

STRUCTURAL PEST CONTROL COMMISSION
Veterans' Memorial Auditorium
5825 Florida Blvd., Baton Rouge, LA
April 20, 2017 – 9:30 A.M.

PROCEEDINGS

CALL TO ORDER

The meeting was called to order by Mr. Bass at 9:37 a.m.

ROLL CALL

Members present: Fred Bass, Benjy Rayburn, Joe Arceneaux, and Bob Kunst

Members absent: Dr. James Ottea

Others present: Kevin Wofford, LDAF, Harry Schexnayder, LDAF, Lindsey Hunter, LDAF General Counsel, Kelly Moore, LDAF, Tina Perkins, LDAF, Milton Schleismann, LDAF, Jeff Porter, LPMA, Michael Heier, Hearing Officer, Michael Cripps, David Cripps, Willie Cripps.

AMENDMENTS TO THE AGENDA

Motion: Mr. Kunst made a motion to move the hearing until the hearing officer arrives and begin with the LPMA report. The motion was seconded by Benjy Rayburn and passed unanimously.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF THE MINUTES

Motion: Mr. Kunst made a motion to approve the minutes from the January 19, 2017 meeting as distributed. The motion was seconded by Joe Arceneaux and passed unanimously.

NEW BUSINESS

LPMA Report

Mr. Porter discussed the current issues being dealt with in the legislation in relation to the pest control industry, including the gas tax. On May 3rd LPMA will be sponsoring the legislative reception at the Pentagon Barracks. The LPMA summer convention will be held at San Destin resort in Florida July 12-14th.

Consideration of Proficiency Testing Emergency Rule

Ms. Hunter requested permission to issue two more emergency rules for the remainder of 2017 related to the proficiency testing instead of filing a permanent rule and removing it after 2017.

Mr. Kunst and Mr. Arceneaux complimented the proficiency tests they have taken thus far and said it was very fair and reasonable.

Motion: Mr. Arceneaux made a motion to continue the emergency rule process for the remainder of 2017. The motion was seconded by Mr. Kunst and passed unanimously.

Proposed Waiver Form

Ms. Moore presented the proposed standard waiver form developed by LDAF for Commission review. Mr. Arceneaux discussed that the space for the diagram on the back of the form may not be necessary because there is already a diagram with the treatment paperwork. It may be appropriate to add a statement that the diagram is either drawn on the proposed waiver form or completed with the treatment paperwork, not required in both locations.

Mr. Kunst would like the form to include if the waiver(s) were requested by the homeowner or the PCO.

Mr. Schexnayder stated the graph is required to be included in the monthly report with the waiver forms, this would prevent PCO from having to use parts of the treatment records for their monthly reports.

Mr. Kunst stated when duplicating a drawing there is chance for a mistake - if the drawings are not exactly the same it could end up in court. A statement giving the option of drawing either place should be included on the form.

The updated form will be presented at the next Commission meeting.

Mr. Heier, Hearing Officer, arrived at the Commission meeting. New Business will be continued after the adjudicatory hearing.

ADJUDICATORY HEARING

Mr. Paul Hammothe IV, Case No. 1997

Ms. Hunter stated this case (Case No. 1997) was brought to the Commission as a stipulation last meeting, January 19, 2017 and was rejected. The department charged Mr. Hammothe with two violations of engaging in structural pest control work without a license.

Ms. Hunter represented the department. Mr. Hammothe was present and was sworn in by the hearing officer. Mr. Hammothe represented himself. Ms. Hunter called Mr. Schleismann, LDAF AES District Manager, New Orleans, as a witness. After being sworn in, Mr. Schleismann offered testimony. Ms. Hunter offered exhibits into the record after their identification by Mr. Schleismann. Mr. Hammothe had no questions for Mr. Schleismann.

Mr. Hammothe IV made a statement to the Commission. He stated he had never treated any homes other than the two homes in question.

Motion: Mr. Kunst made a motion to find Mr. Paul Hammothe IV guilty of two charges of engaging in structural pest control work without a license. The motion was seconded by Mr. Arceneaux and passed unanimously.

Ms. Hunter stated the department's recommended penalty for Mr. Paul Hammothe IV is \$3,500 for both violations. (\$1,000 for the first violation, \$2,500 for the second violation)

Motion: Mr. Kunst made a motion to charge Mr. Paul Hammothe IV \$10,000 (\$5,000 for each violation) and suspend \$6,500 provided that the payment plan set by the department is followed. The motion was seconded by Mr. Arceneaux and passed unanimously.

OLD BUSINESS

Mr. Kunst requested a Rules Committee meeting to be scheduled by the department.

