

LOUISIANA WEIGHTS AND MEASURES COMMISSION HEARING  
MINUTES

November 12, 2014

9:30 a.m.

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

**I. Call to Order:**

Chairman Mike Miller called the hearing to order at 9:35 a.m.

**II. Roll Call:**

**Commission Members present**

Mr. Mike Miller, Chairman  
Mr. John O'Neill, Vice Chairman  
Mr. Dave George  
Mr. Larry Terrell  
Mr. Joseph Al Moreaux  
Mr. Marcy LeBlanc Sr.  
Mr. Justin Alford

**Members absent**

Mr. Nolan Percy  
Mr. Brad Terral  
Mr. Frank LoPinto

**LDAF staff present**

Benjy Rayburn, Assistant Commissioner ACS  
Stephen O. Sessums, Director of Weight & Measures  
Brent Robbins DVM, Deputy Commissioner  
Chris Mora, Legal Counsel  
Kevin Finley, Internal Auditor  
Todd Parker, Assistant Commissioner AES  
Milton Hunter, Program Manager Weights & Measures  
Jarrad Poirrier, Program Manager Weights & Measures  
Paul Floyd, District Supervisor Weights & Measures  
Nicole Kerne, Weights & Measures Inspector  
Nicole Robino, Administrative Assistant  
Lisa Sonnier, Administrative Assistant

**Also in attendance**

Lindsey Hunter, Assistant Attorney General Office hearing officer

**III. Declaration of Quorum:**

Seven members being present Chairman Mike Miller declared a quorum.

**IV. Approval of June 18, 2014 Minutes:**

**Motion** moved by Mr. Marcy LeBlanc and seconded by Mr. John O'Neill to approve the minutes. Motion carried.

**V. Public Comment**  
No public comment

**VI. Adjudicatory Hearing:**

**1. Case No. 13-20-5 continued case**  
**Trinh Investments LLC**  
**5424 Lapalco Blvd**  
**Marrero LA 70072**

**10 violations**

10 violations - Price Not Displayed - LAC 7:XXXV.117 (A) provides that:  
(A) The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price maked in English on the package containing individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

A stipulated fine of \$1,250 was imposed on the condition that the respondent pays the penalty by certified funds within 30 days after receipt or notice of the Commissioner's final determination

**Motion** moved by Mr. Larry Terrell and seconded by Mr. Dave George to accept the stipulation and penalty. Motion carried.

**2. Case No. 14-12-01 (fuel case)**  
**MRK Inc.**  
**4291 Highway 84**  
**Vidalia LA 71373**

**1 violation**

1 violation -La. R.S. 3:4673 Petroleum product specifications  
(As implemented by LAC 7: XXV.321 (B and D))

A stipulated fine of \$500.00 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of the Commissioner's final determination

**Motion** moved by Mr. Marcy LeBlanc and seconded by Mr. Dave George to accept the stipulation and penalty. Motion carried.

3. **Case No. 14-12-02 (fuel case)**  
**Orleans Center Market L.L.C**  
**2707 Orleans Avenue**  
**New Orleans LA 70119**

**16 violations**

1 violation- La. R.S. 3:4675 containers or pumps from which petroleum products not conforming to specifications are sold, to be labeled  
(as implemented by LAC 7:XXXV.321 (B))

A. if any petroleum product which does not conform to the minimum specifications adopted by the commissioner in accordance with this Subpart is sold or dispensed in this state, the container or pump from which the petroleum product is to be dispensed shall be clearly, distinctly, and conspicuously labeled

15 violations- La. R.S. 3:4679 Record of products sold

A. Each dealer, distributor, or importer shall keep a full and complete record of Petroleum products received, used, sold, or delivered within this state by him, together with invoices, bills of lading, and other pertinent records and papers as may be required by the commissioner for the reasonable administration of this Subpart until the taxes to which they relate have prescribed. All such records shall be opened for inspection to the commissioner at all reasonable hours

A Stipulated fine of \$3,950 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of Commissioner's final determination

**Motion** moved by Mr. Justin Alford and seconded by Mr. John O'Neill to accept the stipulation and penalty. Motion carried.

