

LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM, COMMISSIONER

Louisiana Board of Animal Health

September 28, 2023

10:00 a.m.

Veterans Memorial Auditorium

5825 Florida Boulevard

Baton Rouge, LA 70806

CALL TO ORDER

The meeting was called to order by Dr. Craig Fontenot at 10:02 a.m.

PLEDGE OF ALLIGENCE

Dr. Fontenot led the pledge.

ROLL CALL

The roll was called by Jaclyn Soileau.

Members present: Clark Cooper, DVM, Craig Fontenot, DVM, Rayburn Smith, Kurt Cazayoux, David Mains, Bill Holdman, Vendal Fairchild, Giles Brown, Lennie Crawford, Sara Byrd and Dale Cambre.

Members Absent: Dan Cason, Brady Rutledge, Anna Chapman, DVM, Nickey Smith, Thomas Early

APPROVAL OF MINUTES

Dr Craig Fontenot asks that a revision is made to the March 2023 minutes that shows he was not present. A motion to approve the minutes of the last BOAH meeting is made by Lennie Crawford. Motion is seconded by Craig Fontenot, DVM. Minutes are approved and are passed revision to be made. Corrections were made to the March 2023 minutes.

HEARING OFFICER, ASSISTANT ATTORNEY GENERAL

Hearing Officer Alicia Wheeler, the Assistant Attorney General from the State of Louisiana's Department of Justice is present to being the adjudicatory hearings. Amy McInnis, attorney for the Department of Agriculture asked for a short continuance so that she may return to her office to collect additional documents pertaining to the adjudicatory hearings before the board. Amy McInnis asked that the board move forward with the Wald Livestock Market Charter hearing first so that she may collect the missing documents from her office.

NEW BUSINESS

Wald Livestock Market Charter Hearing

Mr. Anton and John Wald have appeared before the board for the purpose of obtaining a Louisiana Public Market Livestock Charter. This charter shall allow Mr. Anton and John Wald to begin a Livestock Market Buying Station in Kentwood, LA. This hearing was

joined by Mr. Frank Lopinto, the owner of Amite Livestock Auction in Amite, LA. Mr. Lopinto was informed of the market hearing as is required by Louisiana R.S 3:667

Arthur Lacour, Enforcement officer for the Department gave his report as to the status of the Wald's facility. In conclusion, with the addition of running water, a certified scale system and electrical updates the facility is up to standards and is well prepared to begin operation.

It is at this time Mr. Frank Lopinto asks to be heard. He spoke at length concerning his own desire to ensure the stability of the livestock markets in the area; as his own facility is within proximity to the proposed Wald Livestock buying station. He, although friends with the Wald family for many years asks that the buying station/market charter not be approved, as he feared that it would cause a dilution of sales in the already chartered livestock markets in the same area.

Mr. Rayburn Smith, board member and owner of Red River Livestock voiced his own concerns that the increase in buying stations would not only dilute the sales at other markets in the area but would possibly cause confusion with the farmers/livestock breeders when it comes to getting a fair market value for their livestock. To which Giles Brown, board member and owner of Kinder Livestock Auction, agreed.

Mr. Anton Wald approached the microphone to address the board directly. Mr. Wald attempted to address the concerns of the board members and Mr. Lopinto. He clarified that his only reason to get a market charter was so that his scales for weighing livestock could be certified by the state. That he had no desire to take sales from the surrounding markets, only to make his own business more streamlined and efficient for himself and his brother. It was at this time that Dr. Daniel Myrick, assistant State Veterinarian, spoke up and made clear that the charter and the scales were not in fact a linked issue and having a market charter was not necessary or even required to have certified scales. Dr. Myrick then clarified further that under Louisiana state law, the facility at Wald Livestock was the very physical description of a buying station, and so is required to have a market charter to open and do business. The scales being certified by the Weights and Measures division of the Department were irrelevant.

Mr. Bill Holdman, board member representing the Exotics/Alternative livestock farmers directly asked what cause there could be for denying the market charter if the applicant met all requirements? Ms. McInnis answered by reading the requirements and stipulations of a market charter hearing. That the approval or denial rested on not only meeting the requirements, but also questions on if the present livestock market services elsewhere available to the trade area would be affected, if the benefits derived by the livestock industry from the establishment and operation proposed livestock market, and the overall economic feasibility of the market to the area.

