

STRUCTURAL PEST CONTROL COMMISSION
Veterans' Memorial Auditorium
5825 Florida Blvd., Baton Rouge, LA
May 8, 2019 – 9:30 a.m.
MINUTES

CALL TO ORDER

The meeting was called to order by Mr. Bass at 9:31 a.m.

ROLL CALL

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

Others present: Harry Schexnayder, LDAF; Amanda LaGroue, LDAF Attorney; Kelly Moore, LDAF; Alicia Wheeler, Hearing Officer; Pam Butler, LDAF; Milton Schleismann, LDAF; Alex Sabo, LDAF; Amy McInnis, LDAF General Counsel; David Cohn, Attorney; Brian Mount, FMC; Kevin Finnegan, FMC; Kenneth Aucoin, Matthew Dausat.

AMENDMENTS TO THE AGENDA

Mr. Schexnayder asked to discuss additional items, under “Old Business – Rule Changes.”

Motion: Mr. Kunst made a motion to amend the agenda, to discuss additional items under “Rule Changes”. The motion was seconded by Mr. Arceneaux and passed unanimously.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF THE MINUTES

Motion: Mr. Bass made a motion to approve the minutes from the January 16, 2019 meeting. The motion was seconded by Mr. Kunst and passed unanimously.

ADJUDICATORY HEARING

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

Andy Carraway, Case No. 2178 (Continued)

Ms. LaGroue stated that the Defendant requested this matter be continued. This is his first request for continuance. Ms. Wheeler granted the request.

Richard Norcross, Case No. 2179 (Continued)

Ms. LaGroue stated that the Defendant requested this matter be continued. This is his first request for continuance. Ms. Wheeler granted the request.

Terminix International-Baton Rouge, Case No. 2183 (Continued)

Ms. LaGroue stated that the Defendant requested this matter be continued. This is the first request for continuance. Ms. Wheeler granted the request.

Robert Gamino, Case No. 2138-A

The Department charged Mr. Gamino with two (2) violations; LRS 3:3371(A)(14), specifically LRS 3:3370(A)(1) and 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. Gamino was not present. This is Mr. Gamino's first offense. 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: 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. Arceneaux and passed unanimously.

Daniel Trahan, Case No. 2181

The Department charged Mr. Trahan with one (1) violation, specifically LRS 3:3371(A)(3).

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

Mr. Trahan was not present. This is Mr. Trahan's first offense. Respondent admits to allegations and agrees to pay the penalty of \$750 within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

Motion: Mr. Kunst made a motion to reject the stipulation.

Ms. McInnis stated there are no proper grounds for rejection regarding the stipulation. Mr. Kunst withdrew his motion to reject the stipulation.

Motion: Mr. Kunst 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 by the remaining members.

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).

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

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

Motion: Mr. Kunst made a motion to reject the stipulation. Mr. Arceneaux seconded the motion. Mr. Bass made a recommendation to accept the stipulation based on the current penalty matrix. The motion made by Mr. Kunst passed with Mr. Kunst, Mr. Arceneaux, and Dr. Ottea voting in favor and Mr. Bass and Mr. Rayburn opposing the motion.

Jacob Cohn, Case No. 2180 (Charge #1)

The Department charged Mr. Cohn with one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 141(E)(1).

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

Mr. Jacob Cohn was not present. Mr. David Cohn represented Jacob Cohn as counsel. 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.

Motion: Mr. Rayburn made a motion to accept the stipulation. The motion was seconded by Mr. Bass and passed unanimously by the remaining members.

Jacob Cohn, Case No. 2180 (Charge #2)

The Department charged Mr. Cohn with one (1) violation of 3:3371(A)(14), specifically LAC 7:XXV 117(H).

Ms. LaGroue admitted LDAF's Exhibit 1 into the record. *Mr. Arceneaux remained recused.*

Ms. LaGroue called Mr. Alexander Sabo, AES Inspector 3, in Baton Rouge, Louisiana, as a witness. Mr. Sabo was sworn in by the Hearing Officer.

Ms. LaGroue admitted LDAF's Exhibit 3 into the record. Ms. LaGroue asked Mr. Sabo to read aloud Exhibit 3. Mr. Cohn questioned Mr. Sabo regarding the exhibit. Ms. LaGroue and the Commission had further questions for Mr. Sabo. The Hearing Officer cautioned the Commission to limit their questions to the facts in evidence.

Mr. David Cohn asked to introduce a written response from Mr. Jacob Cohn into evidence. Ms. LaGroue objected to Exhibit numbers 3 and 4 within Mr. Cohn's packet. The Hearing Officer sustained the objection to admit Exhibit 3 and overruled the objection to admit Exhibit 4 into evidence. Mr. David Cohn admitted Respondent Exhibit 4 into the record.