4. **Case No. 14-12-03 (continued case)**  
**Barksdale Exxon**  
**2264 Barksdale Blvd**  
**Lake Charles LA 71112**

Mr. Mora requested this matter be continued the state does not have a problem with the continuance, Ms. Hunter continued the matter

5. **Case No. 14-12-04 (fuel case)**  
**The Pantry Inc**  
**305 Gregson Drive**  
**Cary NC 27511**

**2 violations**

2 violations -La. R.S. 3:4682B Products not conforming to specifications, duty of the Commissioner

A Stipulated fine of \$1,000 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of Commissioner's final determination

**Motion** moved by Mr. John O'Neill and seconded by Mr. Al Moreaux to accept the stipulation and penalty. Motion carried.

6. **Case No. 14-12-05 (dismissed fuel case)**  
**Smoker Express**  
**1715 Caples Road**  
**West Monroe LA 71292**

Mr. Mora requested this case to be dismissed it was granted by Ms. Hunter

7. **Case No. 14-12-06 (fuel case)**  
**Crowder Center**  
**5769 Crowder Blvd**  
**New Orleans LA 70127**

**16 violations**

1 violation- La. R.S. 3:4675 containers or pumps from which petroleum products not conforming to specifications are sold, to be labeled  
(as implemented by LAC 7:XXXV.321 (B))

A. if any petroleum product which does not conform to the minimum specifications adopted by the commissioner in accordance with this Subpart is sold or dispensed in this state, the container or pump from which the petroleum product is to be dispensed shall be clearly, distinctly, and conspicuously labeled

15 violations- La. R.S. 3:4679 Record of products sold

A. Each dealer, distributor, or importer shall keep a full and complete record of Petroleum products received, used, sold, or delivered within this state by him, together with invoices, bills of lading, and other pertinent records and papers as may be required by the commissioner for the reasonable administration of this Subpart until the taxes to which they relate have prescribe. All such records shall be opened for inspection to the commissioner at all reasonable hours

A Stipulated fine of \$3,950 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of Commissioner's final determination

**Motion** moved by Mr. Larry Terrell and seconded by Mr. John O'Neill to accept the stipulation and penalty. Motion carried.

8. **Case No. 14-12-07 (fuel case)**  
**Lavigne Oil**  
**11203 Proverbs Avenue**  
**Baton Rouge LA 70816**

**42 violations**

42 violations- La. R.S. 3:4673 Petroleum Product Specifications – C “ No person shall sell any petroleum product which does not meet the specifications adopted by the commissioner in accordance with this Section unless authorized by the Commissioner in regulations promulgated by him.”

A Stipulated fine of \$10,500 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of Commissioner’s final determination

**Motion** moved by Mr. John O’Neill and seconded by Mr. Dave George to accept the stipulation and penalty.

**Six were in favor- Mr. Justin Alford did not vote on this case he knows the owner**

9. **Case No. 14-12-08**  
**CVS #5360**  
**6935 Pines Road**  
**Shreveport LA 71129**

**19 violations**

16 violations- Overcharges -LA. R.S. 3:4617 (A) provides that:  
No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

3 violations - Price Not Displayed - LAC 7:XXXV.117 (A) provides that:  
(A) The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

A Stipulated fine of \$1,625 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of Commissioner’s final determination

**Motion** moved by Mr. Justin Alford and seconded by Mr. Dave George to accept the stipulation and penalty. Motion carried.

