

LOUISIANA WEIGHTS AND MEASURES COMMISSION HEARING MINUTES
MAY 20, 2021, 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 9:40 a.m.

II. ROLL CALL AND DECLARATION OF QUOROM

Commission Members Present

Mr. Larry Terrell, Chairman
Mr. Dave George, Vice Chairman
Mr. Dane Hebert
Mr. Mark Westmoland
Mr. Mickey Freiberg
Mr. Tommy "Bo" Haring
Mr. Justin Alford
Mr. Frank Lopinto
Mr. Michael DiResto
Mr. Nolan Percy

Members Absent

Mr. Neil Henderson

LDAF Staff Present

Ms. Baleigh Olah & Amy McInnis – LDAF Attorney-General Counsel; Director: Dr. Bobby Fletcher; Assistant Director: Paul Floyd; Scales and Packages Program Manager: Mr. Mark Lovisa; Motor Fuels Program Manager: Mr. Lee Mabile; District Enforcement Supervisor: Teri Berken; Regional Enforcement Supervisor: Mitch Marsalis; Inspectors: Zachary Shupe, Jason Timmons, Randal Mobley, Administrative Assistants: Rachel Rice-Baham, Laurie Walker & Kasey Patton.

Also in Attendance

Mr. Hossein Aghakasiri

III. DECLARATION OF QUOROM

Ten (10) members being present, Chairman Larry Terrell declared a quorum.

IV. APPROVAL OF OCTOBER 15, 2020, MINUTES

Motion was made by Justin Alford to approve the minutes for the **October 15, 2020**, meeting. Mr. Dane Hebert **seconded** the motion. All members were in favor. **Motion carried.**

V. PUBLIC COMMENTS

There were no public comments made.

VI. ADJUDICATORY HEARING

CONTINUED CASES

CASE #20-10-01 / ONE STOP

3216 GERSTNER MEMORIAL DRIVE

LAKE CHARLES, LA 70601

9 VIOLATION(S)

1-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.

CASE #20-10-07 / JOEY'S STOP AND GO LLC

2400 OLD STERLINGTON ROAD

MONROE, LA 71202

5 VIOLATION(S)

1-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.

CASE #21-05-03 / CHADEAUX'S CAJUN KITCHEN

14440 HIGHWAY 165 SOUTH

KINDER, LA 70648

16 VIOLATION(S)

8-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.

CASE #21-05-21 / QUICK STOP

708 FIRST AVENUE

KINDER, LA 70648

6 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.

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.

CASE #21-05-26 / SHELL BROTHERS #142

2601 GENERAL DEGAULLE DRIVE

NEW ORLEANS, LA 70114

9 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.

4-Prices 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.

DISMISSED CASES

CASE #21-05-37 – RITTNER EQUIPMENT COMPANY (SCOTT)
111 CREDIT DRIVE
SCOTT, LA 70583

STIPULATED CASES

CASE #21-05-02 / BILL'S DOLLAR STORE #1593
17621 HIGHWAY 190
PORT BARRE, LA 70577

4 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.

2–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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Mickey Freiberg. All members were in favor. **Motion carried.**

CASE #21-05-04 / DOLLAR GENERAL #3264

2007 4TH STREET

JONESVILLE, LA 71343

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 \$1,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and **seconded** by Mr. Dane Hebert. All members were in favor. **Motion carried.**

CASE #21-05-05 / DOLLAR GENERAL #6398

2525 LIAMS BOULEVARD

KENNER, LA 70062

5 VIOLATION(S)

1-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 \$2,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Frank Lopinto. All members were in favor. **Motion carried.**

CASE #21-05-06 / DOLLAR GENERAL #7528

1713 WEST STREET
VINTON, LA 70668

3 VIOLATION(S)

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 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 \$1,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dane Hebert and **seconded** by Mr. Mickey Freiberg. All members were in favor. **Motion carried.**

CASE #21-05-07 / DOLLAR GENERAL #10500

400 GAUSE BOULEVARD
SLIDELL, LA 70460

3 VIOLATION(S)

1-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.

2-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 \$1,500. **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.**

CASE #21-05-08 / E Z MART #369

1723 HIGHWAY 90 WEST

VINTON, LA 70668

10 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.

7-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 \$2,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and **seconded** by Mr. Dave George. All members were in favor. **Motion carried.**

CASE #21-05-17 / JOURNEY'S #580

4400 WEST PRIEN LAKE ROAD

LAKE CHARLES, LA 70601

7 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.

