**TENTATIVE MINUTES (PENDING COMMISSION APPROVAL)**

**MEETING OF THE**

**ADVISORY COMMISSION ON PESTICIDES**

**AUGUST 14, 2024, 9:30 A.M.**

**LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY**

**VETERANS’ MEMORIAL AUDITORIUM**

**5825 FLORIDA BOULEVARD**

**BATON ROUGE, LA 70806**

**CALL TO ORDER**

The meeting was called to order by Mr. Billy Guthrie at 9:30 a.m.

**ROLL CALL**

The roll was called by Jason Starns.

Members present: Billy Guthrie, George Bragg, Dr. Blaine Viator, Jenny Buller, Floyd Fowler, Scotty Meador, and Roby Shields.

A quorum was present.

Others present: Dr. Ansel Rankins – LDAF, Terrel Kent – Hearing Officer, Bethany Gonzales – LDAF Attorney, Angela Jackson – LDAF Attorney, Tabitha Irvin – LDAF Executive Counsel, Lyndon Leonards – LDAF, Joe Ingrao – LDAF, Ashley LaBorde – LDAF, Brian Gueltig – LSU AgCenter, Kelly Moore – LDAF, Kayla Hurst-Toussaint – LDAF, Sanettria Pleasant, Allen Phillips Jr, Ryan Duhon, Nicholas Chachere, Austin Gray – LDAF, Amy Hernandez – LDAF, Keith Richard, Carl Simone and Jason Starns – LDAF.

**PUBLIC COMMENTS**

There were no public comments.

Ms. Rebecca Triche joined the meeting at 9:31 a.m.

**APPROVAL OF THE MINUTES**

**Motion:** Mr. George Bragg made a motion to approve the minutes from the January 26, 2024 meeting. The motion was seconded by Mr. Roby Shields and passed unanimously.

**ADJUDICATORY HEARINGS**

Hearing Officer Ms. Terrel Kent conducted the hearing. LDAF Attorney, Ms. Bethany Gonzales, presented the following cases:

**Allen Phillips, Jr.**  Case No.: 24-ACP-2534

2445 Cypress Island Highway

St. Martinville, LA 70582

The Department charged Mr. Phillips with one (1) violation of La. R.S. 3:3252(A)(4).

Mr. Phillips was present and represented by counsel. A hearing was held on one (1) violation.

**Motion:** Mr. George Bragg made a motion to accept the recommended penalties as presented.  The motion was seconded by Mr. Billy Guthrie. A roll call vote was taken:

Dr. Blaine Viator no

Mr. Billy Guthrie yes

Mr. George Bragg yes

Ms. Jenny Buller no

Mr. Floyd Fowler no

Mr. Scotty Meador yes

Mr. Roby Shields no

Ms. Rebecca Triche yes

The motion failed by a roll call vote of 4 yes – 4 no.

**Stipulations:**

LDAF Attorney, Ms. Angela Jackson, presented the following cases:

**Zebulon Benton**  Case No.: 24-ACP-2562

578 Mengie Road

Rayville, LA 71269

The Department charged Mr. Benton with one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7:XXIII.1101(I) and one (1) violation of La. R.S. 3:3252(A)(2).

The stipulation was presented by Ms. Jackson.

Respondent admitted to the violations and agreed to pay the penalty of $1,000.00, with $500.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Kent admitted LDAF Exhibits 1 and 2 into the record.

**Motion:** Mr. Billy Guthrie made a motion to accept the stipulation and penalty as presented. The motion was seconded by Dr. Blaine Viator and passed unanimously.

**Nicholas Richard** Case No.: 24-ACP-2563

2240 Hains Road

Rayne, LA 70578

The Department charged Mr. Richard with one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7:XXIII.1101(I).

The stipulation was presented by Ms. Jackson.

Respondent admitted to the violations and agreed to pay the penalty of $1,00.00, with $500.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Kent admitted LDAF Exhibits 1 and 2 into the record.

**Motion:** Mr. George Bragg made a motion to accept the stipulation and penalty as presented. The motion was seconded by Mr. Scotty Meador and passed unanimously.

**Lloyd Newman** Case No.: 24-ACP-2565

2702 Highway 4

Newellton, LA 71357

The Department charged Mr. Newman with one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7:XXIII.1101(I) and one (1) violation of La. R.S. 3:3252(A)(6), specifically LAC 7:XXIII.2101A(1-14).

The stipulation was presented by Ms. Jackson.

