

HORTICULTURE COMMISSION MEETING

December 5, 2019

9:30 a.m.

Veterans' Memorial Auditorium

5825 Florida Boulevard

Baton Rouge, LA 70806

Minutes

CALL TO ORDER

The hearing was called to order by Mr. Bass at 9:35 a.m.

ROLL CALL

The roll was called by Ms. Marchand.

Members present: Rob Barry, Fred Bass, Gary Bullock, Chad Danos, Richard Hill, Jack Hopper, Mitch Mayes, Benjy Rayburn, Zefferino Von Kurnatowski, Dr. Jeff Beasley, Rusty Ruckstuhl and Cole Sims.

Members absent: Steven Hoover and Dr. William Richardson.

A quorum was present.

Others present: Alicia Wheeler; Hearing Officer; Amanda LaGroue; LDAF Legal Counsel; Dr. Ansel Rankins, LDAF; Tina Peltier, LDAF; Andrea Marchand, LDAF and Fran Bellington, LDAF.

PUBLIC COMMENTS

Steven Lumpkin, Landscape Architect and Landscape Horticulturist with the Central City Planning and Zoning Commission. Mr. Lumpkin stated that due to the current interpretation of the Horticulture laws, which allows landscape horticulturists to draw plans without a fee, the City of Central is in the process of removing the permit from their Municipal Code. This permit had been required for the Landscape Architect's development and oversight plan to be implemented. Mr. Lumpkin stated that planning is now being performed by landscape horticulturists. Mr. Lumpkin's concern is that landscape horticulturists lack the secondary education that provides proper design planning which may affect the health, safety and welfare of the general public. He gave an example of planning by a horticulturist that resulted in a moving vehicle incident.

Mr. Danos, the commission's Landscape Architect, responded that this subject was discussed and with the assistance of Dr. Rankins and Tina Peltier, we would be willing to reach out to the City of Central to help clarify what the law states along with the assistance of the local ASLA chapter that can also help advocate for some of the concerns. Our national licensing board, CLARB, is currently working with the Alliance for Responsible Professional Licensure in producing some videos that covers and explains the importance and responsibility of professional licensure for Architecture. This material should be available early in 2020 to help give the City of Central a better understanding of why licensure is important.

APPROVAL OF MINUTES

Motion: Mr. Sims made a motion to approve the minutes from the September 19, 2019 hearing. This motion was seconded by Mr. Barry and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, March 19, 2020 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUESTS

There were no requests for reinstatement.

At 9:44 a.m. the meeting was turned over to the hearing officer, Ms. Alicia Wheeler.

ADJUDICATORY HEARING
CONTINUED CASES

Kelvin Robins

d/b/a Certified Tree Care/Y.B.S. Tree & Landscaping/United Tree Professionals
2602 Tall Timbers Road
Baton Rouge, Louisiana 70816

Case No.: 19-005

Two violations of L.R.S. 3:3804(C) for engaging in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3804(C) for advertising, soliciting and engaging in a regulated profession (arborist and landscape horticulturist) without a proper license. One violation of L.R.S. 3:3804(C) for soliciting in a regulated profession (landscape horticulturist) without a proper license. Four violations of L.R.S. 3:3804(C) for advertising, soliciting and engaging in a regulated profession (arborist) without a proper license. Five violations of L.R.S. 3:3810 A (2) for violating a written stop order dated 01/28/19.

This case was continued to the next hearing date as service was not effected.

Scott Gros

d/b/a G & S Engineering
545 Beauchene Drive
Mandeville, LA 70471

Case No.: 19-009

One violation of L.R.S. 3:3804(C) for engaging in a regulated profession (landscape architect) without a proper license. One violation of L.R.S. 3:3810 A(3) for negligently failing to exercise due diligence, resulting in erroneous representation while engaging in a regulated profession.

Stipulation Received. **Motion:** Mr. Danos made a motion to accept the stipulation. This motion was seconded by Mr. Von Kernatowski and passed unanimously. The department recommended a penalty of \$500.00 per violation for a total fine of \$1,000.00. **Motion:** Mr. Sims made a motion to accept the recommended penalty. This motion was seconded by Mr. Mayes and passed unanimously.

Derek Ancalade

d/b/a Big Easy Landscaping & Property Management
2214 Tidewater Drive
Slidell, Louisiana 70458

Case No.: 19-013

One violation of L.R.S. 3:3804(C) for advertising, soliciting and engaging in a regulated profession (arborist and landscape irrigation contractor) without a proper license. One violation of L.R.S. 3:3804(C) for advertising in a regulated profession (landscape horticulture) without a proper license. One violation of L.R.S. 3:3804(C) for advertising in a regulated profession (landscape architect, landscape horticulture and landscape irrigation contractor) without a proper license. One violation of L.R.S. 3:3804(C) for advertising and soliciting in a regulated profession (landscape horticulturist) without a proper license. Three violations of L.R.S. 3:3810 A(2) for violating a written stop order dated 05/21/18. One violation of L.R.S. 3:3810 A(2) for violating a written stop order dated 02/11/19.

