

HORTICULTURE COMMISSION OF LOUISIANA MEETING

March 23, 2023

9:30 a.m.

Veterans' Memorial Auditorium

5825 Florida Boulevard

Baton Rouge, LA 70806

CALL TO ORDER

The hearing was called to order by Mr. Parker at 9:30 a.m.

ROLL CALL

The roll was called by Mrs. Smith

Members present: Chad Danos, Rob Barry, Cole Sims, George Bofinger, Richard Hill, Rebekah O'Quin, Dan Johnson, Rusty Ruckstuhl, Gary Bullock, Todd Parker, and Dr. Ansel Rankins.

A quorum was present.

Others present: Assistant Attorney General Madeline Carbonette, Hearing Officer; Paeton Burkett; LDAF Legal Counsel; Tina Peltier, LDAF; Marsha Dugas, LDAF; and Marissa Smith, LDAF.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Barry made a motion to approve the minutes from the December 15, 2022 hearing. This motion was seconded by Dr. Rankins and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission of Louisiana meeting will be June 29, 2023 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

Ms. Dugas updated the commission on what the Department has been doing for public outreach and informing them of the Horticulture Laws, Rules, and Regulations.

REINSTATEMENT REQUEST

Mr. Thomas Garner Sr. requested to have his arborist license reinstated.

Motion: Dr. Rankins made a motion to allow reinstatement of Mr. Garner's license, pending his attendance of a CEU course before licensure.

This motion was seconded by Mr. Danos and passed unanimously.

At 9:46 a.m. the meeting was turned over to the hearing officer, Ms. Carbonette.

ADJUDICATORY HEARINGS

CONTINUED CASES

Alton Dillon

40664 Ranch Road
Slidell, LA 70461

Case No.: 23-HORT-001

One violation of La. R.S. 3:3804(C) for engaging in a regulated profession (arborist) without a proper license.

This case was continued to the next hearing date.

Samual Armenio

d/b/a Armenio Enterprises
1803 Lee Street
Bossier City, LA 71112

Case No.: 23-HORT-005

Two violations of La. R.S. 3:3804(C) for advertising and engaging in a regulated profession (arborist) without the proper license. One violation of La. R.S. 3:3810 A(2) for violating a written stop order dated June 3, 2021.

This case was continued to the next hearing date.

ADJUDICATORY HEARING

Heriberto Rubio

d/b/a Rubio's Lawn Care
28 Birdie Carter Road
Forest Hill, LA 71430

Case No.: 23-HORT-006

Two violations of La. R.S. 3:3804(C) for advertising and engaging in a regulated profession (landscape horticulturist) without the proper license. One violation of La. R.S. 3:3810A(2) for violating a written stop order dated August 24, 2022.

Mr. Rubio was present and represented himself.

After the evidence was presented, Ms. Burkett requested that Mr. Rubio be found in violation of the regulations as presented in the charge letter and recommends a penalty of \$500.00 per violation for a total fine of \$1,500.00.

Motion: Mr. Ruckstuhl made a motion to find Mr. Rubio in violation. This motion was seconded by Mr. Barry. There was a substitute motion made by Dr. Rankins to find Mr. Rubio in violation with the penalty of \$1,500.00 total; \$1,000.00 of the penalty being suspended if Mr. Rubio takes and passes the Landscape Horticultural examination within 30 days of receiving notice. This motion was seconded by Mr. Sims and passed unanimously.

STIPULATIONS

Treveion Thomas

d/b/a Most Affordable Landscaping
413 Old Bellevue Road
Benton, LA 71006

Case No.: 23-HORT-002

Two violations of La. R.S. 3:3804(C) for advertising in a regulated profession (Landscape horticulturist) without a proper license. One violation of La. R.S.3:3810 A(2) for violating a written stop order dated August 29, 2022.

The stipulation was presented by Ms. Burkett.
Respondent admits to the violations and agrees to pay the penalty of \$1,500.00.
Motion: Mr. Sims made a motion to accept the stipulation and penalty.
This motion was seconded by Mr. Parker and passed unanimously.

Nathanael Scales
d/b/a Garden Doctors
201 St. Charles Street Ste. 114
New Orleans, LA 70170

Case No.: 22-008

Two violations of La. R.S. 3:3810(A)(3) for performing any fraudulent practice while engaged in a regulated profession or occupation or intentionally misrepresenting any matter involved in or related to work in a regulated profession or occupation. One violation of La. R.S. 3:3810(A)(4) for altering, forging, counterfeiting, or using without authority any license, permit, or other document. One violation of La. R.S. 3:3810(A)(1)(c) for submitting a bid for a Landscape Horticulturist, Arborist, and Landscape Irrigation Contractor services without the proper licenses.

