

HORTICULTURE COMMISSION MEETING

December 02, 2021

9:30 a.m.

VIA Zoom Meeting

5825 Florida Boulevard

Baton Rouge, LA 70806

Minutes

CALL TO ORDER

The hearing was called to order by Mr. Parker at 9:31 a.m.

ROLL CALL

The roll was called by Mrs. Smith

Members present: Rob Barry, Cole Sims, George Bofinger, Mitch Mayes, Rebekah O'Quin, Dan Johnson, Rusty Ruckstuhl, Gary Bullock, Todd Parker, Dr. Ansel Rankins Sr., Dr. Ed Bush representing Dr. Lucien LaBorde.

A quorum was present.

Others present: Alicia Wheeler, Paeton Burkett, Tina Peltier, Marsha Dugas, Marissa Smith, Andrea Marchand.

PUBLIC COMMENTS

There were no public comments; however, Dr. Ansel Rankins, Sr. (Secretary) welcomed new Commission Board Members: Mr. Bofinger, Ms. O'Quin, and Dr. Laborde.

APPROVAL OF MINUTES

Motion: Mr. Barry made a motion to approve the minutes from the June 3, 2021 hearing. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be March 24, 2022, at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUEST

Mr. Strickland requested to have his arborist license reinstated.

Motion: Mr. Sims made a motion to allow reinstatement of Mr. Strickland's arborist license. This motion was seconded by Mr. Mayes and passed unanimously.

ADJUDICATORY HEARING

At 9:41 a.m. the meeting was turned over to the hearing officer, Alicia Wheeler.

CONTINUED CASES

Scott Sambola

d/b/a Natures Own Landscape

4801 Taft Park

Metairie, Louisiana 70002

Case No.: 21-03

One violation of L.R.S. 3:3804(C) for advertising in a regulated profession (arborist, landscape architect and landscape irrigation contractor) without a proper license. One violation of L.R.S. 3:3804(C) for engaging in a regulated profession (landscape irrigation contractor) without a valid license.

This case was continued to the next hearing date.

Ted Wayne Anthony Jr.

Case No.: 21-05

d/b/a Anthony's Architectural Landscape Construction
300 L & A Road
Metairie, Louisiana 70001

Two violations of L.R.S. 3:3804(C) for advertising in a regulated profession (landscape architect) without a proper license. One violation of L.R.S. 3:3810(2)A for violating a notice of noncompliance dated 11/26/2019.

This case was continued to the next hearing date.

STIPULATED CASES

Debra Leger

Case No.: 21-01

d/b/a Garden Style Florist
2154 Airline Drive
Bossier City, Louisiana 71111

One violation of L.R.S. 3:3804(C) for engaging in a regulated profession (retail florist) without a proper license.

Stipulation received. The department recommended a penalty of \$500.00 per violation for a total fine of \$500.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

Jonathan Forrest

Case No.: 21-02

d/b/a Pro Cuts Landscaping & Maintenance
102 South Holiday Drive
Slidell, Louisiana 70461

Two violations of L.R.S. 3:3804(C) for advertising in a regulated profession (landscape horticulture) without a valid license. One violation of L.R.S. 3:3810(2)A for violating a notice of noncompliance dated 05/21/2019.

Stipulation received. The department recommended a penalty of \$500.00 per violation for a total fine of \$1,500.00. **Motion:** Mr. Johnson made a motion to accept the recommended penalty. This motion was seconded by Mr. Sims and passed unanimously.

April Adams

Case No.: 20-008

d/b/a L & L Tree Services
104 St. Louis Street
Loreauville, Louisiana 70552

One violation of L.R.S. 3:3801(C) for advertising in a regulated profession (arborist) without a valid license. One violation of L.R.S. 3:3810(2)A for violating a notice of noncompliance dated 05/22/19.

Stipulation received. The department recommended a penalty of \$1,000.00 per violation for a total fine of \$2,000.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

Tristen Hoover
d/b/a Driven Tree
12508 Legacy Hills
Geismar, Louisiana 70734

Case No.: 20-009

Two violations of L.R.S. 3:3804(C) for advertising in a regulated profession (arborist and landscape horticulturist) without a proper license. One violation of L.R.S. 3:3810(2)A for violating a written stop order dated 12/02/2019.

Stipulation received. The department recommended a penalty of \$500.00 per violation for a total fine of \$1,500.00. **Motion:** Mr. Johnson made a motion to accept the recommended penalty. This motion was seconded by Mr. Mayes and passed unanimously.

NEW CASES

Kelvin Robins, Jr.

