1. Call to Order

2. Roll Call

3. Declaration of a Quorum

4. Introduction of Guests


6. Consideration and Proposed Action on Division Reports

   A. Administrative Services – Dan Ridings
      Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.

   B. Laboratory Services – Wade Krivanek
      Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.

   C. Forestry Services – Mark Goeller
      Summary of activities and accomplishments in resource protection and rural fire defense, forest management and regeneration, water quality, urban forestry, forestry education and law enforcement. Includes statistics on wildfires and law enforcement activity and narrative of forestry program highlights for the month.

   D. Consumer Protection Services – Kenny Naylor
      Addresses stop sale orders on insect and disease infested crops, phytosanitary certificates issued, insect survey summaries, pesticide registration updates, pesticide inspections, seed program and seed laboratory updates, weights and measures reports, scanner inspections, grain warehouses and meetings attended by division personnel.
E. **Animal Industry Services – Rod Hall, DVM**
Addresses information and activities of staff related to control and eradication of animal diseases affecting livestock and livestock market audits. It also addresses emergency response preparation and education for response to any outbreak of foreign, emerging and/or eradicated disease.

F. **Wildlife Services – Scott Alls**
Summary of activities and accomplishments in wildlife damage management to protect state resources such as agriculture, property, natural resources, and public health and safety from wildlife damage and wildlife threats.

G. **Agricultural Statistics – Troy Marshall**
Addresses the current crop conditions and livestock inventory numbers. Also included is a report on the number of information requests received, reports released during the previous month, reports to be released during the current month, and the meetings attended by Division personnel during the previous month.

H. **Market Development Services – Meriruth Cohenour**
Summary of the accomplishments, projects and events of Ag in the Classroom, Agritourism, Communications, Domestic Marketing (Made in Oklahoma, Made in Oklahoma Coalition), Diversified Marketing (Farmers Market, Specialty Crop Block Grants, Farm to School), International Marketing, Market News and Rural Economic Development.

I. **Agricultural Environmental Management Services – Teena Gunter**
Executive summary that addresses Swine Feeding Operations, registered poultry feeding operations and poultry waste applicators, National Pollutant Discharge Elimination System (NPDES), plus agricultural composting facilities, and Commercial Pet Breeders and Shelters. Includes numbers and statistics on complaint investigations, technical assistance contacts, inspections, enforcement/compliance activities and seminars/meetings attended by Division personnel for the month.

J. **Office of General Counsel – Teena Gunter**
Summarizes activities of the division, including rules, collections, legal research, meetings, support for programs, contracts, employment issues, open records requests, farming and ranching incorporations, and informal and formal enforcement actions before the Board, district court, and federal court.

K. **Food Safety Services – Scott Yates**
Addresses the inspection of meat, poultry, egg, and milk processing facilities to determine compliance with regulatory standards.

L. **Ag Communications and Outreach Update – Morgan Vance**
7. Consideration and Proposed Action on Purchases/Contracts
   OMES Fleet Management (AVL Services) - $114,558
   Purchase three 2022 F150 Super Cab 4WD bed - $86,616
   FY22 four laptops - $14,000
   FY22 - $9,500 tree seedling containers for FRC and FTIC
   FY22 – USDAS Specialty Crop Block Grants - $601,281.19
   FY22 – Oklahoma Grown Farmers Market bags - $14,000
   FY22 – Tulsa Home and Garden Show booth space - $10,000

8. Consideration and Proposed Action on Cases Resolved by Stipulations

   **Agricultural Environmental Management Services**
   Brian Cox, 2139 Union Grove Road, Haworth, Oklahoma
   Terry J. Hendren, 29701 S. 660 Road, Grove, Oklahoma
   Navada Jeffries, P. O. Box 143, Jay, Oklahoma
   Jerry Londagin, 51501 S. 690 Road, Colcord, Oklahoma

   **Consumer Protection Services**
   Mark McPhail, P. O. Box 209, Snyder, Oklahoma
   Signature Landscape, LLC, 9600 N. Eastern Ave., Oklahoma City, Oklahoma
   Wilkins Lawn and Landscape, 44 Westgate Drive, Sulphur, Oklahoma,
   Lin Yongxin, 22150 CR 290, Morrison, Oklahoma

   **Possible Executive Session (if approved by the required number of members present):**
   As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the
   Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in
deliberations or rendering a final or intermediate decision in an individual proceeding
pursuant to Article II of the Administrative Procedures Act.”

9. Consideration and Proposed Action on Recommendation of the Administrative Law Judge

   **Consumer Protection Services**
   Superior Termite and Pest, 205 S. 85th E. Ave., Tulsa, Oklahoma

10. Next Board meeting scheduled for Wednesday, January 26, 2022 at Oklahoma City.

11. Old Business

12. New Business – Under the Open Meeting Act, this agenda item is authorized only for
    matters not known about or which could not have been reasonably foreseen prior to the
    time of posting the agenda or any revised agenda.

13. Adjournment
OFFICIAL PROCEEDINGS
OF THE STATE BOARD OF AGRICULTURE
DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

Oklahoma City, Oklahoma
October 28, 2021

The Oklahoma State Board of Agriculture met in regular session at 1:00 p.m., October 28, 2021, in the Agriculture Building, Oklahoma City, Oklahoma. Written notice of this meeting was filed with the Secretary of State. A notice was posted at the Agriculture Building 24 hours prior to the meeting setting forth thereon the date, time, place and agenda for the meeting and an agenda was posted on the agency website.

Members Present: Joe Farris
Brent Boles
Blayne Arthur
Nocona Cook

Members Absent: Clay Burtrum

Others Present: Kandi Batts, Executive Secretary
JanLee Rowlett, Deputy Commissioner
Dan Ridings, Director, Administrative Services
Wade Krivaneck, Interim Director, Laboratory Services
Mark Goeller, Director, Forestry Services
Kenny Naylor, Director, Consumer Protection Services
Dr. Rod Hall, Director, Animal Industry Services
Troy Marshall, Director Agricultural Statistics
Meriruth Cohenour, Director, Market Development Services
Teena Gunter, Director, Agricultural Environmental Management Services & Office of General Counsel
Scott Yates, Director, Food Safety Services
Morgan Vance, Communications
Jamie Deans, Governor’s Office
Hannah Blankinship, Ag Youth Council

Mrs. Arthur called the meeting to order and a quorum was declared.

Ms. Meriruth Cohenour introduced the guest.
A motion was made by Mr. Bolen, seconded by Mr. Cook, to approve the minutes of the regular meeting of September 15, 2021, as presented.

The vote was as follows:

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Farris</td>
<td>Aye</td>
</tr>
<tr>
<td>Bolen</td>
<td>Aye</td>
</tr>
<tr>
<td>Arthur</td>
<td>Aye</td>
</tr>
<tr>
<td>Cook</td>
<td>Aye</td>
</tr>
</tbody>
</table>

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Farris, to approve the division reports as submitted.

Mr. Naylor, the Director of Consumer Protection Services division, introduced Mr. Gary Smith who runs the weights and measures program. The purpose of the weights and measures program is to protect the consumers and businesses by ensuring that commercial weighing and measuring devices are service properly and perform within acceptable tolerances.

The vote was as follows:

<p>| | |</p>
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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Farris</td>
<td>Aye</td>
</tr>
<tr>
<td>Bolen</td>
<td>Aye</td>
</tr>
<tr>
<td>Arthur</td>
<td>Aye</td>
</tr>
<tr>
<td>Cook</td>
<td>Aye</td>
</tr>
</tbody>
</table>

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the following purchases/contracts as submitted and contained on pages 5 through 7.

The vote was as follows:

<p>| | |</p>
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<thead>
<tr>
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<tbody>
<tr>
<td>Farris</td>
<td>Aye</td>
</tr>
<tr>
<td>Bolen</td>
<td>Aye</td>
</tr>
<tr>
<td>Arthur</td>
<td>Aye</td>
</tr>
<tr>
<td>Cook</td>
<td>Aye</td>
</tr>
</tbody>
</table>

The motion carried.
A motion was made by Mr. Bolen, seconded by Mr. Cook, to approve the Proposed Action on Stipulations as submitted and contained on pages 8 through 10.

**Agricultural Environmental Management Services**
Ernest Fisher, 29335 S. 257th W. Ave. Bristow, Oklahoma
Jeffrey Brian Harrison, 695 County Road 1013 NW, MT. Vernon, Texas
Elvis Poor, 14062 Liberty Hill Road, Cameron, Oklahoma
Trang Farms, 2401 Wyndermere Way, Fort Smith, Arkansas
Nghi Uy Truong, 11520 E. 91st ST., Broken Arrow, Oklahoma
Jeff Vinson, 621 W. 22nd St., Ada, Oklahoma
Vang Cheng Yang, 20251 S. 550 Road, Fairland, Oklahoma

**Consumer Protection Services**
Chemical Weed Control, Inc., 23949 E. 1010 Rd., Weatherford, Oklahoma
Annie Chin, 29225 Dustin Road, Henryetta, Oklahoma
Ronald J. Cline, 424 13th Ave. NE, Miami, Oklahoma
Lawn Guard, 2660 Florance Ave, Tulsa, Oklahoma
Farmers Cooperative, 2105 Industrial Park Road, Van Buren, Arkansas
Partners Lawncare, Inc., 15150 77th E. Ave., Bixby, Oklahoma

The vote was as follows:

- Farris: Aye
- Bolen: Aye
- Arthur: Aye
- Cook: Aye

The motion carried.

