

HORTICULTURE COMMISSION MEETING

July 30, 2020

9:30 a.m.

Veterans' Memorial Auditorium

5825 Florida Boulevard

Baton Rouge, LA 70806

Minutes

CALL TO ORDER

The hearing was called to order by Mr. Parker at 9:40 a.m.

ROLL CALL

The roll was called by Ms. Marchand

Members present: Rob Barry, Todd Parker, Gary Bullock, Chad Danos, Steven Hoover, Dan Johnson, Mitch Mayes, Benjy Rayburn, Richard Hill and Cole Sims.

Members absent: Dr. Jeff Beasley, Rusty Ruckstuhl and Zefferino Von Kurnatowski.

A quorum was present.

Others present: Alicia Wheeler; Hearing Officer; Amanda LaGroue; LDAF Legal Counsel; Dr. Ansel Rankins, LDAF; Tina Peltier, LDAF; and Andrea Marchand, LDAF.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Danos made a motion to approve the minutes from the December 5, 2019 hearing. This motion was seconded by Mr. Sims and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, October 29, 2020 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUESTS

Ms. Melody Mumford requested reinstatement of her landscape horticulturist license.

Motion: Mr. Barry made a motion to allow reinstatement of Ms. Mumford's landscape horticulturist license. The motion was seconded by Mr. Danos and passed unanimously.

Mr. Clifford Shawn Shepherd requested reinstatement of his arborist license.

Motion: Mr. Mayes made a motion to allow reinstatement of Mr. Clifford Shawn Shepherd's arborist license. The motion was seconded by Mr. Hoover and passed unanimously.

At 10:07 a.m. the meeting was turned over to the hearing officer, Ms. Alicia Wheeler.

ADJUDICATORY HEARING CONTINUED CASES

Teddy Cody Green
d/b/a Oaklands Tree Care Services
180 Billy John Road
Pollock, Louisiana 71467
Case No.: 20-007

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 A(2) for violating a written stop order dated November 8, 2018.

This case was continued to the next hearing.

Samuel "Sammy" Rodriguez
d/b/a LA Tree Service
188 Bent Tree Loop
Haughton, Louisiana 71037
Case No.: 20-002

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

A stipulation was received. The department recommended a penalty of \$1,000 per violation for a total of \$1,000. **Motion:** Mr. Parker made a motion to accept the stipulation with the recommended penalty. This motion was seconded by Mr. Sims and passed unanimously.

NEW CASES

Kelvin Robins, Sr.
d/b/a Robins Tree and Stump Removal
1780 Ashland Avenue
Zachary, Louisiana 70791
Case No.: 20-001

Two violation(s) of L.R.S. 3:3804(C) for advertising in a regulated profession (arborist), without a proper license.

Mr. Robins was present. **Motion:** Mr. Rayburn made a motion to find Mr. Robins in violation. This motion was seconded by Mr. Parker and passed unanimously. The department recommended a penalty of \$500 per violation for a total fine of \$1,000. **Motion:** Mr. Mayes made a motion, as the recommended penalty, to suspend all fines if Mr. Robins becomes licensed and insured within thirty days of the hearing. If Mr. Robins does not become licensed within the thirty days, all fines will be immediately imposed and due. This motion was seconded by Mr. Danos and passed unanimously.

At 11:20 a.m. the Commission took a brief recess.

At 11:26 a.m. the Commission resumed the meeting.

Ronnie Hilliard
10159 Pine Orchard Road
Shreveport, Louisiana 71129
Case No.: 20-005

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. 3:3810 A(2) for violating a written stop order dated October 10, 2018.

Mr. Hilliard was not present but the department proceeded because service was affected. **Motion:** Mr. Hoover made a motion to find Mr. Hilliard in violation. This motion was seconded by Mr. Johnson and passed unanimously. The department recommended a penalty of \$1,500 per violation for a total fine of \$3,000. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Mayes and passed unanimously.

Lonnie Paul
d/b/a Top Notch Trees Service
145 B Stevens Street
Boyce, Louisiana 71409
Case No.: 20-004

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. 3:3810 A(2) for violating a notice of noncompliance dated January 30, 2020.

Mr. Paul was not present but the department proceeded because service was affected. **Motion:** Mr. Parker made a motion to find Mr. Paul in violation. This motion was seconded by Mr. Sims and passed unanimously. The department recommended a penalty of \$500 per violation for a total fine of \$1,500. **Motion:** Mr. Rayburn made a motion to accept the recommended penalty. This motion was seconded by Mr. Hoover and passed unanimously.

