

LOUISIANA WEIGHTS AND MEASURES COMMISSION  
ADJUDICATORY HEARING MINUTES

February 16, 2023, 9:30 A.M.

Louisiana Department of Agriculture & Forestry  
Veterans' Memorial Auditorium  
5825 Florida Blvd.  
Baton Rouge, LA 70806

**I. CALL TO ORDER**

Chairman, Larry Terrell, called the hearing to order at 9:30 a.m.

**II. ROLL CALL AND DECLARATION OF QUORUM**

Kasey Patton, LDAF Staff, called roll, and the following Commission Members were present:

**Commission Members Present**

Mr. Larry Terrell, Chairman  
Mr. Dave George, Vice Chairman  
Mr. Scott Simonson  
Mr. Justin Alford  
Mr. Mickey Freiberg  
Mr. Cal Simpson  
Mr. Tommy Haring  
Mr. Frank Lopinto

With eight (8) members present, a quorum was declared.

**III. PUBLIC COMMENTS**

No public comments were given at this time.

**IV. APPROVAL OF OCTOBER 6, 2023, MINUTES**

Motion made by Justin Alford to approve the minutes from the October 6, 2023, meeting. Mr. Frank Lopinto seconded the motion. All members were in favor. Motion carried.

**V. ADJUDICATORY HEARING**

LDAF Staff Attorney Baleigh Olah represented the department and presented the following cases. Assistant Attorney General Alicia Wheeler presided as Hearing Officer.

## **ADJUDICATED CASES**

### **CASE #23-WM-095 / CHADEAUX'S CAJUN KITCHEN 1 (KINDER)**

#### **7 VIOLATION(S)**

#### **7 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

Director Paul Floyd, Program Manager Steven Coco, and LDAF inspector were called as witnesses by the Department. The previously conducted price verification inspection reports were introduced into evidence. Paul Floyd identified and authenticated the Charge Letter, which was introduced into evidence.

Steven Coco identified and authenticated the Warning Letter, which was introduced into evidence.

Mr. Shayan Kerai was present and represented himself on behalf of Respondent.

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Cal Simpson and seconded by Mr. Tommy Haring. All members were in favor. Motion carried.

## **STIPULATED CASES**

### **CASE #22-WM-083 / MARS, INCORPORATED (MC LEAN, VA)**

#### **127 VIOLATION(S)**

#### **127 Short Weight Violations of LA. R.S. 3:4617 (A)**

The department recommended a penalty of Thirty-Four Thousand Seven Hundred Fifty Dollars (\$34,750.00). Motion was made by Mr. Cal Simpson and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

### **CASE #22-WM-092 / BAYOU CORNER EXPRESS (NEW IBERIA)**

#### **5 VIOLATION(S)**

#### **5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of One Thousand Two Hundred Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

### **CASE #22-WM-096 / KINDER QUICK STOP (KINDER)**

#### **5 VIOLATION(S)**

#### **5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of One Thousand Two Hundred Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

### **CASE #23-WM-001 / DOLLAR GENERAL STORE #12595 (MONTPELIER)**

#### **11 VIOLATION(S)**

#### **11 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Five Thousand Five Hundred Dollars (\$5,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Dave George. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-003 / DOLLAR GENERAL STORE #18198 (BROUSSARD)**

**18 VIOLATION(S)**

**18 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Nine Thousand Dollars (\$9,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Frank Lopinto. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-004 / DOLLAR GENERAL STORE #7300 (BROUSSARD)**

**19 VIOLATION(S)**

**19 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Nine Thousand Five Hundred Dollars (\$9,500). Motion to accept the stipulation and recommended penalty was made by Mr. Larry Terrell and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-005 / DOLLAR GENERAL STORE #6069 (TICKFAW)**

**14 VIOLATION(S)**

**14 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Seven Thousand Dollars (\$7,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Dave George. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-006 / DOLLAR GENERAL STORE #20799 (DEQUINCY)**

**5 VIOLATION(S)**

**5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Dave George. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-007 / DOLLAR GENERAL STORE #31522 (CHALMETTE)**

**7 VIOLATION(S)**

**7 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500). Motion to accept the stipulation and recommended penalty was made by Mr. Tommy Haring and seconded by Mr. Scott Simonson. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-008 / DOLLAR GENERAL STORE #19649 (WINNSBORO)**

**12 VIOLATION(S)**

**12 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Six Thousand Dollars (\$6,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and seconded by Ms. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-009 / FAMILY DOLLAR STORE #11949 (NEW ORLEANS)**

