

LOUISIANA WEIGHTS AND MEASURES COMMISSION  
ADJUDICATORY HEARING MINUTES

JUNE 16, 2022, 9:30 A.M.

Louisiana Department of Agriculture & Forestry  
Veterans' Memorial Auditorium  
5825 Florida Blvd.  
Baton Rouge, LA 70806

**I. CALL TO ORDER**

Vice-Chairman, Dave George, called the hearing to order at 9:30 a.m.

**II. ROLL CALL AND DECLARATION OF QUOROM**

Roll was called by LDAF Staff, Kasey Patton

**Commission Members Present**

Mr. Dave George, Vice Chairman

Mr. Michael DiResto, Alternate

Mr. Scott Simonson, Alternate

Mr. Justin Alford

Mr. Tommy "Bo" Haring

Mr. Mark Westmoland

Mr. Frank Lopinto

With seven (7) members present, Vice Chairman Dave George declared a quorum.

**III. PUBLIC COMMENTS**

No public comments were given at this time

**IV. APPROVAL OF FEBRUARY 17, 2022, MINUTES**

Motion made by Michael DiResto to approve the minutes for the February 17, 2022, meeting. Mr. Justin Alford seconded the motion. All members were in favor. Motion carried.

**V. ADJUDICATORY HEARING**

LDAF Staff Attorney Baleigh Olah represented the department and presented the following cases. Assistant Attorney General Alicia Wheeler presided as Hearing Officer.

**ADJUDICATORY CASES**

**CASE #2022-019 / Charge Up 54 (Lake Charles**

**18 VIOLATION(S)**

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

**15 Item(s) with price not displayed – LAC 7:XXXV.117**

After being sworn in, Paul Floyd, Director of Weights and Measures, authenticated Exhibit LDAF-1, the charge letter sent to this business. Steven Coco, Scales, packages and labeling Program Manager, authenticated LDAF-4, the Warning Letter sent to this location. LDAF inspector, Anna Greathouse, authenticated LDAF 2, 3, and 5, and provided testimony relative to those documents. Exhibits LDAF-1-5 were entered into evidence.

The Department recommended the Commission fine Charge Up 54 in violation. A motion was made by Mr. Scott Simonson and seconded by Mr. Frank LoPinto.

The Department further recommended the Commission impose a penalty of Five Hundred Dollars (\$500.00) per violation, the maximum allowed by law, for a total of Nine Thousand Dollars (\$9,000.00). Motion was made by Mr. Michael DiResto and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

**CONTINUED**

**CASE #2022-006 / 90 POINTE (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 #2022-002 / FAMILY DOLLAR STORE #11735 (CROWLEY)**

**6 VIOLATION(S)**

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

**3 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Three Thousand Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank LoPinto and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

**CASE #2022 - 003 / DOLLAR GENERAL STORE #7518 (HAMMOND)**

**9 VIOLATION(S)**

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

**1 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Four Thousand Five Hundred Dollars (\$4,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and seconded by Mr. Bo Haring. All members were in favor. Motion carried.

**CASE #2022-004 / DOLLAR GENERAL STORE #12768 (SHREVEPORT)**

**6 VIOLATION(S)**

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

The department recommended a penalty of Three Thousand Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Michael Diresto. All members were in favor. Motion carried.

**CASE #2022-005 / RACETRAC #2466 (LAFAYETTE)**

**5 VIOLATION(S)**

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

**3 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of One Thousand Two Hundred and Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Bo Haring. All members were in favor. Motion carried.

**CASE #2022-008 / STRIPES #41025H (LAKE CHARLES)**

**13 VIOLATION(S)**

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

**5 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Three Thousand Seven Hundred and Fifty Dollars (\$3,75.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Dave George. All members were in favor. Motion carried.

**CASE #2022-009 / DOLLAR GENERAL STORE #1603 (METAIRIE)**

**8 VIOLATION(S)**

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

The department recommended a penalty of Four Thousand Dollars (\$4,000). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Michael DiResto. All members were in favor. Motion carried.

**CASE #2022-010 / FAMILY DOLLAR STORE #21180 (CROWLEY)**

**8 VIOLATION(S)**

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

**2 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Four Thousand Dollars (\$4,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Frank LoPinto. All members were in favor. Motion carried.

