

**STRUCTURAL PEST CONTROL COMMISSION**  
**Veterans' Memorial Auditorium**  
**5825 Florida Blvd., Baton Rouge, LA**  
**December 10, 2019 – 9:30 a.m.**  
**MINUTES**

**CALL TO ORDER**

The meeting was called to order by Mr. Bass at 9:35 a.m.

**ROLL CALL**

Members present: Fred Bass, Benjy Rayburn, Joe Arceneaux, Bob Kunst and Dr. James Ottea.

Others present: Harry Schexnayder-LDAF, Amanda LaGroue-LDAF Attorney, Kelly Moore-LDAF, Alicia Wheeler-Hearing Officer, Shelly Graham-LDAF, Amy McInnis-LDAF General Counsel, Chris Keefer-Syngenta, Milton Schleismann-LDAF, Mike Lollar-NOLA Pest Control, Aaron Lyons-Attorney, Alex Sabo-LDAF, Richard Norcross-Terminix Int-BR, and Ryan Beebee-Beebee's Pest and Termite Control.

**AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

**PUBLIC COMMENTS**

There were no public comments.

**APPROVAL OF THE MINUTES**

**Motion:** Mr. Kunst made a motion to approve the minutes from the August 28, 2019 meeting. The motion was seconded by Mr. Arceneaux and passed unanimously.

**LABELS FOR REVIEW**

***Advion WDG – Chris Keefer, Syngenta***

Mr. Keefer presented information on Syngenta's Advion WDG product.

Mr. Kunst and Mr. Arceneaux asked several questions regarding Section 6.8 and whether or not a statement should be placed on front of the label emphasizing that this product is not meant to be a stand-alone treatment for termites.

**Motion:** Mr. Arceneaux made a motion to approve based on the label going back to the manufacturer, and if need be to the EPA, to add a statement on the front of the label saying the product is not meant to be a stand-alone treatment for termites, and not distributing the product until we hear from the EPA. The motion was seconded by Mr. Kunst and passed unanimously.

**ADJUDICATORY HEARING**

Hearing Officer Alicia Wheeler conducted the hearing. LDAF Attorney Amanda LaGroue presented the following cases:

**Jacob Cohn, Case No. 2219 (Continued)**

Ms. LaGroue stated that Counsel for the Defendant requested this matter be continued. Ms. Wheeler granted the request.

**Kenneth Aucoin, Case No. 2236 (Continued)**

Ms. LaGroue stated that the Defendant requested this matter be continued. Ms. Wheeler granted the request.

**Robert Achary, Case No. 2218**

The Department charged Mr. Achary with one (1) violation; LRS 3:3371(A)(14) to wit: LAC 7XXV.117(B).

Ms. LaGroue admitted LDAF's Exhibits 1 and 2 into the record.

Mr. Achary was not present. This is Mr. Achary's first offense. Respondent admits to allegations and agrees to the penalty of \$1,000.00 with \$500 suspended if paid within 30-days after receipt of the Commission's acceptance. The stipulation was signed by all parties.

Mr. Kunst asked if all fees were paid during the time that the permit was not renewed. Ms. LaGroue stated that information is outside of what was admitted into evidence.

Mr. Arceneaux asked if the Respondent gave a reason for non-payment of the permit. Ms. LaGroue stated that information is also outside of what was admitted into evidence.

Ms. Wheeler made a statement about the proper procedures regarding a fair hearing.

Ms. McInnis made an advisory statement to the commission that it is within a Respondent's rights to enter into a stipulation of the facts of the case and to work with the department on an agreement. By rejecting the stipulation, the commission is depriving the Respondent of that right.

**Motion:** Mr. Kunst made a motion to reject the stipulation. The motion was seconded by Mr. Arceneaux. The motion carries with Mr. Kunst, Mr. Arceneaux, and Dr. Ottea voting in favor, and Mr. Bass and Mr. Rayburn opposing.

**Mike Lollar, Case No. 2210**

The Department charged Mr. Lollar with one (1) violation; LRS 3:3371(A)(3).

Mr. Lollar was present and sworn in by the Hearing Officer.

Ms. LaGroue admitted LDAF's Exhibit 1 into the record. *Mr. Arceneaux recused himself.*

Ms. LaGroue called Mr. Milton Schleismann, LDAF District Manager, New Orleans, Louisiana, as a witness. Mr. Schleismann was sworn in by the Hearing Officer. Ms. LaGroue questioned Mr. Schleismann regarding his investigation involving Mr. Lollar. Ms. LaGroue admitted LDAF's Exhibits 2 and 3 (In Globo) into the record.

Mr. Lollar did not have any questions for the witness.

