

LOUISIANA WEIGHTS AND MEASURES COMMISSION HEARING

MINUTES

MARCH 29, 2018

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, Vice Chairman
Mr. Joseph Al Moreaux
Mr. Michael Hensgens
Mr. Brian Girardot
Mr. Justin Alford
Mr. Mark Westmoland
Mr. Chuck Garrett

Members absent

Mr. Brad Terral

LDAF staff present

Emily Andrews, LDAF Attorney-General Counsel, Steve Sessums, Bobby Fletcher Jr., Paul Floyd, Milton Hunter, Archie Lambert, Jarrad Poirrier, Tricia Berry, Steven Coco, Brannon Andrus, Laura Oliver, Nicole Robino, and Lisa Sonnier

Also in attendance

Michael Heier, Hearing Officer for Attorney General Office
Ajaya R. Paudyal and David Fernandez with Food Junction #2 Case #18-03-15
Erica Haynes and Cliff Garzer with Cricket Wireless #156 Case #18-03-11(optimal wireless)
John Sumich with Oak Point Fresh Market
Lou Velez and Cam Nguyen with United States Secret Service

DECLARATION OF QUORUM

Nine (9) members being present Chairman Larry Terrell declared a quorum

III. **APPROVAL OF NOVEMBER 29, 2017 MINUTES**

Motion made by Mr. Alford and seconded by Mr. Garrett to approve the minutes. All the members were in favor. Motion carried

IV. SPECIAL RECOGNITION

Oak Point Market owner, Mr. John Sumich was recognized for opening their doors to LDAF and allowing our Weights and Measures division to film three training videos

US Secret Service Agent, Mr. Lou Velez was recognized for his diligence, professionalism as well as hard work to identify and reduce the number of skimming devices in fuel pumps in Louisiana.

V. PUBLIC COMMENTS

None

VI. ADJUDICATORY HEARING

CONTINUED

(1) Case No. 17-09-01

**Brothers Food Mart # 116
2439 Manhattan Blvd Suite 401
Harvey LA 70058**

8 violations

2 - Overcharges - 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 - 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

Mr. Heier granted a continuance on this case prior to the hearing at the request of the defense, the continuance was granted over the department's objection

- (2) **Case No. 17-09-02**
Brothers Food Mart #123
1944 Belle Chasse Hwy
Gretna LA 70056

6 violations

6 - 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

Mr. Heier granted a continuance on this case prior to the hearing at the request of the defense, the continuance was granted over the department's objection

- (3) **Case No. 17-09-12**
Brothers Food Mart #112
1600 Manhattan Blvd
Harvey LA 70058

5 violations

5 - 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

Mr. Heier granted a continuance on this case prior to the hearing at the request of the defense, the continuance was granted over the department's objection

(4) Case No. 17-09-13
Brothers Food Mart #152
1200 Westbank Expressway
Westwego LA 70094

4 violations

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

Mr. Heier granted a continuance on this case prior to the hearing at the request of the defense, the continuance was granted over the department's objection

(5) Case No. 17-09-14
Brothers Food Mart #117
3449 Manhattan Blvd
Harvey LA 70058

3 violations

2 - Overcharges - 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 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. Heier granted a continuance on this case prior to the hearing at the request of the defense, the continuance was granted over the department's objection

(6) Case No. 17-09-15
Brothers Food Mart #125
3659 Lapalco Blvd
Harvey LA 70058

6 violations

1 - Overcharge - 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 - 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

Mr. Heier granted a continuance on this case prior to the hearing at the request of the defense, the continuance was granted over the department's objection

(7) Case No. 18-03-05
Brothers Food Mart #101
9000 Westbank Expressway
Westwego LA 70094

2 violations

2 – Overcharges - 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

Mr. Heier granted a continuance on this case prior to the hearing at the request of the defense, the continuance was granted over the department's objection

(8) **Case No. 17-05-18**
Super Saver Express
2706 S. Beglis Pkwy
Sulphur LA 70665

4 violations

4 - violations-LA R.S. 3:4682 (A) and (B)

Products not conforming to specifications, duty of commissioner

A. When the analysis of a sample of a petroleum product taken in conformity with the provisions of this Subpart discloses that the product from which the sample was taken does not conform to the specifications fixed by the commissioner it is the duty of the commissioner to immediately serve notice on the manufacturer, distributor or seller that the product must not be sold in the state. If the petroleum product is in the process of transportation and has not yet been delivered to the consignee or retailer, the commissioner may immediately notify the consignor of the result of the test and instruct said consignor to withdraw the product from sale in this state. Failure on the part of the consignor to obey these orders shall constitute a violation of this Subpart.