**CASE #2022-013 / TIGER SPEEDY STOP (DEQUINCY)**

**10 VIOLATION(S)**

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

**9 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Bo Haring. All members were in favor. Motion carried.

**CASE #2022-014 / CIRCLE K #2707663 (KENNER)**

**7 VIOLATION(S)**

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

**1 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

**CASE #2022-015 / DOLLAR GENERAL STORE #22887 (WESTLAKE)**

**4 VIOLATION(S)**

**2 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. Justin Alford. All members were in favor. Motion carried.

**CASE #2022-018 / STRIPES #41025H (LAKE CHARLES)**

**8 VIOLATION(S)**

**8 Red Tag Removal Violation(s) – LA. R.S. 3:4610**

The department recommended a penalty of Two Thousand Dollars (\$2,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank LoPinto and seconded by Mr. Dave George. All members were in favor. Motion carried.

**CASE #2022-020 / CANIK'S FEED AND GROCERY, LLC (CAMERON)**

**18 VIOLATION(S)**

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

**15 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Four Thousand Five Hundred Dollars (\$4,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

**CASE #2022-021 / WALMART SUPERCENTER # 2938 (LAFAYETTE)**

**14 VIOLATION(S)**

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

**5 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Bo Haring. All members were in favor. Motion carried.

**CASE #2022-25 / GENERAL NUTRITION CENTER #8776 (LAFAYETTE)**

**4 VIOLATION(S)**

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

The department recommended a penalty of Five Thousand Dollars (\$5,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Frank LoPinto. All members were in favor. Motion carried.

**CASE #2022-026 / FAMILY DOLLARE STORE #22562 (CHURCH POINT)**

**10 VIOLATION(S)**

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

**2 Price(s) not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Five Thousand Dollars (\$5,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Michael DiResto. All members were in favor. Motion carried.

**CASE #2022-027 / FAMILY DOLLAR STORE #12386 (BRANCH)**

**10 VIOLATION(S)**

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

**3 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Five Thousand Dollars (\$5,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Bo Haring. All members were in favor. Motion carried.

**CASE #2022-029 / DOLLAR GENERAL STORE #10500 (SLIDELL)**

**17 VIOLATION(S)**

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

The department recommended a penalty of Eight Thousand Five Hundred Dollars (\$8,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Frank LoPinto. All members were in favor. Motion carried.

**CASE #2022-030 / DOLLAR GENERAL STORE #9777 (METAIRIE)**

**8 VIOLATION(S)**

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

**1 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Four Thousand Dollars (\$4,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank LoPinto and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

**CASE #2022-031 / DOLLAR GENERAL STORE #19388 (ABBEVILLE)**

**4 VIOLATION(S)**

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

**2 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and seconded by Mr. Scott Simonson. All members were in favor. Motion carried.

**CASE #2022-032 / DOLLAR GENERAL STORE #22891 (SULPHUR)**

**4 VIOLATION(S)**

**4 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. Bo Haring. All members were in favor. Motion carried.

**CASE #2022-033 / CIRCLE K #2706835 (LAFAYETTE)**

**7 VIOLATION(S)**

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

The department recommended a penalty of Six Thousand Dollars (\$6,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Michael DiResto. All members were in favor. Motion carried.

**CASE #2022-034 / DOLLAR GENERAL STORE #12558 (NATALBANY)**

**12 VIOLATION(S)**

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

The department recommended a penalty of Six Thousand Dollars (\$6,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Dave George. All members were in favor. Motion carried.

**CASE #2022-035 / BUMPER TO BUMPER #156 (ALEXANDRIA)**

**5 VIOLATION(S)**

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

The department recommended a penalty of One Thousand Two Hundred and Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Dave George. All members were in favor. Motion carried.

**CASE #2022-039 / CIRCLE K #2741731 (LAFAYETTE)**

**14 VIOLATION(S)**

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

**2 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Seven Thousand Dollars (\$7,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and seconded by Mr. Justin Alford. All remaining members were in favor. Motion carried.