Mr. Ancalade was not present but the department proceeded because service was effected. **Motion:** Mr. Hopper made a motion to find Mr. Ancalade in violation. This motion was seconded by Mr. Ruckstuhl and passed unanimously. The department recommended a penalty of \$1,500.00 per violation for a total fine of \$12,000.00. **Motion:** Mr. Hopper made a motion to accept the recommended penalty. This motion was seconded by Mr. Von Kernatowski and passed unanimously. **Motion:** Mr. Danos made a motion to pursue injunctive relief. This motion was seconded by Mr. Von Kernatowski and passed unanimously.

NEW CASES

April Adams
d/b/a L & L Tree Services
104 St. Louis Street
Loreauville, Louisiana 70552

Case No.: 19-014

One violation of L.R.S. 3:3804(C) for advertising in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3804(C) for soliciting in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3810 A(2) for violating a written stop order dated 05/28/2019. One violation of L.R.S. 3:3804(C) for advertising, soliciting and engaging in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3810 A(2) for violating a written stop order dated 09/17/2019.

Ms. Adams was present and pleaded no contest to the charges. **Motion:** Mr. Von Kernatowski made a motion to find Ms. Adams in violation. This motion was seconded by Mr. Mayes and passed unanimously. The department recommended a penalty of \$500.00 per violation for a total fine of \$2,500.00. **Motion:** Mr. Von Kernatowski made a motion to accept the recommended penalty and to suspend \$1,000.00 if Ms. Adams gets licensed within six months. **Motion:** Mr. Von Kernatowski made an amended motion to accept the recommended penalty with a total fine amount of \$1,500.00. This motion was seconded by Mr. Sims and passed with nine for and three against, motion carried.

Albert Touzet
d/b/a On The Spot
1010 Servern Avenue
Metairie, Louisiana 70001

Case No.: 19-015

Two violations of L.R.S. 3:3804(C) for advertising in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3810 A(2) for violating a written stop order dated 06/05/2019.

Mr. Touzet was present and accompanied by Christian Melancon. Mr. Touzet pleaded no contest to the charges. **Motion:** Mr. Sims made a motion to find Mr. Touzet in violation. This motion was seconded by Mr. Rayburn and passed unanimously. The department recommended a penalty of \$500.00 per violation for a total fine of \$1,500.00. **Motion:** Mr. Mayes made a motion to recommend the penalty total of \$1,000.00. This motion was seconded by Mr. Barry and passed unanimously.

The meeting was turned back over to Mr. Bass at 12:23 p.m. and a five minute break was taken. The meeting reconvened at 12:28 p.m. A quorum was present.

NEW BUSINESS

No new business

Director's Report:

Dr. Rankins gave the following updates:

LDAF intends to amend regulations to add language that addresses cheating on professional exams and to repeal the requirement that licensees or permittees selling sod provide a sod classification form to the consumer at the time of sale, have been approved by the Occupational Licensing Review commission. The Notice of Intent and Fiscal Economic Impact Statement is currently under review at the Legislative Fiscal Office.

LDAF and the Texas Department of Agriculture have reached an agreement that will allow asymptomatic camellias with buds and flowers to be shipped into Texas by registered Louisiana nurseries. Any nursery that wants to ship camellias with buds and flowers to Texas will need to contact our Horticulture & Quarantine office and enter a compliance agreement.

The citrus greening tree removal program is ongoing in Orleans, Jefferson, St. Bernard and Plaquemines Parish. To date, 326 infected trees on 140 properties have been removed, with 83 trees on 52 properties remaining to be mitigated. This project is funded with federal funds from PPA 7721 cooperative agreement.

LDAF will host free, voluntary, regulatory orientation meetings to assist those interested in cultivating, processing and transporting industrial hemp in Louisiana. The meetings will be held on Dec. 16, 17 and 18, with morning and afternoon sessions. These will be held at LDAF headquarters on Florida Blvd. in Baton Rouge, LA. Those interested in registering for January meetings may do so on our website. May also e-mail any questions at industrialhemp@daf.la.gov or call 225-925-4733.

PUBLIC COMMENTS

There were no public comments however Mr. Bass requested to have the Commission members photos taken for the creation of a group page. Laura Lindsay, Public Information Director with LDAF, took the photos.

ADJOURNMENT

Motion: Mr. Barry made a motion to adjourn at 12:37 p.m. This motion was seconded by Mr. Rayburn and was passed unanimously.