**Possible Executive Session (if approved by the required number of members present):** As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.”

A motion was made by Mr. Farris, seconded by Mr. Cook, to approve the Proposed Action on Cases Resolved by Consent Order as submitted and contained on pages 8 through 10.

**Consumer Protection Services**
Sooner Scale, Inc., P. O. Box 82386, Oklahoma City, Oklahoma

The vote was as follows:

- Farris: Aye
- Bolen: Aye
- Arthur: Aye
- Cook: Aye

The motion carried.
There is no Old business presented for the Board to take action upon. Mr. Bolen moved, Mr. Farris seconded, that the meeting be adjourned at 2:25 p.m.

By __________________________

President

ATTEST: _______________________

Executive Secretary
PURCHASES/CONTRACTS

Administrative Services

Oklahoma Governor's Office - $37,500 - The purpose of this MOU is to ensure efficiency in state government by allowing for an allocation of state resources that is most beneficial while also being responsible stewards of taxpayer funds. This MOU will provide shared office space, furniture, and salaries for OG staff for its office in Washington D.C. with the support of funds provided by ODAFF. ODAFF will receive access and use of the facilities, subject to availability, and support from the staff in Washington D.C.

Oklahoma State University - $2,000,000 – Legislative directed expenditure to Oklahoma State University (OSU-DASNR) to provide Agriculture Research and Education Extension program support. This funding is pursuant to Section 2 of House Bill 2906.

Consumer Protection Services

OSU Plant Disease and Insect Diagnostic Lab (PDIDL) --$ 47,991.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.
   This is for payment to the PDIDL lab for processing the Phytophthora ramorum (Sudden Oak Death) plant and water samples from the positive nursery in Eastern Oklahoma. This is fully funded by an USDA APHIS grant.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.
   The nursery will be unable to ship any plants or ODAFF will have to pay the costs of sample analysis.

Forestry Services

FY22 $18,000.00

River Parks Authority Invasive Species Project, $18,000. This project aims to utilize federal funding, to be reimbursed by the United States Forest Service, in order to create an invasive species demonstration area primarily focusing on privet management as well other invasive species including eastern redbed. Without this project we will be unable to demonstrate the importance of active land management as well as the danger of invasive species onto our ecosystems and the importance of invasive species control.

FY 22 $9,500

A strapping machine is used at The Forest Regeneration Center in Goldsby to bundle bare root conservation seedlings for landowners. The strapping machine currently used is more than 5 years old and after significant use, it is no longer functioning properly. The tension cannot be adjusted. The motor works intermittently. Parts are no longer available for it. Without this purchase, we cannot keep accurate inventory of the seedlings and we are unable to prepare the conservation seedlings for landowners to ensure their orders are complete.
FY 22 - $50,000
Sub-awards will be given for the development of Community Wildfire Preparedness Plans (CWPP) for eligible Oklahoma communities. Funding limits have been established according to community population and type of plan. Communities with a population of 5,000 or less are eligible to receive $2,500 for new plans and $1,250 for revisions of existing plans; for populations greater than 10,000 communities are eligible to receive $5,000 for new plans and $2,500 for a revision of existing plans. County-wide CWPPs are eligible for up to $10,000 in funding for plan development. Applications will be reviewed and approved by OFS Hazardous Mitigation Coordinator and Fire Staff. CWPP’s identify critical Wildland Urban Interface (WUI) areas within a community needing mitigation work to protect homes and infrastructure from wildfire. Without these plans being developed by communities, the probability of significant impacts from wildfires will only continue to increase if hazardous fuels are not addressed. Funding for development of the CWPPs will come from the 2018 US Forest Service, State Fire Assistance - Mitigation Grant.

FY22 – Additional $125,000 to original request approved on 2/3/21 of $200,000 to a total of $325,000. New total was not giving until after 8/12/21.
Rural Fire 80/20 Reimbursement Pass-through Grants awarded to certified rural fire departments serving communities under 10,000 in population. Funding limits per application are $30,000 of state appropriated funds for construction and $20,000 for fire equipment. Justification: Fire departments awarded these grants are able to fulfill a critical public safety function by purchasing firefighting equipment and/or build, remodel, or expand fire stations.

FY22, Transport - $182,000 (SFA-Response)
Purchase of a Class 8 Tractor with custom dove-tail bed that will be used to carry a Type 3 firefighting bulldozer. This is a mission critical piece of equipment that will respond to wildfires and all-hazard situations throughout the entire state. With a new transport in service, OFS will be able to provide timely and reliable responses limiting the threat to life and property. The transport will be replacing a 3 Ton truck that is undersized, has excessive mileage and requires frequent repairs as a result. Funding for this entire purchase will come the US Forest Service, State Fire Assistance - Response Grant from FFY19.

FY22, Skid Steer - $118,000 (SFA-Mitigation)
Purchase of a tracked, high-flow skid steer with mulching head that will be used for mitigating hazardous wildland fuels. This is a mission critical piece of equipment that will remove surface and aerial fuels around designated Communities At Risk throughout all of Oklahoma. By eliminating these fuels, responders will have a much safer work environment and have conditions in place that will enhance suppression operations limiting impacts to communities, structures and infrastructure. Funding for this entire purchase will come the US Forest Service, State Fire Assistance - Mitigation Grant from FFY19.

FY22, Drones - $24,000 (LSR)
Purchase of three (3) UAS platforms including cameras and software that will be used to support wildfire suppression efforts as well as prescribed burning. The use of these drones will allow OFS personnel to remotely monitor fireline conditions limiting unnecessary exposure and number of resources required to support the event. These drones will also provide improved intelligence to fireline personnel and incident responders effectively providing a common operating picture. Funding for this entire purchase will come the US Forest Service – Landscape Scale Restoration Grant from FFY20.
FY22, Handheld Radios: $115,000 (245 Fund)
Purchase fifty (50) BKR5000 handheld radios including batteries, chargers and antennae. These radios will be replacing handhelds that are no longer being manufactured or supported by the vendor. The radios will be used by our Fire Management program to support wildfire/emergency response, fuels mitigation projects and coordination/communication with federal, state and local cooperators. These radios will be P25 compliant and purchased from the NASPO contract. Funding for this purchase will come from our 245 funds as a result of revenue generated through prescribed fire services and out of state emergency response.

Market Development Services
USDA-AMS Feeder Prices Grant - $94,000.00
This project is entirely funded by USDA Agricultural Marketing Service (AMS) with ODAFF receiving 6% indirect costs of the project. AMS plans to engage Oklahoma State University research team of agricultural economists to conduct a study on certain aspects of feeder cattle auction market reporting. The study will examine difference in values or prices received for feeder cattle based on numerous attributes beyond the quality grade and condition of the animals, such as documented health program, reputation of seller and genetics, lot size, hide color, gender, weaned status, weather conditions, or as well as production/marketing program – NHTC, organic, all natural, etc. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to helping farmers and ranchers, but also runs the risk of not being awarded money from USDA-AMS in the future.
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

APPROVAL OF CASES

ON THIS 28th day of October 2021 the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture those certain cases summarized on Exhibit A hereto which cases have been resolved by stipulation or consent order. The attached Exhibit A summarizes each action by case name, case number, case type and amount received as a stipulated administrative penalty or by consent order.

ACCORDINGLY, IT IS THEREFORE ORDERED by the State Board of Agriculture that the resolution of each of the cases summarized on Exhibit A hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for each such case; and that the penalty imposed by each such stipulation or consent order is hereby adopted and incorporated herein by reference to Exhibit A hereto.

WITNESS My Hand and Official Seal this 28th day of October 2021.

[Signature]
Blayne Arthur
President
State Board of Agriculture
Exhibit A  
Board of Agriculture  
October 28, 2021

**Cases Resolved by Stipulation**

### Agricultural Environmental Management Services

<table>
<thead>
<tr>
<th>Name</th>
<th>File No.</th>
<th>Division</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ernest Fisher</td>
<td>OGC-21-367</td>
<td>AEMS</td>
<td>$300.00</td>
</tr>
<tr>
<td>Jeffrey Brian Harrison</td>
<td>OGC-21-381</td>
<td>AEMS</td>
<td>$300.00</td>
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<tr>
<td>Elvis Poor</td>
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<td>$200.00</td>
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<td>Trang Farms</td>
<td>OGC-21-099</td>
<td>AEMS</td>
<td>$1,000,000</td>
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<td>Nghi Uy Truong</td>
<td>OGC-20-357</td>
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<td>Jeff Vinson</td>
<td>OGC-19-834</td>
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<tr>
<td>Vang Cheng Yang</td>
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<td>AEMS</td>
<td>$200.00</td>
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### Consumer Protection Services

<table>
<thead>
<tr>
<th>Name</th>
<th>File No.</th>
<th>Division</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Chemical Weed Control, Inc.</td>
<td>OGC-20-844</td>
<td>CPS</td>
<td>$250.00</td>
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<tr>
<td>Annie Chin</td>
<td>OGC-21-284</td>
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<td>Ronald J. Cline</td>
<td>OGC-21-199</td>
<td>CPS</td>
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<td>Lawn Guard</td>
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<td>Farmers Cooperative</td>
<td>OGC-20-849</td>
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<td>Partners Lawncare, Inc.</td>
<td>OGC-20-827</td>
<td>CPS</td>
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## Cases Resolved by Consent Order

