**LOUISIANA BOARD OF ANIMAL HEALTH MEETING**

**January 5, 2018**

**9:30 AM**

**Veterans Memorial Auditorium**

**5825 Florida Boulevard, 1st Floor**

**Baton Rouge, Louisiana 70806**

**Proceeding**

**CALL TO ORDER**

The meeting was called to order by Maxwell Lea Jr. at 9:30 a.m.

**PLEDGE**

Maxwell Lea Jr. led the pledge of allegiance.

**ROLL CALL**

Roll call was taken by John S. Walther, LDAF Assistant Commissioner for Animal Health and Food Safety.

**Members present:**

Randy Toups, Giles Brown, Gary Greene DVM, Butch Racca, Donna J. Heinrich (arrived late at 9:42), Cyd Collins, Robert “Bob” Pitre, Thomas Early, Eugene Robertson, Rayburn Smith, Maxwell Lea Jr. DVM, Timmie Crawford (arrived late at 9:42), Craig Fontenot DVM, and Law Ponder. John Walther declared a quorum.

**Guests Present:**

Scott Perry: LA Livestock Brand Commission Manager, Jacob Thompson and council, Texas Special Ranger, Daniel Myrick DVM, Johnathan Roberts DVM,

**Members absent:**

Clark Cooper, DVM, William Holdman, John Van Bennett

**PUBLIC COMMENT**

No comment was made at the meeting.

**APPROVAL OF MINUTES**

Maxwell Lea Jr. called for approval of the minutes from Sept 2017. Cyd Collins asked for the minutes to be amended as she wasn’t present and did not make any

**Board of Animal Health Meeting**

**January 5, 2018**

**Page 2**

motion in regards to the stipulation put forth at the last meeting concerning Jacob Thompson. Dr. Diane Stacy made the comment that it was her notes from the last meeting and that she would amend the minutes to reflect.

Seconded by Maxwell Lea Jr and carried to approve the amended minutes.

**REPORTS OF OFFICERS, BOARDS, AND STANDING COMMISSIONER**

Commissioner Mike Strain, DVM spoke to the board about the increase in the overall market of commodities, and livestock throughout the United States and particularly within the state of Louisiana. Dr. Strain remarked on the steady growth of markets, as well as the resurgence of growth within the petroleum market. In the next few weeks, Dr. Strain will have a conference call with the White House to discuss the Farm Bill, and the disaster provisions that are part of that. Growth of the rural economy and prosperity will also be on the agenda.

Dr. Diane Stacy spoke on the animal health updates and traceability. She spoke on the improvements to the reaction plans of racetracks within the state as it applies to the recent Equine Herpes (EHV1) outbreak at the Churchill Downs in KY that caused a group of Louisiana horses being held in KY to be quarantined, at their current location, the New Orleans Fairgrounds. Dr. Stacy also gave updates as to the Equine Piroplasmosis outbreak at Copper Crowne Training Center, Avian Influenza updates, and Animal Disease Traceability updates. The board also heard reports about the type 2 veterinary repayment program updates and spoke about possible veterinarians who could benefit from this program. Dr. Stacy went on to inform the board about a studying done by the state of Virginia concerning burial of carcasses. She then went on to discuss the upcoming avian burial testing sponsored in part by the LDAF, the USDA to take place in April 2018.

**NEW BUSINESS**

A. Charter Applications

**DeQuincy Livestock Market Charter Application** Mr. Michael Heier, State Attorney, made motion to review the chart application. Derrick Perry is the

**Board of Animal Health Meeting**

**January 5, 2018**

**Page 3**

charter applicant for the market located at 100 Sale Barn Road, DeQuincy, LA, 70633.

Eugene Robertson made comment that nowhere in the charter application was his financial statements stipulated, as he felt it was crucial to the approval of the charter. The board discussed the financial documentation provided by Mr. Perry within the charter application and felt as though Mr. Perry needed greater financial backing to insure the livestock market’s success.

Mr. Perry then informed the board that he did have an appointment forthcoming with his bank to be given a line of credit to cover any unforeseen costs. It was also given information that Mr. Perry is bonded through a separate auction charter with the LDAF, for poultry. Upon learning this information Mr. Maxwell Lea discussed putting forth a motion for the conditional approval of the DeQuincy Livestock Market Charter.

A motion was made by Maxwell Lea Jr. to conditionally approve the DeQuincy Livestock Charter for Thursday only when Mr. Perry amends his charter application to include documentation for a line of credit from his bank for no less than the amount of $100,000. This motion for the amendment and approval is conditional for ninety (90) days. Chairman Maxwell Lea asked that the Office of Animal Health provide personnel to oversee the first sale when and if it takes place.

