

FEED, FERTILIZER & AGRICULTURAL LIMING COMMISSION HEARING
October 14, 2010
10:00 am
Veteran's Memorial Auditorium
5825 Florida Boulevard
Baton Rouge, LA 70806
Minutes

CALL TO ORDER

The hearing was called to order by Fred Bass at 10:15 am

ROLL CALL

The roll was called by Lauren Boydston

Members Present

Members Absent

Fred Bass representing -----	Commissioner Mike Strain
Dr. David Morrison representing -----	Dr. David Boethel
Dr. Charles Hutchinson representing -----	Dr. Paul Coreil
Don Philley	
Ron Harrell representing -----	Mr. Ronnie Anderson
T.B. Porter	
Eugene Robertson	
Jack Cutshall	

Other Attendees

Marvin Montgomery
Lindsey Hunter
Dr. Martha Littlefield
Dr. Mark LeBlanc
J Stevens
Cheryl McGee
Lauren Boydston
Todd Parker

DECLARATION OF A QUORUM

Fred Bass declared a quorum present

APPROVAL OF MINUTES

Mr. T. B. Porter made a motion to approve the minutes. Dr. David Morrison seconded the motion. Motion approved unanimously.

APPOINTMENT OF NEW DIRECTOR OF FERTILIZER COMMISSION

Dr. David Morrison made a motion that Dr. Martha Littlefield be named Director of Feed, Fertilizer & Agricultural Liming Commission. Mr. T.B. Porter seconded the motion. Motion passed unanimously.

SET NEXT DATE FOR HEARING

Hearing set for Thursday October 13, 2011.

OLD BUSINESS

None at this time

HEARING OF CASES

Hearing turned over to Ms. Lindsey Hunter, Hearing Officer from Attorney General's Office. All Findings of Fact and Law will be made by the Commission members. She asked Mr. Montgomery to call cases as he see fit.

CASES

Call cases according to 3 quarters late fertilizer, 4 quarters late fertilizer & 3 quarters late pet food.

Fertilizer cases with 3 violations w/ no prior violations

Case 2010-02; Case 2010-04; Case 2010-05

Case 2010-02

Assure Crop – Charge letter with green card attached as well as the stipulation be accepted into evidence. Mr. Montgomery asks the findings of fact and conclusions of law that Assure Crop be fined \$100.00 per quarter for a total fine of \$300.00. A motion was made by Dr. David Morrison that Assure Crop be fined \$100.00 per quarter for a total fine of \$300.00. Mr. Eugene Robertson seconded the motion. Motion passed unanimously.

Case 2010-04

Grasshopper Fertilizer – Charge letter with green card attached as well as the stipulation be accepted into evidence. Mr. Montgomery asks the findings of fact and conclusions of law that Grasshopper Fertilizer be fined \$100.00 per quarter for a total fine of \$300.00. A motion was made by Dr. Charles Hutchinson that Grasshopper be fined \$100.00 per quarter for a total fine of \$300.00. Mr. T.B. Porter seconded the motion. Motion passed unanimously.

Case 2010-05

Reforestation Technologies Int'l - Charge letter with green card attached as well as the stipulation be accepted into evidence. Mr. Montgomery asks the findings of fact and conclusions of law that Reforestation Technologies Int'l be fined \$100.00 per quarter for a total fine of \$300.00. A motion was made by Dr. David Morrison that Reforestation Technologies Int'l be fined \$100.00 per quarter for a total fine of \$300.00. Mr. Ron Harrell seconded the motion. Motion passed unanimously.

Mr. Fred Bass made note that Mr. Don Philley arrived at 10:20 am.

Fertilizer cases with 4 violations w/ no prior violations

Case 2010-01; Case 2010-03

Case 2010-01

ASB Greenworld – Charge letter with green card attached as well as the stipulation be accepted into evidence. Mr. Montgomery asks the findings of fact and conclusions of law that ASB Greenworld be fined \$100.00 per quarter for a total fine of \$400.00. Dr. David Morrison had a question regarding the fact that they submitted all of the 4 quarters at the end of the year. A motion was made by Mr. T.B. Porter that ASB Greenworld be fined \$100.00 per quarter for a total fine of \$400.00. Dr. Charles Hutchinson seconded the motion. Motion passed unanimously.

Case 2010-03

Dunn's Fish Farm – Charge letter with green card attached as well as the stipulation be accepted into evidence. Mr. Montgomery asks the findings of fact and conclusions of law that Dunn's Fish Farm be fined \$100.00 per quarter for a total fine of \$400.00. A motion was made by Mr. Don Philley that Dunn's Fish Farm be fined \$100.00 per quarter for a total fine of \$400.00. Mr. Ron Harrell seconded the motion. Motion passed unanimously.

Pet Food cases with 3 violations w/ no prior violations

Case 2010-06

Winston Company – Charge letter with green card attached as well as the stipulation be accepted into evidence. Mr. Montgomery asks the findings of fact and conclusions of law that Winston Company be fined \$100.00 per quarter for a total fine of \$300.00. A motion was made by Mr. T.B. Porter that Winston Company be fined \$100.00 per quarter for a total fine of \$300.00. Mr. Ron Harrell seconded the motion. Motion passed unanimously.

Ms. Lindsey Hunter turns the hearing back over to Mr. Fred Bass at 10:30. Mr. Fred Bass asks if there is any new business

New Business

Dr. Mark LeBlanc talks about issuing a notice of intent to implement a regulation change regarding the setting of a new minimum in tons of fertilizer sold. He says that now some companies who are not paying the specialty fee of \$100 are sending in checks of less than \$1.00. He wants to make the minimum tons larger so that we don't have anymore checks of less than \$1.00. It is costing us more to process the checks than the checks are worth. We would like to make these companies be considered specialty companies and pay the \$100.00 fee. He stated that we would like to set a minimum amount for tonnage sold like it is in feed/pet food, where the companies who are not specialty pay the \$10.00 minimum. If all goes well, there will be a time for public comment regarding these issues from Nov. 20, 2010 to Dec. 27, 2010.

If no objections to these proposals, it will be submitted between Feb. 20, 2011 to March 10, 2011 for the Commissioner's approval and signature. Once it is signed off on by Commissioner Strain, it will be published on March 20, 2011.

Mr. Jack Cutshall made the motion to accept Dr. LeBlanc's notice of intent. Dr. David Morrison seconded the motion. The motion passed unanimously.

Mr. Fred Bass asked if there is any public comment regarding the new business. There was none.

Public Comment

None

Motion to Adjourn

Mr. Fred Bass asks for a motion to adjourn. Mr. Eugene Robertson makes the motion to adjourn. Dr. David Morrison seconds the motion. Motion passed unanimously.

At 10:45, Mr. Fred Bass thanks everyone for their cooperation and the great job they are doing.