### Consumer Protection Services

<table>
<thead>
<tr>
<th>Name</th>
<th>File No.</th>
<th>Division</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Sooner Scale, Inc.</td>
<td>OGC-20-699</td>
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<td>OGC-20-809</td>
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<td>OGC-21-891</td>
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Oklahoma Department of Agriculture, Food & Forestry

December 8, 2021, Board Report

Administrative Services
# Administrative Services – Investigative Services

## Investigative Services Activities

**October 2021**

<table>
<thead>
<tr>
<th>INVESTIGATIONS</th>
<th>October</th>
<th>YTD</th>
<th>FYTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Livestock</td>
<td>4</td>
<td>34</td>
<td>13</td>
</tr>
<tr>
<td>Fire</td>
<td>1</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>Property</td>
<td>1</td>
<td>24</td>
<td>12</td>
</tr>
<tr>
<td>Timber</td>
<td>0</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Agency Assists ODAFF</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Agency Assists External</td>
<td>0</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total Investigations Opened</strong></td>
<td>7</td>
<td>94</td>
<td>39</td>
</tr>
</tbody>
</table>

| Closed Pending Additional Information            | 2       | 19   | 11   |
| No Crime                                        | 2       | 18   | 9    |
| No Prosecution                                  | 0       | 2    | 0    |
| Closed - Assist Case                            | 0       | 8    | 3    |
| Presented to District Attorney for Prosecution  | 0       | 10   | 0    |
| Referred for Administrative Action              | 0       | 0    | 0    |
| **Total Investigations Completed**              | 4       | 57   | 23   |

| Counts Filed                                     | 0       | 23   | 1    |
| Value of Losses - All Crimes                     | $32,000 | $1,255,950 | $932,850 |
| Recovered Losses - All Crimes                    | $10,000 | $266,500  | $183,000  |
| Number of Cattle Reported Stolen                 | 11      | 272   | 85   |
| Number of Cattle Recovered                       | 6       | 151   | 75   |
Administrative Services

• Human Resources

  • HR Assistant/HR Management Specialist position listed to fill vacancy
  • New employee classification rules to be implemented January 1, 2022
    • Eliminates Classified/Unclassified job classes
    • Creates a new job class “State Employee”
    • HR is waiting for the new rules to be released
Administrative Services

• Finance & Accounting
  • GASB 87 – New reporting standard for leases
    • Implemented by the state for fiscal year 2022
    • All leases to be reported to OMES
    • Ends the categorization of leases as operating or capital.
    • Leases that are long term and that provide non-financial benefit will be capitalized.

• Accountant III position listed to fill vacancy
Available Cash at Month End per Allotment Budget & Available Cash Report
Months Ending: July 2017 – October 2021

Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of $11,127,755 as of 10/31/2021.
Administrative Services - Finance

- Cash balance as of 10/31/2021 was $30.9 million compared to $24.7 million as of 10/31/2020.

  - This is an increase of $6.2 million from the prior year and is primarily attributed to the following:
    - Frugal spending in anticipation of a possible revenue failure.
    - Vacant positions we are trying to fill
    - Timing of federal payments
Administrative Services - Finance

• Increase in Legislative directed spending's/pass thru payments to OSU
  • Annual amount increased from $2.88 million in FY 21 to $6 million in FY 22
  • Payments were made monthly in FY 21
  • Payment are scheduled to be made quarterly for FY 22.

• Covid Pandemic
Administrative Services - Finance

• Revenues (excluding appropriations) for July 2021 thru October 2021 totaled $6.6 million.

• This is an increase of $157,000 from the prior year and is primarily attributed to increases in the following revenues:
  • Federal reimbursements
  • Sales of surplus property
  • Cooperative projects
Total Expenses by Month
July 2017 –October 2021

Note 1: Forestry - April 2020 includes a $4.2 million pass thru payment from Oklahoma Emergency Management payable to the US Forest Services for the 2018 Oklahoma fires.

Note 2: Forestry - Fire Operational Grants totaling $4,000,991 were paid out in September 2021.
### FY 2022 Total Expenses by Month with Budget Year

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>Budget Year</td>
<td>22</td>
<td>21</td>
<td>20</td>
<td>19</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Jul-21</td>
<td>$1.27</td>
<td>$0.85</td>
<td>$0.97</td>
<td>$2.68</td>
<td>$7.34</td>
<td>$3.45</td>
<td>$0.00</td>
<td>$1.00</td>
<td>$2.00</td>
<td>$3.00</td>
<td>$4.00</td>
<td>$5.00</td>
</tr>
</tbody>
</table>

**Note:** Millions of $'s
Administrative Services - Finance

• July 2021 – October 2021 expenses were $17.2 million
  • Total expenses for the same period last fiscal year were $24.8 million and included $10 million in meat processing plant grants that were funded via CARES Act funds.
  • Backing off this $10 million results in an increase of $2.4 million for July 2021 – October 2021 and was due to the following:
    • Timing of payments
    • Additional software costs
    • Increased payroll and benefit expenses
      • Increased employed FTE
      • Staff raises
Appropriations Transfers
FY 2018 - thru October 2021

Note: Appropriation transfers are processed quarterly for fiscal year 2022.
Employee FTE Totals
Fiscal Year FY 2006 – FY 2022

Note: FTE listed for fiscal year 22 was based on the FTE as of 11/17/21.
## Administrative Services – Commodity Storage Indemnity

<table>
<thead>
<tr>
<th>Commodity Storage Indemnity</th>
<th>Investment Report</th>
<th>As of October 31, 2021</th>
</tr>
</thead>
</table>

Investments with Office of State Treasurer

| Cash Management Account: | $11,127,755.21 |

**FY-2022 Receipts**

<table>
<thead>
<tr>
<th></th>
<th>Current Month</th>
<th>YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>New</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interest</td>
<td>$9,698.30</td>
<td>$41,862.27</td>
</tr>
<tr>
<td>Reinsurance</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Recovered Salvage</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Elevator Salvage</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Matured Long Term Investments</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**TOTALS**

|                      | $9,698.30     | $41,862.27 |

|----------------------|--------------|------------|
# Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru October 31, 2021

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Account Description</th>
<th>Fiscal Year 2022 Budget</th>
<th>Fiscal Year 2022 Expenditures thru 10/31/2021</th>
<th>Encumbrances &amp; Pre Encumbrances</th>
<th>Available Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>511</td>
<td>Salary Expense</td>
<td>18,489,183</td>
<td>5,116,714</td>
<td>20,539,786</td>
<td>(7,167,317)</td>
</tr>
<tr>
<td>512</td>
<td>Insur.Prem-Hlth-Life,etc</td>
<td>5,949,013</td>
<td>1,353,777</td>
<td>227,032</td>
<td>4,368,203</td>
</tr>
<tr>
<td>513</td>
<td>FICA-Retirement Contributions</td>
<td>4,569,311</td>
<td>1,203,953</td>
<td>-</td>
<td>3,365,358</td>
</tr>
<tr>
<td>515</td>
<td>Professional Services</td>
<td>2,865,945</td>
<td>573,353</td>
<td>1,831,380</td>
<td>461,212</td>
</tr>
<tr>
<td>519</td>
<td>Inter/Intra Agy Pmt-Pers Svcs</td>
<td>109,950</td>
<td>10,664</td>
<td>19,336</td>
<td>79,950</td>
</tr>
<tr>
<td>521</td>
<td>Travel - Reimbursements</td>
<td>324,545</td>
<td>29,633</td>
<td>-</td>
<td>294,912</td>
</tr>
<tr>
<td>522</td>
<td>Travel - Agency Direct Pmts</td>
<td>342,620</td>
<td>37,276</td>
<td>-</td>
<td>305,344</td>
</tr>
<tr>
<td>531</td>
<td>Misc. Administrative Expenses</td>
<td>861,791</td>
<td>245,883</td>
<td>187,305</td>
<td>428,603</td>
</tr>
<tr>
<td>532</td>
<td>Rent Expense</td>
<td>592,040</td>
<td>176,409</td>
<td>293,741</td>
<td>121,889</td>
</tr>
<tr>
<td>533</td>
<td>Maintenance &amp; Repair Expense</td>
<td>1,130,554</td>
<td>189,422</td>
<td>358,026</td>
<td>583,106</td>
</tr>
<tr>
<td>534</td>
<td>Specialized Sup &amp; Mat.Expense</td>
<td>1,221,855</td>
<td>171,557</td>
<td>798,218</td>
<td>252,080</td>
</tr>
<tr>
<td>535</td>
<td>Production,Safety,Security Exp</td>
<td>294,156</td>
<td>29,716</td>
<td>-</td>
<td>264,440</td>
</tr>
<tr>
<td>536</td>
<td>General Operating Expenses</td>
<td>184,403</td>
<td>23,218</td>
<td>-</td>
<td>161,185</td>
</tr>
<tr>
<td>537</td>
<td>Shop Expense</td>
<td>506,681</td>
<td>94,389</td>
<td>103,662</td>
<td>308,630</td>
</tr>
<tr>
<td>541</td>
<td>Office Furniture &amp; Equipment</td>
<td>2,218,372</td>
<td>182,389</td>
<td>155,377</td>
<td>1,880,606</td>
</tr>
<tr>
<td>542</td>
<td>Library Equipment-Resources</td>
<td>600</td>
<td>-</td>
<td>-</td>
<td>600</td>
</tr>
<tr>
<td>543</td>
<td>Lease Purchases</td>
<td>1,750,868</td>
<td>562,703</td>
<td>1,037,297</td>
<td>150,868</td>
</tr>
<tr>
<td>546</td>
<td>Buildings-Purch.,Constr,Renov.</td>
<td>-</td>
<td>-</td>
<td>7,900</td>
<td>(7,900)</td>
</tr>
<tr>
<td>554</td>
<td>Program Reimb,Litigation Costs</td>
<td>7,171,951</td>
<td>4,159,622</td>
<td>1,285,775</td>
<td>1,726,554</td>
</tr>
<tr>
<td>555</td>
<td>Pmts-Local Gov't,Non-Profits</td>
<td>7,233,950</td>
<td>248,857</td>
<td>141,860</td>
<td>6,843,233</td>
</tr>
<tr>
<td>559</td>
<td>Assistance Pymts to Agencies</td>
<td>150,000</td>
<td>-</td>
<td>-</td>
<td>150,000</td>
</tr>
<tr>
<td>564</td>
<td>Merchandise For Resale</td>
<td>120,000</td>
<td>-</td>
<td>118,800</td>
<td>1,200</td>
</tr>
<tr>
<td>601</td>
<td>AFP Encumbrances</td>
<td>-</td>
<td>-</td>
<td>1,777,258</td>
<td>(1,777,258)</td>
</tr>
<tr>
<td>810</td>
<td>Req Only</td>
<td>-</td>
<td>-</td>
<td>687,947</td>
<td>(687,947)</td>
</tr>
<tr>
<td><strong>Operating Totals</strong></td>
<td><strong>56,087,788</strong></td>
<td><strong>14,409,536</strong></td>
<td><strong>29,570,700</strong></td>
<td><strong>12,107,552</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru October 31, 2021