Mr. Bob Pitre seconded the motion made by Maxwell Lea Jr.

**Vote was called:**

**Motion was carried** **to conditionally approve the DeQuincy Livestock Charter for Thursday only when Mr. Perry amends his charter application to include documentation for a line of credit from his bank for no less than the amount of $100,000. This motion for the amendment and approval is conditional for ninety (90) days.**

 **/ Giles Brown abstained**.

**Board of Animal Health Meeting**

**January 5, 2018**

**Page 4**

**Adjudicatory Hearing for Jacob Thompson**

Mr. Mike Heier stepped forward to take control of the room, for the purpose of the adjudicatory hearing. Mr. Heier then explained the format of the hearing, to carry the weight of law. The hearing will proceed as a court of law i.e. opening statements, witnesses, sharing of evidence, closing statements, and after a time of deliberation, a finding of facts within consideration of the law should decide and impose a penalty. Attorney for Mr. Thompson will be Mr. Drumm.

Emily Andrews, attorney for the state, asked for recusals of the board members should there be any. A discussion was held as to a motion to recuse. After reflection, Mr. Giles Brown recused himself in this hearing.

Charges lay on Jacob Thompson as follows:

**Charge A**: One (1) violation of LA R.S. 3:565 “All market agencies and dealers shall secure an annual permit from the Louisiana Board of Animal Health for the privilege of conducting business”

**Charge B:** One (1) violation of LA R.S. 3:565(B) “Every market agency and dealer, on or before the date of commencement of operations, shall execute and thereafter maintain, or cause to be executed and maintained, a surety instrument payable to the executive secretary of the Louisiana Board of Animal Health.”

**Charge C**: One (1) violation of LAC 7:XXI.521 “All equine imported into the state shall meet the general requirements of subsection 501 and the following specific requirements.

All equine moving into the state of Louisiana for any purpose other than consignment to an approved Louisiana Livestock auction market or an approved slaughter establishment for immediate slaughter shall be accompanied by a record of a negative official test for Equine Infectious Anemia (EIA) conducted within the past 12 months. The official test shall be conducted at an approved

**Board of Animal Health Meeting**

**January 5, 2018**

**Page 5**

laboratory. The name of the laboratory, the case number, and the date if the official test shall appear on the health certificate as required in subsection 523.”

**Charge D:** One (1) violation of LAC 7:XXI.501 “ All livestock brought into the state of Louisiana shall be accompanied by an official health certificate stating that the animals are healthy and free from signs of infectious or contagious diseases and signs of internal or external parasites, and meeting the specific requirements stated in the regulations. Health certificates are valid for 30 days only. Livestock consigned to slaughter establishments or an approved livestock auction market is exempt from this requirement. No livestock carrying the contagion of screwworm shall be moved into Louisiana for any purpose.

**Charge E:** One (1) violation of LA R.S. 3:2131 “In order to prevent, control and eradicate anthrax or charbon, glanders, blackleg, hemorrhagic septicemia, hog cholera, and all other contagious or communicable diseases of mules, horses, cattle, sheep, goats, swine and poultry throughout the state, the carcasses of all animals shall be disposed of in a sanitary manner by means of cremation or deep burial. Burial in this sense means that the animal carcass shall be placed in a hole or pit no less than six (6) feet deep for the disposal of cattle, horses, mules, and poultry, and no less than four feet deep for sheep, goats, and swine. The owners, agents, firms, or corporations or person in charge of any or all livestock on ranges, pastures, or other premises shall be responsible for the disposition of all carcasses in those herds over which they have jurisdiction, with reference to complying to the provisions of this part.

**Witness called by Emily Andrews:** Jesse Scott Perry, Louisiana Dept. of Agriculture and Forestry Livestock Brand Commission Enforcement Officer 5825 Florida Blvd Baton Rouge, LA. Mr. Perry testified to the information collected during his investigation, as it pertained to the horses purchased and transported by Mr. Thompson. At the time of the purchase, Mr. Jacob Thompson had no Louisiana dealer permit, no Louisiana Department of Agriculture and Forestry bond, and these animals were also transported from out of state (Texas) into Louisiana without proper documentation CVI or EIA testing. Arial photographs

**Board of Animal Health Meeting**

**January 5, 2018**

**Page 6**

taken into evidence show pastures at the Thompson’s residence in Pitkin, LA with several carcasses of horses, in various stages of decomposition, in number ranging between 5-10 carcasses.