**6 VIOLATION(S)**

**6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Three Thousand Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Scott Simonson. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-010/ DOLLAR GENERAL STORE #21193 (OPELOUSAS)**

**17 VIOLATION(S)**

**17 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Eight Thousand Five Hundred Dollars (\$8,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Justin Alford. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-011 / DOLLAR GENERAL STORE #10642 (BOSSIER CITY)**

**9 VIOLATION(S)**

**9 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Four Thousand Five Hundred Dollars (\$4,500). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Justin Alford. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-012 / FOOD MART (SULPHUR)**

**6 VIOLATION(S)**

**6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of One Thousand Five Hundred Dollars (\$1,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Tommy Haring and seconded by Mr. Frank Lopinto. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-013 / DOLLAR GENERAL STORE #24431 (GRETNA)**

**21 VIOLATION(S)**

**21 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Ten Thousand Five Hundred Dollars (\$10,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Justin Alford. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-014 / DOLLAR GENERAL STORE #15581 (LIVINGSTON)**

**14 VIOLATION(S)**

**14 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Seven Thousand Dollars (\$7,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-015 / DOLLAR GENERAL STORE #20017 (LAFAYETTE)**

**6 VIOLATION(S)**

**6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Three Thousand Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Tommy Haring and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-016 / DOLLAR GENERAL STORE #22608 (CHURCH POINT)**

**6 VIOLATION(S)**

**6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Three Thousand Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Tommy Haring and seconded by Mr. Dave George. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-017 / DOLLAR GENERAL STORE #12783 (MERMENEAU)**

**5 VIOLATION(S)**

**5 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Two Thousand Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-018 / MURPHY USA #7742 (JENNINGS)**

**6 VIOLATION(S)**

**6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of One Thousand Five Hundred Dollars (\$1,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Tommy Haring. All members were in favor. Motion carried.

**CASE #23-WM-019 / DOLLAR GENERAL STORE #22435 (MAURICE)**

**4 VIOLATION(S)**

**4 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Two Thousand Dollars (\$2,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-020 / BROTHERS DISCOUNT ZONE #140 (NEW ORLEANS)**

**17 VIOLATION(S)**

**17 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Four Thousand Two Hundred Fifty Dollars (\$4,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

**CASE #23-WM-021 / DOLLAR GENERAL STORE #20467 (SLIDELL)**

**6 VIOLATION(S)**

**6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Three Thousand Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Tommy Haring. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-022 / DOLLAR GENERAL STORE #12963 (DENHAM SPRINGS)**

**15 VIOLATION(S)**

**15 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Seven Thousand Five Hundred Dollars (\$7,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Larry Terrell and seconded by Mr. Scott Simonson. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-023 / DOLLAR GENERAL STORE #9594 (LAFAYETTE)**

**9 VIOLATION(S)**

**9 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Four Thousand Five Hundred Dollars (\$4,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Dave George. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-024 / DOLLAR GENERAL STORE #19827 (PINEVILLE)**

**8 VIOLATION(S)**

**8 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Four Thousand Dollars (\$4,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and seconded by Mr. Justin Alford. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**CASE #23-WM-025 / DOLLAR GENERAL STORE #23587 (LAFAYETTE)**

**6 VIOLATION(S)**

**6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Three Thousand Hundred Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

**CASE #23-WM-026 / DOLLAR GENERAL STORE #6646 (LAFAYETTE)**

**6 VIOLATION(S)**

**6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)**

The department recommended a penalty of Three Thousand Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Justin Alford and seconded by Mr. Mickey Freiberg. Member Mr. Cal Simpson recused himself from the overall vote. All members were in favor. Motion carried.

**VI. OLD BUSINESS**

No old business was presented.

**VII. NEW BUSINESS**

- a. Program Manager Mr. Steven Coco provided an update on Price Verification Inspections.
- b. Chairman Mr. Larry Terrell proposed to add the Pledge of Allegiance to the agenda. Motion to accept was made by Mr. Mickey Freiberg and seconded by Mr. Justin Alford.

**VIII. PUBLIC COMMENTS**

No public comments were given at this time.

**IX. NEXT MEETING DATE**

May 25, 2023

**X. ADJOURNMENT**

A motion was made at 10:55 a.m. to adjourn the meeting by Mr. Justin Alford and seconded by Mr. Frank Lopinto. All members were in favor. Motion carried.



Chairman Signature

*Charles Scott Simonson*

Printed Name