

**STRUCTURAL PEST CONTROL COMMISSION**

**August 3, 2011**

**Veterans' Memorial Auditorium**

**5825 Florida Blvd.**

**Baton Rouge, LA 9:00 am**

**Minutes**

**CALL TO ORDER**

The meeting was called to order by Mr. Bass at 9:09 a.m.

**ROLL CALL**

Members present: Todd Parker, Dr. Tim Schowalter, Bob Kunst and Dan Foster and Fred Bass.

Other present: David Fields, LDAF Bobby Simoneaux, LDAF, Tyrone Dudley, LDAF, Marvin Montgomery, LDAF General Counsel, Michael Vallan Assistant Attorney General, Mary Anderson, LDAF and Lisa Hall, LDAF.

**AMENDMENTS TO THE AGENDA**

None

**PUBLIC COMMENT**

None

**APPROVAL OF MINUTES**

**Motion:** Mr. Foster made a motion to approve minutes. This motion was seconded by Mr. Parker and passed unanimously.

**OLD BUSINESS**

Mr. Michael Cripps addressed the committee. Mr. Cripps stated that he had made a request for himself and his brother, Steven Cripps to address the Commission. Mr. Cripps has submitted his application for registration. After Mr. Cripps addressed the Commission, Mr. Montgomery stated the Mr. Cripps had a SPCC case in 1999 and a fine balance is still owed in the amount of \$10,000 and that the appeal process has prescribed.

**Motion:** Mr. Foster made a motion to deny Mr. Cripps request to have his and his brother's license issued unless he pays proper respect to the Commission by paying in full the fine of \$10,000 with interest and appear before the commission.

**Substitute motion:** Mr. Kunst made a motion to deny Mr. Michael Cripps request to have his license and registration reinstated unless he pays proper respect to the Commission by paying in full the fine of \$10,000 plus interest and appear before the Commission again. This motion was seconded by Mr. Foster and passed unanimously.

Mr. Bass called for a break at 10:06. Mr. Bass called the meeting back to order at 10:15. All Commission members returned to the meeting.

## **NEW BUSINESS**

### *LABELS FOR REVIEW*

*FMC – Talstar Professional Insecticide –*

**Motion:** Mr. Foster made a motion to approve the label. This motion was seconded by Mr. Kunst and passed unanimously.

*Control Solutions – Tony Gugliuzza – Taurus SC*

**Motion:** Mr. Kunst made a motion to approve the label with a LDAF approved training course for at least a licensee from each place of business. This training course will be supplied by and paid for by Control Solutions. Control Solutions will be required to give LDAF a list of trained licensees. This motion was seconded by Mr. Foster and passed unanimously.

### *BAIT COMMITTEE REPORT*

Dow AgroSciences – Joe Demark, Nicky Hebert

Mr. Fields reported that the committee recommends approval for the Dow AgroSciences Shatter, Recruit IV, Recruit IVAG, Recruit HD labels and Sentricon Consumer Sheet.

**Motion:** Mr. Foster made a motion to approve the Bait committee recommendation to approve the Dow AgroSciences Shatter, Recruit IV, Recruit IVAG, Recruit HD labels and Sentricon Consumer Sheet. This motion was seconded by Dr. Schowalter and passed unanimously.

### *CONTRACT REVIEW COMMITTEE REPORT*

Mr. Kunst recused himself from this portion of the meeting.

Mr. Fields reported that the committee recommended that the Fischer Environmental Green Pro Protection Plan contract be approved.

**Motion:** Mr. Foster made a motion to approve the Fischer Environmental Green Pro Protection Plan contract. This motion was seconded by Mr. Parker and passed unanimously.

Insurance Form

Mr. Fields presented a revised Insurance Form. The new form will be called Certificate of Insurance Form. The Contract Review committee recommends that this form be approved.

**Motion:** Mr. Kunst made a motion to approve the Certificate of Insurance Form. This motion was seconded by Mr. Foster and passed unanimously.

### *RESEARCH COMMITTEE APPOINTMENTS*

Mr. Fields presented the recommendations for the Research Committee. The Pest Control Operators that were recommended by LPMA are Butch Morrison, Steve Chiek and Dan Foster. Others on the committee that are statutory are Chancellor Bill Richardson, LSU AgCenter, Commissioner of Agriculture, Mike Strain, DVM, and Dr. John Russin, LSU AgCenter.

**Motion:** Mr. Parker made a motion to appoint the Pest Control Operators, Butch Morrison, Steve Chiek and Dan Foster. This motion was seconded by Dr. Schowalter and passed unanimously.

The Research Committee will meet on August 16, 2011 at 10:00 am.

### *LPMA – Jeff Porter*

Mr. Porter gave a report on the LUS Summer Institute. LPMA has begun to begin with nominations and elections of pest control operators that will be submitted on a list to the Commissioner of Agriculture for two pest control operators to sit on the SPCC. This nomination and election is done every 4 years.

