

# HORTICULTURE COMMISSION MEETING

November 10, 2016

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 9:37 a.m.

## **ROLL CALL**

The roll was called by Ms. Champagne

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

Members absent: Mitch Mayes and Dr. Allen Owings representing Dr. William Richardson

A quorum was present.

Others present: Bradley Overton, Hearing Officer; Lindsey Hunter, LDAF Legal Counsel; Ansel Rankins, LDAF; Tina Peltier, LDAF; Ashley Champagne, LDAF and Fran Bellington, LDAF

## **PUBLIC COMMENTS**

There were no public comments.

## **APPROVAL OF MINUTES**

**Motion:** Mr. Ruckstuhl made a motion to approve the minutes from the June 23, 2016 hearing. This motion was seconded by Mr. Hopper and passed unanimously.

## **SET NEXT HEARING DATE**

The next Horticulture Commission meeting will be Thursday, March 9, 2017 at 9:30 a.m. in the Veterans' Memorial Auditorium.

## **OLD BUSINESS**

On October 20, 2016, Tina Peltier, Assistant Director received a call from the Louisiana Bureau of Investigation in reference to a claim that she filed against Wil Kingston who may have committed Insurance Fraud with a Certificate of Insurance that appeared altered.

## **REINSTATEMENT REQUEST**

June Hedges requested to have her landscape horticulturist license reinstated. **Motion:** Mr. Hopper made a motion to allow reinstatement of June Hedges landscape horticulturist license. This motion was seconded by Mr. Parker and passed unanimously.

Brian Sawyer requested to have his landscape architect license reinstated. **Motion:** Mr. Parker made a motion to allow reinstatement of Brian Sawyer's landscape architect license. This motion was seconded by Mr. Danos and passed unanimously.

At 9:46 a.m. the meeting was turned over to the hearing officer, Mr. Bradley Overton.

## **ADJUDICATORY HEARING**

### **CONTINUED CASES**

Curtis Butler Jr.

d/b/a Butler's Tree Service

268 Masters Road

Jonesville, LA 71343

Case No.: 15-022

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist), without a proper license. One violation of L.R.S. 3:3810 A (2) for violating a notice of non-compliance.

This case was continued to the next hearing date.

Dean Smith  
d/b/a Dean's Tree Service  
4440 Fleet Drive  
Baton Rouge, LA 70809

Case No.: 16-006

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. 3:3804 (C) for engaging and advertising in a regulated profession (arborist), without a proper license.

Mr. Smith was not present but the department proceeded because service was effected. **Motion:** Mr. Hoover made a motion to find Mr. Smith in violation. This motion was seconded by Mr. Parker and passed unanimously. The department recommended a penalty of \$1,500.00 per violation for a total fine of \$3,000.00 and to seek an injunction. **Motion:** Mr. Danos made a motion to accept the recommended penalty and to seek an injunction. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

### NEW CASES

Wil Kingston  
d/b/a Lamem Trees  
385 Jasmine Drive  
Mandeville, LA 70471

Case No.: 16-008

One violation 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 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. One violation of L.R.S. 3:3810 A (2) for violating a written stop order.

This case was continued to the next hearing date.

Edwin Kennedy  
d/b/a Tiger Tree & Turf/Tiger Tree Services  
15024 Hooper Road  
Greenwell Springs, LA 70739

Case No.: 16-009

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

This case was continued to the next hearing date.

Brookshire's Food Store #67  
Manager, George Bailey  
3620 Pines Road  
Shreveport, LA 71119

Case No.: 16-010

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

Brookshire's Food Store #67 was not present but the department proceeded because service was effected. **Motion:** Mr. Parker made a motion to find Brookshire's Food Store #67 in violation. This motion was seconded by Mr. Ruckstuhl and passed unanimously. The department recommended a penalty of \$500.00 per violation for a total fine of \$1,000.00. **Motion:** Mr. Ruckstuhl made a motion to accept the recommended penalty. This motion was seconded by Mr. Parker and passed unanimously.

Bradley Shaffer  
d/b/a Thrive  
2800 Breaux Avenue  
Harvey, LA 70058

Case No.: 16-011

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

Mr. Shaffer was not present but the department proceeded because service was effected. **Motion:** Mr. Danos made a motion to find Mr. Shaffer in violation. This motion was seconded by Mr. Von Kurnatowski and passed unanimously. The department recommended a penalty of \$500.00. **Motion:** Mr. Hoover made a motion to impose a \$500.00 penalty with \$500.00 suspended, as long as no further violations occur within 1 year. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

Louis Thompson  
d/b/a LTI  
19448 Melissa Lane  
Covington, LA 70435

Case No.: 16-012

One violation of L.R.S. 3:3804 (C) for advertising in a regulated profession (landscape horticulturist), without a proper license. One violation of L.R.S. 3:3810 A (2) for violating a written stop order. One violation of L.R.S. 3:3804 (C) for advertising in a regulated profession (landscape horticulturist), without a proper license.