<table>
<thead>
<tr>
<th>Class Funding</th>
<th>Class Fund Description</th>
<th>Fiscal Year 2022 Budget</th>
<th>Fiscal Year 2022 Expenditures thru 10/31/2021</th>
<th>Encumbrances &amp; Pre Encumbrances</th>
<th>Available Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>19011</td>
<td>Carryover</td>
<td>1,428,800</td>
<td>1,271,291</td>
<td>45,165</td>
<td>112,344</td>
</tr>
<tr>
<td>19111</td>
<td>Carryover</td>
<td>168,336</td>
<td>-</td>
<td>83,303</td>
<td>85,033</td>
</tr>
<tr>
<td>19201</td>
<td>GRF - Duties</td>
<td>27,423,346</td>
<td>4,600,306</td>
<td>14,438,533</td>
<td>8,384,507</td>
</tr>
<tr>
<td>20500</td>
<td>Rural Fire Defense Eqp Rev Fd</td>
<td>236,500</td>
<td>-</td>
<td>159,300</td>
<td>77,200</td>
</tr>
<tr>
<td>21000</td>
<td>Agriculture Revolving Fund</td>
<td>19,384,941</td>
<td>4,032,944</td>
<td>13,342,266</td>
<td>2,009,731</td>
</tr>
<tr>
<td>22500</td>
<td>Enhancement &amp; Diversificatn Fnd</td>
<td>150,000</td>
<td>1,661</td>
<td>-</td>
<td>148,339</td>
</tr>
<tr>
<td>23000</td>
<td>Okla Pet Overpopulation Fund</td>
<td>12,000</td>
<td>5,000</td>
<td>5,000</td>
<td>2,000</td>
</tr>
<tr>
<td>23500</td>
<td>Animal Friendly Revolving Fund</td>
<td>12,000</td>
<td>5,000</td>
<td>5,000</td>
<td>2,000</td>
</tr>
<tr>
<td>25600</td>
<td>Ok Viticulture Enology Revl Fd</td>
<td>350,000</td>
<td>16,683</td>
<td>181,313</td>
<td>152,004</td>
</tr>
<tr>
<td>26200</td>
<td>Poultry Grading Revolving Fund</td>
<td>1,291,463</td>
<td>321,408</td>
<td>620,814</td>
<td>349,240</td>
</tr>
<tr>
<td>28500</td>
<td>Milk &amp; Milk Prod Inspec Rev Fd</td>
<td>300,000</td>
<td>90,499</td>
<td>197,510</td>
<td>11,992</td>
</tr>
<tr>
<td>28700</td>
<td>Healthy Food Financing Revl Fd</td>
<td>150,000</td>
<td>6,667</td>
<td>17,600</td>
<td>125,733</td>
</tr>
<tr>
<td>42000</td>
<td>Specialty Crop Federal Funds</td>
<td>575,851</td>
<td>61,849</td>
<td>474,895</td>
<td>39,107</td>
</tr>
<tr>
<td>43000</td>
<td>Farm and Ranch Stress Alliance</td>
<td>500,000</td>
<td>-</td>
<td>-</td>
<td>500,000</td>
</tr>
<tr>
<td>57602</td>
<td>Duties</td>
<td>4,104,550</td>
<td>3,996,228</td>
<td>-</td>
<td>108,322</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>56,087,787</strong></td>
<td><strong>14,409,536</strong></td>
<td><strong>29,570,700</strong></td>
<td><strong>12,107,551</strong></td>
</tr>
</tbody>
</table>
QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager; Eli Klimek, Technical Manager)

The routine distribution of quality control samples to respective sections of the Laboratory continued. Collection and submission of data to the respective study groups for statistical analysis was conducted.

In September,
❖ The QA Manager left the Agriculture Department to accept a position at DEQ.
❖ Technical Manager Eli Klimek is covering the QA duties until a new QA Manager is hired.
❖ The annual internal audit of the General Chemistry Section was completed.
❖ Procedural updates continued to better accommodate customer and accreditation needs in the Inorganic Lab.

Performance Test Logs for September 2021:

<table>
<thead>
<tr>
<th>General Chemistry</th>
<th>Food and Dairy</th>
</tr>
</thead>
<tbody>
<tr>
<td>PT Samples Received</td>
<td>2</td>
</tr>
<tr>
<td>Number of Analytes</td>
<td>2</td>
</tr>
<tr>
<td>PT Samples Reported</td>
<td>3</td>
</tr>
<tr>
<td>Number of Analytes Reported</td>
<td>21</td>
</tr>
<tr>
<td>Completed PT Reports</td>
<td>4</td>
</tr>
<tr>
<td>Number of Analytes Passed</td>
<td>21</td>
</tr>
<tr>
<td>Number of Analytes Failed</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pesticides</th>
<th>Inorganic</th>
</tr>
</thead>
<tbody>
<tr>
<td>PT Samples Received</td>
<td>2</td>
</tr>
<tr>
<td>Number of Analytes</td>
<td>6</td>
</tr>
<tr>
<td>PT Samples Reported</td>
<td>0</td>
</tr>
<tr>
<td>Number of Analytes Reported</td>
<td>13</td>
</tr>
<tr>
<td>Completed PT Reports</td>
<td>1</td>
</tr>
<tr>
<td>Number of Analytes Passed</td>
<td>16</td>
</tr>
<tr>
<td>Number of Analytes Failed</td>
<td>4</td>
</tr>
</tbody>
</table>
In October:
❖ Daniel Tripp accepted the position as the new QA Manager.

❖ Customer Service Surveys were developed to be sent out in November for General Chemistry, Pesticide, Dairy/Food Safety, and Inorganic Labs.

❖ Received referee laboratory results for three General Chemistry analytes that failed guarantees; two were confirmed failures, one was found passing.

❖ Technical standards were requested from three pesticide manufacturers after the Pesticide Section had failing formulation guarantees. Two standards were received and both formulations subsequently passed.

PT Results for October 2021:

<table>
<thead>
<tr>
<th>General Chemistry</th>
<th>Pesticides</th>
</tr>
</thead>
<tbody>
<tr>
<td># Analyte Results Received</td>
<td>Number of Analytes Reported</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>7</td>
</tr>
<tr>
<td># Analytes Passed</td>
<td>Number of Analytes Passed</td>
</tr>
<tr>
<td>21</td>
<td>7</td>
</tr>
<tr>
<td># Analytes Failed</td>
<td>Number of Analytes Failed</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Food and Dairy</th>
<th>Inorganic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Analytes Reported</td>
<td>Number of Analytes Reported</td>
</tr>
<tr>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Number of Analytes Passed</td>
<td>Number of Analytes Passed</td>
</tr>
<tr>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Number of Analytes Failed</td>
<td>Number of Analytes Failed</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

FY 2022 General Chemistry Proficiency

FY 2022 Food and Dairy Proficiency

FY 2022 Pesticide Proficiency

FY 2022 Inorganic Proficiency
INORGANIC SECTION: (Elena Lyon, Environmental/Chemical Laboratory Scientist IV)

### September 2021 Inorganic Breakdown

<table>
<thead>
<tr>
<th>Customer</th>
<th>Samples</th>
<th>Determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>OCC</td>
<td>116</td>
<td>1102</td>
</tr>
<tr>
<td>LMFO</td>
<td>15</td>
<td>90</td>
</tr>
<tr>
<td>Pollution</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>135</td>
<td>1208</td>
</tr>
</tbody>
</table>

### October 2021 Inorganic Breakdown

<table>
<thead>
<tr>
<th>Customer</th>
<th>Samples</th>
<th>Determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>OCC</td>
<td>120</td>
<td>1288</td>
</tr>
<tr>
<td>LMFO</td>
<td>29</td>
<td>174</td>
</tr>
<tr>
<td>PT</td>
<td>7</td>
<td>60</td>
</tr>
<tr>
<td>Pollution</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>176</td>
<td>1536</td>
</tr>
</tbody>
</table>

Many samples are showing unusually high nitrate amounts in both LMFO and OCC samples.