Mr. Porter said that the NPMA will hold their annual convention in New Orleans on October 19<sup>th</sup> – 22<sup>nd</sup>, 2011. Louisiana Day will be held on the 20<sup>th</sup>. For those who are unable to attend the entire convention, a special convention price will be offered to those who can attend only that day. There will be special programs just for the Louisiana Pest Control operators. Mrs. Laura Simpson of Dugas Pest Control is the President elect of NPMA. LA Pest Control companies that are not members of NPMA will be able to register at member prices.

### *LDAF REPORTS*

Mr. Fields presented a draft of proposed rules that need to be changed because of the Administrative Procedures Act. The Administrative Rules Act requires certain rules and regulations in place. We need to begin the process to put rules and regulations in place to provide a procedure if someone requests a change of rule outside of our normal process. We do not have an official procedure in place where they would come and make this request. Also, declaratory judgments or judgments that are issued by this commission need to be done in an Adjudicatory hearing. This will begin the process of setting up the rule so that the adjudicated process would have a formal process. Mr. Fields recommended that this draft be sent to the Rules Committee for their review and make a recommendation to the SPCC. This needs to be placed on the agenda of the next SPCC meeting for potential adoption and to move forward with the process of promulgation.

**Motion:** Mr. Parker made a motion to send the proposed rules to the Research Committee for their review. This motion was seconded by Dr. Schowalter and passed unanimously.

**Motion:** Mr. Kunst made a motion to change agenda by moving the Licensee Applications to the next item of business and to move the adjudicatory cases that have stipulated and two cases where they will address the commission directly then adjourn for lunch and resume the adjudicatory hearing after lunch. This motion was seconded by Dr, Schowalter seconded this motion. Mr. Bass called for public comment. One person asked what time the commission will reconvene after lunch. Mr. Bass called for a vote and this motion passed unanimously.

**CONSIDERATION OF LICENSEE APPLICATIONS** - Tyrone Dudley

NAME OF APPLICANT	PHASES	APPROVED/DISAPPROVED
MICHAEL ANDERSON	GPC,CVC TC	Approved Approved pending termite school
GLEN BOURQUE	TERMITE	Disapproved
JOHN BURLEY	GPC, CVC,TC STRT,COMM	Disapproved for phases
BARBARA CHEATHAM	GPC,CVC	Approved
DAVID COHN	TERMITE	Approved pending termite school
JACOB COHN	GPC, CVC, TC	Approved for all phases
JOSEPH COHN	GPC CVC TC	Approved for all phases
GREGORY COLES	GPC, CVC	Approved for all phases
JAMES CRIPPS	GPC, CVC TC	Approved Approved pending termite school
STEVE CROSBY	GPC	Approved
TODD DECKER	GPC , CVC	Approved
ANDREW DOERFLER	GPC, CVC TC	Disapproved Approved pending termite school
THEODORE EDEN JR	GPC, CVC	Approved for all phases
DOUGLAS FREEMAN	GPC, CVC, TC	Disapproved for all phases
JOHN HARRINGTON	GPC, CVC	Approved for all phases
DAVID LASSEIGNE	TERMITE	Approved pending termite school

RANDY LAWRENCE	TERMITE	Approved pending termite school
LOUIS LINER	GPC, CVC	Approved for all phases
DARRELL MOSELEY	GPC, CVC TC	Approved Approved pending termite school
TYREE PERKINS	GPC	Disapproved
CORI POWELL	GPC	Approved
DAVID RHUDY	GPC, CVC COMM	Approved for all phases
JOSHUA RICHARDSON	GPC, CVC, TC	Disapproved for all phases
ERAN ROCHINSON	GPC,CVC,TC	Disapproved for all phases
BERT SMITH	GPC	Approved
BRAD TRICHE	GPC ,CVC	Approved for all phases
DENNIS WEBB	GPC ,CVC TC	Approved Approved pending termite school

### **ADJUDICATORY HEARING**

Mr. Bass turned over the meeting to the Hearing Officer, Michael Vallan.

#### *Hewitt Armstrong*

Mr. Armstrong appeared to ask the commission to suspend the remaining suspension time. He has paid his fees in full. Mr. Armstrong's suspension is not complete until August, 2012.

**Motion:** Mr. Foster made a motion to suspend the remaining time of suspension effective immediately. This motion was seconded by Mr. Parker and passed unanimously.

#### *Robert S. Conn*

Mr. Conn appeared to ask the commission to suspend the remaining suspension time. He has paid his fine in full. Mr. Conn's suspension is not complete until January, 2012.

**Motion:** Mr. Kunst made a motion to suspend the remaining time of suspension effective immediately. This motion was seconded by Mr. Foster and passed unanimously.

*Mitchel Jones, Case No 1477* – Mr. Jones stipulated to 1 violation and a fine of \$2600, \$200 has been paid leaving a balance of \$2400; and suspension of any Structural Pest Control license, permit or registration until assessed fine of \$2400 has been paid in full and; pay fine by payment schedule not to exceed 2 years and; if he

does not complete all of the conditions, then any and all Structural Pest Control license, permit or registration will be revoked with out any other SPCC action

**Motion:** Mr. Kunst made a motion to accept the stipulation as read. This motion was seconded by Dr. Schowalter. A roll call vote was taken and passed unanimously.

