

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

LOUISIANA BOARD OF ANIMAL HEALTH

**July 12, 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 JULY 12, 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; Thomas Early; Vandal Fairchild; Kurt Cazayoux; David Mains; Rayburn Smith; Law Ponder; Brady Rutledge; Dr. Anna Chapman, DVM; Sara Byrd; Giles Brown; Nickey Smith; and Dr. James Cooper, DVM*

Members Absent: Lennie Crawford, Dale Cambre, and Dan Cason.

* Dr. James Cooper arrived at approximately 10:53 a.m.

A quorum was present at all times.

PUBLIC COMMENT

No public comments were received at this time.

APPROVAL OF MINUTES

Mr. Fontenot moved to approve the minutes as written from the board's March 15, 2024 meeting. The motion was seconded by Mr. Fairchild and passed unanimously.

LIVESTOCK MARKET HEARING

Wald Livestock Market Charter Hearing

Mr. Anton and Mr. John Wald appeared before the board for the second hearing on their application for a livestock market charter which would allow them to establish a Livestock Market Buying Station in Kentwood, LA. The Walds 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 proceeding as hearing officer.

After making his appearance for the record, requested that any board members who need to recuse themselves, to please do so. Board members Giles Brown, Rayburn Smith, and Law Ponder recused themselves from the hearing. The hearing officer recognized the three recusals.

Dr. Daniel Myrick introduced LDAF Brand Enforcement Officer Dillon Lacour to give provide a updated report regarding the department's recent inspections of the Wald Facility. Officer Lacour reported that the department had recently conducted multiple inspections of the facility leading up to this date and that

Assistant Commissioner Michelle Ribera stated the department's recommendation that the board approve the Walds' application pending hook-up of electricity and installation and certification of approved scales.

Mr. Moak then began his presentation of evidence, indicating that he had several witnesses to call on behalf of Wald Livestock.

At 10:16 a.m., Mr. John Wald was called to the stand and spoke about his history in the livestock market. Mr. Wald explained that he and his brother have had multiple livestock charters in the past and have never had any complaints during the eight to ten years that they were in business. The Walds intend to hold their sale on Fridays and sell various species of livestock. The department had no questions for Mr. Wald.

At 10:30, Mr. Dave Foster of the Cattle Producers Association was called to the stand and spoke in favor of the Walds' application. Mr. Foster indicated in that he is here to support the Walds on behalf of the Cattle Producers Association. The department had no questions for Mr. Foster.

At approximately 10:53 a.m., board member Clark Cooper arrived and was recognized as present by the Chair.

At 10:53, Daryl Hoover was called to the stand. Mr. Hoover spoke of his experience in the livestock auction business. Mr. Hoover stated that he helps other markets ship their animals and expressed his supports of the Wald Livestock application. The department had no questions for Mr. Hoover.

At 10:58, Mr. Bilbo Strain was called to the stand Mr. Strain spoke about his experience in livestock auctions, stating that he buys and sells his own cattle. He has known the Walds

for over 20 years and they are qualified to run the livestock market. The department had no questions for Mr. Strain.

Mr. Moak made final statements regarding the Wald Livestock Market Charter application. and requested that board the livestock market charter. Mr. Moak entered his exhibits into evidence, including the Wald application, with no objection from the department. Mr. Joshua Jones, a member of the public, was recognized and requested to make a statement on behalf of Wald Livestock. Mr. Jones stated that he works in the cattle business. at Dominique's in Baton Rouge. He explains that Mr. Wald had helped him solve his problem related to the livestock industry and that he was there to show his support for the Walds. There were questions for Mr. Joshua Jones.

Another member of the public, Jonathan Lopinto of the Amite sale barn, expressed his concerns regarding competition if the Wald Livestock Barn were to open.

Another member of the public, Frank Lopinto of the Amite sale barn, also expresses his concern about the opening of Wald Livestock but ultimately recognized that if the Walds have met the legal requirements for a livestock charter market, that the board should grant the charter.

