

HORTICULTURE COMMISSION MEETING

October 8, 2013

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 9:33 a.m.

ROLL CALL

The roll was called by Mrs. Bellington.

Members present: Fred Bass, Todd Parker, Steven Hoover, Harold Tani, Rob Barry, Zefferino Von Kurnatowski, Chad Danos and Jack Hopper, Rusty Ruckstuhl and Aaron Wade.

Members absent: Dr. William Richardson and Mitch Mayes.

A quorum was present.

Others present: Lindsey Hunter, Hearing Officer; Murphy Bell, Commission's Attorney; Tad Hardy, LDAF; Ansel Rankins, LDAF; Kadee Bonvillain, LDAF; Sammy Salvato, LDAF; and Fran Bellington, LDAF.

PUBLIC COMMENTS

There were no public comments but Mr. Bass took a moment to thank everyone for their time.

APPROVAL OF MINUTES

Motion: Mr. Parker made a motion to approve the minutes from the July 11, 2013 hearing. This motion was seconded by Mr. Hoover and passed unanimously.

SET NEXT HEARING DATE

The next Horticulture Commission meeting will be Thursday, December 12, 2013 at 9:30 a.m. in the Veterans' Memorial Auditorium.

OLD BUSINESS

There was no old business.

REINSTATEMENT REQUEST

There were no reinstatement requests.

At 9:36 a.m. the meeting was turned over to the hearing officer.

ADJUDICATORY HEARING

NEW CASES

Gene Norton

406 Patrick St.

Minden, LA 71055

Case No.: 13-006

One violation of L.R.S. 3:3804 (C) for engaging in a regulated profession (arborist) without the proper license and one violation of L.R.S. 3:3810 (A) (2) for violating a cease and desist order.

Stipulation and \$500.00 payment received. **Motion:** Mr. Parker made a motion to accept the stipulation. This motion was seconded by Mr. Ruckstuhl and passed unanimously. **Motion:** Mr. Parker made a motion to fine Mr. Norton \$1,000.00 per violation for a total fine of \$2,000.00. This motion was seconded by Mr. Von Kurnatowski and passed unanimously.

Jonathan Scully
1401 Fairmont Ave.
Morgan City, LA 70380

Case No.: 13-007

Two violations of L.R.S. 3:3804 (C) for engaging in a regulated profession (landscape horticulturist) without the proper license and one violation of L.R.S. 3:3810 (A) (2) for violating a cease and desist order.

Mr. Scully was present. **Motion:** Mr. Ruckstuhl made a motion to find Mr. Scully in violation. This motion was seconded by Mr. Hopper and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$750.00. **Motion:** Mr. Ruckstuhl made a motion to accept the recommended penalty. This motion was seconded by Mr. Hoover and passed unanimously.

Jimmy Nutt
d/b/a Nutt's Tree Service
451 Shadows Ln.
Dubberly, LA 71024

Case No.: 13-008

Three violations of L.R.S. 3:3804 (C) for soliciting and engaging in a regulated profession (arborist) without the proper license.

Stipulation received. **Motion:** Mr. Parker made a motion to accept the stipulation. This motion was seconded by Mr. Von Kurnatowski and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$750.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Von Kurnatowski and passed unanimously.

Hugo Martinez
d/b/a Hugo's Lawn & Garden Service
114 B South Dr.
Natchitoches, LA 71457

Case No.: 13-009

Five violations of L.R.S. 3:3804 (C) for advertising in a regulated profession (landscape horticulturist) without the proper license and four violations of L.R.S. 3:3810 (A) (2) for violating a Notice of Non-Compliance and cease and desist orders.

Stipulation received. **Motion:** Mr. Parker made a motion to accept the stipulation. This motion was seconded by Mr. Hopper and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$2,250.00. **Motion:** Mr. Ruckstuhl made a motion to accept the recommended penalty. This motion was seconded by Mr. Danos and passed unanimously.

Bo Torres
d/b/a Community Tree Service
329 Jefferson St.
Lake Charles, LA 70605

Case No.: 13-010

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

Mr. Torres was not present but the department proceeded because service was effected. **Motion:** Mr. Ruckstuhl made a motion to find Mr. Torres in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$1,000.00 per violation for a total fine of \$2,000.00. **Motion:** Mr. Von Kurnatowski made a motion to accept the recommended penalty and for the department to seek an injunction. This motion was seconded by Mr. Parker and passed unanimously.

Kelvin Robins
5321 Highland Ridge
Baton Rouge, LA 70807

Case No.: 13-011

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

Mr. Robins was present. **Motion:** Mr. Danos made a motion to find Mr. Robins in violation. This motion was seconded by Mr. Wade and passed unanimously. Recommended penalty of \$1,000.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Von Kurnatowski and passed unanimously.

The meeting was turned back over to Mr. Bass at 10:34 a.m. The commission took a break at this time. The meeting reconvened at 10:40 a.m.; all members in attendance were present.

NEW BUSINESS

Adoption of Notice of Intent to amend regulations

Motion: Mr. Parker made a motion to adopt the Notice of Intent to amend the regulations regarding the Landscape Architect exam. This motion was seconded by Mr. Danos and passed

unanimously. **Motion:** Mr. Danos made a motion to approve the resolution for the adoption of the regulations. This motion was seconded by Mr. Parker and passed unanimously.

Mr. Hardy gave the following updates:

A Louisiana Citrus Canker Response Plan has been drafted and quarantine boundaries surrounding the area where the disease has been found have been proposed to USDA. New finds are creating a shifting landscape and we are pursuing potential sources of funding to implement parts of the Plan.

Mr. Rankins attended the CLARB annual meeting in September, where he was appointed chairman of the Member Board Executive Committee, effective October 1. This is a great honor and carries a significant level of national responsibility. We are very proud of this accomplishment.

LDAF is feeling the effects of the federal government shutdown, mostly through reduced communications with our federal counterparts. However, we are hopeful that any lost time/action can be made up in good time.

Janet LeBlanc has joined our Horticulture staff as of October 1, replacing Mary Hebert. Janet will handle all of the permit work in our office, including cut flower, nursery grower and nursery stock dealer permits as well as apiary registration and other routine duties.

PUBLIC COMMENTS

There were no public comments but Mr. Bass took a moment to thank the staff and the commission for the great job that they do.

ADJOURNMENT

Motion: Mr. Parker made a motion to adjourn at 10:59 a.m. This motion was seconded by Mr. Von Kurnatowski and passed unanimously.