Despite limited staff for analysis and validations average turnaround time was 29 days.

DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of September was an usual testing month. One additional dairy went out of business which brings a total of twelve for the year. Five dairies were not tested.
The next piece of equipment that the Section will need to replace is the somatic cell counter with an estimated cost of $95,000.

In October two additional dairies went out of business which brings a total of fourteen for the year. Five dairies were not tested. There are currently 87 dairies that the Section is testing.

The Section is currently performing weekly routine testing for *Listeria monocystogens* in the raw milk from a dairy that had positive samples.

The Section has seen an increase in the number of meat samples. For 2020, 140 samples were tested. Year to date, 155 samples have been tested.
SEED SECTION: (Wade Krivanek, State Seed Program Administrator)

Sample records indicate that a total of 221 seed samples were received in September. Crops tested consisted primarily of wheat, rye, barley, canola, and fall season grass.

Germination testing on this year’s small grains is showing decent quality with most results in the mid to high nineties. Purity testing conducted on official samples resulted in several Seed Law violations being discovered. Three and a half tons of oats and 200 pounds of annual ryegrass were placed under stop sale following the discovery of noxious weeds in excess of the allowed tolerances.

Total sample numbers in the Section were on average when compared to last year during October with records indicating the laboratory received 173 seed samples. Seventy-two percent of the samples were generated from official regulatory work sent in by CPS inspectors. Crops tested were primarily wheat and other small grains, annual ryegrass and turf blends. There was also a slight increase in service testing of native grasses.

Reports from certified wheat officials indicate that most wheat acres have been planted with much of the crop already emerged and looking satisfactory. Growers are reporting that sales of certified wheat seed have increased compared to last year with many grower inventories now sold out.

SEROLOGY SECTION: (Pete Bourns, Laboratory Scientist IV)

The Brucellosis testing changed as of March 2020. The Section is no longer running the RAP test to screen for Brucellosis due to inability to obtain the antigen required. The screen method for Brucellosis being used now is the BAPA test for swine and the BAPA and/or Card test for all other animals including cattle.
### September

#### Summary of Samples Analyzed

<table>
<thead>
<tr>
<th>Year</th>
<th>Brucellosis</th>
<th>Pseudorabies</th>
<th>E.I.A.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>539</td>
<td>244</td>
<td>2</td>
</tr>
<tr>
<td>2020</td>
<td>738</td>
<td>182</td>
<td>17</td>
</tr>
<tr>
<td>2019</td>
<td>543</td>
<td>183</td>
<td>6</td>
</tr>
</tbody>
</table>

### October

#### Summary of Samples Analyzed

<table>
<thead>
<tr>
<th>Year</th>
<th>Brucellosis</th>
<th>Pseudorabies</th>
<th>E.I.A.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>1646</td>
<td>291</td>
<td>5</td>
</tr>
<tr>
<td>2020</td>
<td>778</td>
<td>380</td>
<td>5</td>
</tr>
<tr>
<td>2019</td>
<td>1807</td>
<td>443</td>
<td>5</td>
</tr>
</tbody>
</table>

---

#### BRUCELLOSIS SAMPLES (3 Year trend)

- **2021-2022**
- **2020-2021**
- **2019-2020**

#### EIA SAMPLES (3 Year trend)

- **2021-2022**
- **2020-2021**
- **2019-2020**

#### PSEUDORABIES SAMPLES (3 Year trend)

- **2021-2022**
- **2020-2021**
- **2019-2020**
**GENERAL CHEMISTRY SECTION:** (Jennifer Busey, Environmental/Chemical Laboratory Scientist IV)

<table>
<thead>
<tr>
<th></th>
<th>Feed</th>
<th>Fertilizer</th>
<th>Lime</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Samples Received</strong></td>
<td>168</td>
<td>72</td>
<td>11</td>
<td>251</td>
</tr>
<tr>
<td><strong>Samples Completed</strong></td>
<td>249</td>
<td>62</td>
<td>15</td>
<td>326</td>
</tr>
<tr>
<td><strong>Determinations</strong></td>
<td>1073</td>
<td>158</td>
<td>92</td>
<td>1323</td>
</tr>
<tr>
<td><strong>Violations</strong></td>
<td>123</td>
<td>32</td>
<td>1</td>
<td>156</td>
</tr>
<tr>
<td><strong>Violation %</strong></td>
<td>11.46%</td>
<td>20.25%</td>
<td>1.09%</td>
<td>11.79%</td>
</tr>
</tbody>
</table>

John Holden, Lab Technician has accepted a position as a Chemist in the Inorganic Section. We are fortunate that he will be able to continue to help out until a replacement has been hired.

The Sulfur analyzer will be running by November. We have completed the required quality checks and are finalizing paperwork. We are excited to start using this new instrument and create a safer work environment for our employees.

Overview of Section numbers for the month:

<table>
<thead>
<tr>
<th></th>
<th>Feed</th>
<th>Fertilizer</th>
<th>Lime</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Samples Received</strong></td>
<td>186</td>
<td>43</td>
<td>10</td>
<td>239</td>
</tr>
<tr>
<td><strong>Samples Completed</strong></td>
<td>165</td>
<td>48</td>
<td>13</td>
<td>226</td>
</tr>
<tr>
<td><strong>Determinations</strong></td>
<td>624</td>
<td>123</td>
<td>78</td>
<td>825</td>
</tr>
<tr>
<td><strong>Violations</strong></td>
<td>46</td>
<td>17</td>
<td>9</td>
<td>72</td>
</tr>
<tr>
<td><strong>Violation %</strong></td>
<td>7.37%</td>
<td>13.82%</td>
<td>11.54%</td>
<td>8.73%</td>
</tr>
</tbody>
</table>

**PESTICIDE SECTION:** (Eli Klimek, Environmental/Chemical Laboratory Scientist IV)

The Section Supervisor remains on family leave. Eli Klimek continues to serve as interim Pesticide Supervisor during her leave.
Pesticide Section by the numbers:

<table>
<thead>
<tr>
<th>Type</th>
<th>Samples</th>
<th>Tests</th>
<th>Determinations</th>
<th>Avg TAT (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residue Vegetation</td>
<td>10</td>
<td>18</td>
<td>100</td>
<td>80</td>
</tr>
<tr>
<td>Residue Soil</td>
<td>28</td>
<td>34</td>
<td>76</td>
<td>45</td>
</tr>
<tr>
<td>Residue Water</td>
<td>2</td>
<td>5</td>
<td>23</td>
<td>45</td>
</tr>
<tr>
<td>Residue Swab</td>
<td>2</td>
<td>6</td>
<td>22</td>
<td>15</td>
</tr>
<tr>
<td>Pesticide, Other</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>IFA Soilless</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Organic Act</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>74</td>
</tr>
<tr>
<td>Concentrate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tank Mix</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bait</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hemp</td>
<td>13</td>
<td>13</td>
<td>13</td>
<td>11</td>
</tr>
<tr>
<td>Proficiency Test</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>22</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>59</strong></td>
<td><strong>80</strong></td>
<td><strong>238</strong></td>
<td><strong>43</strong></td>
</tr>
</tbody>
</table>

**Residue Avg TAT:** 53 days

**Formulations Avg TAT:** N/A

**Hemp Avg TAT:** 11 days

The Section supervisor has returned from family leave. Eli Klimek did a great job as interim supervisor during this period. The new chemist started working independently with formulation and hemp samples.
**Pesticide Section samples completed:**

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Test</th>
<th>Det</th>
<th>Average TAT (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hemp</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>Residue Vegetation</td>
<td>46</td>
<td>71</td>
<td>639</td>
<td>99</td>
</tr>
<tr>
<td>Residue Soil</td>
<td>30</td>
<td>31</td>
<td>42</td>
<td>38</td>
</tr>
<tr>
<td>Organic Act</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>59</td>
</tr>
<tr>
<td>Residue Swab</td>
<td>2</td>
<td>2</td>
<td>6</td>
<td>90</td>
</tr>
<tr>
<td>Concentrate</td>
<td>11</td>
<td>19</td>
<td>26</td>
<td>52</td>
</tr>
<tr>
<td>Residue Water</td>
<td>4</td>
<td>7</td>
<td>32</td>
<td>90</td>
</tr>
<tr>
<td>Residue Soilless</td>
<td>2</td>
<td>2</td>
<td>12</td>
<td>63</td>
</tr>
<tr>
<td>Pesticide, other</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>94</td>
</tr>
<tr>
<td>Proficiency Test</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>44</td>
</tr>
<tr>
<td>Termiticide Soil</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>20</td>
</tr>
</tbody>
</table>

**Totals**

<table>
<thead>
<tr>
<th># of Samples</th>
<th># of Tests</th>
<th># of Determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td>115</td>
<td>152</td>
<td>773</td>
</tr>
</tbody>
</table>

**Samples Received By Type October**

**Samples Received By Matrix October**
Samples the Section received by month:

The Section received the lowest number of samples compared to the samples received for the last eight years in this month.