Case No.: 19-005

d/b/a Certified Tree Care/Y.B.S. Tree & Landscaping/United Tree Professionals/Jay Starr Tree and Landscape
10182 Patriot Drive
Baton Rouge, LA 70816

Two violations of L.R.S. 3:3804(C) for engaging in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3804(C) for advertising, soliciting, and engaging in a regulated profession (arborist and landscape horticulturist) without a proper license. One violation of L.R.S. 3:3804(C) for soliciting in a regulated profession (landscape horticulturist) without a proper license. Four violations of L.R.S. 3:3804(C) for advertising, soliciting, and engaging in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3804(C) for advertising and soliciting in regulated professions (landscape horticulturist and arborist) without proper licenses. Six violations of L.R.S. 3:3810(2)A for violating a written stop order dated 01/28/19. Two violations of LAC 7: XXIX.117(E)(2)(b) for engaging in a regulated profession (arborist) without maintaining the required insurance.

Mr. Robins was present without counsel. **Motion:** Dr. Rankins made a motion to find Mr. Robins in violation. This motion was seconded by Mr. Mayes and passed unanimously. The department recommended a penalty of \$1,500.00 per violation for a total fine of \$25,500. **Motion:** Dr. Rankins made a motion to suspend half of the recommended penalty, \$12,750, if Mr. Robins is not found guilty of any violations by the Horticulture Commission for a period of five years from today's date. This motion was seconded by Mr. Mayes and passed unanimously.

Teddy Cody Green

Case No.: 20-007

d/b/a Oaklands Tree Care Services
180 Billy John Road
Pollock, Louisiana 71467

Two violations of L.R.S. 3:3804(C) for engaging in a regulated profession (arborist) without a valid license. One violation of L.R.S. 3:3804(C) for advertising in a regulated profession (arborist) without a valid license. One violation of L.R.S. 3:3810(2)A for violating a written stop order dated 11/08/18. One violation of L.R.S. 3:3810(2)A for violating a notice of noncompliance dated 12/18/2018.

Mr. Green was not present; however, the department proceeded because service was effected. **Motion:** Mr. Johnson made a motion to find Mr. Green in violation. This motion was seconded by Mr. Sims and passed unanimously. The department recommended a penalty of \$500.00 per violation for a total fine of \$2,500.00. **Motion:** Mr. Johnson made a motion to accept the recommended penalty. This motion was seconded by Mr. Sims and passed unanimously.

James Kinchen

d/b/a All-Star Lighting & Landscaping
12452 Joinee Road
Covington, Louisiana 70433

Case No.: 21-07

Two violations of L.R.S. 3:3804(C) for advertising in a regulated profession (landscape horticulture, landscape architect and landscape irrigation contractor) without a valid license. One violation of L.R.S. 3:3810(2)A for violating a written stop order dated 11/22/19.

Mr. Kinchen was not present; however, the department proceeded because service was effected. **Motion:** Mr. Ruckstuhl made a motion to find Mr. Kinchen in violation. This motion was seconded by Mr. Johnson and passed unanimously. The department recommended a penalty of \$500.00 per violation for a total fine of \$1,500.00. **Motion:** Mr. Ruckstuhl made a motion to accept the recommended penalty. This motion was seconded by Mr. Johnson and passed unanimously.

Dean Good Jr.

d/b/a Good Ole Boys Metal & Tree Services LLC
332 Park Street
Krotz Springs, Louisiana 70750

Case No.: 21-04

One violation of L.R.S. 3:3804(C) for engaging in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3804(C) for advertising in a regulated profession (arborist) without a proper license. One violation of L.R.S. 3:3810(2)A for violating a written stop order dated 12/01/20.

Mr. Good was present without counsel. **Motion:** Mr. Mayes made a motion to find Mr. Good in violation of charges one and two. This motion was seconded by Mr. Sims and passed unanimously. The department recommended a penalty of \$500.00 per violation for a total fine of \$1,000.00. **Motion:** Mr. Mayes made a motion to accept the recommended penalty. This motion was seconded by Mr. Sims and passed unanimously.

David Levy

d/b/a Heaven On Earth Tree & Landscape
304 Sunny Lane
Lafayette, Louisiana 70506

Case No.: 21-06

One violation of L.R.S. 3:3804(C) for advertising in a regulated profession (arborist, landscape horticulture and landscape irrigation contractor) without a proper license.

Mr. Levy was not present; however, the department proceeded because service was effected. **Motion:** Mr. Parker made a motion to find Mr. Levy in violation. This motion was seconded by Mr. Barry and passed unanimously. The department recommended a penalty of \$1,500.00 per violation for a total fine of \$1,500.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Barry and passed unanimously.

NEW BUSINESS

Mrs. Peltier welcomes our new Commission Board members; Mr. Bofinger, Ms. O'Quin and Dr. LaBorde. She reported that the Horticulture staff is preparing horticulture renewals, which will be sent out next week. Mrs. Peltier reminded the Commission Members to complete the mandatory sexual harassment training by 12/31/2021. Mrs. Peltier then thanked the Commission Members and wished everyone a happy holiday.

Director's Report:

None

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mr. Parker thanks the Commission Board members for their patience and hard work. He also thanks the department staff for preparation of the meeting and wished everyone a happy holiday. **Motion:** Mr. Mayes made a motion to adjourn at 1:45 p.m. This motion was seconded by Mr. Sims and passed unanimously.