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 \$1,750. **Motion** to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and **seconded** by Mr. Dane Hebert. All members were in favor. **Motion carried.**

CASE #21-05-19 / MAGNOLIA DISCOUNT

516 LAPALCO BOULEVARD

GRETNA, LA 70056

13 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.

9-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 \$3,250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-22 / RACETRAC #381

201 AMBASSADOR CAFFERY PARKWAY
SCOTT, LA 70583

4 VIOLATION(S)

3-Overcharge(s) – L.A. 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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-23 / RACETRAC #578

5100 AMBASSADOR CAFFERY PARKWAY

LAFAYETTE, LA 70508

4 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.

2-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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-05-24 / ROSES EXPRESS #1324

619 CRESWELL LANE

OPELOUSAS, LA 70570

7 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.

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 \$1,750. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dane Hebert and **seconded** by Mr. Mickey Freiberg. All members were in favor. **Motion carried.**

CASE #21-05-25 / SALLY'S BEAUTY SUPPLY #2959

1723 CRESWELL LANE, SUITE A3
OPELOUSAS, LA 70570

3 VIOLATION(S)

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 \$750. **Motion** to accept the stipulation and recommended penalty was made by Mr. Nolan Percy and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-05-27 / TRACTOR SUPPLY #1188

181 HIGHWAY 171 NORTH
LAKE CHARLES, LA 70601

15 VIOLATION(S)

13-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.

2-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 \$3,750. **Motion** to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and **seconded** by Mr. Mickey Freiberg. All members were in favor. **Motion carried.**

CASE #21-05-29 / ALBERTSON'S #120

2678 JOHNSTON STREET

LAFAYETTE, LA 70501

1 VIOLATION(S)

1-Short Weight(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 \$250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dane Hebert and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-30 / ALBERTSON'S #0719

4400 AMBASSADOR CAFFERY PARKWAY

LAFAYETTE, LA 70508

2 VIOLATION(S)

2-Short Weight(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 \$500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-31 / ALBERTSON'S #2775

2863 AMBASSADOR CAFFERY PARKWAY

LAFAYETTE, LA 70506

1 VIOLATION(S)

1-Short Weight(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 \$250. **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.**

CASE #21-05-32 / CASH SAVER

1714 SOUTH MAIN STREET

ST. MARTINVILLE, LA 70582

2 VIOLATION(S)

2-Short Weight(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 \$500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-33 / GT MICHELLI

1163 WEEMS STREET

PEARL, MS 39208

3 VIOLATION(S)

3-Violations - LA. R.S. 3:4621 (F)

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

Stipulation Received: The department recommended a penalty of \$750. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Mickey Freiberg. Member Bo Haring recused himself from the overall vote. All remaining members were in favor. **Motion carried.**

CASE #21-05-34 / LOUISIANA INTERNATIONAL HEMP COMPANY

37326 CYPRESS HOLLOW AVENUE

PRAIRIEVILLE, LA 70769

598 VIOLATION(S)

299-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.

299-Labeling Violation(s) – LA. R.S. 3:4613(A)

§4613. Commodities in package form; stamping of weight or measure; standard fill-

- A. No one shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in package form unless the net quantity of the contents is plainly and conspicuously marked on the outside of the package, in terms of weight, measure or numerical count. A box or carton used for shipping purposes containing a number of packages, which are individually marked as provided in this Subsection, need not be so marked itself.”

LAC 7.XXXV:105(C) states:

§105. Commodities

C. Labeling; Container Construction; Drainage-

1. All commodities in package form shall bear a printed or stenciled label containing:

- a. the true name of the commodity in the package;
- b. the name and place of business of the manufacturer, packer, distributor, or seller.

Such label must be legible and in the English language and must not be covered or obscured in any way.

Stipulation Received: The department recommended a penalty of \$5000. **Motion** to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and **seconded** by Mr. Dane Hebert. All members were in favor. **Motion carried.**

CASE #21-05-35 / MANSFIELD WAREHOUSING SERVICE INC

614 JENKINS STREET

MANSFIELD, LA 71052

15 VIOLATION(S)

10-Labeling Violation(s) - LAC 7:XXXV:105(C)

LAC 7.XXXV:105(C) states:

§105. Commodities

C. Labeling; Container Construction; Drainage-

1. All commodities in package form shall bear a printed or stenciled label containing:

- a. the true name of the commodity in the package;
- b. the name and place of business of the manufacturer, packer, distributor, or seller.

