

MEETING OF THE
STRUCTURAL PEST CONTROL COMMISSION

JUNE 18, 2024, 9:30 A.M.
LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
VETERANS MEMORIAL AUDITORIUM
5825 FLORIDA BOULEVARD
BATON ROUGE, LA 70806

CALL TO ORDER

The meeting was called to order by Dr. Ansel Rankins, Sr. at 9:33 a.m.

ROLL CALL

The roll was called by Jason Starns.

Members present: Dr. Ansel Rankins, Sr., Jarrod Horton, Matthew Kimbrough, and Dr. Aaron Ashbrook

A quorum was present.

Others present: Assistant Attorney General Tanika Starks, Hearing Officer; Tabitha Irvin, LDAF Executive Counsel; Angela Jackson, LDAF Attorney; Jade Saunders, LDAF Attorney; Kelly Moore, LDAF; Kiara Moore, LDAF; Jason Starns, LDAF

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Kimbrough made a motion to approve the minutes from the March 20, 2024, meeting. The motion was seconded by Mr. Horton and passed unanimously.

ADJUDICATORY HEARINGS

Hearing Officer Tanika Starks conducted the hearing. LDAF Attorney Jade Saunders presented the following cases:

STIPULATED CASES

Case No. 24-SPCC-2541 Jeremy Calais
Don's Exterminating Co.
PO Box 90188

Lafayette, LA 70509

The Department charged Jeremy Calais with :

One (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.141(E)(4)

One (1) violation of La. R.S. 3:3371(A)(3)

One (1) violation of La. R.S. 3:3371(A)(6)

Mr. Calais was not present. The department and Mr. Calais entered into a stipulation in which Respondent admits to the allegations and agrees to pay the penalty of \$2000.00 within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

Motion: Mr. Horton made a motion to accept the facts set forth in the stipulation and that the penalty be accepted. The motion was seconded by Mr. Kimbrough and passed unanimously.

Case No. 24-SPCC-2559 Thomas Casselberry

Corporate Green, LLC dba Bug Ninja

14461 Frenchtown Road

Central, LA 70739

The Department charged Thomas Casselberry with :

One (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.117(K) and LAC 7:XXV.119(D)

One (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.117(L) and LAC 7:XXV.119(E)

Mr. Casselberry was not present. The department and Mr. Castleberry entered into a stipulation in which Respondent admits to the allegations and agrees to pay the penalty of \$1200.00, with \$600.00 being suspended, within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

Motion: Dr. Rankins, Sr. made a motion to accept the facts set forth in the stipulation and that the penalty be accepted. The motion was seconded by Mr. Horton and passed unanimously.

Case No. 24-SPCC-2561 Philip McDonald

JP Pests Away, LLC

1645 Benton Road

Bossier City, LA 71111

The Department charged Phillip McDonald with:

One (1) violation of La. R.S. 3:3371(A)(3); specifically, LAC 7:XXV.141(A)(2)

Mr. McDonald was not present. The department and Mr. McDonald entered into a stipulation in which Respondent admits to the allegations and agrees to pay the penalty of \$500.00, with \$250.00 being suspended, within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

Motion: Mr. Kimbrough made a motion to accept the facts set forth in the stipulation and that the penalty be accepted. The motion was seconded by Mr. Horton and passed unanimously.

CONTESTED CASES

LDAF Attorney Angela Jackson presented the following cases:

Case No. 24-SPCC-2539 David Williams

Big River Pest Solutions
3922 Cypress Hall Dr.
Addis, LA 70710

The Department charged David Williams with:

Two (2) violations of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.117(H)
Thirteen (13) violations of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.119(A)(3)
Fourteen (14) violations of La. R.S. 3:3371(A)(7); specifically, LAC 7:XXV.117(K)
Fourteen (14) violations of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.117(L)

Mr. Williams was not present but was represented by legal counsel, Shane Sandefer. Mr. Sandefer requested a continuance, which was granted until the next commission meeting.

Case No. 24-SPCC-2538 Joseph Cohn

Arrow Pest Control of New Orleans
4720 Jones Creek Rd.
Baton Rouge, LA 70817

The Department charged Joseph Cohn with:

One (1) violation of La. R.S. 3:3371(A)(14) specifically, LAC 7:XXV.117(H)(I)
One (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.101(B)
One (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.141(E)(1)
One (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.101(A)(6)

Mr. Cohn was present and was represented by legal counsel, David Cohn.

