

**STRUCTURAL PEST CONTROL COMMISSION**  
**Veterans' Memorial Auditorium**  
**5825 Florida Blvd., Baton Rouge, LA**  
**September 9, 2020 – 9:30 a.m.**  
**MINUTES**

**CALL TO ORDER**

The meeting was called to order by Mr. Parker at 9:32 a.m.

**ROLL CALL**

Members present: Todd Parker, Jarrod Horton, Edward Reynolds, and Dr. James Ottea.  
Assistant Commissioner AES position currently vacant.

Others present: Harry Schexnayder-LDAF, Kevin Wofford-LDAF, Amanda LaGroue-LDAF Attorney, Kelly Moore-LDAF, Alicia Wheeler-Hearing Officer, Shelly Graham-LDAF, Milton Schleismann-LDAF, Jeff Porter-LPMA, Daniel Achee Jr.-Dan the Bee Man, Dr. Bob Davis-BASF, Jim Wright-BASF, and Brian Roche-Termite Solutions.

**AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

**PUBLIC COMMENTS**

There were no public comments.

**APPROVAL OF THE MINUTES**

**Motion:** Dr. Ottea made a motion to approve the minutes from the June 24, 2020 meeting. The motion was seconded by Mr. Horton and passed unanimously.

**ADJUDICATORY HEARING**

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

**Kenneth Aucoin, Case No. 2236 (Continued)**

Ms. LaGroue stated that the Defendant requested this matter be continued. Ms. Wheeler granted the request by Ruling on September 8, 2020. Ms. LaGroue suggested coordinating with the Commission to schedule a date and time to hear this matter. The Commission agreed to continue this matter until the December 17, 2020 SPCC meeting.

**Jeremy Gilchrist, Case No. 2298**

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

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

Mr. Gilchrist was not present. Respondent admits to allegations and agrees to pay the penalty of \$5,000, with \$3,000 suspended, within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

**Motion:** Mr. Reynolds made a motion to reject the stipulation. There was no second for the motion and the motion failed.

**Motion:** Mr. Parker 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. Mr. Reynolds opposed the motion. The motion passed with an affirmative vote by Mr. Parker, Dr. Ottea, and Mr. Horton.

**Richard Houston, Case No. 2299**

The Department charged Mr. Houston with one (1) violation LRS 3:3371(A)(14), specifically LAC 7:XXV 141(D)(1)(d) and one (1) violation LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(1).

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

Mr. Houston was not present. Respondent admits to allegations and agrees to pay the penalty of \$700 within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

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

**Daniel W. Achee Jr., Case No. 2300**

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

Mr. Achee was present and sworn in by the Hearing Officer. Respondent plead guilty to the allegations.

Ms. LaGroue admitted LDAF's Exhibit 1 into the record.

Ms. LaGroue called Mr. Milton Schleismann, LDAF District Manager, New Orleans, Louisiana, as a witness. Mr. Schleismann was sworn in by the Hearing Officer. Ms. LaGroue questioned Mr. Schleismann regarding his investigation involving Mr. Achee. Ms. LaGroue admitted LDAF's Exhibits 2 (In Globo), 3 (In Globo), 4, and 5 into the record.

Mr. Achee made a statement to the Commission.

The Commission questioned Mr. Achee.

Ms. LaGroue asked that the Commission find Mr. Achee in violation of LRS 3:3371(A)(1) as set forth in the charge letter dated August 5, 2020.

**Motion:** Mr. Reynolds made a motion to find Mr. Achee in violation of the charges as presented. The motion was seconded by Dr. Ottea and passed unanimously.

**Motion:** Mr. Reynolds made a motion to assess a penalty of \$1,000.00 with \$500 suspended. The motion was seconded by Mr. Horton. Dr. Ottea opposed the motion. The motion passed with an affirmative vote by Mr. Reynolds, Mr. Horton, and Mr. Parker.

**LABELS FOR REVIEW**

***EP/LI and Trench Size - Dr. Bob Davis and Mr. Jim Wright, BASF***

Mr. Wright presented information on BASF's Termidor products. BASF requested that the Commission approve the EP/LI directions-for-use in Louisiana in the following labels: Termidor 80WG

Termiticide/Insecticide, Termidor SC Termiticide/Insecticide, Termidor HE Termiticide, Termidor HP High Precision Termiticide, and Termidor HPII High Precision Termiticide.

The Commission asked several questions regarding the limited interior use section of the labels on these products.

Mr. Schexnayder commented that LDAF would have to approve a rule change on the minimum specifications to allow this to happen in the state of Louisiana. He recommended scheduling a Rules Committee meeting and including this item on the Agenda.

**Motion:** Mr. Reynolds made a motion to refer this request to the Rules Committee. The motion was seconded by Mr. Horton and passed unanimously.

Mr. Wright presented further information concerning trench size, and he thanked the Commission for their time and consideration.

*Five minute recess. Everyone was present after the break.*

### **OLD BUSINESS**

Dr. Ottea asked if the Commission members are able to receive information regarding stipulations prior to the meetings.

Ms. LaGroue and Ms. Moore explained that, in most cases, the Department does not receive stipulations until right before a meeting. Ms. LaGroue suggested that the Department can prepare Hearing Notes when stipulations are received in a timely manner before a meeting.

