

LOUISIANA WEIGHTS AND MEASURES COMMISSION
ADJUDICATORY HEARING MINUTES
November 15, 2023 at 9:30 A.M.
Louisiana Department of Agriculture & Forestry
Veterans' Memorial Auditorium
5825 Florida Blvd.
Baton Rouge, LA 70806

I. CALL TO ORDER

Director, Paul Floyd, called the hearing to order at 9:31 a.m.

II. ROLL CALL AND DECLARATION OF QUORUM

Blaire LeBlanc, LDAF Staff, called roll, and the following Commission Members were present:

Commission Members Present

Mr. Larry Terrell Chairman

Mr. Dave George

Mr. Mickey Freiberg

Mr. Cal Simpson

Mr. Tommy "Bo" Haring

Mr. Dane Hebert

Mr. Scott Simonson

With Seven (7) members present, a quorum was declared.

III. PUBLIC COMMENTS

Director, Paul Floyd, introduced the new LDAF attorneys Ms. Jade Sanders and Ms. Lebra Bias, Weights & Measure Assistant Commissioner, Mr. Kevin Finley, Administrative Coordinator V, Mrs. Blaire LeBlanc, Student interne, Ms. Noelle Matthews, Metrologist, Tyler Holmes.

IV. APPROVAL OF MAY 25, 2023, MINUTES

Motion made by Larry Terrell to approve the minutes from the May 25, 2023, meeting. Mr. Tommy Haring seconded the motion. All members were in favor. Motion carried.

V. ADJUDICATORY HEARING

LDAF Staff Attorney Jade Sanders and Lebra Bias represented the department and presented the following cases. Assistant Attorney General Alicia Wheeler presided as Hearing Officer.

ADJUDICATED CASES

CASE #23-M-1101 Brothers Belle Chasse (Gretna)

6 VIOLATION(S)

6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

Director Paul Floyd, Program Manager Steven Coco, and LDAF inspector were called as witnesses by the Department. The previously conducted price verification inspection reports were introduced into evidence. Paul Floyd identified and authenticated the Charge Letter, which was introduced into evidence.

Steven Coco identified and authenticated the Warning Letter, which was introduced into evidence.

Respondent was not present.

The department recommended a penalty of Three Thousand Hundred Dollars (\$3,000.00). Motion to accept the recommended penalty was made by Mr. Cal Simpson and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23- WM-1104 Hollywood Avenue Food Mart (Shreveport)

10 VIOLATION(S)

10 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

Director Paul Floyd, Program Manager Steven Coco, and LDAF inspector were called as witnesses by the Department. The previously conducted price verification inspection reports were introduced into evidence. Paul Floyd identified and authenticated the Charge Letter, which was introduced into evidence.

Steven Coco identified and authenticated the Warning Letter, which was introduced into evidence.

Respondent was not present.

The department recommended a penalty of Five Thousand Hundred Dollars (\$5,000.00). Motion to accept the recommended penalty was made by Mr. Cal Simpson and seconded by Mr. Tommy Haring. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CONTINUED CASES

CASE #23- WM-502 Deli 2 Go (Lake Charles).

The Department recommended to the Commission that this case be continued to the next hearing. Hearing Officer Alicia Wheeler granted the continuance.

STIPULATED CASES

CASE #23- WM-1102 Circle K 2701691 (Lafayette)

14 VIOLATION(S)

14 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Seven Thousand Dollars (\$7,000.00). Motion was made by Mr. Dave George and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23- WM-1103 Cuccio's Food Mart 1 (Crowley)

4 VIOLATION(S)

4 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Dollars (\$1,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dane Hebert and seconded by Mr. Scott Simonson. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23- WM-1105 Circle K 2706833 (Lafayette)

7 VIOLATION(S)

7 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion was made by Mr. Mickey Freiberg and seconded by Mr. Tommy Haring. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23- WM-1108 Smokers Express (Sulphur)

9 VIOLATION(S)

9 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Two Hundred Fifty Dollars (\$2,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Tommy Haring and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

CASE #23- WM-1110 Kirkman Shoppers Place (Lake Charles)

9 VIOLATION(S)

9 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Two Hundred Fifty Dollars (\$2,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Dane Hebert. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23- WM-1114 Grab N Geaux 17 (Lake Charles)

3 VIOLATION(S)

3 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Seven Hundred Fifty Dollars (\$750.00). Motion to accept the stipulation and recommended penalty was made by Mr. Tommy Haring and seconded by Mr. Scott Simonson. All members were in favor. Motion carried.

CASE #23- WM-1115 Grab N Geaux 4 (Lake Charles)

8 VIOLATION(S)

8 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Two Thousand Dollars (\$2,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23- WM-1107 Family Dollar Store 12966 (Lake Charles)

3 VIOLATION(S)

3 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Five Hundred Dollars (\$1,500.00). Motion to accept the stipulation and recommended penalty was made by

Mr. Scott Simonson and seconded by Mr. Dave George. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23- WM-1117 Family Dollar Store 32349 (Lafayette)

7 VIOLATION(S)

7 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Tommy Haring. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23- WM-1113 Family Dollar Store 30667 (Ponchatoula)

7 VIOLATION(S)

7 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Dane Hebert. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #23- WM-1116 Deli Stop (Lake Charles)

6 VIOLATION(S)

6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Five Hundred Dollars (\$1,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Tommy Haring and seconded by Mr. Dave George. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

VI. OLD BUSINESS

Mr. Mickey Frieberg commended Dollar General for pricing corrections and for not having cases at this hearing.

VII. NEW BUSINESS

- A. Director, Paul Floyd, presented Mr. Larry Terrell a certificate of award for serving on the commission of Weights & Measures from 2008-2023.
- B. Director, Paul Floyd, informed the Commission and those in attendance that the Weights and Measures Division will be participating in a national survey on price verification inspections.

VIII. PUBLIC COMMENTS

Dane Hebert questioned the PVI process, specifically random sampling and enforcement actions. Paul Floyd answered by explaining the random sampling procedure as described in Handbook 130 and explained the enforcement action procedure for LDAF.

IX. NEXT MEETING DATE

X. ADJOURNMENT

A motion was made at 10:34 a.m. to adjourn the meeting by Mr. Dane Hebert and seconded by Mr. Dave George. All members were in favor. Motion carried.

Charles Scott Simonson

Chairman Signature

Charles Scott Simonson

Printed Name

APPROVED