 An open pit was also photographed on the property filled with water, with at least 3-5 horse carcasses in various stages of decomposition surrounding the pit. These carcasses were not properly disposed of, as they were not buried, nor burned. Quarantine documentation was issued June 2, the horses on the lot examined, and after Dr. Hoerner examined the animals the quarantine was lifted on June 8th.

**Witness called by Emily Andrews:** Wayne Goodman, Special Ranger Texas Southwest Cattle Association. Ranger Goodman testified to information collected during joint investigation between his office and Louisiana Dept. Agriculture and Forestry, / Louisiana Livestock Brand Commission Enforcement Officer, Jesse Scott Perry. Ranger Goodman produced documentation from the Stephenville Cattle Company, pursuant to the livestock auction held on the grounds by Rusty Addison. Ranger Goodman testified at on or about June 2, 2017, Jacob Thompson purchased 79 head of horses, at the Stephenville Cattle Company auction. Ranger Goodman also testified that the documentation shows that 59 of the horses were hauled, by Hoyt Gary, from the livestock market in Stephenville, TX to Jacob Thompson’s given address as 456 Donald Perkins Rd Pitkin, LA per Mr. Thompson’s instructions. Goodman also testified that the remaining horses were trucked by Derrick Guise from Stephenville, TX to the Thompson address at 456 Donald Perkins Rd Pitkin, LA. The on-site market veterinarian Dr. Thomas Reece also gave written statement under oath that he was paid to write CVI’s for 27 horses, not the full 79 horses purchased by Mr. Jacob Thompson and Gary Thompson paid for with check number 2917. Ranger Goodman was witness to and has signatures for all written statements in this case.

Mr. Drumm refrained from questioning Ranger Goodman. State attorney rests.

**Board of Animal Health Meeting**

**January 5, 2018**

**Page 7**

**Attorney for Jacob Thompson/ Mr. Drumm:**

Mr. Drumm called Jacob Thompson to testify. Jacob Thompson admits to purchasing horses without proper license, or bonding. Mr. Thompson claimed that he was unaware that the veterinarian had not completed the CVI documentation on the horses he purchased, also claimed that he was unaware that all the horses including the colts still nursing needed to be EIA tested, before shipping. Thompson admits that he didn’t have the proper documentation, but claimed it was unintentional. Jacob Thompson also claimed that he was unaware that the deceased horses were not properly disposed of, as it is normally his father, Gary Thompson, who supervises the disposal of carcasses.

In cross examination and under oath, attorney for the state, Emily Andrews, did verify that Jacob Thompson declared that he is in the business of buying and selling livestock. Jacob Thompson verified that he did not have the proper documentation for the horses he purchased and shipped from Texas to Louisiana. Mr. Thompson also verified that at the time of purchase that he did not have a license to buy and sell livestock in Louisiana.

Board member, Thomas Early asked, if these were the first colts he had purchased at the sale in Texas, Mr. Jacob Thompson verified that this was his first time he had purchased younger colts that were still nursing. Mr. Thompson also claims under oath that he was unaware of the dead horses not being properly disposed of on the property. Emily Andrews gave short closing statements as to the lack of documentation, and quarantine of the horses on the Thompson property. Mr. Drumm, attorney for Jacob Thompson verified that Thompson is admitting the bulk of the charges. Mr. Drumm thanked the board for their time and asked for the consideration of the board in their findings.

Board then deliberated the evidence and the testimony of all parties.

**Board of Animal Health Meeting**

**January 5, 2018**

**Page 8**

The Board did not consider charge A, B and E as Jacob Thompson pled guilty to those charges.

The Board charged Jacob Thompson with Charge C.

Eugene Robertson made a motion to levy violation of charge C.

 Bob Pitre seconded the motion made by Eugene Robertson.

Cyd Collins makes a motion to levy violation of charge D.

Thomas Early seconded the motion of Cyd Collins.

Eugene Robertson made a motion as to the fines pertaining to the violations. Charges A, B and C be levied a penalty of $750.00 each, and charges D, and E a penalty of $450.00 each, for a total penalty cost of $3,150 to be paid within 30 days.

Dr. Gary Greene seconded the motion by Eugene Robertson.

**Motion passes: 9 to 4**

The board after deliberation fines Jacob Thompson for charges A, B, and C $750.00 each

The board fines Jacob Thompson for charges D, and E $450.00 each. The board stipulates a total in fines of $3,150 for Jacob Thompson to be paid in full within thirty days from January 5, 2018.

**Public Comment**

No comment was made.

**Date of Next Meeting**

May 2018

**ADJOURNMENT MOTION**

Maxwell Lea Jr. made a motion to adjourn the meeting. All agreed. The meeting adjourned at 12:00 p.m.