Mr. Kunst questioned Mr. Schleismann.

Mr. Lollar gave a statement to the Commission and admitted to the violation.

The Commission questioned Mr. Lollar.

Ms. LaGroue gave closing arguments and asked that the Commission find Mr. Lollar in violation of LRS 3:3371(A)(3) and recommended a penalty of \$500, following the penalty matrix.

Mr. Kunst asked several questions regarding the penalty matrix.

**Motion:** Mr. Rayburn made a motion to find Mr. Lollar in violation of the charges as presented. The motion was seconded by Mr. Kunst and passed unanimously by the remaining members. Mr. Arceneaux was recused.

**Motion:** Mr. Kunst made a motion to assess a penalty of \$5,000 for one (1) violation, with \$2,500 of that penalty suspended unless Mr. Lollar is found guilty of a similar violation within one year of this conviction. The Hearing Officer cautioned the Commission to keep in mind that the charge against Mr. Lollar only includes one violation and the penalty should be based on the charge that is currently before the Commission. Ms. LaGroue advised that the penalty matrix does range from \$500 to \$1,000 for a first time violation. The motion was seconded by Dr. Ottea. Mr. Bass and Mr. Rayburn opposed the motion. Mr. Arceneaux remained recused. The motion failed.

**Motion:** Mr. Rayburn made a motion to assess a penalty of \$1,000 for one (1) violation. Mr. Kunst asked Mr. Rayburn to amend the motion to assess a penalty of \$2,000, with \$1,000 of that penalty suspended unless Mr. Lollar is found guilty of a similar violation within one year of this conviction. Mr. Rayburn agreed to the amended motion. The motion was seconded by Mr. Bass. Mr. Arceneaux remained recused. Ms. LaGroue noted that this amount does fall outside of the penalty matrix. Mr. Kunst noted that he was involved in writing the penalty matrix and aware that it is a policy which can be overturned at any time. The motion passed unanimously by the remaining members.

### **Terminix International Co. - BR, Case No. 2183**

The Department charged Terminix Int-BR with four (4) violations; two (2) violations of LRS 3:3371(A)(14), specifically LAC 7:XXV 141(D)(1)(d), one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(1), and one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(4).

Mr. Aaron Lyons was present to represent Terminix Int-BR as counsel. Respondent admits to one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(1) and agrees to pay the penalty of \$200 within 30-days after receipt of the Commission's acceptance. Respondent denies the remaining violations.

### **36620 Plantation Blvd, Prairieville, LA 70769**

Ms. LaGroue admitted LDAF's Exhibit 1 into the record.

Ms. LaGroue called Mr. Alexander Sabo, AES Inspector 3, in Baton Rouge, Louisiana, as a witness. Mr. Sabo was sworn in by the Hearing Officer. Ms. LaGroue asked Mr. Sabo to identify Exhibit 2 (In Globo) and questioned him regarding his investigation of termite control work performed at 36620 Plantation Blvd, Prairieville, LA 70769. Ms. LaGroue admitted LDAF's Exhibit 2 (In Globo) into the record.

Ms. LaGroue asked Mr. Sabo to identify Exhibit 3 (InGlobo), which were photos of termite damage and baiting traps from 36620 Plantation Blvd, Prairieville, LA 70769. Ms. LaGroue admitted LDAF's Exhibit 3 (In Globo) into the record.

Ms. LaGroue asked Mr. Sabo to identify Exhibit 4 (In Globo) and questioned him regarding his inspection of termite control work records pertaining to 36620 Plantation Blvd, Prairieville, LA 70769. Ms. LaGroue admitted LDAF's Exhibit 4 (In Globo) into the record.

Ms. LaGroue asked Mr. Sabo to identify Exhibit 5 (In Globo) and questioned him regarding his inspection to clear up records from Terminix Int-BR that did not contain all required information. Ms. LaGroue admitted LDAF's Exhibit 5 (In Globo) into the record.

Mr. Lyons questioned Mr. Sabo regarding his records inspection of termite control work performed at 36620 Plantation Blvd, Prairieville, LA 70769.

Ms. LaGroue had a follow-up question for Mr. Sabo regarding the bait stations at this property.

*Five minute recess. Everyone was present after the break.*

Mr. Kunst questioned Mr. Sabo.

Mr. Lyons called Mr. Richard Norcross, Terminix International-BR, as a witness. Mr. Norcross was sworn in by the Hearing Officer.

Mr. Lyons questioned Mr. Norcross regarding the computer program used by Terminix International-BR, and asked him to identify Respondent's Exhibit 1. Mr. Lyons admitted Respondent's Exhibit 1 into the record.