This case was continued to the next hearing date.

Jason Whittington  
d/b/a Jason's Tree Service  
1752 River Road  
Gilbert, LA 71336

Case No.: 16-013

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist), without a proper license. One violation of L.R.S. 3:3810 A (2) for violating a written stop order or violating a notice of non-compliance. One violation of L.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.

## **NEW BUSINESS**

### **Adoption of Reinstatement Policy:**

Tina Peltier, Assistant Director is currently working on a reinstatement policy for licensees. This policy will help the commission members be consistent in issuing reinstatements and also help the staff members be more selective on who can petition the commission for reinstatement. According to the Horticulture regulation, if the period of non-renewal is more than 5 years, the licensee must either retake the exam or petition the commission for re-issuance. The licensee must provide evidence that they have been active in the appropriate profession during the period of non-renewal.

### **Report on Arborist Insurance Requirements:**

Tina Peltier, Assistant Director, surveyed the insurance certificates of 50 licensed arborists, approximately 10%. 70% had a 1M dollar policy, 10% had a \$100,000 policy and 6% had a 2M dollar policy. The rest was made up of \$300,000; \$500,000 and \$5 million and \$35 million dollar policies, which were utility companies. It was hard to get a cost from the insurance companies because too many different factors were involved for them to give us a quote. For instance, type of work, number of employees, years of experience, etc. were all determining factors. (It was difficult to find any information on the amount required by other states as many do not require the state arborist license.) **Motion:** Mr. Von Kurnatowski made a motion to increase the current insurance requirement from \$25,000 bodily injury/\$50,000 property damage to \$100,000 bodily injury/\$150,000 property damage. This motion was seconded by Mr. Parker. **Motion:** Mr. Von Kurnatowski made a motion to amend his first motion to increase the current insurance requirement from \$25,000 bodily injury/\$50,000 property damage to \$100,000 bodily injury/\$200,000 property damage. This motion was seconded by Mr. Sims and passed unanimously.

### **Update on Insurance Requirements:**

LAC 1177:XXIX.117 were finalized on October 20, 2016 to clarify that an arborist, utility arborist, and landscape irrigation contractor shall maintain insurance coverage while operating in their professions.

### **Director's Report:**

Mr. Rankins gave the following updates:

Emerald Ash Borer (EAB) was confirmed in Lincoln Parish on July 11<sup>th</sup>, making it the fifth parish in Louisiana to have EAB. Nurseries/NSDs in quarantined parishes cannot ship ash trees out of the quarantined areas. LDAF, in partnership with USDA-PPQ, USFS, and NRCS, monitored ~470 EAB traps statewide through the summer months. The trapping season ended in August, in addition, the LSU AgCenter conducted 15 total parasitoid releases of over 37,000 tiny

parasitoid wasps at the infested sites as biocontrol agents in an attempt to reduce EAB populations and help slow the natural spread of the beetle.

Citrus Canker was confirmed in St. James and St. John the Baptist Parish, bringing the total number of parishes with CC+ trees to eight. Survey activity ongoing in coordination with USDA-PPQ. Emergency Rule published on October 25<sup>th</sup>, to include all of Plaquemines Parish.

Citrus Commodity Survey- LDAF annual survey funded with federal Farm Bill money, LDAF conducted 57 inspections, surpassing the projected 30 inspections from the Spring/Summer, and visually inspected approximately 4165 citrus plants. Inspectors submitted 51 tissue samples taken from 23 different properties to the LSU Plant Diagnostics Lab for identification of disease problems. 22 samples were diagnosed with citrus canker and 4 samples were diagnosed with citrus greening. Most of the samples were taken from locations already under quarantine for the respective pests. To date, LDAF has removed and disposed of 18 citrus trees diagnosed with citrus greening on 9 different properties in Orleans Parish. Inspectors will complete 30 additional inspections during the fall survey.

We will begin our second year offering online payments opportunities for license and permit renewals. To be eligible for payments, the applicants will have to pay their entire invoice, including late fees if applicable. Multiple license holders choosing to renew one license will have to mail in their payments. Permit holders with multiple locations will have to mail their payments as well.

### **PUBLIC COMMENTS**

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

### **ADJOURNMENT**

**Motion:** Mr. Danos made a motion to adjourn at 11:12 a.m. This motion was seconded by Mr. Ruckstuhl and passed unanimously.