

LOUISIANA WEIGHTS AND MEASURES COMMISSION
ADJUDICATORY HEARING MINUTES

October 6, 2022, 9:30 A.M.

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

I. CALL TO ORDER

Chairman, Larry Terrell, called the hearing to order at 9:33 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. Joel McMullen, Alternate

Mr. Michael DiResto

Mr. Scott Simonson

Mr. Justin Alford

Ms. Christy Ingram, Alternate

Mr. Mickey Freiberg

Mr. Jesse Magee, Alternate

Mr. Cal Simpson

With seven (9) members present, Chairman Larry Terrell 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 from the June 16, 2022, meeting. Mr. Joel McMullen 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.

STIPULATED CASES

CASE #2022-022 / F and M Quick Stop (Lawtell)

1 VIOLATION(S)

1 Violation of LAC 7: XXXV.105(B)(3)

The department recommended a penalty of Two Hundred Fifty Dollars (\$250.00). Motion was made by Mr. Scott Simonson and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

CASE #2022-052 / FAMILY DOLLAR STORE #25353 (DIXIE INN)

5 VIOLATION(S)

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

The department recommended a penalty of Twenty-Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Michael DiResto.

CASE #2022 - 053 / CIRCLE K #2701713 (LAFAYETTE)

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. Michael DiResto and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

CASE #2022-055 / DOLLAR GENERAL STORE #10492 (HAMMOND)

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. Mickey Freiberg and seconded by Ms. Christy Ingram. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-056 / DOLLAR GENERAL STORE # 24082 (METAIRIE)

10 VIOLATION(S)

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

The department recommended a penalty of Five Thousand Dollars (\$5,000). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Justin Alford. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-058 / CIRCLE K # 2701691 (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 to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

CASE #2022-059 / DOLLAR GENERAL STORE #15836 (TANGIPAHOA)

18 VIOLATION(S)

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

The department recommended a penalty of Nine Thousand Dollars (\$9,000). Motion to accept the stipulation and recommended penalty was made by Ms. Christy Ingram and seconded by Mr. Jesse Magee. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-060 / DOLLAR GENERAL STORE # 19777 (YOUNGSVILLE)

20 VIOLATION(S)

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

The department recommended a penalty of Ten Thousand Dollars (\$10,000). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Justin Alford. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-061 / DOLLAR GENERAL STORE # 3751 (COVINGTON)

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. Michael DiResto and seconded by Ms. Christy Ingram. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-063 / DOLLAR GENERAL STORE # 6578 (SLIDELL)

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. Justin Alford and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-064 / SOUTH LEWIS STREET HOP IN (NEW IBERIA)

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. Jesse Magee and seconded by Mr. Cal Simpson. All members were in favor. Motion carried.

CASE #2022-066 / WALMART SUPERCENTER #0543 (OPELOUSAS)

5 VIOLATION(S)

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

The department recommended a penalty of One Thousand Two Hundred Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Ms. Christy Ingram and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-068 / LOWES OF LAFAYETTE # 618 (LAFAYETTE)

5 VIOLATION(S)

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

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

CASE #2022-069 / CIRCLE K # 2706833 (LAFAYETTE)

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. Michael DiResto and seconded by Ms. Christy Ingram. All members were in favor. Motion carried.

CASE #2022-070 / CIRCLE K # 371 (RAYNE)

5 VIOLATION(S)

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

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. Mickey Freiberg and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

CASE #2022-071 / EZ SHOP OAKDALE (OAKDALE)

5 VIOLATION(S)

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

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

CASE #2022-072 / CIRCLE K #2701692 (LAFAYETTE)

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. Scott Simonson and seconded by Mr. Frank Michael DiResto. All members were in favor. Motion carried.

CASE #2022-073 / DOLLAR GENERAL STORE #13639 (BRIDGE CITY)

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 to accept the stipulation and recommended penalty was made by Ms. Christy Ingram and seconded by Mr. Jesse Magee. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-074 / FAST WAY (LAKE CHARLES)

5 VIOLATION(S)

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

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

CASE #2022-076 / DOLLAR GENERAL STORE #10210 (GREENSBURG)

11 VIOLATION(S)

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

The department recommended a penalty of Five Thousand Five Hundred Dollars (\$5,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Scott Simonson. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-078 / FAMILIY DOLLAR STORE #12005 (BREAUX BRIDGE)

5 VIOLATION(S)

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

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. Larry Terrell. All members were in favor. Motion carried.

CASE #2022-079 / DOLLAR GENERAL STORE #0847 (BREAUX BRIDGE)

5 VIOLATION(S)

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

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. Mickey Freiberg and seconded by Mr. Justin Alford. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-081 / DOLLAR GENERAL STORE #18953 (VILLE PLATTE)

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

CASE #2022-082 / FAMILY DOLLAR STORE #26213 (KENNER)

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 to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Michael DiResto. All members were in favor. Motion carried.

CASE #2022-084 / DOLLAR GENERAL STORE #23499 (GONZALES)

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. Justin Alford and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-085 / SLIDELL FUEL MART (SLIDELL)

7 VIOLATION(S)

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

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

CASE #2022-086 / DOLLAR GENERAL STORE #10355 (SLIDELL)

27 VIOLATION(S)

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

The department recommended a penalty of Thirteen Thousand Five Hundred Dollars (\$13,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Scott Simonson. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-087 / DOLLAR GENERAL STORE #8438 (RIVER RIDGE)

13 VIOLATION(S)

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

The department recommended a penalty of Six Thousand Five Hundred Dollars (\$6,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-088 / DOLLAR GENERAL STORE #12802 (HAMMOND)

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. Christi Ingram and seconded by Mr. Michael DiResto. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-089 / PETSMART #1806 (BOSSIER CITY)

11 VIOLATION(S)

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

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

CASE #2022-090 / CIRCLE K #8181 (BOSSIER CITY)

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. Scott Simonson and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

CASE #2022-091 / CIRCLE K #2741730 (LAFAYETTE)

5 VIOLATION(S)

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

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. Mickey Freiberg and seconded by Mr. Cal Simpson. All members were in favor. Motion carried.

CASE #2022-093 / CIRCLE K #2706832 (LAFAYETTE)

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

CASE #2022-094 / DOLLAR GENERAL STORE #10356 (GRETNA)

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. Michael DiResto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All remaining members were in favor. Motion carried.

CASE #2022-098 / DOLLAR GENERAL STORE #8250 (Oberlin)

21 VIOLATION(S)

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

The department recommended a penalty of Ten Thousand Five Hundred Dollars (\$10,500.00). Motion to accept the stipulation and recommended penalty was made by Ms. Christy Ingram and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-099 / DOLLAR GENERAL STORE #0562 (WEST MONROE)

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. Justin Alford and seconded by Mr. Michael DiResto. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

CASE #2022-100 / DOLLAR GENERAL STORE #12553 (BOYCE)

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

VI. OLD BUSINESS

No old business was presented.

VII. NEW BUSINESS

A.) Dr. Bobby Fletcher presented award to Commission Member Mark Westmoland for serving on the Weights and Measures Board from 2017 - 2022 .

VIII. PUBLIC COMMENTS

No public comments were given at this time.

IX. NEXT MEETING DATE

February 16, 2022

X. ADJOURNMENT

A motion was made at 10:25 a.m. 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