Determinations the Section completed by month:

This month, the Section completed the highest determinations since February 2019. The majority of determinations were for the residue vegetation samples (83%).

OKLAHOMA BUREAU OF STANDARDS: (Jeremy Nading, State Metrologist)

The following is a workload summary for the Bureau of Standards from September 1st through 30th.

The Bureau calibrated standards for the Wisconsin Metrology Laboratory. The Bureau also performed calibration on all of the internal volume standards and updated all of the associated processes.
<table>
<thead>
<tr>
<th>Month</th>
<th>#</th>
<th>Fees</th>
<th>% of Fees</th>
<th># Standards</th>
<th>% of Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Out-of-State Customers</td>
<td>8</td>
<td>$25,277.00</td>
<td>37%</td>
<td>121</td>
<td>13%</td>
</tr>
<tr>
<td>In-State Customers</td>
<td>19</td>
<td>$11,084.00</td>
<td>63%</td>
<td>824</td>
<td>87%</td>
</tr>
<tr>
<td>Totals</td>
<td>27</td>
<td>$17,554.00</td>
<td>100%</td>
<td>945</td>
<td>100%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Fees not Charged</th>
<th># Working Days Lead Time to Next Available Date for Calibration</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,850.00</td>
<td>Mass I / II</td>
</tr>
<tr>
<td>Fees not Charged</td>
<td>Mass III</td>
</tr>
<tr>
<td>ODAFF CPS</td>
<td>Volume</td>
</tr>
<tr>
<td>$0.00</td>
<td></td>
</tr>
</tbody>
</table>

### Revenue Comparison

- 2020 September: $27,016
- 2021 August: $17,554
- September 2021: $17,554

### Artifacts Generated

- 2020 September: 945
- 2021 August: 945
- September 2021: 1136

### Certificate Comparison

- 2020 September: 109
- 2021 August: 114
- September 2021: 114
The following is a workload summary for the Bureau of Standards from October 1st through 31st.

The Bureau calibrated standards for the Nebraska Metrology Laboratory. The Bureau staff also performed verifications on all of the internal temperature standards.

<table>
<thead>
<tr>
<th>Month</th>
<th>#</th>
<th>Fees</th>
<th>% of Fees</th>
<th># Standards</th>
<th>% of Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Out-of-State Customers</td>
<td>1</td>
<td>$950.00</td>
<td>1 %</td>
<td>28</td>
<td>6 %</td>
</tr>
<tr>
<td>In-State Customers</td>
<td>11</td>
<td>$15,231.00</td>
<td>99 %</td>
<td>987</td>
<td>94 %</td>
</tr>
<tr>
<td>Totals</td>
<td>12</td>
<td>$16,181.00</td>
<td>100%</td>
<td>1015</td>
<td>100 %</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Fees not Charged</th>
<th># Working Days</th>
<th>Lead Time to Next Available Date for Calibration</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00</td>
<td>Mass I / II</td>
<td>24</td>
</tr>
<tr>
<td>Fees not Charged</td>
<td>Mass III</td>
<td>18</td>
</tr>
<tr>
<td>ODAFF CPS</td>
<td>Volume</td>
<td>18</td>
</tr>
</tbody>
</table>

The revenue generated is shown in the chart below:

**Revenue Comparison**

- Revenue Period: October 2020 vs. September 2021
- Revenue: $17,554 vs. $16,181 vs. $30,828

**Artifacts Comparison**

- # of Artifacts Calibrated: 1015 vs. 987 vs. 1015
- Comparison: 2020 October vs. 2021 September vs. October 2021

**Certificate Comparison**

- # of Certificates Issued: 117 vs. 114 vs. 121
- Comparison: 2020 October vs. 2021 September vs. October 2021
Respectfully Submitted,

Wade Krivanek  
Laboratory Director  
Laboratory Services Division
<table>
<thead>
<tr>
<th>Sample Type</th>
<th>Sample Count</th>
<th>Determinations</th>
<th>Possible Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feed Samples</td>
<td>168</td>
<td>1073</td>
<td>123</td>
</tr>
<tr>
<td>Fertilizer Samples</td>
<td>72</td>
<td>158</td>
<td>32</td>
</tr>
<tr>
<td>Lime Samples</td>
<td>11</td>
<td>92</td>
<td>1</td>
</tr>
<tr>
<td>Pesticide Samples</td>
<td>59</td>
<td>238</td>
<td>0</td>
</tr>
<tr>
<td>Meat Samples</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Inorganic Lab Samples</td>
<td>135</td>
<td>1208</td>
<td>0</td>
</tr>
<tr>
<td>State-Federal Vet. Lab. Samples</td>
<td>785</td>
<td>1236</td>
<td>0</td>
</tr>
<tr>
<td>Seed Samples</td>
<td>187</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Bureau of Standards Certificates</td>
<td>114</td>
<td>945</td>
<td>0</td>
</tr>
<tr>
<td>Dairy Samples</td>
<td>439</td>
<td>883</td>
<td>21</td>
</tr>
<tr>
<td>Total Samples</td>
<td>1970</td>
<td>5833</td>
<td>178</td>
</tr>
<tr>
<td>Sample Type</td>
<td>Samples</td>
<td>Determinations</td>
<td>Possible Violations</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------</td>
<td>----------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Feed samples</td>
<td>186</td>
<td>624</td>
<td>46</td>
</tr>
<tr>
<td>Fertilizer samples</td>
<td>43</td>
<td>123</td>
<td>17</td>
</tr>
<tr>
<td>Lime samples</td>
<td>10</td>
<td>78</td>
<td>9</td>
</tr>
<tr>
<td>Pesticide samples</td>
<td>115</td>
<td>773</td>
<td>0</td>
</tr>
<tr>
<td>Meat samples</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Inorganic lab samples</td>
<td>176</td>
<td>1536</td>
<td>0</td>
</tr>
<tr>
<td>State-federal vet. lab. samples</td>
<td>1942</td>
<td>2218</td>
<td>0</td>
</tr>
<tr>
<td>Seed samples</td>
<td>173</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bureau of standards certificates</td>
<td>117</td>
<td>1015</td>
<td>0</td>
</tr>
<tr>
<td>Dairy samples</td>
<td>389</td>
<td>838</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total samples</strong></td>
<td>3151</td>
<td>7205</td>
<td>79</td>
</tr>
</tbody>
</table>
OKLAHOMA FORESTRY SERVICES BOARD REPORT
Division Activities from October 1st – November 12th
Serving people by conserving, enhancing, and protecting our lands and forest resources

Our board report is formatted to reflect the priorities of the National Cohesive Wildland Fire Management Strategy, which include Resilient Landscapes, Fire Adapted Communities and Wildfire Response.

RESILIENT LANDSCAPES

URBAN AND COMMUNITY FORESTRY PROGRAM HIGHLIGHTS

Urban & Community Forestry Conference
On October 22nd OFS co-hosted the Annual Urban & Community Forestry Conference with the Oklahoma Urban & Community Forestry Council. Nearly 70 people attended the event at the Hilton Garden Inn in Edmond. Dr. John Ball from South Dakota State University and Dr. Carl Whitcomb from Stillwater were the keynote speakers. Attendees learned about techniques for helping trees recover from severe Oklahoma storms. Mark Goeller was on-hand to present the welcome address and numerous OFS employees attended.

Macomb Peace Garden
Community Forester Mark Bays participated in the final planting of the Macomb Elementary Peace Garden on October 25th. Using ideas from the students Mark assisted Jeff Oakley of Oakley’s Landscaping with developing the Garden’s plan. An offspring from the Oklahoma City Survivor Tree was planted in the center of the Garden. The project was funded through donations, volunteer efforts and a grant through the Oklahoma City National Memorial secured.

Oklahoma Gardening
Mark Bays was interviewed by Oklahoma Gardening on October 27th near the OSU Oklahoma City Extension office. Mark provided guidance on the next steps to take to help trees recover from this past winter’s ice storm and record cold. The segment will air later in November or early December.
Pine Tree Concerns
Forester’s Riley Coy and Mark Bays met with Carol and Mark Aldridge on November 1st at their 40 acre property in Oklahoma City to discuss tree health on their numerous Loblolly and Bosnian pine trees. Several trees were in a state of decline that in part could be a result of the February record cold. A couple of the trees showed obvious insect damage and samples were sent to the OSU Plant Disease Diagnostic Lab to see if pine wilt nematode could be part of the problem as well. Additionally, seeds from a ‘Cookes Peak’ Arizona cypress were collected to continue to study the trees adaptability to the Oklahoma climate.

Employee Kudos

Upcoming Events
Riley Coy will be traveling to Louisville, KY November 15th – 19th to attend the National Arbor Day Annual Partners Conference and attend the national state/federal U&CF Coordinators meeting.

Ongoing Issues
Division in the News
Mark Bays was interviewed on KFOR-4 television speaking about forest production, environmental services provided by forests, and the Oklahoma City Metropolitan Tree Canopy Assessment.

On October 14th Riley Coy met with members of the Oklahoma City Parks and Planning Department at the Lone Oak (NW 150th and N. Portland Ave.) to discuss plans and options for a new park that will feature the Lone Oak as a prominent tourism attraction. The area lies in a flood way which limits potential infrastructure construction by local and federal statutes. More discussion is required.