Such label must be legible and in the English language and must not be covered or obscured in any way.

5-Labeling Violation(s) – LA. R.S. 3:4613(A)

§4613. Commodities in package form; stamping of weight or measure; standard fill-

- A. No one shall keep for the purpose of sale, offer or expose for sale, or sell any commodity in package form unless the net quantity of the contents is plainly and conspicuously marked on the outside of the package, in terms of weight, measure or numerical count. A box or carton used for shipping purposes containing a number of packages, which are individually marked as provided in this Subsection, need not be so marked itself.”

Stipulation Received: The department recommended a penalty of \$4250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank LoPinto and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-36 / PETRON LLC

1600 HARRIS STREET

ALEXANDRIA, LA 71301

1 VIOLATION(S)

1-Violations - LA. R.S. 3:4621 (F)

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

Stipulation Received: The department recommended a penalty of \$250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-05-38 / ROUSE'S ENTERPRISES, LLC

6136 JOHNSTON STREET

LAFAYETTE, LA 70503

2 VIOLATION(S)

2-Short Weight(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 \$500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-05-39 / SUPER 1 FOODS #643

200 DESTINATION POINTE LANE

SCOTT, LA 70583

2 VIOLATION(S)

2-Net Weight(s) - L.A. R.S. 3:4616(A)

§4616. Net Weight Employed in All Sales; Exemptions-

- A. Whenever any commodity is sold on the basis of weight, only the net weight of the commodity shall be employed in the sale. All contracts concerning goods sold on a basis of weight shall be understood and constructed accordingly.

Stipulation Received: The department recommended a penalty of \$500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dane Hebert and **seconded** by Mr. Mickey Freiberg. All members were in favor. **Motion carried.**

CASE #21-05-40 / THE ORIGINAL KEVIN GUIDRY PRODUCE

3619 MOSS STREET

LAFAYETTE, LA 70507

1 VIOLATION(S)

1-Net Weight(s) - L.A. R.S. 3:4616(A)

§4616. Net Weight Employed in All Sales; Exemptions-

- A. Whenever any commodity is sold on the basis of weight, only the net weight of the commodity shall be employed in the sale. All contracts concerning goods sold on a basis of weight shall be understood and constructed accordingly.

Stipulation Received: The department recommended a penalty of \$250. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Frank LoPinto. Member Mark Westmoland recused himself from the overall vote. All remaining members were in favor. **Motion carried.**

CASE #21-05-09 / FAMILY DOLLAR #24249

1426 OLD HIGHWAY 13

MAMOU, LA 70554

3 VIOLATION(S)

1-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.

2-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 \$1,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Dane Hebert. All members were in favor. **Motion carried.**

CASE #21-05-10 / FAMILY DOLLAR #25140

6721 PINES ROAD

SHREVEPORT, LA 71129

7 VIOLATION(S)

7-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 \$3,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Mickey Freiberg and **seconded** by Mr. Bo Haring. All members were in favor. **Motion carried.**

CASE #21-05-11 / FAMILY DOLLAR #25294

6055 HIGHWAY 1

PAINCOURTVILLE, LA 70391

7 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.

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 \$3,500. **Motion** to accept the stipulation and recommended penalty was made by Mr. Frank LoPinto and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-12 / FAMILY DOLLAR #26340

2004 CENTENARY BOULEVARD

SHREVEPORT, LA 71104

8 VIOLATION(S)

7-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 \$4,000. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dane Hebert and **seconded** by Mr. Mickey Freiberg. All members were in favor. **Motion carried.**

CASE #21-05-13 / FAMILY DOLLAR #31404

10251 PREJEAN HIGHWAY
LAWTELL, LA 70550

4 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.

2-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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-14 / FAMILY DOLLAR #31563

501 EAST PINHOOK ROAD
LAFAYETTE, LA 70501

8 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.

5-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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Dave George and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-15 / FAMILY DOLLAR #31622

1061 RENAUD DRIVE

SCOTT, LA 70583

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 \$2,000. **Motion** to accept the stipulation and recommended penalty was made by Mr. Justin Alford and **seconded** by Mr. Nolan Percy. All members were in favor. **Motion carried.**

CASE #21-05-16 / HEBERTS BOUDIN AND CRACKLINS

1241 TATE COVE ROAD

VILLE PLATTE, LA 70586

5 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.