10. Case No. 14-12-09  
Fred's Store #2333  
899 Highway 171 North  
Lake Charles LA 70611

**15 violations**

4 violations - Overcharges - LA. R.S. 3:4617 provides that:  
No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

11 violations - Price Not Displayed - LAC 7:XXXV.117 provides that:  
(A) - The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

A Stipulated fine of \$1,187.50 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of Commissioner's final determination

**Motion** moved by Mr. Justin Alford and seconded by Mr. John O'Neill to accept the stipulation and penalty. Motion carried.

11. **Case No. 14-12-10**  
**Dollar General Store #9438**  
**2401 Westwood Drive**  
**Westlake LA 70669**

**11 violations**

6 violations- Overcharges - LA. R.S. 3:4617 provides that:

No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

5 violations- Price Not Displayed - LAC 7:XXXV.117 provides that:

(A) The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

A Stipulated fine of \$1,062.50 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of Commissioner's final determination

**Motion** moved by Mr. Marcy LeBlanc and seconded by Mr. Dave George to accept the stipulation and penalty. Motion carried.

**12. Case No. 14-12-11  
Dollar General Store # 3097  
1509 Sampson Street  
Lake Charles LA 70669**

**14 violations**

2 violations- Overcharges - LA. R.S. 3:4617 provides that:  
No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

12 violations- Price Not Displayed - LAC 7:XXXV.117 provides that:  
(A) The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price maked in English on the package containing individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

A Stipulated fine of \$1,000 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of Commissioner's final determination

**Motion** moved by Mr. Dave George and seconded by Mr. Al Moreaux to accept the stipulation and penalty. Motion carried.

13. **Case No. 14-12-12**  
**Dollar General Store # 10313**  
**200 Highway 3175**  
**Natchitoches LA 71457**

**3 violations**

2 violations- Overcharges - LA. R.S. 3:4617 provides that:

No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

1 violation- Price Not Displayed - LAC 7:XXXV.117 provides that:

(A) The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price maked in English on the package containing individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

A Stipulated fine of \$312.50 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of Commissioner's final determination

**Motion** moved by Mr. Justin Alford and seconded by Mr. Marcy LeBlanc to accept the stipulation and penalty. Motion carried.

**14. Case No. 14-12-13**  
**Dollar General Store # 610**  
**610 West Canal Street**  
**Church Point LA 70525**

**6 violations**

6 - Overcharges - La. R.S. 3:4617 provides that:  
No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

A Stipulated fine of \$750.00 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of the Commissioner's final determination.

**Motion** moved by Mr. Marcy LeBlanc and seconded by Mr. Justin Alford to accept the stipulation and penalty. Motion carried.

**15. Case No. 14-12-14**  
**CVS # 5326**  
**2755 Hollywood Avenue**  
**Shreveport LA 71108**

**11 violations**

4 - Overcharges - LA. R.S. 3:4617 provides that:  
No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

7 - Price Not Displayed - LAC 7:XXXV.117 provides that:  
(A) The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

A Stipulated fine of \$2,750 was imposed on the condition that the respondent pay the penalty by certified funds within 30 days after receipt or notice of the Commissioner's final determination

**Motion** moved by Mr. Dave George and seconded by Mr. Justin Alford to accept the stipulation and penalty. Motion carried.

**VII. NEW BUSINESS**

No new business

**VIII. OLD BUSINESS**

Mr. Larry Terrell wanted to know where we stood on the two-year approval seal.

Mr. Sessums said we have a two-year range on the scales, scanners, and motor fuel approval stickers (ex: 2015-2016) However, annual inspections will still be done. Taximeter approval seals will only display one year-2015.

There was a discussion on how to get the big chain stores to comply with the Louisiana Weights and Measures Law and Regulations

**IX. PUBLIC COMMENTS**

No public comments

**X. FUTURE MEETING DATE**

Mr. Sessums wanted the next meeting around the second week in March 2015

**XI. ADJOURNMENT:**

**Motion** moved Mr. Marcy LeBlanc and seconded by Mr. Justin Alford to adjourn. Motion carried.



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Mr. Mike Miller Chairman