FOREST REGENERATION CENTER (FRC) & FOREST TREE IMPROVEMENT CENTER (FTIC)

Seed Collection Continues
FRC and FTIC staff as well as staff from eastern area District Offices continue to collect seed from across the state for the 2022-2023 planting season. This year nearly 200,000 pounds of seed needs to be collected. This is a very strenuous and time-consuming task. Pictured below are FRC staff collecting Bur Oak acorns at the Lone Oak in OKC.
FRC Fumigation
FRC fumigated 14 acres in October for the 2022-2023 seedling crop. Fumigation is vital practice to protect seedlings from soil diseases and weed pressure.

**PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES**

**NORTHEAST AREA**

**Forest Protection Highlights**
From October 7th through November 12th the Northeast Area had four fires for 12.7 acres.

On October 18th, Andy James, Tom Murray, Jennifer Carrel, Craig Longshore, Wes Hayes, & Kaley Helton reviewed the new Dispatch Plan to be implemented in CY 2022.

On October 12th, Forester Joshua Isaac, Rangers Billy Riggs, & Cliff Eppler presented a Fire Prevention Program featuring Smokey Bear to the Sallisaw Head Start. On October 22nd, Forester Joshua Isaac, Rangers Billy Riggs & Dave Jones also presented a two-part Fire Prevention Program to Zion School.

**Forest Management/Program Highlights**
Evan Long, Tahlequah Forester, met with eight landowners regarding issues such as tree health, diseases, and proposed stewardship plans. Long has also responded to phone calls and emails regarding tree identification, tree health and other management concerns. Currently, two Forest Stewardship Plans are in development by Long for landowners in Cherokee county.
Josh Isaac, Sallisaw Forester, has met with five landowners in Sequoyah county to discuss forest management planning and has conducted three tree health assessments. Isaac has completed a total of three plans for landowners and is currently working on four additional management plans.

Connie Robinson, Jay Forester, participated in an insect detection flight with Water Quality Specialist, Jason Whaley, on October 7th. Robinson has been busy assisting Oklahoman landowners by completing a Forest Stewardship Plan for 946 acres in Delaware and Adair counties, as well as assisting with forest health concerns and planting in Washington and Rogers counties. Robinson has assisted landowners with timber harvesting, identifying and assessing the quality of timber in Lincoln county, as well as aiding a landowner in Craig county that had trees illegally cut on her property.

All NE Area Service Foresters attended the Annual Community Forestry Conference in Edmond on October 21st. This conference dealt with the topic of “Surviving Oklahoma’s Storms.”

All NE Area Rangers and Foresters have assisted in collecting Black Walnut, Bur Oak, & Shumard Oak seed for the Forest Regeneration Center.

Administration
Area Forester, Craig Longshore completed a supervisor webinar covering how to “Discover the Leader in You” on October 26th.

Connie Robinson & Evan Long completed their First Aid recertification on October 27th in Tahlequah with Forestry Services’ Safety Officer Rick O’Daniel.

Ongoing Issues and Upcoming Events
Jay Forest Ranger I position opened for application on Nov. 4th.

EAST CENTRAL AREA

Forest Protection Highlights
Since the last report on October 8th, EC has suppressed 14 fires for a total of 307 acres.

EC personnel were trained on the updated Dispatch Plan which will be implemented beginning in CY 2022.

Forest Management Highlights
Two forest stewardship plans for a total of 1,000 acres have been completed since last report. The properties which are now under active management are located in Latimer and Pittsburg counties.
Eight prescribed burn plans have been prepared for properties in Le Flore, Latimer, Haskell, and Pittsburg counties.

EC personnel have been picking up Walnuts and Bur Oak acorns for the Forest Regeneration Center.

**Information / Education Highlight**
Wilmington District personnel helped set up and man a booth at the Robber’s Cave State Park Fall Festival. Loblolly pine seedlings were handed out to 2,500 of the tens of thousands of folks attending.

Craig Marquardt made the trip to Weatherford to attend Southwestern Oklahoma State University’s career fair which included wildfire management students. Approximately 100 students passed by the booth, fewer than five were wildfire management minors.

Eddie Woods, Stacy Lovell, Clayton Hurst, Kale Haney, and Craig Marquardt lead 29 firefighters from Lincoln County through the OFS Basic Wildland Firefighting Course. The three-day event culminates with the students completing a substantial section of fire-line through oak timber and cedars, giving the students and instructors time to discuss the concepts learned during the previous days classroom training.

**Personnel update**
One vacancy announcement recently closed for the Forest Ranger I position in the Four Corners Unit in southern Pittsburg County. Interviews for successful applicants will be scheduled soon.

**Intern Forester Update**
The recruitment process for next year’s interns has begun. Riley Coy and Craig Marquardt made a trip to Stillwater in early October to talk to OSU forestry majors about the internship and the wide variety of assignments OFS foresters engage in. While there are currently fewer applicants than past years, the students have until the end of November to get their application materials submitted.

**Safety / Training Highlights**
All EC personnel requiring recertification completed CPR/First Aid training last week.

The East Central Area held an Area-wide meeting on October 19th at Lake Eufaula Dam overlook. The meeting agenda included personnel time management, after action review of the year’s wildfire activity, legal outdoor burning procedures in Oklahoma, and Service Awards were handed out.

**Upcoming Events for October and November**

January 3-7, 2022 – OFS personnel will conduct the following wildland firefighting training for OSU Natural Resource Ecology Managment (NREM) 4741: S-130 Basic Wildland Firefighting, S-190 Introduction to Wildland Fire Behavior, and L-180 Human Factors in the Wildland Fire Service
**SOUTHEAST AREA**

**Forest Protection Highlights**
The Southeast Area had 31 fires for 1,225 acres in the month of October.

Jared Burgett passed the Pack Test. Burgett was recently hired to fill a Forest Ranger I vacancy.

The SE Area’s Forest Fire Control Officer position is open. The vacancy announcement closes on December 3rd.

**Forest Management/Programs Highlights**
Brock Hill made nine landowner assists for the current period.

Will Phifer had a total of twelve landowner assists for current time period as well as completing two forest stewardship plans on 321 acres.

Will Phifer, Don Cook, Mickey Tunnell along with Aaron Williams met with Don Herron and Pete Herron on Herron property to discuss fire mitigation around the town of Haworth.

Ranger Adam Burleson and Smokey Bear attended the annual Stringtown Fire Department Fall Festival. Many pictures with Smokey Bear were taken and lots of candy handed out to area children.

**Safety/Training Highlights**
Rick O’Daniel provided 1st Aid/CPR classes for SE employees this month. He also provided Defensive Driving classes for employees that needed recertification.

**Employee Recognition/Other**
Bryden Walker participated in the filming of a commercial through McCurtain County Tourism Authority. He was at the Forest Heritage Center and assisted with the planting of a tree.

**Ongoing Issues**
Slow internet service continues to be an issue at Antlers office. The FirstNet wifi hot spot is working well. WiFi USB antennas for the two desktop computers at Antlers have been ordered. This may be the final step in the process, allowing us to disconnect the internet service with AT&T.

**Upcoming Events/Activities**
JD Morris, Pat Wayman, and Tama Lester, members of the OFS Incident Management Team will attend the Foreign Animal Disease Exercise in OKC November 16th – 18th.
Don Cook presented to the Ouachita Society of American Foresters – Hochatown Project.
WILDFIRE RESPONSE

Wildfire Outlook Executive Summary

OFS Wildfire Response remained at above-normal levels in both number of fires and acres burned during the October. Wildfire activity is expected to wane early in November with a warmer/drier than normal latter half leading to a gradual increase in activity. Thankfully, there are no strong signals that favor high severity outbreaks; instead, new wildfires are expected to be contained during initial attack. Moving deeper into the dormant season, early indicators point toward the potential for a much busier season compared to those experienced 2019-2021.

<table>
<thead>
<tr>
<th>October 2021 Fire Response</th>
<th>Fires</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2021 Wildfires Year-to-Date</strong></td>
<td><strong>736</strong></td>
<td><strong>57,221.8</strong></td>
</tr>
<tr>
<td>OFS Protection Area - Month</td>
<td>49</td>
<td>1,515</td>
</tr>
<tr>
<td>5-Year Average</td>
<td>29</td>
<td>434</td>
</tr>
<tr>
<td>10-Year Average</td>
<td>40</td>
<td>855</td>
</tr>
<tr>
<td>Protection Area YTD</td>
<td>668</td>
<td>34,427.7</td>
</tr>
<tr>
<td>OFS Response Outside Protection Area</td>
<td>1</td>
<td>36</td>
</tr>
<tr>
<td>OFS Response Outside Protection Area YTD</td>
<td>21</td>
<td>17,264</td>
</tr>
<tr>
<td>Fire Department Reports</td>
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<td>0</td>
</tr>
<tr>
<td>Fire Department Reports YTD</td>
<td>47</td>
<td>5,530.1</td>
</tr>
<tr>
<td>Prescribed Burns - SE</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Prescribed Burns - EC</td>
<td>0</td>
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</tr>
<tr>
<td>Prescribed Burns - NE</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Prescribed Burns - OKOKS</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Prescribed Burns - YTD</td>
<td>54</td>
<td>15,026.5</td>
</tr>
</tbody>
</table>

Operational Indicators/Implications and Associated Response Actions with Oklahoma Forestry Services Wildfire Preparedness Levels are expected to remain at Preparedness Level 1 (PL1) through November. Progressing deeper into fall and then winter, there is potential for Preparedness Level to increase. The dormant season is the time of the year when both fire occurrence and acres burned are greatest typically peaking in the month of March. Some of the indicators that point toward the potential for a troublesome dormant fire season are:

- **Growing Season Rains**  YES
  - Early in the growing season, ample rainfall prompted a robust herbaceous response. Growth tapered off during late-summer during a period of hot/dry, but early fall precipitation invigorated herbaceous response prior to freeze-induced dormancy.