2-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. **Motion** to accept the stipulation and recommended penalty was made by Mr. Bo Haring and **seconded** by Mr. Frank LoPinto. All members were in favor. **Motion carried.**

ADJUDICATORY CASES

CASE #21-05-01 / A & J'S MART

5136 GENERAL DEGAULLE DRIVE

NEW ORLEANS, LA 70131

4 VIOLATION(S)

1-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.

Mr. Hossein Aghakasiri was present on behalf of the Respondent.

Inspector Zachary Shupe was called as a witness and the previously conducted price verification inspections were entered in as evidence, along with the warning letter, charge letter, and all associated proof of service notices showing proper service to the Registered Agent on file with the Louisiana Secretary of State's office.

Mr. Hossein Aghakasiri plead no contest to the charges.

After a thorough discussion of the case and possible resolutions, a motion was made by Mr. Dane Hebert and seconded by Mr. Dave George to find the Respondent guilty as charged. All members were in favor. **Motion carried.**

A motion was made by Mr. Justin Alford and seconded by Mr. Michael DiResto for the Department to conduct a follow up inspection at the business 90 days following the hearing. Should the inspection receive a passing score, then a **zero (0) dollar penalty** was to be imposed. However, if the inspection does not receive a passing score, then the full **two thousand (\$2000) dollar penalty** was to be owed by the Respondent to the Department. All members were in favor. **Motion carried.**

CASE #21-05-18 / LATINO EXPRESS GROCERY #2

710 TERRY PARKWAY
TERRYTOWN, LA 70056

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.

There were no parties present on behalf of the Respondent.

Inspectors Zachary Shupe and Franklin LaRue were called as witnesses and the previously conducted price verification inspections were entered in as evidence, along with the warning letter, charge letter, and all associated proof of service notices showing proper service to the Registered Agent on file with the Louisiana Secretary of State's office.

A **motion** was made by Mr. Frank LoPinto and seconded by Mr. Bo Haring to find the Respondent guilty as charged. All members were in favor. **Motion carried.**

A motion was made by Mr. Dave George and seconded by Mr. Frank LoPinto to set the penalty at the \$500 per violation, for a total of \$2000. All members were in favor. **Motion carried.**

CASE #21-05-20 / PILOT TRAVEL CENTER #1051

1119 LOWE GROUTROAD

IOWA, LA 70647

20 VIOLATION(S)

11-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.

9-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.

Director Bobby Fletcher, Jr., program manager Lee Mabile, and inspector Teri Berken were called as witnesses and the previously conducted price verification inspections were entered in as evidence, along with the warning letter, charge letter, and all associated proof of service notices showing proper service to the Registered Agent on file with the Louisiana Secretary of State's office.

A **motion** was made by Mr. Michael DiResto and seconded Mr. Dane Hebert to find the Respondent guilty as charged. All members were in favor. **Motion carried.**

A motion was made by Mr. Dave George and seconded by Mr. Bo Haring to set the penalty at the \$500 per violation, for a total of \$10,000. All members were in favor. **Motion carried.**

CASE #21-05-28 / WALMART NEIGHBORHOOD MARKET #5125

2310 SOUTH UNION STREET

OPELOUSAS, LA 70570

7 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.

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.

There were no parties present on behalf of the Respondent.

Director Bobby Fletcher, Jr., inspector Jason Timmons, and inspector Teri Berkin were called as witnesses and the previously conducted price verification inspections were entered in as evidence, along with the warning letter, charge letter, and all associated proof of service notices showing proper service to the Registered Agent on file with the Louisiana Secretary of State's office.

A **motion** was made by Mr. Michael DiResto and seconded Mr. Dane Hebert to find the Respondent guilty as charged. All members were in favor. **Motion carried.**

A motion was made by Mr. Dave George and seconded by Mr. Bo Haring to set the penalty at the \$500 per violation, for a total of \$3,500. All members were in favor. **Motion carried.**

VII. NEW BUSINESS

None

VIII. OLD BUSINESS

None

IX. PUBLIC COMMENT

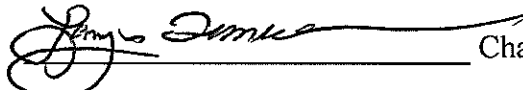
None

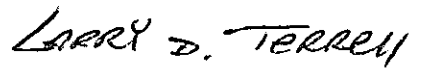
X. NEXT MEETING DATE

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 7, 2021.

XI. ADJOURNMENT

A motion was made by Mr. Justin Alford and seconded by Mr. Larry Terrell. All members were in favor. Motion carried.


Chairman
Signature


Printed Name