



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM
COMMISSIONER



**LOUISIANA WEIGHTS AND MEASURES COMMISSION HEARING
MINUTES**

JULY 23, 2020

9:30 a.m.

Louisiana Department of Agriculture & Forestry
Veterans' Memorial Auditorium
5825 Florida Blvd.
Baton Rouge, LA 70806

I. CALL TO ORDER

Chairman, Larry Terrell called the hearing to order at 9:30 a.m.

II. ROLL CALL AND DECLARATION OF QUORUM

Commission Members Present

Mr. Larry Terrell, Chairman

Mr. Dave George

Mr. Frank LoPinto

Mr. Justin Alford

Mr. Tommy "Bo" Haring

Mr. Mark Westmoland

Mr. Frank LoPinto

Members Absent

Mr. Neil Henderson

Mr. Nolan Percy

Mr. Scott Simonson, Alternate

Mr. Dane Hebert

Ms. Copper Alvarez, Alternate

LDAF Staff Present

Ms. Amy McInnis - LDAF Attorney-General Counsel, Director: Dr. Bobby Fletcher, PVI Program Manager: Mr. Milton Hunter, Scales and Packages Program Manager: Mr. Mark Lovisa, Region Manager: Ms. Tricia Berry, District Managers: Ms. Teri Berken, Mr. Fred Larue, Inspectors: Mr. Steven Coco and Ms. Laura Oliver and Administrative Assistant: Ms. Rachel Rice-Baham.

Also in Attendance

Ms. Alicia Wheeler, Hearing Officer for Attorney General's Office, Prior Commission Member Dr. Paul Coreil, Mr. Badr Albusaisi with Uncle Pete's Fuel LLC, and lastly Commissioner Mike Strain.

III. DECLARATION OF QUORUM

Seven (7) members being present, Chairman Larry Terrell declared a quorum.

IV. RECOGNITION OF PRIOR COMMISSION MEMBER AND FIELD INSPECTORS

Director Bobby Fletcher, along with Commissioner Mike Strain recognized and paid tribute to Dr. Paul Coreil, the former Weights and Measures Commission Member representing "Consumers from the State at Large," for the dedication and years spent serving on the board.

Director Bobby Fletcher, again with Commissioner Mike Strain, recognized two Weights and Measures Inspectors: Ms. Laura Oliver of the Southeast Region and Mr. Steven Coco of the Southwest Region. Both Inspectors were Awarded for Excellence in being the first and only Inspectors to date in the Division to have attained all "NCWM Basic and Professional Credentials."

V. APPROVAL OF JANUARY 23, 2020 MINUTES

Motion was made by Mr. Justin Alford to approve the minutes for the *January 23, 2020* meeting. Mr. Mickey Freiberg **seconded** the motion. All members were in favor. **Motion carried.**

VI. PUBLIC COMMENTS

There were no public comments made.

VII. ADJUDICATORY HEARING

WITHDRAWN CASES

LOTT OIL (*Shop a Lott*)

CASE #: 20-04-20

1855 South Drive

Natchitoches, LA 71458

1 VIOLATION(S)

1 – Failure to submit a Placed in Service Report - LA. R.S. 3:4621

Each licensed service agency or service person shall, within ten (10) days after installing, servicing, repairing, testing, or calibrating a commercial weighing or measuring device, make a report thereof to the department on the appropriate form provided by the department.

STIPULATED CASES

1. EAST UNIVERSITY CHEVRON

CASE #: 20-04-01

1011 East University Avenue

Lafayette, LA 70503

30 VIOLATION(S)

30 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

Stipulation Received: The department recommended a penalty of \$7,500.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

2. **UNCLE PETE'S**
CASE #: 20-04-02
930 Broadway Street
Delhi, LA 71232

4 VIOLATION(S)

4 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

Mr. Badr Albusaisi, the Registered Agent on file for Uncle Pete's Fuel LLC, advised LDAF legal counsel that he was attending the hearing only to observe the process as a member of the audience and to be present should there be anything needed on his part to finalize his case.

Stipulation Received: The department recommended a penalty of \$1,000.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and **seconded** by Mr. Frank LoPinto. All members were in favor. **Motion carried.**

3. **CIRCLE K STORE #2740372**
CASE #: 20-04-03
719 Creswell Lane
Opelousas, LA 70570

6 VIOLATION(S)

5 – Overcharge(s) - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

1 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

Stipulation Received: The department recommended a penalty of \$3,000.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Mickey Freiberg. All members were in favor. **Motion carried.**

4. **MORE FOR LESS #25**

CASE #: 20-04-04

3610 East Napoleon

Sulphur, LA 70663

20 VIOLATION(S)

4 – Overcharge(s) - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

16 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

Stipulation Received: The department recommended a penalty of \$5,000.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Mark Westmoland. All members were in favor. **Motion carried.**

5. **FUEL ZONE**

CASE #: 20-04-05

4500 Chef Menteur Highway

New Orleans, LA 70126

8 VIOLATION(S)

8 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

Stipulation Received: The department recommended a penalty of \$2,000.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank LoPinto and **seconded** by Mr. Mickey Freiberg. All members were in favor. **Motion carried.**