Ms. LaGroue questioned Mr. Norcross regarding recordkeeping requirements for bait stations listed in the SPC rules and regulations. Mr. Lyons and the Commission had further questions for Mr. Norcross.

**Motion:** Mr. Kunst made a motion to find Terminix International-BR not guilty of one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(4). The motion was seconded by Mr. Arceneaux. Mr. Bass, Mr. Rayburn, and Dr. Ottea opposed the motion. The motion failed.

Mr. Lyons, Ms. LaGroue, the Commission, and the Department each made statements regarding the recordkeeping requirements.

**Motion:** Mr. Kunst made another motion to find Terminix International-BR not guilty of one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(4). The motion was seconded by Mr. Arceneaux and passed unanimously by the remaining members.

### **1024 Claiborne Rd, Baton Rouge, LA 70810**

Ms. LaGroue called Mr. Alexander Sabo, AES Inspector 3, in Baton Rouge, Louisiana, as a witness. Mr. Sabo remained under oath. Ms. LaGroue asked Mr. Sabo to identify Exhibit 6 (In Globo) and questioned him regarding his investigation of termite control work performed at 1024 Claiborne Rd, Baton Rouge, LA 70810. Ms. LaGroue admitted LDAF's Exhibit 6 (In Globo) into the record.

Ms. LaGroue asked Mr. Sabo to identify Exhibit 7 (In Globo), which were photos of termite damage from 1024 Claiborne Rd, Baton Rouge, LA 70810. Ms. LaGroue admitted LDAF's Exhibit 7 (In Globo) into the record.

Ms. LaGroue asked Mr. Sabo to identify Exhibit 8 (In Globo) and questioned him regarding his inspection of termite control work records pertaining to 1024 Claiborne Rd, Baton Rouge, LA 70810. Ms. LaGroue admitted LDAF's Exhibit 8 (In Globo) into the record.

Mr. Lyons questioned Mr. Sabo regarding Exhibit 8. Ms. LaGroue and the Commission had further questions for Mr. Sabo.

Mr. Lyons called Mr. Richard Norcross, Terminix International-BR, as a witness. Mr. Norcross remained under oath. Mr. Lyons questioned Mr. Norcross regarding Exhibit 8. Ms. LaGroue and the Commission questioned Mr. Norcross.

**Motion:** Mr. Arceneaux made a motion to find that there is not a preponderance of evidence finding that the Respondent violated the minimum specifications on the property located at 1024 Claiborne Rd, Baton Rouge, LA 70810. The motion was seconded by Mr. Kunst and passed unanimously by the remaining members.

*Five minute recess. Everyone was present after the break.*

### **8008 Bluebonnet Blvd, Baton Rouge, LA 70810**

Respondent admits to allegations of violating LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(1) and agrees to pay the penalty of \$200 within 30-days after receipt of the Commission's acceptance.

**Motion:** Mr. Arceneaux made a motion to accept the facts set forth in the stipulation. The motion was seconded by Mr. Kunst and passed unanimously by the remaining members.

**Motion:** Mr. Rayburn made a motion to assess a penalty of \$200 for one (1) violation. The motion was seconded by Mr. Kunst and passed unanimously by the remaining members.

Ms. LaGroue called Mr. Alexander Sabo, AES Inspector 3, in Baton Rouge, Louisiana, as a witness. Mr. Sabo remained under oath. Ms. LaGroue asked Mr. Sabo to identify Exhibit 9 and questioned him regarding his investigation of termite control work performed at 8008 Bluebonnet Blvd, Baton Rouge, LA 70810. Ms. LaGroue admitted LDAF's Exhibit 9 into the record.

Ms. LaGroue asked Mr. Sabo to identify Exhibit 10(In Globo) and questioned him regarding this Exhibit. Mr. Lyons objected to LDAF's Exhibit 10 (In Globo). The Hearing Officer sustained the objection.

Ms. LaGroue asked Mr. Sabo to identify Exhibit 11 (In Globo), which were photos of termite damage from 8008 Bluebonnet Blvd, Baton Rouge, LA 70810. Ms. LaGroue admitted LDAF's Exhibit 11 (In Globo) into the record.

Ms. LaGroue and Mr. Lyons had further questions for Mr. Sabo.

Ms. LaGroue asked Mr. Sabo to identify Exhibit 12 and questioned him regarding this Exhibit. Ms. LaGroue admitted LDAF's Exhibit 12 into the record.

The Commission questioned Mr. Sabo.

The Commission called Mr. Richard Norcross, Terminix International-BR, for further questions. Mr. Norcross remained under oath.

Ms. LaGroue and Mr. Lyons gave closing arguments.

