

**ADVISORY COMMISSION ON PESTICIDES  
VETERANS' MEMORIAL AUDITORIUM  
5825 FLORIDA BLVD.  
BATON ROUGE, LOUISIANA 70806  
March 24, 2010 9:30 a.m.  
Minutes**

**CALL TO ORDER**

The meeting was called to order by Mr. Duty at 9:30 am.

**ROLL CALL**

Members present: Doug Duty, Dr. Gary Ross, Wayne Kent, Dwayne O'Brien, Dr. Grady Coburn, Billy Guthrie, Mike Vasko, Dr. Marcia Hardy, Wayne Ducote and Mike Robichaux.

Member absent: Elbridge "Smitty" Smith.

Others present: Todd Parker, LDAF, David Fields, LDAF, Marvin Montgomery, LDAF, Bobby Simoneaux, LDAF, Tyrone Dudley, LDAF, Fran McVea, LDAF, Mary Anderson, LDAF and Lindsey Hunter, Assistant Attorney General.

**APPROVAL OF MINUTES**

**Motion:** Mr. Coburn made a motion to approve the minutes. This motion was seconded by Mr. Vasko and passed unanimously.

**AMENDMENTS TO AGENDA**

None

**CITIZEN COMMENTS**

None

**DEPARTMENT REPORTS**

Bobby Simoneaux gave an update on Larry LeJeune. Mr. LeJeune has been out since October 1, 2009 because of serious injuries he received in an automobile accident.

Mr. Simoneaux gave an up date on the Section 18 for Orange Rust on Sugar Cane and the ongoing NPDES permit process.

**NEW BUSINESS**

None

**OLD BUSINESS**

None

**AG CONSULTANTS COMMITTEE**

Dr. Coburn reported that the committee had met and approved all 5 applications to take the Ag Consultant exam.

**Motion:** Dr. Coburn made a motion to accept the committee's recommendation. This motion was seconded by Mr. Guthrie and passed unanimously.

Dr. Coburn said that the committee recommends that the Ag Consultant applications be sent directly to the commission members for their review in lieu of the Ag Consultant Ad Hoc committee meeting. This would end the need for the Ad Hoc Committee.

**Motion:** Mr. Guthrie made a motion that all of the Ag Consultant Applications be sent to the entire commission for review and approval and urges the commission to look up the qualifications and to take this task seriously and to end the need for the Ad Hoc Committee. This motion was seconded by Mr. Robichaux and passed unanimously.

Mr. Duty called for a recess at 9:55. The commission reconvened at 10:05 and all commission members previously present returned.

Mr. Duty turned the meeting over to Assistant Attorney General, Lindsey Hunter.

### **ADJUDICATORY HEARING**

*Wyndell Wroten, Case No. 1417* – Chairman Duty recused himself from this case and was seated in the audience. Mr. Wroten was sworn in by Ms. Hunter. Mr. Wroten was charged with 1 violation. Mr. Montgomery presented the case.

**Motion:** Dr. Ross made a motion to find Mr. Wroten in violation. This motion was seconded by Mr. Ducote and passed unanimously.

Mr. Fields said that the departments' penalty recommendation is a penalty of \$500 for a 1<sup>st</sup> offense violation.

**Motion:** Mr. Kent made a motion to accept the departments' penalty recommendation. This motion was seconded by Mr. O'Brien. A roll call vote was taken and this motion passed with 7 yeas and 2 nays.

A recess was called at 11:20. The meeting was reconvened at 11:29 and all commission members present before the recess returned.

*Kevin Clark Case No. 1415* – no service, will not hear case until service is obtained

*Jacob Perry Case No. 1409*- Mr. Perry stipulated to 1 violation and a 1<sup>st</sup> offense fine of \$1000. Mr. Fields read the stipulation.

**Motion:** Mr. Robichaux made a motion to accept the stipulation as read. This motion was seconded by Dr. Coburn and passed unanimously.

*Barry Boyette Case No. 1410*- Mr. Boyette stipulated to 1 violation and a 1<sup>st</sup> offense fine of \$1000. Mr. Fields read the stipulation.

