

LOUISIANA AGRICULTURAL CHEMISTRY AND SEED COMMISSION
MINUTES
April 28, 2016
9:30 a.m.

Louisiana Department of Agriculture & Forestry Building
LDAF Veterans Memorial Auditorium
5825 Florida Boulevard
Baton Rouge, LA 70806

CALL TO ORDER

The meeting was called to order at 9:36 a.m. by Mr. Fred Bass, Confidential Assistant to Commissioner Mike Strain.

ROLL CALL

The roll was called by Mrs. Tina Ficklin.

The following members or their Designees were present: Mr. Fred Bass, designee for Commissioner Mike Strain; Dr. Eric Webster, designee representing the Louisiana Cooperative Extension Service; Mr. Michael Hensgens, representing the Seed Industry; Mr. Don Philley, representing the Fertilizer Industry and Mr. Ed O'Neal, representing the Feed Industry.

Absent from the meeting: Mr. Ronnie Anderson, Louisiana Farm Bureau Association and Dr. Philip Elzer, Louisiana Agricultural Experiment Station

Others Present: Todd Parker, Assistant Commissioner of LDAF AES Division; Dr. Mark LeBlanc, Director of Ag Chemistry; Angelle Pearson, Assistant Director of Ag Chemistry; Meagan Davis, Director of Ag Chemistry; Lester Cannon, Director Seed Programs Division; Lauren Boydston, Ag Chemistry; Tina Ficklin, Seed Programs Division, Lindsey Hunter, LDAF General Counsel and Bradley Overton, Assistant Attorney General. A quorum was declared.

PUBLIC COMMENT

No public comment.

APPROVAL OF THE MINUTES

Motion: Mr. Michael Hensgens made a motion to approve the proceedings from the October 6, 2015 Louisiana Agricultural Chemistry and Seed Commission meeting as written. Mr. Don Philley seconded the motion. Motion was approved unanimously.

SET NEXT HEARING DATE

Mr. Lester Cannon requested to set the next hearing date for the Louisiana Agricultural Chemistry and Seed Commission for October 27, 2016. All members were in agreement.

OLD BUSINESS

Mr. Don Philley gave an update on the factors driving the cost of fertilizer; namely natural gas prices and the basic economics of supply and demand. He gave a thorough presentation on a segment of the fertilizer industry and what has changed over the years that directly influence the price.

NEW BUSINESS

Appointment of the Director of Feed and Seed Programs

Motion to delegate authority to the Commissioner to appoint the Directors of Seed and Feed Programs was made by Mr. Michael Hensgens, seconded by Mr. Don Philley. Motion passed unanimously.

Update on Agricultural Chemistry Programs

Dr. Mark LeBlanc gave an update on the Agricultural Chemistry Programs and on the status of the FDA 2-part grant used 1) to align feed regulatory program with national standards and 2) to assist with lab accreditation.

Update on Seed Programs

Lester Cannon gave an update on the Seed Programs. He informed the Commission of the following: there were no negative comments were received on the amendments proposed during the previous commission meeting so they became effective in March. The recertification of Mermentau rice was not required as sufficient supply of registered seed was found in other states. The reduced number of samples received in the lab thus far this year is due to low wheat planting and a very wet spring. The Seed Lab staff is excited to be in the final stages of hiring an AOSA/SCST Certified Program Coordinator resulting from a nationwide search.

HEARINGS

Bradley Overton, Hearing Officer for LDAF, presided over two cases brought before the commission by the Seed Programs.

Stipulated Cases

Case No. 15-01 Walmart Supercenter #912

The commission was informed that a stipulation agreement had been reached between LDAF and the respondent whereby the respondent neither agrees to nor denies the violations but accepts the penalty as presented. The following Case evidence was presented to the Commission by LDAF General Counsel, Ms. Lindsey Hunter and Seed Programs Director Lester Cannon. Exhibit 1 - Charge Letters sent via Certified Mail with signed receipts and Exhibit 2 – Signed, witnessed and notarized Stipulation Agreement. Bradley Overton, AG hearing officer, accepted the evidence as presented.

The stipulation agreement required the respondent to be charged a penalty of Five Thousand, Five Hundred Dollars (\$5,500.00), whereby the Department agreed to waive half of the penalty for a first-time offense for a total payable penalty of Two Thousand, Seven Hundred, and Fifty Dollars (\$2,750.00). The suspended amount is for a probationary period of one year barring there are no further violations by that company during that time and the agreed upon penalty is received by LDAF within 30 days of the Commissioner's acceptance of the Agreement.

Motion to accept the stipulation agreement as the findings of facts and conclusions of law and to accept the recommended penalty of Two Thousand, Seven Hundred, and Fifty Dollars (\$2,750.00) was made by Mr. Michael Hensgens and seconded by Mr. Don Philley. Motion passed unanimously.

Case No. 15-02 Walmart Supercenter #3167

The commission was informed that a stipulation agreement had been reached between LDAF and the respondent, but the signed stipulation agreement had not been received by LDAF because it had been held up in the mailing process. The following Case evidence was presented to the Commission by LDAF General Counsel, Ms. Lindsey Hunter and Seed Programs Director Lester Cannon. Exhibit 1 - Charge Letters sent via Certified Mail with signed receipts and Exhibit 2 – Copy of Stipulation Agreement. Bradley Overton, AG hearing officer, accepted the evidence presented.

The stipulation agreement required that the respondent be charged a penalty of One Thousand Dollars (\$1,000.00), whereby the Department agreed to waive half of the fine for a first-time offense for a total payable penalty of Five Hundred Dollars (\$500.00). The suspended amount is for a probationary period of one year barring there are no further violations by that company during that time and the agreed upon penalty is received by LDAF within 30 days of the Commissioner's acceptance of the Agreement.

Motion to accept the signed stipulation agreement, if received by LDAF with the terms as presented to the commission, as the findings of facts and conclusions of law and to accept the recommended penalty of Five Hundred (\$500.00) was made by Mr. Michael Hensgens and seconded by Mr. Ed O'Neal. Motion passed unanimously.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

Motion to adjourn was made by Mr. Don Philley, seconded by Mr. Ed O'Neal. Motion passed unanimously.