

HORTICULTURE COMMISSION MEETING

December 11, 2014

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. Bass at 9:57 a.m.

ROLL CALL

The roll was called by Mrs. Bellington.

Members present: Fred Bass, Todd Parker, Steven Hoover, Mitch Mayes, Rob Barry, Jack Hopper, and Rusty Ruckstuhl.

Members absent: Chad Danos, Zeffarino Von Kurnatowski, Aaron Wade, Harold Tani, and Dr. William Richardson.

A quorum was present.

Others present: Lindsey Hunter, Hearing Officer; Tabitha Gray, LDAF Legal Counsel; Tad Hardy, LDAF; Ansel Rankins, LDAF; Katie Farlow, LDAF; Jyhmechia Dunn, LDAF; Robert Rarick, LDAF; and Fran Bellington, LDAF.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Motion: Mr. Parker made a motion to approve the minutes from the October 2, 2014 hearing. This motion was seconded by Mr. Mayes and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, March 26, 2015 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUEST

Ms. Nell M. Barnes requested to have her retail florist license reinstated. **Motion:** Mr. Parker made a motion to allow reinstatement of Ms. Barnes' retail florist license. This motion was seconded by Mr. Hopper and passed unanimously.

Mr. Tony C. Robins requested to have his arborist license reinstated. **Motion:** Mr. Hoover made a motion to allow reinstatement of Mr. Robin's arborist license after he attends a continuing education seminar. This motion was seconded by Mr. Parker and passed unanimously.

Mr. Ferlon Brown requested to have his utility arborist license reinstated. Mr. Mayes made a motion to allow reinstatement of Mr. Brown's utility arborist license. This motion was seconded by Mr. Hoover and passed unanimously.

At 10:18 a.m. the meeting was turned over to the hearing officer, Lindsey Hunter.

ADJUDICATORY HEARING

NEW CASES

Ross Anthony Couvillion
502 Doctor Gorman Drive
Belle Chasse, LA 70037

Case No.: 14-013

Two violations of L.R.S. 3:3804 (C) for advertising, engaging and soliciting in a regulated profession (landscape horticulturist), without a proper license. One violation of L.R.S. 3:3810 (A) (2) for violating a stop order.

Stipulation and \$750.00 payment received. **Motion:** Mr. Ruckstuhl made a motion to accept the stipulation and payment. This motion was seconded by Mr. Hopper and passed unanimously.

James P. Freeman
2113 27th Street
Kenner, LA 70062

Case No.: 14-014

Two violations of L.R.S. 3:3804 (C) for advertising and engaging in a regulated profession (arborist), without a proper license. One violation of L.R.S. 3:3810 (A) (2) for violating a stop order.

Mr. Freeman was not present but the department proceeded because service was effected. **Motion:** Mr. Mayes made a motion to find Mr. Freeman in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$750.00. **Motion:** Mr. Hoover made a motion to accept the recommended penalty. This motion was seconded by Mr. Mayes and passed unanimously.

Nick Glover
d/b/a Glovers Stump Grinding Plus
119 Dunleith Drive
Destrehan, LA 70047

Case No.: 14-015

Five violations of L.R.S. 3:3804 (C) for advertising, engaging and soliciting in a regulated profession (arborist and landscape irrigation contractor) without the proper licenses. Four violations of L.R.S. 3:3810 A (2) for violating a stop order. One violation of L.R.S. 3:3810 (A) (1) (b) for receiving income while engaging in a regulated profession.

Motion: Mr. Parker made a motion to find Mr. Glover in violation. This motion was seconded by Mr. Mayes and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$2,500.00. **Motion:** Mr. Parker made a motion to accept the recommendation. This motion was seconded by Mr. Hopper and passed unanimously. **Motion:** Mr. Parker made a motion to allow Mr. Glover to take the arborist exam now and get a 2014 license but pay his fine in full before renewing his license for 2015. This motion was seconded by Mr. Hoover and passed unanimously.

At 11:23 the commission took a break. The meeting reconvened at 11:30 with all members present.

The meeting was turned back over to Mr. Bass at 11:55 a.m.

NEW BUSINESS

Director's Report

Mr. Hardy gave the following updates:

Our Division is conducting a 12-month survey of all citrus trees in Plaquemines Parish, both residential and commercial. The goal is to determine the presence and potential extent of infestation by various citrus pests, specifically citrus canker, citrus greening and Asian citrus psyllid. Funds for the survey were obtained through grant monies as part of the federal Farm Bill.

Redbay ambrosia beetle and the laurel wilt fungus it vectors continue to spread in north Louisiana. Three parishes now are confirmed (Union, Claiborne and Lincoln). Louisiana is the 7th state to find the disease/insect complex. The only regulatory action planned is stop sale of any ornamentals found to have the beetle/fungus under the quality provisions of the Horticulture Law.

Mr. Hardy will be participating in a full-committee Systems Approach to Nursery Certification (SANC) meeting in January to discuss future directions for this voluntary program. Pilot programs are being tested in 8 states.

Mr. Rankins, with assistance from a select committee, has finalized changes to the landscape irrigation contractor exam. The new exam will be implemented soon.

Our Division will seek to amend the Horticulture Law in the 2015 legislative session. Amendments include increasing fines and adding to the definition section.

Landscape Irrigation Contractors Exam

Motion: Mr. Hopper made a motion to accept the new landscape irrigation contractor's exam. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

Horticulture Law Amendments

The Horticulture Commission offered a resolution to pursue legislative changes to increase civil penalties for violations of the Louisiana Horticulture Law and any rule or regulation adopted pursuant thereto. **Motion:** Mr. Mayes made a motion to adopt the resolution. This motion was seconded by Mr. Hoover and passed unanimously.

PUBLIC COMMENTS

There were no public comments but Mr. Bass took a moment to thank everyone for the good job that they do.

ADJOURNMENT

Motion: Mr. Parker made a motion to adjourn at 12:21 p.m. This motion was seconded by Mr. Ruckstuhl and passed unanimously.