**Motion:** Mr. Arceneaux made a motion to find that there is not a preponderance of evidence finding that the Respondent violated the minimum specifications on the property located at 8008 Bluebonnet Blvd, Baton Rouge, LA 70810. The motion was seconded by Mr. Kunst. Mr. Arceneaux, Mr. Kunst, and Dr. Ottea voted in favor of the motion. Mr. Bass and Mr. Rayburn opposed the motion. The motion passed.

*Five minute recess. Everyone was present after the break.*

**OLD BUSINESS**

There was no old business to discuss.

**NEW BUSINESS**

***LPMA Report – Jeff Porter***

Mr. Porter was not able to attend. Mr. Schexnayder relayed information from Mr. Porter stating that the LSU LPMA Summer Institute is now the Winter Institute and it will be held January 6-9, 2020. Mr. Porter sent out emails with more information about the institute. Also, the LPMA convention will be held January 28-30, 2020.

***LDAF Report – Harry Schexnayder***

Mr. Schexnayder recognized Mr. Kunst for his dedicated service to the Commission for the last sixteen years and presented him with a plaque on behalf of the Department.

Mr. Kunst mentioned that since he first started attending Commission meetings in 1986, they have become more professional each year. He also stated that of all the things he has been proud of in his life; his service on this Commission is number one.

Mr. Bass, Mr. Arceneaux, Mr. Schleismann, and Mr. Rayburn thanked him for his time and service with the Commission.

Mr. Kunst thanked everyone for their comments and for working with him during his time on the Commission.

**CONSIDERATION OF LICENSEE APPLICATIONS**

<b>NAME OF APPLICANT</b>	<b>PHASES</b>	<b>STAFF RECOMMENDATION</b>	<b>COMMISSION DECISION</b>
Scott Broussard	GPC CVC StrucFum	Approve Approve Disapprove	Approve Approve Disapprove
Matthew Elmer	GPC CVC	Approve Approve	Approve Approve
Gregory Galey	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Claire Kelly	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
John Louviere	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Lavan Mcgowan	TC	Approve (pending CACTP)	Approve (pending CACTP)
Lee Rogers	GPC	Approve	Approve

**Motion:** Mr. Rayburn made a motion to disapprove Mr. Scott Broussard in Structural Fumigation due to lack of required experience. The motion was seconded by Mr. Arceneaux and passed unanimously.

**Motion:** Mr. Arceneaux made a motion to approve all remaining applicants, including Mr. Scott Broussard in General Pest Control and Commercial Vertebrate. The motion was seconded by Mr. Kunst and passed unanimously.

## **STATUS REPORTS**

Mr. Schexnayder presented the status report for the 3<sup>rd</sup> Quarter of 2019. Mr. Schexnayder stated that the numbers are in line with previous years. 15,011 WDIE's and 9,969 WDIR's which resulted in total collected revenue of \$299,757 for the 3<sup>rd</sup> Quarter. This brings the total revenue to \$805,026 at this time. There were 378 total structural inspections done in the 3<sup>rd</sup> Quarter.

## **OTHER BUSINESS**

### **Revisit EPLI**

Mr. Kunst led a discussion regarding Exterior Perimeter/Localized Interior Structural Termite Treatments. He stated that the industry in Louisiana has not been given approval on these products in the past because of certain criteria, but he recommended that the state should research EPLI products used in other states and begin testing on several homes in Louisiana.

### **Update on State Contracts**

Mr. Schexnayder updated the Commission concerning the work being done to insure all state contracts in use have been approved by the Commission.

### **Minimum Standards: Treatment of Voids and Legal Ramifications**

Mr. Kunst recommended having the Rules Committee discuss a rule change to require that if you are not going to drill hollow block, you must make a note on the original graft stating that you did not drill the hollow block because there was a void present in which you could not put the chemical.

Mr. Kunst also recommended having the Rules Committee discuss a mandate stating that when a pest control company finds out there was a change of ownership in a home under contract; a copy of the contract, along with any waivers, be sent to the new homeowner.

## **PUBLIC COMMENT**

Mr. Aaron Lyons spoke on behalf of Terminix International-BR. Mr. Lyons asked the Commission for clarification on the contract transfer law.

Mr. Ryan Beebee asked the Commission for clarification on contracts, fees, and several other business practices.

## **FUTURE MEETINGS**

The next Structural Pest Control Commission meeting will be held on March 3, 2020, at 9:30 a.m., at the Department of Agriculture and Forestry, Veterans' Memorial Auditorium.

## **ADJOURN**

**Motion:** Mr. Rayburn made a motion to adjourn the meeting. The motion was seconded by Mr. Arceneaux and passed unanimously. The meeting adjourned at 3:01 p.m.