*Robert L. Steel, Case No. 1511*

Mr. Steel was sworn in. Mr. Steel is charged with 1 violation and stipulated to a fine of \$200.

**Motion:** Mr. Kunst made a motion to accept the stipulation as read. This motion was seconded by Mr. Parker and passed unanimously.

Mr. Vallan turned the meeting back over to Mr. Bass.

### **FINANCIAL REORT AND STATUS REPORT**

Mr. Fields gave the commission members copies of the financial and status reports.

**Motion:** Dr. Schowalter made a motion to accept the Financial and Status Reports. This motion was seconded by Mr. Foster and passed unanimously.

Mr. Bass called for a break at 11:30 for lunch and asked everyone to reconvene at 1:00.

Mr. Bass called the meeting back to order at 1:09 pm. All the commission members were present.

Mr. Bass turned the meeting back over to Mr. Vallan to continue the Adjudicatory portion of the meeting.

*Randy Spears, Case # 1512*

Mr. Spears was sworn in by Mr. Vallan. Ms. Dupree asked the commission to adopt the charge letter as the Finding of Fact and Conclusion of Law in Case No. 1512. Mr. Spears has admitted to the violations as charged with the exception of Charge #2.

**Motion:** Mr. Kunst made a motion to accept the Charge Letter as the Finding of Fact and Conclusion of Law. This motion was seconded by Mr. Parker and passed unanimously.

Mr. Fields presented the departments recommendation of penalty:

Violation A1, \$200, A2, dismissed, A3, \$500, and A4, \$200 for a total payable fine of \$900.

**Motion:** Mr. Parker made a motion to accept the penalty recommendation. This motion was seconded by Mr. Kunst and passed unanimously.

*Willie Cripps, Case #1510*

Mr. Cripps was sworn in by Mr. Vallan. Mr. Montgomery presented the charges against Mr. Cripps.

Mr. Montgomery called Toby Richmond, LDAF Inspector as a witness. Mr. Richmond was sworn in by Mr. Vallan.

Mr. Montgomery called Dr. Robert Davis, BASF as a witness. Dr. Davis was sworn in by Mr. Vallan. Dr. Davis testified as to the proper application rate for Termidor SC.

Mr. Vallan called a recess at 2:25 p.m.

Mr. Vallan called the meeting back to order at 2:31 p.m. All commission members were present.

Mr. Cripps made a statement to the commission.

**Motion:** Mr. Kunst made a motion to find Mr. Cripps in violations outlined in the charge letter. This motion was seconded by Mr. Foster and passed unanimously.

Mr. Fields presented the department penalty recommendations. In case No. 1512, Violation A-1, \$500, A-2, \$250, A-3, \$750 (3 violations @ \$250), A-4, \$500, B-1, \$1000 (2 violations @ \$500), B-2, \$750 (3 violations @ \$250), B-3, \$500 for a total payable fine of \$4250.

**Motion:** Mr. Parker made a motion to accept the penalty recommendations. This motion was seconded by Dr. Schowalter and passed unanimously.

**Motion:** Mr. Kunst made a motion that Mr. Cripps fine of \$4250 be paid in 30 days. This motion was seconded by Mr. Foster and passed unanimously.

Mr. Vallan turned the meeting back over to Mr. Bass.

**Resolution:** Mr. Kunst made a resolution that the LDAF staff will examine the records of all WDI treatments done by Mr. Cripps and if the treatments are not compliance with the law, Mr. Cripps will need to retreat each one to bring them up to the minimum specifications. This resolution was seconded by Mr. Foster and passed unanimously.

Mr. Simoneaux addressed the commission. He said he had received a request from Mr. David Cripps to address the commission and had failed to have this item added to the agenda.

**Motion:** Mr. Parker made a motion to amend the agenda to add David Cripps to address the Commission. This motion was seconded by Mr. Kunst and after request for public comment the motion passed unanimously.

Mr. Simoneaux located Mr. David Cripps in the building. They said that Mr. Cripps had declined to address the Commission.

**PUBLIC COMMENT:**

None

**Motion:** Mr. Foster made a motion to call the Commission into Executive Session. This motion was seconded by Mr. Parker and passed unanimously.

Mr. Bass then called the meeting into Executive Session. Everyone in the room left with the exception of the Commission members and Staff.

Mr. Bass called the meeting back to order. All commission members were present. Mr. Bass reported that there were no votes or decisions made by the Commission while in Executive Session.

**FUTURE MEETINGS**

Mr. Fields recommended that the date of the next SPCC will be November 2, 2011, at 9:00 a.m.

Mr. Marvin Montgomery announced he will retire at the beginning of September. Mr. Montgomery.

**ADJOURN**

**Motion:** Dr. Schowalter made a motion to adjourn the meeting at 4:00 p.m. This motion was seconded by Mr. Parker and passed unanimously.