

# Minutes

## LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY

Louisiana Agricultural Commodities Commission

Veterans' Memorial Auditorium

5825 Florida Blvd.

Baton Rouge, LA 70806

September 28, 2012

9:30 a.m.

### I. Call to Order

Mr. Robert Hanks called the meeting to order at 9:38 a.m.

A motion was made by Mr. Filmore Bordelon and seconded by Mr. Donald Berken to amend the Agenda. Motion passed unanimously.

### II. Roll Call and Declaration of Quorum

#### Commission Members Present

Mr. Robert Hanks  
Mr. David Bollich  
Mr. Donald Berken  
Mr. Filmore Bordelon  
Mr. Keith Hensgens  
Mr. Donald Zaunbrecher

#### Absent Members

Commissioner Strain  
Mr. Ryan Ellington  
Mr. Stephen Logan  
Mr. Lee Carter

There was a quorum of six (6) members present.

#### Staff Members Present

Assistant Commissioner, Office of Agro- Consumer Services, Benjy Rayburn  
Interim Director of the Louisiana Agricultural Commodities Commission,  
Kyra Holden  
Louisiana Department of Agriculture & Forestry Auditor, Jeff Fabre  
Louisiana Department of Agriculture & Forestry Executive Counsel, Tabitha Gray  
Administrative Assistant IV, Bridgette Ott

### III. Public Comment

Mr. Robert Hanks asked if there was any public comment. There was none.

**IV. Election of Officers**

A motion was made by Mr. Keith Hensgens and seconded by Mr. Donald Zaunbrecher to elect Mr. Robert Hanks as Chairmen of the Louisiana Agricultural Commodities Commission and Mr. Filmore Bordelon as Vice Chairman of the Louisiana Agricultural Commodities Commission. Motion passed unanimously.

**V. Adoption of Minutes – June 22, 2012**

A motion was made by Mr. Filmore Bordelon and seconded by Mr. David Bollich to approve the minutes. The motion carried unanimously.

**VI. Consideration of License Application for Approval:  
(New Application)**

**A. Grain Dealer**

**1. Miller- Bowie Supply**

A motion was made by Mr. Donald Berken and seconded by Mr. Filmore Bordelon to approve the grain dealer license application of Miller- Bowie Supply. The motion carried unanimously.

**VII. Old Business**

1. At the June 22, 2012 meeting of the LACC, the commission requested an opinion of the Attorney General to determine the validity of existing contracts when a license is either revoked or not re-issued. Ms. Tabitha Grey, Executive Counsel, addressed the LACC stating that she had talked with an attorney with the Attorney General's Office, informing him of the commission's request. According the Ms. Grey, the attorney stated that they would not be able to issue an opinion because the issue is a contractual issue and not within the purview of the Attorney General's office. The LACC discussed the issue at length and determined that they would still like the request presented to the Attorney General for an official determination.

2. Update on Licensee's Minimum Net Worth Requirements:

A motion was made by Mr. Filmore Bordelon and second by Mr. Donald Berken to go into Executive Session. The motion carried unanimously.

A motion was made by Mr. Keith Hensgens and second by Mr. Donald Zaunbrecher to come out of Executive Session. The motion carried unanimously.

3. Licensing Requirements: Minimum Net Worth: As requested by the commission, an email was sent to approximately 30 agencies requesting information on their states licensing requirements as they pertain to their minimum net worth and bonding requirements. Mr. Jeff Fabre stated that as reported to the department, the Louisiana

Agricultural Commodities Commission licensing and bonding requirements fell approximately mid-range among all the states that responded.

4. Grain and Cotton Indemnity Fund Balance: Ms. Kyra Holden stated that the balance was \$1,048,082.00 and that harvest had been very good, an exceptional year, as it pertains to crop production for the 2012 harvest season.
5. Update on Central Louisiana Grain Bankruptcy: Ms. Kyra Holden stated that this is a bond issue and is the remaining issue that has yet to be determined.
6. Update on Douglas Appeal: Ms. Kyra Holden stated that the oral arguments were heard on September 25, 2012, and we are awaiting the Judge's ruling as to whether Douglas has a claim on the Grain and Cotton Indemnity Fund.

#### **VIII. New Business**

1. Attorney General Opinion: The LACC re-requested that the Attorney General's Office provide an opinion as to the validity of existing contracts when a license is either revoked or not re-issued.
2. Ethics Training- The commission was informed that they are required to take an ethics training course either via the internet or by attending a class as per requirements set by the Division of Administration.
3. Public Records- The commission was informed that correspondence, as it pertains either between the commission or the LACC staff, may be subject to the public records law.

#### **IX. Public Comment**

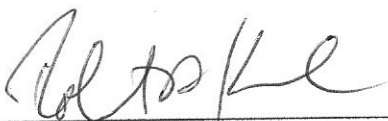
Mr. Robert Hanks asked if there was any public comment. There was none.

#### **X. Date for the Next Meeting**

The date of the next meeting is scheduled for December 18, 2012 at 9:30 a.m.

#### **XI. Adjournment**

A motion was made by Mr. Donald Zaunbrecher and seconded by Mr. Keith Hensgens to adjourn the meeting. The motion carried unanimously.



**Mr. Robert Hanks, Chairman**