At 11:24, the hearing officer called for a recess.

At 11:30, the meeting resumed. Novak called the roll again.

Members present: Dr. Craig Fontenot, DVM; Thomas Early; Vendal Fairchild; Kurt Cazayoux; David Mains; Rayburn Smith; Law Ponder; Brady Rutledge; Dr. Anna Chapman, DVM; Sara Byrd; Giles Brown; Nickey Smith; and Dr. James Cooper, DVM.

Member Absent: Lennie Crawford, Dale Cambre, Dan Cason

Hearing Officer Terrell Kent reminded the board members that the recusals are still in effect.

Board members Dr. Fontenot, Mr. Fairchild, and Mr. Cazayoux questioned Mr. Wald about his plans for Wald Livestock.

After discussion by the board, Mr. Early moved to approve the Walds' application for livestock market charter, seconded by Mr. Cazayoux. A roll call vote was taken.

Votes in favor of granting the Walds' application:

- | | |
|-------------|------------|
| 1. Early | 4. Cooper |
| 2. Cazayoux | 5. Chapman |
| 3. Rutledge | 6. Byrd |

Votes against granting the Walds' application:

- | | |
|-------------|-------------|
| 1. Fontenot | 3. N. Smith |
|-------------|-------------|

2. Fairchild
4. Mains

Recusals/Abstentions:

1. Giles Brown
2. Rayburn Smith
3. Law Ponder

After a roll call vote of **6 yeas** and **4 nays**, the Louisiana Board of Animal Health denied the Market Charter for Wald Livestock.

Mr. Moak requested clarification of why the application was denied with a 6-4 vote in favor of granting it. LDAF Executive Counsel, Tabitha Irvin, read La. R.S. 3:2091(H), which requires that “all official actions of the board shall require the affirmative vote of a majority of the members of the board.” The Wald application failed to obtain the requisite number of votes required by La. R.S. 3:2091(H).

OLD BUSINESS

There was no old business.

NEW BUSINESS

Brian Miller, Director of the LDAF Meat and Poultry Inspection program, addressed the board about recent legislation that establishes a voluntary meat inspection program for the slaughter, processing, and packing of exotic species at no cost. The program has a list of animals that would be included in this program.

LDAF General Counsel, Amy McInnis, advised the board of three sets of proposed rules for the board’s consideration. These new rule changes are procedural in nature and are statutorily required of all agencies, including this board.

The first set of proposed rules provide for virtual participation in open meetings for board members or members of the public with an ADA-recognized disability who request to participate virtually. The proposed rule would set forth the department’s procedure and requirements for facilitating such requests. The motion to approve was made by Clark Cooper, seconded by Thomas Early. The board voted unanimously to approve the proposed rule, and the motion carried.

The second set of proposed rules sets forth a procedure by which a member of the public can petition the board to repeal, adopt, or amend a new rule. The motion to approve was made by Nickey Smith, seconded by Thomas Early. The board voted unanimously to approve the proposed rule, the motion carried.

The final set of proposed rules sets forth a procedure by which a member of the public can petition the board to for a declaratory order, regarding the application of the board’s

statutes, rules or order. The motion to approve was made by Thomas Early, seconded by Kurt Cazayoux. The board voted unanimously to approve the proposed rule and the motion carried.

PUBLIC COMMENT

No public comments were received at this time.

ANNOUNCEMENTS

General Counsel, Amy McInnis, briefly advised the board that an email with a link to the annual Prevention of Sexual Harassment training will be forthcoming and that the board members should complete that training by November 1, 2024.

NEXT MEETING

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

ADJOURNMENT

Dr. Craig Fontenot called for a motion to adjourn the meeting, Rayburn Smith seconded, and the motion passed unanimously. Meeting was adjourned at 12:07 p.m.

TENTATIVE