**CASE #2022-040 / DOLLAR GENERAL STORE #13841 (KENNER)**

**8 VIOLATION(S)**

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

The department recommended a penalty of Four Thousand Dollars (\$4,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Frank LoPinto. All members were in favor. Motion carried.

**CASE #2022-041 / DOLLAR GENERAL STORE #22504 (FRANKLINTON)**

**6 VIOLATION(S)**

**6 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. Bo Haring and seconded by Mr. Frank Lopinto. All members were in favor. Motion carried.

**CASE #2022-042 / DOLLAR GENERAL STORE #15137 (FRANKLINTON)**

**8 VIOLATION(S)**

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

The department recommended a penalty of Four Thousand Dollars (\$4,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Bo Haring and seconded by Mr. Dave George. All members were in favor. Motion carried.

**CASE #2022-043 / DOLLAR GENERAL STORE #6798 (COVINGTON)**

**10 VIOLATION(S)**

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

The department recommended a penalty of Five Thousand Dollars (\$5,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Frank LoPinto. All members were in favor. Motion carried.

**CASE #2022-044 / ADVANCED AUTO PARTS #5763 (HAMMOND)**

**11 VIOLATION(S)**

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

The department recommended a penalty of Two Thousand Seven Hundred and Fifty Dollars (\$2,750.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Bo Haring. All members were in favor. Motion carried.

**CASE #2022-045 / DOLLAR GENERAL STORE #0448 (BREAUX BRIDGE)**

**4 VIOLATION(S)**

**4 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. Michael DiResto and seconded by Mr. Dave George. All members were in favor. Motion carried.

**CASE #2022-046 / DOLLAR GENERAL STORE #10317 (SULPHUR)**

**4 VIOLATION(S)**

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

**3 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Two Thousand Dollars (\$2,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank LoPinto and seconded by Mr. Bo Haring. All remaining members were in favor. Motion carried.

**CASE #2022-047 / DOLLAR GENERAL STORE #16300010 (LAKE CHARLES)**

**5 VIOLATION(S)**

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

**3 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Michael DiResto. All members were in favor. Motion carried.

**CASE #2022-048 / DOLLAR GENERAL STORE #18714 (IOWA)**

**9 VIOLATION(S)**

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

The department recommended a penalty of Four Thousand Five Hundred Dollars (\$4,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Frank LoPinto. All members were in favor. Motion carried.

**CASE #2022-049 / CALCASIEU EXXON #87890 (LAKE CHARLES)**

**7 VIOLATION(S)**

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

**4 Item(s) with price not displayed – LAC 7:XXXV.117**

The department recommended a penalty of One Thousand Seven Hundred and Fifty Dollars (\$1,750.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford, and seconded by Mr. Frank LoPinto. All members were in favor. Motion carried.

**CASE #2022-050 / E Z SHOP (LAKE CHARLES**

**8 VIOLATION(S)**

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

**7 Item(s) with price not displayed – LAC 7:XXXV.117**

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. Justin Alford. All members were in favor. Motion carried.

**CASE #2022-051 / FASTENAL (BROUSSARD)**

**2 VIOLATION(S)**

**1 Red Tag Removal Violation(s) – LA. R.S. 3:4610**

**1 Use of Unapproved Device – LA. R.S. 3:4611**

The department recommended a penalty of Five Hundred Dollars (\$500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

**VI. OLD BUSINESS**

A.) Paul Floyd presented information and statistics on Price Verification Data.

**VII. NEW BUSINESS**

A.) Paul Floyd presented award to Inspector David DeRoche for completing all National Conference of Weights and Measures examinations.

B.) Paul Floyd presented changes LDAF will be making for price verification inspections going forward.

**VIII. PUBLIC COMMENTS**

No public comments were given at this time.

**IX. NEXT MEETING DATE**

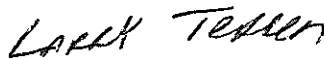
An email would be sent to Commission Members and Alternates to determine the next hearing date between October 6<sup>th</sup>, 20<sup>th</sup>, and 27<sup>th</sup>.

**X. ADJOURNMENT**

A motion was made to adjourn the meeting by Mr. Michael DiResto and seconded by Mr. Justin Alford. All members were in favor. Motion carried.



Chairman Signature



Printed Name