Mr. David Cohn argued his client's case to the Commission and requested that the charges be dismissed.

Ms. LaGroue gave closing arguments and asked that the Commission find Mr. Cohn in violation of LAC 7:XXV 117(H) and recommended a penalty of \$200, following the penalty matrix.

Motion: Mr. Kunst made a statement saying he believes a records request/charge letter should be sent directly to the licensee and because of this he made a motion to dismiss the charges. There was no second for the motion and the motion failed.

Motion: Mr. Bass made a motion to find Mr. Jacob Cohn in violation of LAC 7:XXV 117(H) and assess a penalty of \$200 for one (1) violation. The motion was seconded by Mr. Rayburn and passed with Mr. Rayburn, Mr. Bass, and Dr. Ottea voting in favor. Mr. Kunst voted against the motion, and Mr. Arceneaux was recused.

Five minute recess. Everyone was present after the break. Mr. Arceneaux was no longer recused.

Kenneth Aucoin, Case No. 2088

The Department charged Mr. Aucoin with three (3) violations; LRS 3:3371(A)(1), LRS 3:3371(A)(2), and LRS 3:3371(A)(14), specifically violation of a stop order issued pursuant to LRS 3:3205(A).

Mr. Aucoin was present to represent himself and sworn in by the Hearing Officer.

Ms. LaGroue called 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 investigations involving Mr. Aucoin. Ms. LaGroue admitted LDAF's Exhibits 1, 2, 3, 4, 5, and 6 into the record.

Mr. Aucoin did not have any questions for the witness.

The Commission questioned Mr. Aucoin.

Ms. LaGroue again questioned Mr. Schleismann regarding further investigations about Mr. Aucoin currently performing pesticide work in the state of Louisiana. The Commission questioned Mr. Aucoin.

Mr. Aucoin did not have any evidence to introduce into record and he did not have any witnesses.

Ms. LaGroue gave closing arguments and asked that the Commission find Mr. Aucoin in violation of the charges presented and assess a penalty following the penalty matrix.

Mr. Aucoin apologized for performing pest control without a license.

Motion: Mr. Arceneaux made a motion to find Mr. Aucoin in violation of the charges as presented. The motion was seconded by Mr. Kunst and passed unanimously.

Motion: Mr. Arceneaux made a motion to assess a penalty of \$7,500 for three (3) violations. The motion was seconded by Mr. Kunst and passed unanimously.

Matthew Dauzat, Case No. 2154

The Department charged Mr. Dauzat with six (6) violations; three (3) violations of LRS 3:3371(A)(1), one (1) violation of LRS 3:3371(A)(2), and two (2) violations of LRS 3:3371(A)(14), specifically violation of a stop order issued pursuant to LRS 3:3205(A).

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

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

Mr. Dauzat gave a statement to the Commission and admitted to all of the violations.

Motion: Mr. Kunst made a motion to find Mr. Dauzat in violation of the six (6) charges as presented. The motion was seconded by Mr. Arceneaux and passed unanimously.

Motion: Mr. Arceneaux made a motion to assess a penalty of \$14,250 for six (6) violations. The motion was seconded by Mr. Kunst. The motion passed with one vote against by Mr. Rayburn.

Five minute recess. Everyone was present after the break.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Labels for Approval

FMC representatives Brian Mount and Kevin Finnegan presented information to request approval of Dragnet SFR to be included on the termiticide list for the state of Louisiana.

Mr. Kunst asked for clarification on various parts of the label.

Mr. Arceneaux asked what makes this label different from the previously approved label. Mr. Kevin Finnegan stated that the changes made to the label are minor and do not have anything to do with the termiticide section.

Motion: Mr. Kunst made a motion to approve the label as presented. The motion was seconded by Mr. Arceneaux and passed unanimously.

LPMA Report – Jeff Porter

Mr. Porter had to leave the meeting. Mr. Schexnayder provided a flyer to the Commission with information about Legislative Day on May 22 and invited everyone to attend. Mr. Schexnayder also mentioned that there will be a Summer Institute during July of this year and recommended going to the LPMA website for more information on that event.

Contracts for Approval – Joe Arceneaux

Mr. Arceneaux presented contracts submitted by Rentokil dba Fisher Environmental.

Mr. Kunst recused himself from the vote.

Motion: Mr. Arceneaux made a motion for approval of the 4 contracts submitted by Rentokil dba Fisher Environmental. The motion was seconded by Mr. Rayburn and passed unanimously by the remaining members.

Mr. Arceneaux presented contracts submitted by Lajaunies Pest Control.

Mr. Kunst rejoined the commission.

