

**STRUCTURAL PEST CONTROL COMMISSION**  
**Veterans' Memorial Auditorium**  
**5825 Florida Blvd., Baton Rouge, LA**  
**August 28, 2019 – 9:30 a.m.**  
**MINUTES**

**CALL TO ORDER**

The meeting was called to order by Mr. Bass at 9:34 a.m.

**ROLL CALL**

Members present: Fred Bass, Benjy Rayburn, Joe Arceneaux, and Dr. James Ottea.

Members absent: Bob Kunst.

Others present: Harry Schexnayder-LDAF, Amanda LaGroue-LDAF Attorney, Kelly Moore-LDAF, Alicia Wheeler-Hearing Officer, Shelly Graham-LDAF, Jeff Porter-LPMA, Dr. Qian "Karen" Sun-LSU AgCenter, Thomas Sanchez-House Call Pest Control, and Jimmy Arceneaux.

**AMENDMENTS TO THE AGENDA**

**Motion:** Mr. Arceneaux made a motion to amend the agenda to discuss additional items under "Other Business". The motion was seconded by Dr. Ottea and passed unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**APPROVAL OF THE MINUTES**

**Motion:** Mr. Arceneaux made a motion to approve the minutes from the May 8, 2019 meeting. The motion was seconded by Mr. Rayburn and passed unanimously.

**ADJUDICATORY HEARING**

Hearing Officer Alicia Wheeler conducted the hearing. LDAF Attorney Amanda LaGroue presented the following cases:

**Richard Norcross, Case No. 2179 (Continued)**

Ms. LaGroue stated that the Defendant requested this matter be continued. Ms. Wheeler granted the request.

**Terminix International Co-BR, Case No. 2183 (Continued)**

Ms. LaGroue stated that the Defendant requested this matter be continued. Ms. Wheeler granted the request.

**Andy Carraway, Case No. 2178**

The Department charged Mr. Carraway with two (2) violations; LRS 3:3371(A)(3) and LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(2).

Ms. LaGroue admitted LDAF's Exhibits 1 and 2 into the record.

Mr. Carraway was not present. This is Mr. Carraway's first offense. Respondent admits to allegations and agrees to pay the penalty of \$1,200 within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

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

**Gary Beilman, Case No. 2207**

The Department charged Mr. Beilman with two (2) violations; LRS 3:3371(A)(14), specifically LAC 7:XXV 119(B) and LRS 3:3371(A)(14), specifically LAC 7:XXV 141(H)(2).

Ms. LaGroue admitted LDAF's Exhibits 1 and 2 into the record.

Mr. Beilman was not present. This is Mr. Beilman's first offense. Respondent admits to allegations and agrees to pay the penalty of \$1,000, with \$500 suspended, within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

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

**Temario Ashley, Case No. 2208**

The Department charged Mr. Ashley with one (1) violation of LRS 3:3371(A)(14) to wit LAC 7XXV.117(B).

Ms. LaGroue admitted LDAF's Exhibits 1 and 2 into the record.

Mr. Ashley was not present. This is Mr. Ashley's first offense. Respondent admits to allegations and agrees to pay the penalty of \$1,000, with \$500 suspended, within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

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

**Mike Lollar, Case No. 2210**

The Department charged Mr. Lollar with one (1) violation of LRS 3:3371(A)(3).

Ms. LaGroue admitted LDAF's Exhibits 1 and 2 into the record. *Mr. Arceneaux recused himself.*

Mr. Lollar was not present. This is Mr. Lollar's first offense. Respondent admits to allegations and agrees to pay the penalty of \$500 within 30- days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

Dr. Ottea asked about the substance of the charges. Mr. Schexnayder responded that the charge is related to the one complaint received. The Commission further discussed the extent of the charges and classification of violations.

The Hearing Officer reminded Commission members they cannot delve into the facts because the respondent is not present to represent himself.

**Motion:** Mr. Rayburn made a motion to accept the facts set forth in the stipulation and that the penalty be accepted. The motion was seconded by Mr. Bass. Dr. Ottea opposed the motion. The motion does not carry with Mr. Rayburn and Mr. Bass voting in favor, Dr. Ottea opposing, and Mr. Arceneaux was recused.

### **Thomas Sanchez, Case No. 2182**

The Department charged Mr. Sanchez with three (3) violations; LRS 3:3371(A)(14), specifically LAC 7:XXV 147(B)(8), and LRS 3:3371(A)(3), and LRS 3:3371(A)(14), specifically LAC 7:XXV 147(B)(1)(b).

Mr. Sanchez was present and sworn in by the Hearing Officer.

Ms. LaGroue admitted LDAF's Exhibits 1 and 2 into the record.

Mr. Sanchez admitted to the allegations and made a statement to the Commission.

The Department recommended a penalty of \$1,500 for the three (3) violations.

Mr. Arceneaux questioned Mr. Sanchez regarding the seriousness of the charges.

**Motion:** Dr. Ottea made a motion to find Mr. Sanchez in violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 147(B)(8), and LRS 3:3371(A)(3), and LRS 3:3371(A)(14), specifically LAC 7:XXV 147(B)(1)(b). The motion was seconded by Mr. Arceneaux and passed unanimously.

**Motion:** Mr. Arceneaux made a motion to assess a penalty of \$3,500 for three (3) violations. There was no second for the motion and the motion failed.

