

**ADVISORY COMMISSION ON PESTICIDES  
VETERANS' MEMORIAL AUDITORIUM  
5825 FLORIDA BLVD.  
BATON ROUGE, LOUISIANA  
February 19, 2020 - 9:30 AM**

**MINUTES**

**CALL TO ORDER**

The meeting was called to order by the Chairman, Dr. Grady Coburn, at 9:25 a.m.

**ROLL CALL**

Members present: Dr. Grady Coburn, George Bragg, Dr. Kenneth McMartin, Jenny Buller, Scotty Meador, Martin Floyd, Ryan Waguespack, Johnny Landry, Roby Shields, and Billy Guthrie.

Members absent: Brent Newman.

Others present: Kevin Wofford, LDAF; Harry Schexnayder, LDAF; Amanda LaGroue, LDAF Counsel, Kelly Moore, LDAF; Joe Ingrao, LDAF; Shelly Graham, LDAF; Alicia Wheeler, Hearing Officer; Donavon Taves-Private Applicator; and Blaine Viator-LACA President.

**PUBLIC COMMENTS**

Dr. Coburn opened the floor for public comments. There were no public comments.

**APPROVAL OF THE MINUTES**

**Motion:** Mr. Floyd made a motion to approve the minutes of the October 9, 2019 meeting. The motion was seconded by Mr. Bragg and passed unanimously.

**AMENDMENTS TO AGENDA**

Dr. Coburn asked Mr. Wofford if there were any recommendations for amendments to the agenda. There were none.

**ADJUDICATORY HEARING**

Ms. Alycia Wheeler, Hearing Officer, conducted the Adjudicatory Hearing. Ms. LaGroue presented the following cases:

**Dane Berard, Case No. 2261**

Mr. Berard was not present. The Department charged Mr. Berard with one (1) violation of LRS 3:3252(A)(2). Following the penalty matrix, the charge included a penalty of \$500.00, with \$250.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

**Motion:** Mr. Floyd made a motion to accept the stipulation of the parties as presented. The motion was seconded by Mr. Shields and passed unanimously.

**Carl Hill Case No. 2262**

Mr. Hill was not present. The Department charged Mr. Hill with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charge included a penalty of \$1,500.00, with \$750.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

**Motion:** Mr. Shields made a motion to accept the stipulation of the parties as presented. The motion was seconded by Mr. Landry and passed unanimously.

**Ace Johnson, Case No. 2263**

Mr. Johnson was not present. The Department charged Mr. Johnson with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$1,000.00, with \$500.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

**Motion:** Mr. Floyd made a motion to accept the stipulation of the parties as presented. The motion was seconded by Mr. Meador and passed unanimously.

**Jeffery Simmons, Case No. 2264**

Mr. Simmons was not present. The Department charged Mr. Simmons with one (1) violation of LRS 3:3252(A)(18), specifically LAC 7:XXIII,1101(I). Following the penalty matrix, the charge included a penalty of \$2,500.00, with \$1,250.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

The Commission questioned the Department regarding the number of previous violations Mr. Simmons has been charged with in the past. There was a discussion pertaining to different options the Commission has to hold a respondent accountable after being charged with multiple violations.

**Motion:** Mr. Landry made a motion to accept the stipulation of the parties as presented. The motion was seconded by Mr. Floyd and passed unanimously.

**Donavon Taves, File No. 1572**

The Department issued a warning letter to Mr. Taves for one (1) violation of LRS 3:3252(A)(2). Mr. Taves is contesting the warning letter.

Mr. Taves was present and sworn in by the Hearing Officer.

Ms. Wheeler admitted LDAF's exhibits into the record.

Ms. LaGroue called Mr. Guthrie Sistrunk, LDAF Agriculture Environmental Specialist 3, Monroe, Louisiana, as a witness. Mr. Sistrunk was sworn in by the Hearing Officer. Ms. LaGroue asked Mr. Sistrunk to identify several photos taken during his investigation involving Mr. Taves. The photos were presented to the Commission in a slideshow presentation. Ms. LaGroue further questioned Mr. Sistrunk regarding his investigation involving Mr. Taves.

Ms. Wheeler admitted LDAF's exhibits into the record.

Mr. Taves did not have any questions for the witness.

The Commission questioned Mr. Sistrunk.

