ponder; and Vendal Fairchild.

A quorum was present after executive session.

Mr. Brady Rutledge moved to find that the applicants were successful at presenting information that the board was wrong in the July 12th hearing. The motion was seconded by Mr. Thomas Early.

A roll call vote was taken and the motion failed with two members (Thomas Early and Kurt Cazayoux) voting in favor of the motion; seven members (Dale Cambre, Nickey Smith, David Mains, Sara Byrd, Brady Rutledge, Dr. Craig Fontenot, and Josh Kaplan.) opposing the motion; three members (Giles Brown, Lennie Crawford, and Susie Sharkey) recusing themselves, and one member (Rayburn Smith) abstaining from the vote.

By a vote of 7 to 2, with 3 recusals, and one abstention, the board found that the applicant failed to carry their burden of proof of demonstrating that the board was clearly erroneous in its July 12, 2024 decision to deny the applicants a livestock market charter.

OLD BUSINESS

There was no old business at this time.

NEW BUSINESS

State Veterinarian Dr. Daniel Myrick updated the board on the current news regarding Chronic Wasting Disease ("CWD"). He explained that in early November, he received a report of a positive CWD case in captive deer in a Louisiana deer pen. A 25-mile surveillance zone was established, which encompassed 19 deer facilities, and disease traceability measures were put into place.

PUBLIC COMMENT

There was no public comment at this time.

ANNOUNCEMENTS

Brand Officer Dylan Lacour announced an upcoming saddle microchipping event, provided at no cost to the public.

NEXT MEETING

The date for the board's next meeting was not set and will be determined later.

ADJOURNMENT

Chairman, Dr. Fontenot moved to adjourn the meeting, Rayburn Smith seconded, and the motion passed unanimously. Meeting was adjourned at 11:46 a.m.