**Motion:** Mr. Robichaux made a motion to accept the stipulation as read. This motion was seconded by Mr. Vasko and passed unanimously.

*Buford Perry Case No. 1411*- Mr. Perry stipulated to 2 violations and a fine of \$1000. Mr. Fields read the stipulation.

**Motion:** Mr. Robichaux made a motion to accept the stipulation as read. This motion was seconded by Mr. Vasko and passed unanimously.

*Brent Baughman, Case No. 1412*-Mr. Baughman stipulated to 4 violations, a fine of \$2000 and voluntary revocation of any pesticide applicator certification in Louisiana for calendar years 2010 and 2011. Mr. Fields read the stipulation.

**Motion:** Mr. O'Brien made a motion to accept the stipulation as read. This motion was seconded by Mr. Duty and passes unanimously.

*Walker, Jerry/Pro-Ag, Inc. Case No 1413*-Mr. Walker stipulated to 4 violation, a fine of \$2000 and voluntary revocation of any owner/operator license in Louisiana for calendar years 2010 and 2011. Mr. Fields read the stipulation.

**Motion:** Mr. Robichaux made a motion to accept the stipulation as read. This motion was seconded by Dr. Coburn and passes unanimously.

*Naturchem, Inc. Case No. 1416* – Natchurchem stipulated to 6 violations and a fine of \$3000. Mr. Fields read the stipulation.

**Motion:** Dr. Coburn made a motion to accept the stipulation as read. This motion was seconded by Mr. Duty. A roll call vote was taken and the motion passed with 9 yea and 1 nay vote.

*LeBeau, Robert L. Case No. 1418* - Mr. LeBeau admitted to 1 of 3 violation and the department agreed to drop the other 2 violations with Mr. LeBeau stipulating to the 1 violation and to a fine of \$500.

**Motion:** Mr. Kent made a motion to accept the stipulation as read. Mr. O'Brien seconded the motion and passed unanimously.

*Ramirez, Alex Case No. 1419* – Mr. Ramirez stipulated to 2 violations and a fine of \$1000. Mr. Fields read the stipulation.

**Motion:** Mr. Kent made a motion to accept the stipulation as read. This motion was seconded by Mr. O'Brien and passed unanimously.

*Sevier, William H., Case No. 1420* – Mr. Seiver stipulated to 1 violation and a fine of \$500. Mr. Fields read the stipulation.

**Motion:** Mr. O'Brien made a motion to accept the stipulation as read. This motion was seconded by Mr. O'Brien and passed unanimously.

*Simmons, Jeffery A., Case No. 1421*- Mr. Simmons stipulated to 4 violations and a fine of \$2000. Mr. Fields read the stipulation.

**Motion:** Mr. Coburn made a motion to accept the stipulation as read. This motion was seconded by Mr. Kent and passed unanimously.

*Leonards, Lane E., and Case No. 1422*- Mr. Leonards stipulated to 2 violations and a fine of \$1000. Mr. Fields read the stipulation.

**Motion:** Mr. Robichaux made a motion to accept the stipulation as read. This motion was seconded by Mr. Vasko and passed unanimously.

*Vincent, Stephen J., Case No. 1423* – Mr. Vincent stipulated to 1 violation and a fine of \$500. Mr. Fields read the stipulation.

**Motion:** Mr. Kent made a motion to accept the stipulation as read. This motion was seconded by Dr. Coburn and passed unanimously.

*Oliver, Seth, Case No. 1424* - Mr. Oliver stipulated to 1 violation and a fine of \$500. Mr. Fields read the stipulation.

**Motion:** Mr. Vasko made a motion to accept the stipulation. This motion was seconded by Mr. Robichaux and passed unanimously.

Ms. Hunter turned the meeting back over to Mr. Duty.

### **CITIZEN COMMENTS**

None

### **FUTURE MEETINGS**

Mr. Fields said the next meeting was scheduled for June 30, 2010 at 9:30 a.m.

### **ADJOURN**

**Motion:** Dr. Coburn made a motion to adjourn this meeting. This motion was seconded by Mr. O'Brien and passed unanimously.