

HORTICULTURE COMMISSION MEETING

March 27, 2014

9:30 a.m.

Veterans' Memorial Auditorium

5825 Florida Boulevard

Baton Rouge, LA 70806

Minutes

CALL TO ORDER

The hearing was called to order by Mr. Bass at 9:30 a.m.

ROLL CALL

The roll was called by Ms. Bonvillain.

Members present: Fred Bass, Todd Parker, Steven Hoover, Mitch Mayes, Rob Barry, Zefferino Von Kurnatowski, Chad Danos, Jack Hopper, Rusty Ruckstuhl, Dr. Regina Bracy, Harold Tani and Aaron Wade.

Members absent: There were no members absent.

A quorum was present.

Others present: Lindsey Hunter, Hearing Officer; Murphy Bell, Commission's Attorney; Tad Hardy, LDAF; Ansel Rankins, LDAF; Kadee Bonvillain, LDAF; and Hugh Lee, LDAF.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Parker made a motion to approve the minutes from the December 12, 2013 hearing. This motion was seconded by Dr. Bracy and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, June 26, 2014 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUEST

Mrs. Earline Martin requested to have her retail florist license reinstated. **Motion:** Dr. Bracy made a motion to reinstate Mrs. Martin's license. This motion was seconded by Mr. Parker and passed unanimously.

At 9:47 a.m. the meeting was turned over to the hearing officer.

ADJUDICATORY HEARING

CONTINUED CASES

Jeremie Branton

d/b/a The Grounds Guys

1140 Burt St.

Shreveport, LA 71107

Case No.: 13-014

One violation of L.R.S. 3:3804 (C) for advertising in a regulated profession (landscape horticulturist) without the proper license and one violation of L.R.S. 3:3810 (A) (2) for violating a cease and desist order.

Stipulation and \$500.00 payment received. **Motion:** Mr. Parker made a motion to accept the stipulation and payment. This motion was seconded by Dr. Bracy and passed unanimously.

NEW CASES

Larry Davis
1524 Pauline St.
Natchitoches, LA 71457

Case No.: 14-003

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist) without the proper license.

Stipulation received. The department recommended a penalty of \$500.00. **Motion:** Mr. Parker made a motion to accept the stipulation and recommended penalty. This motion was seconded by Dr. Bracy and passed unanimously.

The commission took a 5 minute break at 10:06 a.m. The meeting reconvened at 10:11 a.m. A quorum was still present.

Kelvin Robins, Jr.
d/b/a Robins Tree Service
13465 Briar Hollow Ave.
Baton Rouge, LA 70810

Case No.: 14-001

Two violations of L.R.S. 3:3804 (C) for advertising, soliciting and engaging in a regulated profession (arborist) without the proper license.

Mr. Robins was not present but the department proceeded because service was effected. **Motion:** Mr. Mayes made a motion to find Mr. Robins in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$1,000.00 per violation for a total fine of \$2,000.00. **Motion:** Mr. Danos made a motion to accept the recommendation. This motion was seconded by Mr. Parker and passed unanimously. **Motion:** Mr. Parker made a motion to seek an injunction against Mr. Robins. This motion was seconded by Dr. Bracy and passed unanimously.

Dean Smith
d/b/a Dean's Tree & Stump Removal
4440 Fleet Dr.

Baton Rouge, LA 70809

Case No.: 14-004

One violation of L.R.S. 3:3804 (C) for advertising in a regulated profession (arborist) without the proper license.

Mr. Smith was present. **Motion:** Mr. Parker made a motion to find Mr. Smith in violation. This motion was seconded by Mr. Mayes and passed unanimously. Recommended penalty of \$1,000.00. **Motion:** Mr. Mayes made a motion to accept the recommendation. This motion was seconded by Mr. Hopper and passed unanimously.

Leon Payne
d/b/a Payne Logging Company
44117 Booker Rd. II
Hammond, LA 70403

Case No.: 14-002

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist) without the proper license.

Mr. Payne was not present but the department proceeded because service was effected. **Motion:** Mr. Mayes made a motion to find Mr. Payne in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$1,000.00. **Motion:** Mr. Hoover made a motion to accept the recommendation. This motion was seconded by Dr. Bracy and passed unanimously.

The meeting was turned back over to Mr. Bass at 10:41 a.m.

NEW BUSINESS

Director's Update

Mr. Hardy gave the following updates:

Texas Phoenix Palm Decline (TPD) was confirmed in City Park, NOLA in December 2013. Until now, it was known only from TX and FL. We are planning initial LDAF training followed by delimiting survey and future decisions on regulatory action pending survey results and other information.

Mango shield scale was found on Japanese blueberry plants in the landscape of a library in Harvey, LA in November 2013. This is a first report find for Louisiana. It appears to have come from plants brought in from FL. Plants were treated by the landscape maintenance company.

Reports of possible rose rosette disease continue to trickle in to LDAF. To date, we have not confirmed the presence of the disease in the state.

Your assistant director attended CLARB meetings in CA and VA recently in his capacity as Chair of the Member Board Executive Committee. He also received the Patron Award from the

LA Chapter of the American Society of Landscape Architects in February, recognizing public servants or elected officials for outstanding professional achievement to the landscape architecture profession.

Your director will be attending the 2014 Southern Plant Board meeting in April. This annual regional meeting allows states to address plant pest and green industry issues of concern to the region. The USDA also attends, allowing useful interaction with our federal counterparts.

Status Report: 2013 Horticulture Commission Cases

Mr. Rankins updated the Commission on cases that were heard in 2013.

PUBLIC COMMENTS

There were no public comments but Mr. Bass took a moment to thank the staff and the commission for the great job that they do.

ADJOURNMENT

Motion: Mr. Parker made a motion to adjourn at 11:01 a.m. This motion was seconded by Mr. Von Kurnatowski and passed unanimously.