NEW BUSINESS (continued)

Requests for Reinstatement

Ms. Hunter stated that Rule 131 governed reinstatement for anyone who has been suspended or whose license has been revoked.

Mr. Rayburn made a motion to present Mr. Michael Cripps on the agenda before Mr. David Cripps. The motion was seconded by Mr. Arceneaux and passed unanimously.

MICHAEL CRIPPS

Mr. Michael Cripps read a newsletter written by Mr. Kunst for Fischer Environmental Services and presented a portion of a court document with a ruling regarding Mr. Cripps. Mr. Michael Cripps also began reading a 10-page letter written by himself to the Commission regarding his reinstatement.

Mr. Michael Cripps stated his license was revoked when it was on inactive status. Mr. Michael Cripps stated because of the crimes that have taken place, it would be in the best interest of the board to reinstate him.

Ms. Hunter stated that the facts set forth in the court opinions did not show Mr. Michael Cripps' license or registration as being revoked or suspended and that the department had to rely on the facts as determined by the courts. Ms. Hunter stated that only a license that had been suspended or revoked could qualify for reinstatement. Mr. Cripps stated that he disagreed with the facts in the court opinion.

Mr. Cripps stated he will re-litigate everything in the 5th Circuit Court of Appeal.

Mr. Cripps requested to be retested and relicensed. He then withdrew his request to be retested and his request for reinstatement. No votes were taken by the Commission.

DAVID CRIPPS

Ms. Hunter presented the history of Mr. David Cripps' history, noting that Mr. David Cripps' was suspended in 2001 until his penalties were paid and, therefore, a request for reinstatement was properly before the Commission. Mr. Cripps confirmed the penalties have not been paid.

Mr. David Cripps read a statement regarding his request for reinstatement. He requested all four phases of his license be reinstated.

Ms. Hunter stated that Mr. David Cripps has not met the conditions of the suspension in 2001 because the penalties have not been paid.

Motion: Mr. Arceneaux made a motion to deny Mr. David Cripps request for reinstatement because he does not qualify by rule based on the opinion of legal counsel. Mr. Cripps is encouraged to consider retesting to get back into the pest control industry. The motion was seconded by Mr. Kunst and passed unanimously.

Mr. Willie Cripps (from audience) made a brief comment to the Commission regarding due process and stated that the Commission should take longer to understand the case.

Ms. Lane Salvant (from audience) commented on that if Cripps wanted to talk about the case and not just the reinstatement, they should be placed on the agenda for that purpose.

Mr. David Cripps stated he has only wanted due process and that if the license had been reinstated today, it would not have given back what was taken from him. He stated it is his intention to seek justice for every crime committed against him.

CONSIDERATION OF LICENSEE APPLICATIONS

NAME OF APPLICANT	PHASES	STAFF RECOMMENDATION
Christopher Bergeron (LA – 5 Years’ Experience)	TC	Approve (pending CACTP)
Mark Browning (GA – 5 Years’ Experience)	GPC CVC	Approve Approve
Alfred Lewis Brumfield Sr (LA – 11 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Jacob Cohn (LA – 5 Years’ Experience)	Comm Fume Struc Fume	Approve Approve
Wendell Hebert (LA – 4 Years’ Experience)	GPC TC	Approve Approve (pending CACTP)
Ferrell “Jamie” Fontenot (LA – 7 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Michael Jordan (LA – 4 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)

Ronald McDonald (LA – 15 Years' Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Michael Parr (LA – 10 Years' Experience)	GPC TC	Approve Approve (pending CACTP)
Steven Jerome Richardson (LA – 4 Years' Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Brian Roche (LA – 12 Years' Experience)	TC	Approve (pending CACTP)
Debbie Salvant (LA – 4 Years' Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Layne Salvant (LA – 6 Years' Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Adam Woodard (LA – 13 Years' Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)

All applications were presented to the Commission by Mr. Schexnayder.

Motion: Mr. Arceneaux made a motion to approve all applications presented by Mr. Schexnayder. The motion was seconded by Mr. Kunst and passed unanimously.

FUTURE MEETINGS

The next Structural Pest Control Commission meeting will be held on July 27, 2017 at 9:30a.m. at the Department of Agriculture and Forestry, Veterans' Memorial Auditorium.

OTHER BUSINESS

There was no other business to present.

STATUS REPORTS

Mr. Wofford presented a status report for the first quarter of 2017.

Mr. Kunst requested further information on the Initiated Complaints in the future. He would like to know how many of those complaints had necessary corrections.

PUBLIC COMMENT

There were no public comments.

ADJOURN

Motion: Mr. Arceneaux made a motion to adjourn the meeting. The motion was seconded by Mr. Kunst and passed unanimously. The meeting adjourned at 12:11 p.m.