Robbie Desselle
d/b/a Mr. Lawn's Lawn Service
832 West William David Parkway
Metairie, Louisiana 70005-2271
Case No.: 20-003

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

Mr. Desselle was not present but the department proceeded because service was affected. **Motion:** Mr. Barry made a motion to find Mr. Desselle in violation. This motion was seconded by Mr. Parker and passed unanimously. The department recommended a penalty of \$1,000 per violation for a total fine of \$1,000. **Motion:** Mr. Mayes made a motion to accept the recommended penalty. This motion was seconded by Mr. Johnson and passed unanimously.

At 12:15 p.m. Mr. Danos requested to leave due to another obligation. Quorum remains. Permission granted by the hearing officer.

Thomas Centanni
d/b/a Centanni Bros
804 Linden Street
Metairie, Louisiana 70003
Case No.: 20-006

Two violation(s) of L.R.S. 3:3804(C) for engaging in a regulated profession (arborist), without a proper license
One violation of L.R.S. 3:3810(A)2 for violating a notice of non-compliance dated July 31, 2018.

Mr. Centanni was not present but the department proceeded because service was affected. **Motion:** Mr. Rayburn made a motion to find Mr. Centanni in violation. This motion was seconded by Mr. Parker and passed unanimously. The department recommended a penalty of \$500 per violation for a total fine of \$1,500. **Motion:** Mr. Hoover made a motion to accept the recommended penalty. This motion was seconded by Mr. Mayes and passed unanimously.

At 12:45 p.m. the meeting was turned back over to Mr. Parker.

NEW BUSINESS

No new business

Director's Report:

Dr. Rankins gave the following updates:

In June, the Louisiana Legislature passed Senate Bill 163 (Act 308), which exempts a licensed general contractor that is performing sod restoration or replacement within a right-of-way that covers less than 5,000 square feet from the landscape horticulturist license requirements.

Louisiana Landscape Architect Exam (LLAE) is now available on computers. The first computer-based LLAE was offered on July 28th to an applicant from Georgia. Previously the LLAE was offered twice a year. Appreciation extended to Tina Peltier, Assistant Director for her work on this project

On April 21, 2020, USDA-APHIS confirmed the detection of *Ralstonia Solanacearum* race 3 biovar2 in a single variety of geranium plants located in a Michigan greenhouse. This particular type *Ralstonia* can cause wilt disease in several important agricultural crops such as potatoes, tomatoes, peppers, and eggplants. This was the first confirmed case of RSR3b2 in a U.S. greenhouse since 2004. LDAF and USDA collaborated to inspect, isolate and destroy all 'Pink Flare' geranium plants and comingled and exposed host and non-host plants. LDAF inspected 19 nurseries, destroyed 382 total plants, with no confirmed positive plants.

LDAF has been notified that several Louisiana residents have received unsolicited packages containing seeds that appear to have originated from China and other countries. The seed in the packages are unknown at this time and may be invasive plant species that pose a risk to Louisiana's agriculture industry environment. The packages were delivered by mail carrier's and have Chinese writing on them. LDAF staff will contact homeowners and collect the material.

In May, Commissioner Strain re-appointed Mitch Mayes (Nursery Stock Dealer) and Rob Barry (Wholesale Nurseryman) to the Horticulture Commission. Dan Johnson (Landscape Irrigation Contractor) was also appointed by Commissioner Strain and will begin his first four year term on the board. Dan lives in Kenner and is president of Greenman Dan, Inc.

Benjy Rayburn is retiring on August 14 after 30 plus years of dedicated service to the department. Benjy began his career with LDAF as an AES inspector 1 in July 1990. After several years he was promoted to Assistant Director of AES Seed Programs, a position he held for many years. In 2002, he was promoted to Director of Weights and Measures and then Assistant Commissioner of that division. In 2017 Benjy came home to AES in his current role of Assistant Commissioner. We wish him the very best in his retirement. Dr. Rankins presented Benjy a plaque from the H&Q staff.

PUBLIC COMMENTS

There were no public comments however Mr. Rayburn thanked the staff of Horticulture, AES and the Horticulture commission members for their contributions to the Department of Agriculture. Mr. Parker congratulated Mr. Rayburn on his retirement and Ms. Peltier thanked the Horticulture Commission for their patience as we worked through the kinks of our first "Zoom" recorded hearing.

ADJOURNMENT

Motion: Mr. Parker made a motion to adjourn at 12:55 p.m. This motion was seconded by Mr. Mayes and passed unanimously.