

**ADVISORY COMMISSION ON PESTICIDES
VETERANS' MEMORIAL AUDITORIUM
5825 FLORIDA BLVD.
BATON ROUGE, LOUISIANA
October 5, 2011 9:30 AM**

MINUTES

CALL TO ORDER

The meeting was called to order by Doug Duty at 9:47 am.

ROLL CALL

Members present: Doug Duty, Dr. Grady Coburn, Wayne Ducote, Billy Guthrie, Dr. Marcia Hardy, Wayne Kent, Dwayne O'Brien, Mike Robichaux and Dr. Gary Ross.

Members absent: Mike Vasko and Elbridge "Smitty" Smith.

Others present: David Fields, Todd Parker, Bobby Simoneaux, Ashley Dupree, LDAF General Counsel, Michael Vallan, Assistant Attorney General, Mary Anderson and Fran Mc Vea.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

Motion: Dr. Coburn made a motion to approve the minutes. This motion was seconded by Mr. Kent and passed unanimously.

AMENDMENTS TO AGENDA

None

Mr. Duty turned the meeting over to Michael Vallan, Assistant Attorney General.

ADJUDICATORY HEARING

Mrs. Ashely Dupree presented the cases and the stipulations were read by Mr. Fields.

John Robert Gaumnitz, Case No. 1437 – Mr. Gaumnitz is charged with one violation. Mr. Gaumnitz was represented by Attorney Edwin S. Moberley. Mr. Gaumnitz was sworn in by Mr. Vallan.

Mr. Gaumnitz agreed to the violation.

Motion: Mr. O'Brien made a motion to find Mr. Gaumnitz in violation of the charge. This motion was seconded by Mr. Robichaux and passed unanimously.

Mr. Fields made the department recommendation to fine Mr. Gaumnitz \$5000 and suspension of his certification for four months beginning on November 1, 2011.

Mr. Gaumnitz addressed the commission. Mr. Moberley, Counsel for Mr. Gaumnitz addressed the commission asking for lienancy in suspension.

Motion: Mr. Guthrie made a motion to accept the penalty recommendations. This motion was seconded by Dr. Coburn.

Motion to reconsider: Mr. O'Brien made a motion to reconsider the first motion and fine Mr. Gaumnitz \$5000 with suspension effective today.

Motion to amend previous motion: Mr. Kent made a motion to amend the previous motion and this motion was seconded by Mr. O'Brien. This motion failed.

Mr. Vallan asked for a vote on the first motion. This motion passed.

David Leake, Case No. 1520 – Mr. Leake is charged with 3 violations. Mr. Fields stated that Mr. Leake was not present.

Mrs. Dupree presented the case to the commission. Mr. Devin Boudreaux, LDAF inspector was sworn in as a witness.

Motion: Dr. Coburn made a motion to find Mr. Leak in violation of charges as stated in the charge letter. This motion was seconded by Mr. Robichaux and passed unanimously.

Mr. Fields said that the department penalty recommendation is a fine of \$1000 for charge A1 and \$500 for charge A2.

Motion: Mr. O'Brien made a motion to accept the penalty recommendation. This motion was seconded by Mr. Kent and passed unanimously.

Mr. Duty turned the meeting over to Assistant Chairman Dr. Grady Coburn.

Mr. Duty called for a break at 10:35 am. The meeting was reconvened at 10:40 and all commission members were present.

DEPARTMENT REPORTS

Mr. Simoneaux reported that the LPDES permit was in place for the published deadline. EPA petitioned the court and was granted an additional 6 months to implement. LDAF attended a meeting with DEQ where it was decided to hold the LPDES because there is a bill in Congress to eliminate the need for the permit.

Mr. Simoneaux recognized Ms. Karen Nix for the great job she is doing after stepping in when Dr. Grodner retired.

Mr. Simoneaux reported on current status of Section 18's.

Mr. Simoneaux reported that there were seven 24C applications and there had not been any problems with these applications.

Lisa Gautreaux gave a report on the USDA Recordkeeping Program Annual meeting she attended in Georgia last week.

OLD BUSINESS

None

NEW BUSINESS

Marty Pousson presented one application for Ag Consultant test, Mr. Steven G. Pavlovich.

Motion: Mr. Guthrie made a motion to approve the application. This motion was seconded and passed unanimously.

PUBLIC COMMENTS

None

FUTURE MEETING

November 2, 2011 at 9:30 am

ADJOURN

Motion: Mr. Guthrie made a motion to adjourn. This motion was seconded by Mr. Kent and passed unanimously.