Motion: Mr. Rayburn made a motion for approval of the 3 contracts submitted by Lajaunies Pest Control. The motion was seconded by Mr. Arceneaux and passed unanimously.

Rule Change Requests – Harry Schexnayder

Mr. Schexnayder presented a letter from Mr. Louis Goudeau requesting that the Commission have a discussion about combining the GPC and CVC phases of structural pest control.

Motion: Mr. Rayburn made a motion to bring combining GPC and CVC to the Rules Committee for discussion. The motion was seconded by Mr. Kunst and passed by the remaining members.

Mr. Schexnayder discussed a rule change to include an option of emailing pre-treat notifications along with the current options of phoning and/or faxing pre-treat notifications. The Commission agreed to send this item to the Rules Committee for further discussion.

Mr. Kunst made a statement regarding the responsibility when one company acquires another company. He recommended that the Rules Committee discuss having the new company be responsible for minimum

state standards on the contracts. Mr. Schexnayder made a suggestion to move this item to a Rules Committee meeting for further discussion.

Mr. Kunst made a statement recommending that the Rules Committee discuss making clarifications on delivery times for requests of information.

Motion: Mr. Kunst made a motion to have this item sent to the Rules Committee for further discussion. The motion was seconded by Mr. Arceneaux and passed unanimously.

RESEARCH COMMITTEE NOMINATIONS

Motion: Mr. Arceneaux made a motion to approve the list of nominees presented. The motion was seconded by Dr. Ottea and passed unanimously.

CONSIDERATION OF LICENSEE APPLICATIONS

NAME OF APPLICANT	PHASES	STAFF RECOMMENDATION	COMMISSION DECISION
David Keith Alvis (Less than 4-years experience)	ComFum ShipFum	Disapprove Disapprove	Disapprove Disapprove
Jason Breakfield (Less than 4-years experience)	GPC CVC TC	Disapprove Disapprove Disapprove	Disapprove Disapprove Disapprove
Donald J. Guastella, Jr. (Less than 4-years experience)	GPC CVC TC	Disapprove Disapprove Disapprove	Disapprove Disapprove Disapprove
Russell Kincaid (Less than 4-years experience)	GPC CVC TC	Disapprove Disapprove Disapprove	Disapprove Disapprove Disapprove
Jason A. Bartlett	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Joseph R. Campbell	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Denver Clark, Jr.	GPC CVC	Approve Approve	Approve Approve
Jacob Dugas	StrucFum	Approve	Approve
Ryan Gates	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Gerald Hacsunda	StrucFum	Approve	Approve

Richard Craig Hood	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Stefan Kuhlman	GPC CVC	Approve Approve	Approve Approve
Paul R. Leto, Jr.	ComFum	Approve	Approve
Thomas James Logan	GPC	Approve	Approve
Norman Louviere	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Robert R. Markham	GPC	Approve	Approve
Tyler McDonald	TC	Approve (pending CACTP)	Approve (pending CACTP)
Christopher Richard Price	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Keith M. Robinson	GPC CVC TC ComFum	Approve Approve Approve (pending CACTP) Approve	Approve Approve Approve (pending CACTP) Approve
Aaron Schurr	StrucFum	Approve	Approve
Jason Tucker	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Richard Yutzy	GPC	Approve	Approve

Motion: Mr. Kunst made a motion to disapprove Mr. David Keith Alvis, Mr. Jason Breakfield, Mr. Donald J. Guastella, Jr, and Mr. Russell Kincaid due to lack of required experience. The motion was seconded by Mr. Arceneaux and passed unanimously.

Motion: Mr. Kunst 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 1st Quarter of 2019. Mr. Schexnayder stated that the numbers are in line with previous years. 8,700 WDIE's and 8,000 WDIR's which resulted in total

collected revenue of \$200,000 for the 1st Quarter. There were 414 inspections done in the 1st Quarter. Mr. Kunst thanked the staff for holding the industry to such high standards.

OTHER BUSINESS

There was no other business presented for discussion.

PUBLIC COMMENT

Ms. Rabalais thanked Mr. Harry Schexnayder and his staff, the legal staff, and the Commission for clearing her Father's name.

Mr. Rayburn thanked Ms. LaGroue for a job well done during the Adjudicatory Hearing portion of the meeting. The other members of the Commission agreed with Mr. Rayburn.

FUTURE MEETINGS

The next Structural Pest Control Commission meeting will be held on August 28, 2019, at 9:30 a.m., at the Department of Agriculture and Forestry, Veterans' Memorial Auditorium.

ADJOURN

Motion: Mr. Arceneaux made a motion to adjourn the meeting. The motion was seconded by Mr. Rayburn and passed unanimously. The meeting adjourned at 1:55 p.m.