The stipulation was presented by Ms. Burkett.
Respondent admits to the violations and agrees to pay the penalty of \$2,000.00.
Motion: Mr. Sims made a motion to accept the stipulation and penalty.
This motion was seconded by Dr. Rankins and passed unanimously.

Kerry Gautreaux
d/b/a Gautreaux Construction
163 Pitre Lane
Ville Plate, La 70586

Case No.: 23-HORT-004

Two violations of La. R.S. 3:3804(C) for advertising and engaging in a regulated profession (arborist) without the proper license. One violation of La. R.S. 3:3810A(2) for violating a written stop order dated November 5, 2020.

The stipulation was presented by Ms. Burkett.
Respondent admits to the violations and agrees to pay the penalty of \$1,500.00.
Motion: Mr. Ruckstuhl made a motion to accept the stipulation and penalty.
This motion was seconded by Mr. Parker and passed unanimously.

NEW BUSINESS

Director's Report:

Ms. Peltier gave the following updates:

Staffing Update: In January, Marsha and Tina attended the Gulf States Horticulture Expo in Mobile, AL and manned a booth for LDAF. They were also able to attend the LNLA membership meeting and board meeting while there.

In March, all AES inspectors attended a two-day training at the Opelousas district office. The last inspector training took place in 2014. The training was organized by the AES program staff who took part in presenting information on their programs. The inspectors provided input on the topics they most needed training in. There were 3 presentations presented by outside industry personnel. Payton Englert with the American Seed Trade Association gave a presentation on the importance of regulatory seed testing; Joe Bravata, USDA, State Plant Health Director for Louisiana gave a presentation on new and emerging pests; and Lisa Loupe, president of the Louisiana Nursery and Landscape Association and licensed horticulture professional, gave a presentation on the importance of state licensing from an industry perspective.

P. ramorum Update: On March 17, 2023, LDAF received notification that Louisiana received a plant shipment from a newly confirmed *P. ramorum* positive nursery located in Humboldt County, California. The county is already quarantined for *P. ramorum*. The confirmed plant taxon was *Pieris Japonica* “Valley Valentine” and it was only shipped to one state which was not Louisiana. Louisiana did receive a shipment that contained a high-risk host plant, *Camellia japonica* (1 gallon). The shipment was to a residential location in River Ridge, Jefferson Parish.

On March 22, 2023 a New Orleans district inspector went to the residence and found the plant dead. The plant was double bagged and disposed of.

Citrus Updates: On January 30th, 2023 Citrus Greening was confirmed in Tangipahoa parish. The sample originated from a residence in Ponchatoula and the type of tree was not indicated. The sample was taken and submitted by PPQ.

There is still surveying ongoing in St. John and Tangipahoa parishes. No new quarantines have been put in effect. New quarantines will need to be added for St. John (CG), St. Tammany (CC and CG), Tangipahoa (CG) and possibly Lafayette (CC) parishes.

Beekeeping Grant: On February 27, 2023 Commissioner Strain, along with Mark Earl and Richard Miller, delivered a shipment of bee equipment to Fontainebleau High School in Mandeville. All remaining schools have received their equipment and the bees should be delivered in the next few weeks.

CAPS update: The 2022 Solanaceous survey consisted of deploying 57 traps at 19 locations where tomato production occurs. The survey targets three solanaceous commodity pests: Tomato leaf miner, tomato fruit borer and old-world bollworm. No suspect pests were found.

The 2022 Citrus Commodity survey consisted of spring and fall inspections targeting 11 different citrus commodity pests. 35 locations were inspected in the spring/summer and 85 locations were inspected in the fall. 19 samples were submitted resulting in 16 positives for Citrus Greening and 6 positives for Citrus Canker. All positive samples were taken in previously quarantined parishes for the respective pest, except two. Two positive sample for Citrus Greening was collected in St. John the Baptist parish.

The 2022 SOD survey resulted in 74 tissue samples being collected from 33 locations. All samples were reported negative for *p. ramorum*. Five locations were sampled during the water baiting portion of the survey and all water samples were reported negative for *p. ramorum*.

The 2022 Forest Pest survey was completed in November. There were 42 traps deployed at 14 high risk pathway locations for forest pests. Samples were collected from the traps monthly and sent to USDA for identification. No suspect pests were found.

The Solanaceous, Citrus Commodity, Sudden Oak Death and Forest Pests surveys will be performed again in 2023. SCS-May; CCS, SOD-April; FPS-July.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion: Dr. Rankins made a motion to adjourn at 10:35 a.m.

This motion was seconded by Mr. Ruckstuhl and passed unanimously.