

# Minutes

## LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY

Louisiana Agricultural Commodities Commission

Veterans' Memorial Auditorium

5825 Florida Blvd.

Baton Rouge, LA 70806

September 20, 2018

9:30 a.m.

### I. CALL TO ORDER

Mr. Robert Hanks called the meeting to order at 9:31 a.m.

### II. ROLL CALL AND DECLARATION OF QUORUM

#### Commission Members Present

Commissioner Dr. Mike Strain  
Mr. Robert Hanks  
Mr. Elliott Ater  
Mr. Ronald Petree  
Mr. Ryan Ellington  
Mr. Tom Russell  
Mr. Donald Berken  
Mr. Kevin Webb  
Mr. Donald Schexnayder

#### Absent Members

Mr. Stephen Logan

There was a quorum of nine (9) members present.

#### Staff Members Present

Louisiana Agricultural Commodities Commission Director, Kyra Fitzgerald  
Louisiana Department of Agriculture & Forestry Assistant Director, Paul Floyd  
Louisiana Department of Agriculture & Forestry Auditor, Jeff Fabre  
Louisiana Department of Agriculture & Forestry Auditor, Billy Benton  
Louisiana Department of Agriculture & Forestry Auditor, Crystal Bobb  
Administrative Coordinator IV, Nicole Robino  
Louisiana Department of Agriculture & Forestry Assistant Commissioner, Steve Sessums

### III. ADOPTION OF MINUTES – June 27, 2018

A motion was made by Mr. Tom Russell and seconded by Mr. Ronald Petree to approve the amended minutes with the corrections. The motion carried.

### IV. PUBLIC COMMENT:

Mr. Robert Hanks asked if there was any public comment. There was none.

## **V. CONSIDERATION OF LICENSE APPLICATION FOR APPROVAL:**

A motion was made by Mr. Donald Berken and seconded by Mr. Elliott Alter to go into executive session to discuss South Louisiana Rail Facility, LLC. Mr. Mark Pousson was present to answer any questions. The motion carried.

A motion was made by Mr. Ronald Petree and seconded by Mr. Tom Russell to come out of Executive Session. The motion carried.

## **VI. NEW APPLICATION:**

### **A. GRAIN DEALER**

#### **1. South Louisiana Rail Facility, LLC**

A motion was made by Mr. Ryan Ellington and seconded by Mr. Tom Russell to approve the grain dealer license application for South Louisiana Rail Facility, LLC. The motion carried.

## **VII. OLD BUSINESS**

Mr. Robert Hanks asked if there was any old business. Mr. Ryan Ellington requested to go back into executive session to discuss the Mowata Rice Drier. A motion was made by Mr. Ronald Petree and seconded by Mr. Kevin Webb to go into executive session. The motion carried.

A motion was made by Mr. Ronald Petree and seconded by Mr. Tom Russell to come out of executive session. The motion carried.

### **A. Mowata Rice Drier, Inc.**

A motion was made by Mr. Donald Berken for an updated and current audited financial statement for Mowata Rice Drier to be reviewed by the end of October as of the September 30<sup>th</sup> business quarter close and that if Mowata Rice Drier is found not to be in compliance than an adjudicatory hearing may be held in November to review the situation. The motion was seconded by Mr. Ryan Ellington. The motion carried.

### **B. Excessive Deductions**

Commissioner Mike Strain spoke to the board regarding the grading standards of soybeans as it pertains to excessive deductions. In accordance with the La. R. S. 3:3414 (D) states "Each grain dealer who issues grades for grain shall retain each sample of grain received from a producer which is subject to excessive deductions. Samples of grain which are subject to excessive deductions shall be retained in separate containers and shall be retained for five days from the date the sample was graded." Commissioner Mike Strain discussed changing the law or changing the regulations in order to define excessive deductions. Commissioner Strain recommended a regulation change versus a law change.

### **C. GCIF and SIF Balance**

Mrs. Fitzgerald stated that the balance of the Grain and Cotton Indemnity Fund is \$5,006,641.98 and the balance for the Self Insurance Fund is \$936,772.29.

## VIII. NEW BUSINESS

Mrs. Fitzgerald recommended to the board revisions to R.S. 3:3403(C), (H) and (J): R.S. 3:3403(C) would then state "The tenth member shall be the commissioner of agriculture and forestry or designee, who shall serve ex officio, but with all of the powers, rights, duties, and privileges as appointed members, including the right to vote on all matters before the commission." Revisions to R.S. 3:3403(H) would state "Five members shall constitute a quorum for the transaction of official business. All official actions of the commission shall require ~~the affirmative~~ a majority vote of five members of the commission. The final revision was to R.S. 3:3403(J) "The commission shall meet ~~four~~ three times per calander year, but may meet more frequently upon the call of the chairman." A motion was made by Mr. Tom Russell and seconded by Mr. Donald Schexnayder to present requested changes to the legislature. The motion carried.

## IX. PUBLIC COMMENT

Mr. Robert Hanks asked if there was any public comment. There was none.

## X. DATE FOR NEXT MEETING

The date of the next meeting is to be determined.

## XI. ADJOURNMENT

A motion was made by Mr. Ryan Ellington and seconded by Mr. Tom Russell to adjourn the meeting. The motion carried.



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Mr. Robert Hanks, Chairman