LDAF Exhibit 1, the charge letter, was offered, filed and introduced into evidence.
LDAF Exhibit 2 in globo, the inspection reports and supporting documentation were offered, filed, and introduced into evidence.

Meredith Williams-Mautemps, LDAF AES 2; Amy Hernandez, LDAF Pesticide Lab Supervisor and Kelly Moore, LDAF Director of Structural Pest Control; were called as witnesses on behalf of the department.

Motion: Mr. Kimbrough made a motion to deny dismissal of the charges in the fourth violation. . The motion was seconded by Mr. Horton and passed unanimously.

Blaine Poche, and Claire Kelly, both employees of Arrow Pest Control were called as witnesses on behalf of Mr. Cohn.

Motion: Mr. Kimbrough made a motion to dismiss the charges of the second violation, one (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.101(B). The motion was seconded by Dr. Rankins, Sr. and passed unanimously.

Motion: Mr. Kimbrough made a motion to find Joseph Cohn in violation of the first violation, one (1) violation of La. R.S. 3:3371(A)(14) specifically, LAC 7:XXV.117(H)(I) , and to assess a penalty of \$200. The motion was seconded by Dr. Rankins, Sr. and passed unanimously.

Motion: Mr. Kimbrough made a motion to find Joseph Cohn in violation of the third violation presented, one (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.141(E)(1) and to assess a penalty of \$300. The motion was seconded by Mr. Horton and passed unanimously.

Motion: Dr. Rankins, Sr. made a motion to find Joseph Cohn in violation of the fourth violation charges presented, one (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.101(A)(6) and to assess a penalty of \$200. The motion was seconded by Mr. Horton and passed unanimously.

NEW BUSINESS

a. LPMA Report:

Layne Salvant reported the following:

- Basic Termite Class September 25-26, 2024, and Master Termite Class September 16-18, 2024
- New Executive Director – Morgan Milling – August 1, 2024

d. Approval of Rules – ADA

Ms. Bethany Gonzales, LDAF Attorney, presented the board with proposed rules to accommodate persons with disabilities participation in open meetings as required by Act 393 of the 2023 legislative session.

Motion: Mr. Kimbrough moved to approve the proposed rules and allow the department to promulgate the rules on the commission's behalf. Mr. Horton second the motion and it passed unanimously.

LICENSEE APPLICATIONS

Dr. Ashbrook made a motion to allow Layman Bolden Sr. to attend a recertification class by the end of July 2024, and to contact LDAF after completion. The motion was seconded by Mr. Kimbrough. The motion passed unanimously.

ADJUDICATORY HEARINGS CONTINUED

CONTESTED CASES

Case No. 24-SPCC-2545 Jacob Cohn

Arrow Pest Control of Baton Rouge
4720 Jones Creek Rd.
Baton Rouge, LA 70817

The Department charged Jacob Cohn with:

Two (2) violations of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.117(H)(1)

Two (2) violations of La. R.S. 3:3371(A)(6)

One (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.119(A)(4)

One (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.117(H)(1)

One (1) violation of La. R.S. 3:3371(A)(14); specifically, LAC 7:XXV.141(E)(2)

Mr. Cohn was present and represented by legal counsel, David Cohn. David Cohn requested that the case be continued.

Motion: Mr. Kimbrough made a motion to deny the request for a continuance. The motion was seconded by Mr. Horton and passed unanimously.

LDAF Exhibits 1, 2, 3, and 4 were offered, filed and introduced into evidence.

Ms. Moore; Lyndon Leonards, LDAF Director of Pesticides and Environmental Programs; and Alvin Anding, Agriculture Environmental Specialist Manager were called as witnesses on behalf of the department.

Mr. Cohn offered, filed an introduced, the Arrow Pest Control record for the address in question, it was admitted into evidence as Jacob 1.

Ms. Jackson made a recommendation of fines for the following violations: Violation 3, a fine of \$500.00; Violation 4, a fine of \$200.00; and Violation 5, a fine - \$500.00.

Motion: Mr. Kimbrough made a motion to find Mr. Jacob Cohn in violation of the Violation 3 charge. The motion was seconded by Dr. Ashbrook and passed unanimously.

Motion: Mr. Kimbrough made a motion to find Mr. Jacob Cohn -in violation of Violation 3 charges and to assess a penalty of \$200. The motion was seconded by Mr. Horton and passed unanimously.

Motion: Mr. Kimbrough made a motion to dismiss Violation 4 charges. The motion was seconded by Mr. Horton and failed to pass with a vote of 2 yes – 2 no.