With all this information at hand, the board weighed the decision carefully. Motion to approve the Wald Livestock market is made by Mr. Bill Holdman. Motion is seconded by Mr. Kurt Cazayoux. After a rollcall vote of nine **(9) NAY**, and **three (3) YEA** the Louisiana Board of Animal Health denies the market charter for Wald Livestock.

ADJUDICATORY HEARING

Amy McInnis, the attorney for the department, is ready to proceed with the adjudicatory hearings at this time.

Case 23-MPI-001 Michel Laurent

The respondent, Michel Laurent, is absent but is aware of the hearing. Respondent is charged with the following violation(s).

- I.* Two (2) counts of intimidating and interfering with LDAF meat inspection personnel in violation of *LA R.S. 3:4227 and 4233(A) (12)*.
- II.* One (1) count of failure to maintain and provide to the Commissioner, upon request, any requested reports, accounts, books, or records as required by *LA R.S. 3:4233(A)(11)*
- III.* One (1) count of improperly processing meat or meat produces without an inspector present as required by law. *LA R.S. 3:4233 (A)(2)*.
- IV.* One (1) count of improperly distributing meat or meat products which have not been inspected as required by law, in violation of *LA R.S. 3:4210(2)* and *LA R.S. 3:4233(A)(3)(a)*
- V.* One (1) count of improperly distributing meat or meat products which have been retained by LDAF meat inspection personnel (Tag#16245) pursuant to a regulatory control action under *9 CFR 500.2, 9 CFR 500.3*.
- VI.* One (1) count of knowingly misrepresenting information to LDAF personnel for knowingly mispresenting information to LDAF personnel regarding Respondent's efforts to recall misbranded meat products, in violation of *R.S. 3:4211 (2), (3), (5), and (6)*.

The Respondent, Mr. Laurent, had decided to stipulate in this hearing and agrees to the following terms of the Stipulation:

1. Respondent agrees to voluntarily surrender the state-issued grant of inspection currently issued to Mr. Michel Laurent and/or Laurent's Meat Market effective upon the BOAH's and the Commissioner of Agriculture's acceptance of the stipulation agreement.
2. Respondent neither admits nor denies the factual allegations set forth in the charge letter dated June 5, 2023.
3. The Respondent would be free to operate meat-processing functions under the authority of the US Department of Health.
4. The Respondent would be free to apply for a federal grant of inspection for his facility through the UD Department of Agriculture (USDA).
5. If the Respondent wishes to apply for a state-grant of inspection through the department, the Respondent shall wait a period of no less than two (2) years from the date of the Commissioner's acceptance of this agreement to re-apply for a grant of inspection. Such application would require the Respondent to meet all standard requirements for applicants and additionally, the Respondent cannot be in bad standing with the USDA.

In return for the Respondent entering and agreeing to be bound by the terms in this Stipulation, the Department agrees to the following:

1. The Department shall dismiss the seven (7) administrative charges set forth in the June 5, 2023, charge letter and reproduced herein.
2. The Department will not pursue criminal charges against the Respondent for the conduct described in the June 5, 2023, charge letter.
3. The Department shall, upon request and to the extent that it can, provide assistance to the Respondent in modifying his HACCP plans or in meeting other paperwork requirements in the USDA grant of inspection application process. Such assistance will not, however, involve LDAF inspectors being physically present at the Respondent's facility for any reason.
4. The Department agrees that it shall not bring any further charges of any type based in the facts alleged in the charge letter, except for the right to enforce the terms of the Stipulation.

With the Stipulation before the board, hearing officer, Alicia Wheeler asks if there is a motion to accept the stipulation as entered by the Department.

Dr. Craig Fontenot makes a motion to accept the Stipulation.

Mr. Vendal Fairchild seconds the motion to accept the Stipulation.

The motion is passed to accept the Stipulation for Michel Laurent case 23-MPI-001.

Case Number 23-AH-002 Timmy Hebert

The Respondent, Mr. Timmy Hebert, is not present but is aware of the hearing.