Respondent admitted to the violation and agreed to pay the penalty of $750.00, with $375.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Kent admitted LDAF Exhibits 1 and 2 into the record.

**Motion:** Ms. Jenny Buller made a motion to accept the stipulation and penalty as presented.  The motion was seconded by Mr. George Bragg and passed unanimously.

**Kyle Spears** Case No.: 24-ACP-2568

2582 Everton Road

Mamou, LA 70554

The Department charged Mr. Spears with one (1) violation of La. R.S. 3:3252(A)(2), specifically 40 CFR 170.501(a).

The stipulation was presented by Ms. Jackson.

Respondent admitted to violation and agreed to pay the penalty of $500.00, with $250.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Kent admitted LDAF Exhibits 1 and 2 into the record.

**Motion:** Mr. Roby Shields made a motion to accept the stipulation and penalty as presented. The motion was seconded by Mr. Scotty Meador and passed unanimously.

**Jordy Marks** Case No.: 24-ACP-2570

2451 West Congress

Lafayette, LA 70506

The Department charged Mr. Marks with one (1) violation of La. R.S. 3:3252(A)(16), specifically LAC 7:XXIII.1101(F), one (1) violation of La. R.S. 3:3243(A) and one (1) violation of La. R.S. 3:3243.

Respondent admitted to the violation and agreed to pay the penalty of $2,500.00, with $1,250.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Kent admitted LDAF Exhibits 1 and 2 into the record.

**Motion:** Mr. George Bragg made a motion to accept the stipulation and penalty as presented. The motion was seconded by Ms. Rebecca Triche and passed unanimously.

**NEW BUSINESS**

**Proposed ACP Rule Changes:**

Mr. Lyndon Leonards presented proposed ACP rule changes.

**LDAF Report:**

Mr. Lyndon Leonards requested a motion to amend the Agenda for legal to discuss upcoming ADA Rules.

**Motion**: Mr. George Bragg made a motion to approve amending the Agenda. The motion was seconded by Mr. Roby Shields and passed unanimously.

Ms. Bethany Gonzales discussed rules changes that will affect open meetings. She discussed Act 393, 2023 Regular Legislative Session, requiring public bodies to allow for virtual participation.

Mr. Lyndon Leonards updated the commission on personnel changes. Mr. Leonards updated the commission on the unwanted pesticide program and discussed the inspector training that was held in March 2024 and June 2024. Mr. Leonards provided Section 18 and Dicamba over-the-top updates.

**CONSIDERATION OF AG CONSULTANT EXAM APPLICATIONS**

Mr. Joe Ingrao presented the recommendations of the Ad Hoc Committee of the Advisory Commission on Pesticides for AG Consultant Exam Applications to the commission:

**Benjamin Bergeron**

The Ad Hoc Committee recommended the approval of Mr. Bergeron to test in Category 1a, Agricultural Entomology, 2a, Agricultural Plant Pathology, 3a, Agricultural Weed Control, and 4a, Agriculture Field Soil Management.

**Motion:** Mr. George Bragg made a motion to accept the recommendation of the Ad Hoc Committee of the Advisory Commission on Pesticides to approve the applicant for agricultural consultant certification testing. The motion was seconded by Ms. Jenny Buller and passed unanimously.

**Logan Vallee**

The Ad Hoc Committee recommended to deny Mr. Vallee to test in Category 2a, Agricultural Plant Pathology.

**Motion:** Dr. Blaine Viator made a motion to accept the recommendation of the Ad Hoc Committee of Advisory Commission on Pesticides to deny the applicant for agricultural consultant certification testing. The motion was seconded by Mr. Scotty Meador and passed unanimously.

**John Reid Rivet**

The Ad Hoc Committee recommended the approval of Mr. Rivet to test in Category 1a, Agricultural Entomology.

**Motion**: Ms. Rebecca Triche made a motion to accept the recommendation of the Ad Hoc Committee of the Advisory Commission on Pesticides to approve the applicant for agricultural consultant certification testing. The motion was seconded by Mr. George Bragg and passed unanimously.

**FUTURE MEETING**

Mr. Lyndon Leonards addressed the commission regarding the future meeting date and recommended January 23, 2025 and August 27, 2025.

**PUBLIC COMMENTS**

There were no public comments.

**ADJOURNMENT**

**Motion:** Mr. George Bragg made a motion to adjourn the meeting. The motion was seconded by Ms. Jenny Buller and passed unanimously. The meeting adjourned at 1:26 p.m.