Ms. LaGroue had no further questions for the witness.

Ms. LaGroue called Mr. Scotty May, LDAF Agriculture Environmental Specialists Manager, Monroe, Louisiana, as a witness. Mr. May was sworn in by the Hearing Officer. Ms. LaGroue questioned Mr. May regarding his role in the investigation involving Mr. Taves.

There were no further questions for the witness.

*Fifteen minute recess. Everyone was present after the break.*

Mr. Taves presented his case to the Commission.

Ms. LaGroue objected to Mr. Taves' exhibits. Ms. Wheeler over-ruled the objections and admitted Respondent's exhibits into the record.

Ms. LaGroue questioned Mr. Taves regarding his exhibits and his argument to the Commission.

The Commission questioned Mr. Taves.

Ms. LaGroue gave closing arguments and asked that the Commission find Mr. Taves in violation of LRS 3:3252(A)(2) and uphold the warning letter that was assessed against Mr. Taves.

Mr. Taves gave closing arguments and asked for the warning letter to be removed from his record.

**Motion:** Mr. Guthrie made a motion to adopt staff's recommendation to uphold the warning letter sent to Mr. Taves from the Department. The motion was seconded by Mr. Landry and passed unanimously.

## **DEPARTMENT REPORTS**

### ***Program Update - Kevin Wofford***

The Department received 147 complaints in 2019, and while all complaints are investigated, only about 43 have been verified as legitimate complaints. The Department also issued 36 warning letters to 1<sup>st</sup>-time offenders.

*Pesticide Collection Program* – The first event was held on December 12, 2019 at the Franklin Cotton Warehouse in Winnsboro, Louisiana. The Department was able to collect 37.6 tons of pesticides during this event.

The next event is scheduled for April 2, 2020 at the St. Landry Recycling Center in Opelousas, Louisiana. The Department, along with the LSU AgCenter, has a goal to eventually offer events in every parish across the state.

*Non-Certified Applicators* - The Department and the LSU AgCenter submitted a new plan to EPA on training and certification for non-certified applicators who handle restricted use pesticides. The EPA has two years to review the plan.

## **OLD BUSINESS**

There was no old business to discuss.

## **NEW BUSINESS**

### ***Ag Consultant Rules Language – Kevin Wofford***

Mr. Wofford introduced Ms. LaGroue as the Department's legal counsel, and asked her to present the proposed changes to the Commission. Ms. LaGroue discussed creating an option for a consultant who fails to renew their certification within three years of the expiration date. She stated that the consultant should have to reapply to the Commission to take the agricultural consultant's exam, pursuant to the same provisions that already exist in rule.

Dr. Coburn stated concern regarding the expired consultants not paying fees during their time of expiration, while licensed consultants continue to pay fees. Ms. LaGroue explained that not paying fees can be considered a violation, and the Department can send charge letters with a fine for the violation and a penalty of repaying the fees.

Dr. Coburn introduced Dr. Blaine Viator as the LACA President. Dr. Viator made a statement regarding the frustrations of his association's board members concerning a recent case of an expired consultant. He also discussed their support for the new rules language.

Dr. Coburn asked the Department to submit the proposed rules language to LACA.

## **CONSIDERATION OF AG CONSULTANT EXAM APPLICATIONS**

Mr. Ingrao presented the findings of the Ad Hoc committee for the following applicants:

APPLICANT	CATEGORIES	COMMITTEE RECOMMENDATION	COMMISSION DECISION
Hannah White	4a	Disapprove	Disapproved
Patrick Deshotels	4a, 4b, 4c, and 4d	Disapprove	Disapproved

**Motion:** Mr. Floyd made a motion to accept all recommendations of the Ad Hoc Committee, and disapprove the applications for Hannah White and Patrick Deshotels. The motion was seconded by Mr. Bragg and passed unanimously.

### **FUTURE MEETING**

The next meeting of the Advisory Commission on Pesticides was scheduled for Wednesday, July 29, 2020 at 9:30 a.m. in the Veterans' Memorial Auditorium, Baton Rouge, Louisiana.

### **PUBLIC COMMENT**

There were no public comments.

### **ADJOURN**

**Motion:** Ms. Buller made a motion to adjourn the meeting. This motion was seconded by Mr. Floyd and passed unanimously. The meeting adjourned at 12:49 p.m.