**Motion:** Mr. Rayburn made a motion to assess a penalty of \$2,500 for three (3) violations. The motion was seconded by Mr. Bass and passed unanimously.

### **OLD BUSINESS**

There was no old business to discuss.

### **NEW BUSINESS**

#### ***Research Committee Report – Benjy Rayburn***

Mr. Rayburn introduced Dr. Sun from the LSU AgCenter. Dr. Sun gave a summary about the research she and her team have been working on that benefits the pest control industry. Dr. Sun also briefed the Commission on new projects that will impact the industry in the future. She thanked the Department and LSU AgCenter for their support in this research.

Mr. Rayburn presented a recommendation from the SPCC Research Committee to increase research funding from \$30,000 to \$50,000.

**Motion:** Mr. Rayburn made a motion to approve the contract and increase funding for Structural Pest Control research through LSU AgCenter from \$30,000 to \$50,000. The motion was seconded by Mr. Arceneaux and passed unanimously.

***LPMA Report – Jeff Porter***

Mr. Porter introduced the President of LPMA, who was present, Mr. Jeremy Clark with Dugas Pest Control.

Mr. Porter discussed some changes being worked on for the LSU LPMA Summer Institute. Instead of the class being held two days per week for three weeks in the summer, LPMA is working towards having the class during the first part of January; all in a one week period. Mr. Porter will give an update as soon as the scheduling is finalized.

***Contracts for Approval***

Mr. Schexnayder presented a monitoring contract submitted by Fox Pest Control.

**Motion:** Mr. Arceneaux made a motion for approval of the contract submitted by Fox Pest Control. The motion was seconded by Dr. Ottea and passed unanimously.

***Revised License Exams – Harry Schexnayder***

Mr. Schexnayder presented examples of test questions provided by Dr. Henderson. This would allow for different versions of the license exam while still covering all important material on each exam. Also included were new discussion questions and identification pictures.

Mr. Schexnayder asked the Commission to approve the proposed format for revisions of the license exams. The Commission members will be given a chance to review the actual questions before the revised exams are used by the Department.

**Motion:** Mr. Rayburn made a motion to approve the format as presented by Mr. Schexnayder. The motion was seconded by Mr. Arceneaux and passed unanimously.

**CONSIDERATION OF LICENSEE APPLICATIONS**

<b>NAME OF APPLICANT</b>	<b>PHASES</b>	<b>STAFF RECOMMENDATION</b>	<b>COMMISSION DECISION</b>
Donald W. Griffin (Out of state experience not submitted)	GPC CVC TC		Disapprove Disapprove Disapprove
Leonard Hoffman (Less than 4-years experience)	GPC CVC TC		Disapprove Disapprove Disapprove
Joshua Keith Brister	GPC TC	Approve Approve (pending CACTP)	Approve Approve (pending CACTP)
Mark Browning	GPC CVC	Approve Approve	Approve Approve
John Cuenca	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)

Stephen Devenport	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Donald Guastella Jr.	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Kenneth C. Guerra Jr.	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Ronn Hernandez	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Derek L. Johnson	GPC CVC TC ComFum StrucFum	Approve Approve Approve (pending CACTP) Approve Approve	Approve Approve Approve (pending CACTP) Approve Approve
Bruce Lebrun	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Nicholas Maggio	ShipFum	Approve	Approve
Zachary Miller	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Joshua Seaverson	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Eric Stoltz	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)

**Motion:** Mr. Rayburn made a motion to disapprove Mr. Donald W. Griffin due to out of state experience not being submitted with the application. The motion was seconded by Mr. Arceneaux and passed unanimously.

**Motion:** Mr. Arceneaux made a motion to disapprove Mr. Leonard Hoffman due to lack of required experience. The motion was seconded by Mr. Rayburn and passed unanimously.

**Motion:** Mr. Rayburn made a motion to approve all remaining applicants. The motion was seconded by Mr. Arceneaux and passed unanimously.

## **STATUS REPORTS**

Mr. Schexnayder presented the status report for the 2<sup>nd</sup> Quarter of 2019. Mr. Schexnayder stated that the numbers are in line with previous years. 15,270 WDIE's and 10,021 WDIR's which resulted in total collected revenue of \$303,496 for the 2<sup>nd</sup> Quarter. This brings the total revenue to \$505,269 for the first half of the year. There were 320 total structural inspections done in the 2<sup>nd</sup> Quarter.

## **OTHER BUSINESS**

Mr. Arceneaux made a recommendation about revising the way violations are charged when a pattern of multiple violations shows up during an investigation. He asked that the Commission and the Department discuss being able to bring more charges or increase the fines in a situation where multiple violations are found that relates to an original complaint.

The Chairman recognized Jimmy Arceneaux for comment. Mr. Jimmy Arceneaux made a comment to consider the potential health related effects from pesticide misuse.

The Commission further discussed considerations for violations.

## **PUBLIC COMMENT**

Mr. Jimmy Arceneaux thanked the Commission and the Department for the work they are doing for the industry.

## **FUTURE MEETINGS**

The next Structural Pest Control Commission meeting will be held on December 10, 2019, at 9:30 a.m., at the Department of Agriculture and Forestry, Veterans' Memorial Auditorium.

## **ADJOURN**

**Motion:** Mr. Rayburn made a motion to adjourn the meeting. The motion was seconded by Mr. Arceneaux and passed unanimously. The meeting adjourned at 11:38 a.m.