The Respondent is charged with the following violations:

- I. Fourteen (14) violations of LA R.S. 3:2131 Disposal of Animal Carcasses *A. In order to prevent, control and eradicate Anthrax, or Charbon, Glanders, Blackleg, Hemorrhagic septicemia, Hog cholera, and all other contagious or communicable disease of mules, horses, cattle, sheep, goats, swine and poultry throughout the state, the carcasses for all animals shall be disposed of in a sanitary manner by cremation, deep burial, or other sanitary method approved by the United States Department of Agriculture (USDA).*
 - A. For the purposes of Paragraph 1, "deep burial" means that the animal carcass shall be placed in a hole or pit not less than six (6) feet deep in the disposition of carcasses of cows, mules, horses, and poultry, and not less than four (4) feet as applying to carcasses of sheep, goats, and swine.
 - B. The owners, agents, firms, or corporation or persons in charge of any or all livestock in the ranges, pastures or other premises shall be responsible for all disposition of all carcasses in those herds over

which they have jurisdiction, with reference to complying to the provisions of the Part.

- C. The provision of this Part shall not apply to animal carcasses within the limits of a city or town which is provided with an incinerator in which a rendering plant is operated, provided such incinerator or rendering plant is equipped to facilities to properly transport or handle carcasses in a manner to prevent dissemination of infection.

II. R.S. 3:2093 (a) provides, in pertinent part:

“Everyday on which a violation occurs shall be considered a separate offense.”

The Respondent, Mr. Hebert, had decided to stipulate in this hearing and agrees to the following terms of the Stipulation:

1. The Respondent agrees to pay a penalty of Four thousand (\$4,000) dollars, with Two thousand (\$2,000) dollars of that amount suspended, subject to the conditions set forth herein. The unsuspended portion of the penalty is Two thousand (\$2,000) dollars. Respondent and the Department agrees that the unsuspended portion of the penalty (\$2,000) dollars, shall be made in monthly payments of one hundred (\$100) dollars on the fourth day of each month, until the unsuspended portion is paid in full. The first payment of one hundred (\$100) dollars shall be due and payable on November 4, 2023. Instructions for payment shall be sent to the Respondent together with the notice of the Board’s acceptance of this Stipulation. In return for the Respondent entering into and agreeing to be bound by the terms in this Stipulation, the Department agrees that it shall not bring further charges of any type based on the facts alleged in the charge latter, except for the right to enforce the terms of the Stipulation. This Stipulation will be jointly submitted to the Board on September 28, 2023, adjudicatory hearing in this matter with the request that the Board accept this Stipulation as the final disposition in this matter. Respondent acknowledges and understands that this Stipulation is subject to approval by the Board. If the Board accepts this Stipulation, it shall constitute the Board’s Finding of Fact, conclusion of law and penalty in this matter as the final disposition in this matter. If the Board does not accept this Stipulation as signed, this matter will be reset for a contested adjudicatory hearing before the Board at a later date at which Respondent will have all rights afforded to him/her by the Administrative Procedure Act. If this Stipulation is not adopted as the final disposition in this matter, it will expressly be withdrawn and may not be used for any purpose whatsoever. Respondent acknowledges that the Department may enforce the terms of this Stipulation if enforcement action becomes necessary. Respondent agrees to pay all reasonable costs, including attorney’s fees and court costs incurred by the Department if the Department must take legal action to enforce the terms of this Stipulation to collect any portion of the penalty due pursuant to this Stipulation. Respondent further acknowledges that this Stipulation may be considered a prior offense for determining the penalty imposed, including monetary fines, probation, license, or

registration suspension and/or revocation in any subsequent hearing brought against the Respondent by the Department. Respondent expressly waives all protections and rights afforded by the Louisiana Administrative Procedures Act, including the rights to (1) an adjudicatory hearing, (2) confront one's accuser, (3) cross-examine witnesses, (4) subpoena and present witnesses and documents, (5) require Department to prevail by a preponderance of evidence, (6) a final decision which contains a finding of fact and conclusion of law, and (7) the right to a rehearing and judicial review of this adjudication and the right to require the Department to prevail by a preponderance of the evidence.