B. If the petroleum product is not in the process of transportation, but is exposed or offered for sale or distribution, the commissioner may, by written notice, suspend the sale or distribution of this product. The retailer or distributor upon whom a notice of suspension is served, is prohibited from doing business in the sale or distribution of this product until formally released by order of the commissioner. The order of suspension given by the commissioner must apply only to that product and cannot be extended to cover other petroleum products sold or distributed by a retail dealer or distributor which are found to conform to specifications fixed under the provisions of this Subpart.

Mr. Heier granted a continuance on this case due to lack of service

(9) Case No. 18-03-03
Downman Road Shell
3901 Downman Road
New Orleans LA 70126

19 violations

1 - Overcharge - 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

18 - 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

Mr. Heier granted a continuance on this case due to lack of service

(10) Case No. 18-03-13
Family Dollar Store #11735
415 S Eastern Avenue
Crowley LA 70526

4 violations

2 - Overcharges - 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 - 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

Mr. Heier granted a continuance on this case due to lack of service

(11) **Case No. 18-03-14**
Tiger Touchdown #6
398 Main Street
Arnaudville LA 70512

5 violations

5 - 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

Mr. Heier granted a continuance on this case due to lack of service

STIPULATIONS

(12) **Case No. 17-09-07**
Shell Jefferson
4501 Jefferson Highway
Jefferson LA 70121

15 violations

15 - 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

Stipulation received. The department recommended a penalty of \$3,750.00
Motion to accept the stipulation and recommended penalty by Mr. George and seconded by Mr. Percy. All members were in favor. Motion carried

(13) **Case No. 18-03-01**
Big K-Mart #4810
2940 Veterans Memorial Blvd
Metairie LA 70002

6 violations

2 - Overcharges - 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

Stipulation received. The department recommended a penalty of \$1,500.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Girardot. All members were in favor. Motion carried

(14) **Case No. 18-03-02**
Carquest Auto Parts #8505
1601 Veterans Memorial Blvd
Metairie LA 70005

4 violations

2 – Overcharges - 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 - 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

Stipulation received. The department recommended a penalty of \$1,000.00
Motion to accept the stipulation and recommended penalty by Mr. Girardot and seconded by Mr. Hensgens. All members were in favor. Motion carried

(15) **Case No. 18-03-06**
Racetrac # 645
4003 Highway 90
Avondale LA 70094

8 violations

2 - Overcharges - 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 - 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

Stipulation received. The department recommended a penalty of \$2,000.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Percy. All members were in favor. Motion carried

(16) **Case No. 18-03-07**
Circle K Store # 8338
1205 Guillory Street
Westlake LA 70669

10 violations

4 - Overcharges - 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 - 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

Stipulation received. The department recommended a penalty of \$2,500.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Girardo. All members were in favor. Motion carried

(17) **Case No. 18-03-08**
Fuel King Discount Zone
5920 Veterans Memorial Blvd
Metairie LA 70003

12 violations

3 - Overcharges - 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 - 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

Stipulation received. The department recommended a penalty of \$3,000.00
Motion to accept the stipulation and recommended penalty by Mr. Girardot and seconded by Mr. Hensgens. All members were in favor. Motion carried

(18) **Case No. 18-03-09**
Smokers Paradise
2363 Highway 109 South
Vinton LA 70668

2 violations

1 - Overcharge - 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 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 \$500.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Percy. All members were in favor. Motion carried

(19) Case No. 18-03-12
Fred's Store #3185
1514 Sampson Street
Westlake LA 70669

18 violations

5 - Overcharges - 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

13 - 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

Stipulation received. The department recommended a penalty of \$4,500.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Girardot. All members were in favor. Motion carried

