

HORTICULTURE COMMISSION MEETING

March 26, 2015

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 Mrs. Bellington.

Members present: Fred Bass, Todd Parker, Steven Hoover, Mitch Mayes, Rob Barry, Jack Hopper, Chad Danos, Cole Sims, Zefferino Von Kurnatowski, Harold Tani and Rusty Ruckstuhl.

Members absent: Dr. William Richardson.

A quorum was present.

Others present: Emily Boyce, Hearing Officer; Lindsey Hunter, LDAF Legal Counsel; Murphy Bell, LDAF Legal Counsel; Tad Hardy, LDAF; Ansel Rankins, LDAF; Katie Farlow, LDAF; and Fran Bellington, LDAF.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Parker made a motion to approve the minutes from the December 11, 2014 hearing. This motion was seconded by Mr. Hopper and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, June 25, 2015 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUEST

Ms. Dana Turner requested to have her retail florist license reinstated. **Motion:** Mr. Parker made a motion to allow reinstatement of Ms. Turner's retail florist license. This motion was seconded by Mr. Tani and passed unanimously.

Ms. Sheila Reneau requested to have her retail florist license reinstated. **Motion:** Mr. Parker made a motion to allow reinstatement of Ms. Reneau's retail florist license. This motion was seconded by Mr. Tani. 10 members voted for and 1 member voted against reinstatement. The motion carried.

At 9:48 a.m. the meeting was turned over to the hearing officer, Emily Boyce.

ADJUDICATORY HEARING

NEW CASES

Jeremie Branton
d/b/a The Grounds Guys
1140 Burt Street
Shreveport, LA 71107

Case No.: 15-004

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

This case was continued to the June 25, 2015 hearing.

Jimmy Nutt
d/b/a Nutt's Tree Service
451 Shadow Lane
Dubberly, LA 71024

Case No.: 15-001

Two violations of L.R.S. 3:3804 (C) for engaging and soliciting in a regulated profession (arborist), without a proper license.

Stipulation received. **Motion:** Mr. Von Kurnatowski made a motion to continue Mr. Nutt's case to the June 25, 2015 hearing because the amount noted in the stipulation was incorrect. This motion was seconded by Mr. Parker and passed unanimously.

Michael Greene
d/b/a SGS Landscape Consultants, LLC
4275 Creeppark Drive, Suite 100
Suwanee, GA 30024

Case No.: 15-002

Two violations of L.R.S. 3:3804 (C) for engaging in a regulated profession (landscape horticulturist and landscape irrigation contractor) without the proper licenses.

Stipulation and \$500.00 payment received. Mr. Danos recused himself from this case. **Motion:** Mr. Ruckstuhl made a motion to accept the stipulation and payment. This motion was seconded by Mr. Barry and passed unanimously.

Robert Smith, Jr.
d/b/a Integrity Landscaping & Tree Service
6070 Dorchester Circle
Keithville, LA 71047

Case No.: 15-003

Two violations of L.R.S. 3:3804 (C) for advertising and engaging in a regulated profession (arborist and landscape horticulturist) without the proper licenses. One violation of L.R.S. 3:3810 A (2) for violating a stop order.

Stipulation received. The department recommended a penalty of \$250.00 per violation for a total fine of \$750.00. **Motion:** Mr. Parker made a motion to accept the stipulation and recommended penalty. This motion was seconded by Mr. Barry and passed unanimously.

Donald Lowe
417 Apache Trail
Shreveport, LA 71107

Case No.: 15-005

Three violations of L.R.S. 3:3804 (C) for engaging and soliciting in a regulated profession (landscape irrigation contractor) without a proper license. One violation of L.R.S. 3:3810 A (2) for violating a cease and desist order.

Stipulation received. The department recommended a penalty of \$250.00 per violation for a total fine of \$1000.00. **Motion:** Mr. Mayes made a motion to accept the stipulation and the recommended penalty. This motion was seconded by Mr. Parker and passed unanimously.

The meeting was turned back over to Mr. Bass at 10:13 a.m.

NEW BUSINESS

Director's Report

Emerald Ash Borer (EAB), *Agrilus planipennis* Fairmaire, has made its first appearance in Louisiana. Visual inspection by USFS personnel on private property in Webster Parish, 175 yards south of the Arkansas state line, found immature beetles in a scattered stand of bottomland ash trees in February 2015. Louisiana is the 25th state to confirm EAB. The beetle infests and kills all ash species. LDAF developed and is spearheading a multi-agency, multi-association effort to implement our EAB Response Plan.

Earlier this month, *Phytophthora ramorum*, the organism responsible for Sudden Oak Death disease, was confirmed on foliage and soil samples from 2 of 6 azalea plants shipped to a residence in Lincoln Parish. The Oregon shipper, Greer Gardens Nursery, had been prohibited by USDA from making interstate shipments in April 2014 but apparently shipped plants using another nursery's certification. USDA is pursuing the investigation. All plants in the shipment to the residence were destroyed before going in the ground.

Mr. Hardy will be participating in the 2015 Southern Plant Board meeting in April. This annual regional meeting allows states to address plant pest and green industry issues of concern to the region. The USDA also attends, allowing useful interaction with our federal counterparts.

Horticulture Exam Fees

Motion: Mr. Danos made a motion to authorize the Department to move forward with amending the rules to increase the horticulture exam fee from \$50 to \$114 and to allow the Commissioner

to sign the Act of Adoption if no substantive changes to the rules are made throughout the rulemaking process. Mr. Hoover seconded the motion and it passed unanimously.

Gulf South Turf and Landscape

Mr. Rankins explained that the Attorney General's office received evidence that an employee at the UPS store mistakenly signed for a letter in the September 20, 2012 Gulf South Turf and Landscape case, so proper service was not effected and the department decided to vacate the fine.

LSU AgCenter Arborist Continuing Education Agreement

Motion: Mr. Parker made a motion to grant authority to continue the agreement that the department has with the LSU AgCenter for arborist continuing education. This motion was seconded by Mr. Hopper and passed unanimously.

2014 Commission Activities Report

Mr. Rankins gave a report on the number of licenses and permits issued, exams administered, and enforcement actions taken during 2014.

Commission Appointments

Mr. Rankins informed the Commission that new member Cole Sims was appointed to represent sod growers for the Horticulture Commission and that current member Russell Ruckstuhl was reappointed and will continue to represent landscape horticulturist's for the Horticulture Commission.

PUBLIC COMMENTS

There were no public comments but Mr. Bass took a moment to thank everyone for the good job that they do.

Mr. Von Kurnatowski inquired as to why the arborists have to obtain Continuing Education Units yearly instead of every three years like the irrigation contractors. Mr. Parker explained that the wording in the horticulture law and regulations are such that the requirement is yearly.

ADJOURNMENT

Motion: Mr. Danos made a motion to adjourn at 11:05 a.m. This motion was seconded by Mr. Von Kurnatowski and passed unanimously.