2. The Respondent acknowledges that the first installment payment of the unsuspended portion in the amount of one hundred (\$100) dollars shall be immediately due and payable on November 4, 2023. If the Respondent complies with these conditions and makes timely, monthly payments until the unsuspended portion is paid in full, then the suspended portion of the monetary penalty of two thousand (\$2,000) dollars shall be considered discharged. However, if the Respondent fails to timely pay the monthly installments, to begin thirty days after the receipt of notice, or if the Respondent is subsequently found by this Board to be in violation of any of its laws, rules, or regulations during this payment plan, then both the suspended and unsuspended portion of the monetary penalty shall become immediately due and payable without further action being required. Respondent further acknowledges that in accordance with R.S. 3:15(C), any license or permit held by the Respondent with the Department may be denial renewal, revoked or suspended if Respondent fails to pay fees and civil penalties imposed herein.

Hearing officer, Alicia Wheeler asks if there is a motion to adopt the Stipulation as written in this case.

Vendal Fairchild makes a motion to adopt the Stipulation in this case.

Dale Cambre seconds the motion to adopt the Stipulation in this case.

Motion is passed to adopt the Stipulation for Case number 23-AH-002.

Cancellation of Trichomoniasis Quarantine Pen Permit for Gary Thompson

The Department ask the Board to consider the cancellation of the Trichomoniasis Quarantine Pen permit for Gary Thompson. Mr. Thompson has been found to be in violation of rules in the subchapter or has been found to be in violation of provisions of Chapter 16 of Title 3 of the Louisiana Revised Statutes. These violation stem from the following cases within the Department: AH-19-01, AH-22-01, and 23-AH-001. All aforementioned cases have been heard before the Board and have been ruled on. The monetary penalties of these cases have not been paid by Mr. Thompson at this time.

The Department asks that the Board make a motion to revoke/cancel the permit issued to Mr. Thompson for his Trichomoniasis Quarantine Pen at this time.

Mr. Law Ponder makes a motion to revoke/cancel the Trichomoniasis Quarantine Pen for Mr. Gary Thompson.

Mr. Lennie Crawford seconds the motion to revoke/cancel the Trichomoniasis Quarantine Pen for Mr. Gary Thompson.

Motion is passed to revoke/cancel the permit for Mr. Gary Thompson.

Mr. Dale Cambre asks to clarify how many Trichomoniasis quarantine pens are currently operating in the state. Dr. Daniel Myrick answered by informing the board there are currently 20 pens operating in the state are those are inspected annually.

LDAF Updates and Reports

LDAF Brand Enforcement agent, Arthur Lacour, came before the board with updates to the Department's Brand program. There are now five thousand, six hundred and twenty-seven (5,627) brands currently active with over 300 of those being lifetime brands issued by the Department to date. There has been a significant up-tick in the lifetime brands since being introduced by the legislature.

The saddle microchipping events have likewise been successful. The recent event in Elmer, LA had fifty-five saddles microchipped; with more events scheduled both at the upcoming State Fair in Shreveport, LA, as well as an event scheduled at the Port Allen Arena in West Baton Rouge Parish. All microchipping is done free of charge.

Dr. Myrick then came before the board to inform them of newly appropriated funds of Fifty-two thousand (\$52,000) dollars from the USDA to being genetic testing on farm raised deer herds that are currently enrolled in the CWD certification program. The purpose of the testing is to identify genetic markers that have been shown to help those deer by making them less susceptible to Chronic Wasting Disease (CWD). The funding for this program will allow the Department to begin testing approx. 700 deer enrolled in the CWD herd certification program.

Mr. Bill Holdman asked if there have been any more CWD positive deer reported in the state at this time. Dr. Myrick informed the Board there had been one other case found in a wild deer. That case had also been found in Tensas parish, like the previous ones had

Sexual Harassment and Ethics Training

Amy McInnis asks if any Board member had completed their required online training but has not signed the acknowledgement form, to please come see her so that she can get their signatures on those forms before they leave today.

PUBLIC COMMENT

Date of the next meeting is tentatively for March 2024.

ADJOURNMENT

Dr. Craig Fontenot calls for a motion for the board to adjourn. Motion is made to adjourn by Giles Brown. Motion is seconded by Lennie Crawford. The Louisiana Board of Animal Health meeting is adjourned at 11:22AM.