### **NEW BUSINESS**

#### ***LPMA Report – Jeff Porter***

Mr. Porter reported that LPMA has been able to schedule a live/in-person licensee recertification next week in Bossier City, and have two more scheduled for the rest of this year. They have also scheduled a Termite Training Center next week on the LSU campus. There is a Board Meeting on September 23, 2020, which will be conducted through Zoom.

#### ***LDAF Report – Harry Schexnayder***

##### ***Licensee & Technician Recertification in 2020***

Due to the COVID-19 pandemic and the active hurricane season this year, Mr. Schexnayder recommended that the Commission should extend recertification deadlines. There are currently over 1,000 technicians who still need to be recertified this year. Mr. Schexnayder presented a sample Declaration of Emergency for the Commission to review. He also explained that this declaration would not include licensees; they would still be required to recertify by the end of 2020.

**Motion:** Mr. Horton made a motion to approve an Emergency Declaration to extend the recertification deadline for technicians. The motion was seconded by Mr. Reynolds and passed unanimously.

##### ***Changing the WDIR Report***

Mr. Schexnayder explained that a rule change will happen by the end of this year regarding what is guaranteed from pest control companies now, so the Commission needs to approve the same changes on the WDIR report to line up with the rule change.

**Motion:** Mr. Reynolds made a motion to approve the revisions on the WDIR presented by Mr. Schexnayder. The motion was seconded by Mr. Horton and passed unanimously.

*Technician Test in Spanish*

Mr. Schexnayder spoke about receiving several requests to include a version of the technician test in Spanish, and he asked the Commission to discuss the possibility of that option. Mr. Wofford stated there are currently no product labels printed in Spanish. The Commission agreed to take the request into consideration and discuss it further at another time.

*Licensee Approval Based on Years of Experience*

Mr. Schexnayder stated that the current Rules & Regulations require individuals to have four years of experience within the last six years to qualify for licensee testing. He explained that he has had several concerns from individuals who met the requirements for multiple exams, but only applied for and tested in one or two at the time. They have been working as licensees in the industry for years, and would now like to test in the other categories; although their experience no longer qualifies them under the current rules.

Mr. Brian Roche spoke to the Commission concerning his situation. He has been working as a licensee approved in termite control since 2017 and has 13 years of pest control experience, although his general pest and commercial vertebrate experience is not from the last six years; so he is now being prevented from testing in those phases as per the current Rules & Regulations.

**Motion:** Dr. Ottea made a motion to have the Rules Committee discuss options for exemptions on the rule regarding licensee approval based on years of experience. The motion was seconded by Mr. Horton and passed unanimously.

*Contracts for Approval: Fox Pest Control (Subterranean Termite Service Agreement)*

Mr. Schexnayder presented the Fox Pest Control contract and explained that it is very different than the standard state approved contracts. He recommended sending a standard contract to Fox Pest Control and asking them to integrate closer to the standard state contract.

**Motion:** Dr. Ottea made a motion to disapprove the Fox Pest Control Subterranean Termite Service Agreement. The motion was seconded by Mr. Horton and passed unanimously.

**CONSIDERATION OF LICENSEE APPLICATIONS**

NAME OF APPLICANT	PHASES	STAFF RECOMMENDATION	COMMISSION DECISION
Shelton Blanchard	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Bradley Wayne Burr	GPC CVC TC	Disapprove Disapprove Disapprove	Disapprove Disapprove Disapprove
John Michael Chisholm	GPC CVC	Approve Approve	Approve Approve

Pete Domingo	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Taylor Dugas	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Paul Efird	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
William H. Guidry	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Craig Hayden	TC	Approve (pending CACTP)	Approve (pending CACTP)
Marcus Phelps	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Darrell Porter	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Rand M. Rouly	GPC CVC	Approve Approve	Approve Approve

**Motion:** Mr. Horton made a motion to disapprove Mr. Bradley Wayne Burr in General Pest Control, Commercial Vertebrate Control, and Termite Control due to lack of required experience; and approve all remaining applicants. The motion was seconded by Dr. Ottea and passed unanimously.

### **STATUS REPORTS**

Mr. Schexnayder presented the status report for the 2<sup>nd</sup> Quarter of 2020.

### **OTHER BUSINESS**

Mr. Schexnayder updated the Commission on recommendations from LDAF and LPMA for the 2020 Research Committee, Contract Review Committee, and Rules Committee members.

**Motion:** Dr. Ottea made a motion to accept staff's recommendations of all committee members for the 2020 Research Committee, Contract Review Committee, and Rules Committee. The motion was seconded by Mr. Reynolds and passed unanimously.

### **PUBLIC COMMENT**

There were no public comments.

### **FUTURE MEETINGS**

The next Structural Pest Control Commission meeting will be held on December 17, 2020, at 9:30 a.m., at the Department of Agriculture and Forestry, Veterans' Memorial Auditorium.

### **ADJOURN**

**Motion:** Dr. Ottea made a motion to adjourn the meeting. The motion was seconded by Mr. Reynolds and passed unanimously. The meeting adjourned at 11:58 a.m.