6. **CIRCLE K STORE #2706838**
CASE #: 20-04-06
3332 West Pinhook Road
Lafayette, LA 70508

8 VIOLATION(S)

4 – Overcharge(s) - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

4 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

Stipulation Received: The department recommended a penalty of \$4,000.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

7. **SHELL COMPLETE STOP**
CASE #: 20-04-07
1400 West Pinhook Road
Lafayette, LA 70503

4 VIOLATION(S)

3 – Overcharge(s) - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

1 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or

card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

Stipulation Received: The department recommended a penalty of \$1,000.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

8. **TARGET STORE #T1469**
CASE #: 20-04-10
4103 Pecanland Mall Drive
Monroe, LA 71203

10 VIOLATION(S)

10 – Overcharge(s) - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

Stipulation Received: The department recommended a penalty of \$2,500.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Mickey Freiberg. All members were in favor. **Motion carried.**

9. **MAGNOLIA DISCOUNT**
CASE #: 20-04-11
1601 Elysian Fields Avenue
New Orleans, LA 70117

3 VIOLATION(S)

3 – Overcharge(s) - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

Stipulation Received: The department recommended a penalty of \$7500.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Dave George. All members were in favor. **Motion carried.**

10. **LOWES OF MONROE**
CASE #: 20-04-15
4750 Frontage Road
Monroe, LA 71202

05 VIOLATION(S)

2 – Overcharge(s) - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

3 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

Stipulation Received: The department recommended a penalty of \$1,250.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank LoPinto and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

11. **HOUSE OF VOODOO**
CASE #: 20-04-19
620 Decatur Street
New Orleans, LA 70130

8 VIOLATION(S)

8 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

Stipulation Received: The department recommended a penalty of \$2,000.00. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Justin Alford. All members were in favor. **Motion carried.**

ADJUDICATORY CASES

12. **STARKE TRUCK STOP**
CASE #: 20-01-18
4344 Highway 12
Starks, LA 70661

10 VIOLATION(S)

4 – Overcharge(s) - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

6 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

There were no parties present on behalf of the Respondent.

Inspector Tricia Berry was called as a witness and the previously conducted Price Verification inspections were entered in as evidence, along with the charge letter, the stipulation agreement and proof of hand delivered service to the Registered Agent on file with the Louisiana Secretary of State's office.

Motion made by Mr. Mickey Freiberg and **seconded** by Mr. Frank LoPinto to find Starks Truck Stop guilty as charged. All members were in favor. **Motion carried.**

The motion was set before the commission to assess a penalty of a maximum \$500.00 for each violation, for a total of up to \$5,000.00 in penalties to be paid. The **motion** was made by Mr. Mark Westmoland and **seconded** by Mr. Mickey Freiberg to set the penalty at the full rate of \$500.00 per violation, for a total of \$5,000.00 to be paid in penalties. All members were in favor. **Motion carried.**

13. **JEAN LAFITTE RV PARK**
CASE #: 20-01-41
2101 Pujol Road
Lake Charles, LA 70615

11 VIOLATION(S)

3 – Overcharge(s) - LA. R.S. 3:4617 (A)

A. No one shall misrepresent the price or quantity of a commodity, thing, or service sold or offered or exposed for sale, to any actual or prospective customer.

8 – Price(s) not displayed - LAC 7:XXXV.117

A. The price of a commodity or item offered for retail sale, which is labeled with a computerized bar code label, shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item, required by subsection A of this section, shall be precisely equal to the price actually charged by the seller.

There were no parties present on behalf of the Respondent.

Inspectors Teri Berken and Steven Coco were called as witnesses and the previously conducted Price Verification inspections were entered in as evidence, along with the charge letter, the stipulation agreement and proof of hand delivered service to the Registered Agent on file with the Louisiana Secretary of State's office.

Motion made by Mr. Bo Haring and **seconded** by Mr. Justin Alford to find Jean Lafitte RV Park guilty as charged. All members were in favor. **Motion carried.**

The motion was set before the commission to assess a penalty of a maximum \$500.00 for each violation, for a total of up to \$5,500.00 in penalties to be paid. The **motion** was made by Mr. Dave George and **seconded** by Mr. Frank LoPinto to set the penalty at the full rate of \$500.00 per violation, for a total of \$5,500.00 to be paid in penalties. All members were in favor. **Motion carried.**

VIII. NEW BUSINESS

None

IX. OLD BUSINESS

None

X. PUBLIC COMMENT


Chairman Larry Terrell took a moment to recognize and thank the Weights and Measures staff, both in the field and in office, for their continued efforts throughout the course of the Covid-19 pandemic.

XI. NEXT MEETING DATE

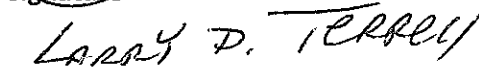
It was announced that, as decided upon by popular vote of all Commission Members and Alternates, the next hearing was scheduled to be held on *Thursday, October 15, 2020*.

XII. ADJOURNMENT

Motion made by Mr. Dave George and seconded by Mr. Justin Alford. All members were in favor. Motion carried.



Signature Chairman



Print Name