(20) Case No. 18-03-16
Fred's Store #2380
2350 Sterlington Road
Monroe LA 71201

6 violations

3 - Overcharges - 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 - 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

Stipulation received. The department recommended a penalty of \$1,500.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Westmoland. All members were in favor. Motion carried

(21) Case No. 18-03-17
All N One Food Store #3
3204 Highway 71
Campti LA 71411

7 violations

1 - Overcharge - 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 - 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

Stipulation received. The department recommended a penalty of \$1,750.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Percy. All members were in favor. Motion carried

(22) Case No. 18-03-18
Pel State Oil Texaco #87
97 Highway 1 South
Natchitoches LA 71457

3 violations

3 - 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

Stipulation received. The department recommended a penalty of \$750.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Percy. All members were in favor. Motion carried

(23) **Case No. 18-03-20**
Murphy USA # 6897
2510 North MLK Highway
Lake Charles LA 70601

6 violations

5 - Overcharges - 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 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 \$1,500.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Alford. All members were in favor. Motion carried

ADJUDICATORY

(24) **Case No. 18-03-04**
M J Express (CROWDER CHEVRON)
7000 Crowder Blvd
New Orleans LA 70127

5 violations

5 - 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

Stipulation received. The department recommended a penalty of \$1,250.00
Motion to accept the stipulation and recommended penalty by Mr. Hensgens and seconded by Mr. Percy. All members were in favor. Motion carried

(25) **Case No. 18-03-10**
Westlake Texaco
800 Sampson Street
Westlake LA 70669

8 violations

1 - Overcharge - 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 - 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

Motion made by Mr. George and seconded by Mr. Percy to find Westlake Texaco guilty as charged; **Motion** made by Mr. George and seconded by Mr. Hensgens to accept the departments recommended penalty of \$4,000.00 All members were in favor. Motions carried

Ms. Andrews requested all the Adjudicatory cases at this hearing be granted 60 days to comply. **Motion** made by Mr. Westmoland and seconded by Mr. Alford to accept the 60 days to comply. All members were in favor. Motion carried

(26) **Case No. 18-03-11**
Cricket Wireless #156 (OPTIMAL WIRELESS LLC)
2017 North Cities Service Hwy
Sulphur LA 70663

9 violations

1- Overcharge - 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 - 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

Motion made by Mr. Garrett and seconded by Mr. George to find Cricket Wireless #156 guilty as charged; **Motion** made by Mr. Girardot and seconded by Mr. Hensgens to accept the departments recommended penalty of \$4,500 payable within 60 days. All members were in favor. Motions carried

(27) **Case No. 18-03-15**
Food Junction #2
5145 Highway 1
Coushatta LA 71019

12 violations

2 - Overcharges - 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

10 - 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

Board Member Mr. Chuck Garrett recused himself from this case due to conflict of interest

Motion made by Mr. Hensgens and seconded by Mr. Percy to find Food Junction #2 guilty as charged; **Motion** made by Mr. Hensgens and seconded by Mr. Percy to accept the departments recommended penalty of \$2,400 payable within 60 days. Two members opposed the motion, the motion passed as recommended by the department

(28) **Case No. 18-03-19**
Best Stop Quick Mart #23
29596 South Montpelier Road
Albany LA 70462

4 violations

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

Stipulation received. The department recommended a penalty of \$1,000.00 **Motion** to accept the stipulation and recommended penalty by Mr. Hengens and seconded by Mr. Alford. All members were in favor. Motion carried

VII. NEW BUSINESS

Mr. Steve asked the Commission if they had any recommendations in regards to the payment time frame of when a penalty is due; Mr. Terrell and Mr. Garrett suggested leaving the time frame issue to the department's discretion

VIII. OLD BUSINESS

none

IX. PUBLIC COMMENT

none

X. NEXT MEETING DATE

Next Commission Hearing is scheduled for Thursday May 24, 2018 @9:30 a.m.

XI. ADJOURNMENT

Motion made by Mr. Girardot and seconded by Mr. Moreaux

All members were in favor. Motion carried



Mr. Larry Terrell, Chairman