Substitution Motion: Mr. Horton made a motion to find Mr. Cohn in violation of the violation 4 charges. The motion was seconded by Dr. Rankins Sr. and passed with a vote of 3 yes – 1 no

Motion: Dr. Rankins, Sr., made a motion to find Mr. Cohn to assess a penalty of \$200 for the violation of Violation 4. The motion was seconded by Mr. Horton and passed with a vote of 3 yes – 1 no.

Motion: Dr. Rankins, Sr. made a motion to find Mr. Cohn in violation of Violation 5 charge. The motion was seconded by Mr. Kimbrough and passed unanimously.

Motion: Mr. Kimbrough made a motion to find Mr. Cohn in violation of Violation 5 charges and to assess a penalty of \$500.00. The motion was seconded by Dr. Rankins and passed unanimously.

David Cohn requested to have violation 2 dismissed.

Motion: Mr. Kimbrough made a motion to dismiss violation 2 of the charges presented. The motion was not seconded and failed to pass.

Motion: Dr. Rankins Sr. made a motion to find Mr. Cohn in violation of violation 2 charges. The motion was seconded by Mr. Horton and passed.

Jacob Cohn, Arrow Pest Control and Steven Richardson, Arrow Pest Control were called as witnesses on witnesses on behalf of the respondent.

Motion: Dr. Rankins, Sr., made a motion to find Mr. Cohn guilty of Violation 1 charges without penalty. The motion was seconded by Mr. Horton and passed unanimously.

Motion: Dr. Rankins, Sr., made a motion to suspend any penalty. The motion was seconded by Mr. Horton and passed unanimously.

NEW BUSINESS CONTINUED

c. Proposed SPC Rule Changes

- LAC 7:XXV.101 - Definitions
- LAC 7:XXV.113(O) - Registration of Employees; Duties of Licensee and Registered Employee with Respect to Registration
- LAC 7:XXV.113(P) - Registration of Employees; Duties of Licensee and Registered Employee with Respect to Registration
- LAC 7:XXV.113(P)(1) - Registration of Employees; Duties of Licensee and Registered Employee with Respect to Registration
- LAC 7:XXV.117(D) - Obligations of the Licensee/Permittee
- LAC 7:XXV.117(E)(1)(a) - Obligations of the Licensee/Permittee

- LAC 7:XXV.117(H)(1) - Obligations of the Licensee/Permittee
- LAC 7:XXV.117(H)(2) - Obligations of the Licensee/Permittee
- LAC 7:XXV.117(H)(3) - Obligations of the Licensee/Permittee
- LAC 7:XXV.117(H)(3) - Obligations of the Licensee/Permittee

Motion: Dr. Ashbrook made a motion to accept the rule changes. The motion was seconded by Mr. Kimbrough and passed unanimously.

b. RESEARCH COMMITTEE NOMINATIONS

LPMA nominated Danny Kendrick for the research committee.

Motion: Mr. Horton made a motion to accept the nominations. The motion was seconded by Dr. Ashbrook and passed unanimously.

e. MISSISSIPPI MASTER TERMITE COURSE

Motion: Mr. Horton made a motion to accept the course. The motion was seconded by Dr. Ashbrook and passed unanimously

f. LDAF Report:

Ms. Kelly Moore presented structural pest control program updates.

- The website for SPC Place of Business Permit renewals will be available soon in the upcoming months.
- A new monthly reporting website will be available in the upcoming months to streamline submission of monthly reports and payments.

OLD BUSINESS

There was no old business to discuss.

STATUS REPORT

Ms. Kelly Moore presented the status report.

- WDIE and WDIR numbers are up from previous year.
- The inspection numbers are lower from last year as expected due to revised inspection goals and methods.

LICENSEE APPLICATIONS CONTINUED

Jonathan Pruitt – does not met qualification requirements

Motion: Mr. Kimbrough made a motion to deny the application for licensee for Jonathan Pruitt. The motion was seconded by Mr. Horton and passed unanimously

Jorge Araujo – does not met qualification requirements

Motion: Mr. Horton made a motion to deny the application for licensee for Jorge Araujo. The motion was seconded by Mr. Kimbrough and passed unanimously.

PUBLIC COMMENTS

There were no public comments.

FUTURE MEETING DATE

The next meeting will be held on September 18, 2024, at 9:30 A.M.

ADJOURMENT

Motion: Mr. Kimbrough made a motion to adjourn the meeting. The motion was seconded by Mr. Horton and passed unanimously. The meeting adjourned 9:21 p.m.