- **Effective Herbaceous Growth**  YES
  - Herbaceous growth piled on tons/acre in early summer slowing down during the hot/dry September. Un-grazed and un managed rangelands are generally considered to exhibit normal to well-above normal fuel loading.

- **Onset of La Nina**  YES
  - Current ENSO Discussion indicates an 87% probability of La Nina conditions December-February. Unfortunately, this leads to the expectation of warmer and drier conditions overall with a statistical link to above normal fire occurrence and severity.

- **Drought Transition**  YES
  - Drought indices have persisted in Oklahoma for over a year in much of the Oklahoma Panhandle and northwestern Oklahoma. Drought indices have ebbed and flowed recently following some timely rainfall, although the trend is that drought has been both expanding and intensifying.

The indicators above somewhat set the stage for periods of increased wildfire activity. OFS will be monitoring for periods of accelerated drying of fuels, increasing wildfire trends, and predicted fire-effective weather systems that support increased wildfire activity.
The current National Significant Wildfire Potential Outlook generated through the National Interagency Fire Center corroborates the initial dormant season assessment in the following graphics:

COMMUNITY OUTREACH AND COMMUNICATIONS

Forest Heritage Center

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
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<tbody>
<tr>
<td>January</td>
<td>2717</td>
<td>5441</td>
<td>3965</td>
<td>4241</td>
<td>4592</td>
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<td>February</td>
<td>1608</td>
<td>5221</td>
<td>3643</td>
<td>3735</td>
<td>4013</td>
<td>2821</td>
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<tr>
<td>March</td>
<td>10,572</td>
<td>8450</td>
<td>13,504</td>
<td>13,086</td>
<td>12,855</td>
<td>12,065</td>
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<tr>
<td>April</td>
<td>8272</td>
<td>87</td>
<td>8320</td>
<td>6371</td>
<td>7551</td>
<td>7327</td>
<td></td>
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<tr>
<td>May</td>
<td>10,724</td>
<td>3269</td>
<td>7942</td>
<td>8464</td>
<td>8364</td>
<td>8874</td>
<td></td>
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<tr>
<td>June</td>
<td>13,994</td>
<td>10,539</td>
<td>15,068</td>
<td>15,435</td>
<td>14,418</td>
<td>14106</td>
<td>7126</td>
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<tr>
<td>July</td>
<td>16,510</td>
<td>10,967</td>
<td>16,733</td>
<td>17,048</td>
<td>17,916</td>
<td>17,073</td>
<td>16,906</td>
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<tr>
<td>August</td>
<td>7148</td>
<td>6945</td>
<td>11,258</td>
<td>9534</td>
<td>9618</td>
<td>10,061</td>
<td>12,008</td>
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<tr>
<td>September</td>
<td>7300</td>
<td>7192</td>
<td>7346</td>
<td>11,275</td>
<td>11,046</td>
<td>10,343</td>
<td>9369</td>
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<tr>
<td>October</td>
<td>11,246</td>
<td>9955</td>
<td>9399</td>
<td>14,821</td>
<td>11,608</td>
<td>10,241</td>
<td>11,128</td>
</tr>
<tr>
<td>November</td>
<td>5664</td>
<td>13,692</td>
<td>26,237</td>
<td>28,071</td>
<td>27,609</td>
<td>25,930</td>
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<tr>
<td>December</td>
<td>4978</td>
<td>5608</td>
<td>4962</td>
<td>5005</td>
<td>4954</td>
<td>3194</td>
<td></td>
</tr>
<tr>
<td>YEARLY TOTAL</td>
<td>90,091</td>
<td>78,708</td>
<td>116,478</td>
<td>135,209</td>
<td>135,057</td>
<td>125,474</td>
<td>85,661</td>
</tr>
</tbody>
</table>

Two tours were conducted during the month of October with 5 adults.

Country music artist Neal McCoy visited the Forest Heritage Center as part of an anniversary celebration with his wife Melinda. The couple and friends toured the museum and asked questions about history of the forest industry in Southeast Oklahoma.

Laramie Cochran with Senator Lankford’s office visited on October 26th to “touch base” and asked to be notified of events that she may attend on behalf of the Senator.

McCurtain County Tourism Authority shot some advertisement footage on Thursday, October 27th. Bryden Walker participated by planting a tree with a father and daughter. The crew filmed with the Toth sculpture (totem) in the courtyard, Echinata gallery, and People of the Forest gallery.
Brianna Teel was welcomed to the Forest Heritage Center team on October 11th when she started her job as an Administrative Assistant. The Durant native has a BS in History from Southeastern Oklahoma State University and her teaching certification.

Former Traveling Timber Towns resident Tom Balisle passed away on September 28, 2021. The 2017 trip to the FHC and the resulting oral history by the Choctaw Nation were highlighted in his obituary. To view the oral history that was collected from Balisle with the help of the Choctaw Nation of Oklahoma go to: https://youtu.be/U17HaYhgRgM.

A final draft of the Oklahoma Historical Society Preservation Grant has been submitted. The grant will help pay for a museum assessment of the Forest Heritage Center, which will aid in setting priorities to care for the facility and develop content that effectively tells the story of sustainable forestry. The final draft of the grant is due on November 1st, with grant recipients announced in January. The assessment will be performed by Rebecca Elder Cultural Heritage Preservation in April. Chad Williams (OHS Research Dept. Director) and Jan Davis (Administrative Archivist for the Oklahoma Dept. of Libraries) intend to do a walk-through to add their perspectives and help prepare us for the assessment.

FHC board member Brian McClain arranged a tour of the Choctaw Cultural Center in Durant, OK. During the tour, FHC board members and OFS staff learned about exhibit styles, intentional interpretation, and heard some accounts of the project’s journey from concept to completion. Following the tour, the group had a question-and-answer session with Senior Director Stacy Halfmoon. In attendance were Scott Huff, Ron Engel-Wilson, Carolyn Engel-Wilson, Marva Heinemann, Bob Heinemann, Dennis Wilson, Brian McClain, Stacey Ebert, Brianna Teel, and Calista Stephens.

A cross training event was held on Monday, November 8, with Brianna Teel and Calista Stephens from the Forest Heritage Center, Tama Lester from the Broken Bow OFS office, Patti Turpin and Kelly Donaldson from USFS, Beaver’s Bend State Park Assistant Manager Haley Harris, and Beaver’s Bend State Park reception desk staff. The purpose of the event was to facilitate a better understanding of the roles of USFS and OFS for residents and tourists and to provide a basic understanding of the forest industry.

**STATE FORESTER ACTIVITIES from October 12th thru November 17th**

- Participated in the State Supplier’s Expo by helping staff the Agriculture Cabinet Booth
- Delivered the welcome address for the Annual Community Forestry Council Conference in Edmond
- Attended three weekly ODAFF Director’s Meetings
- Participated in a meeting with the ODAFF Division Directors to discuss Long Term Compensation Reform Plan
- Participated in one virtual meeting of the NWCG Medical and Public Health Advisory Team
- Participated in the October National Association of State Forester’s Monthly Policy Conference Call
- Attended two weekly OSDH COVID Coordination & Project Management MS Teams Meetings
- Attended the October Board of Agriculture Meeting
- Attended a special meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Committee
- Participated in three conference calls with Steering Committee for the S-520 Advanced Incident Management course. The course is scheduled to be held November 30th thru December 6th in Tucson, AZ
- Participated in the OSDH Senior Advisory Committee meeting
- Met with OSDH Preparedness Staff to discuss the update of the OSDH Pandemic Strategic Plans
- Assisted with interviewing applicants for the KEDDO Rural Fire Coordinator
- Participated in the OFS “First Tuesday” meeting
- Virtually attended portions of the Northern Rockies Coordinating Group Fall Meeting
- Attended a planning meeting for the November Foreign Animal Disease exercise
- Conducted one MS-Teams meeting with the Northern Rockies Incident Management Team #1 to discuss the Team’s current status and future in light of a recent Northern Rockies Coordinating Group Executive Board decision
- Attended the Southern Group of State Foresters’ Winter Meeting in Covington, LA

Respectfully Submitted,

Mark Goeller
Director/State Forester
PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for August 1st to November 12th in 2021 are presented in the following chart. A total of 5647 products were registered, of the products registered 5100 were renewals and 547 were new. There were 293 products cancelled.

Pesticide Samples and Inspections

Pesticide samples taken September-October 2021 are presented in the following chart. A total of 62 Residue, 12 Concentrate, 43 Pollution, 1 Tank mix, and 8 Documentary samples were taken.
Table 1. Inspection Count for September - October 2021*

<table>
<thead>
<tr>
<th>Inspection Type</th>
<th>September</th>
<th>October</th>
<th>Two Month Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experimental Use Permit</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Marketplace</td>
<td>27</td>
<td>38</td>
<td>65</td>
</tr>
<tr>
<td>Pesticide Applicator Facility</td>
<td>39</td>
<td>32</td>
<td>71</td>
</tr>
<tr>
<td>Pesticide Service Inspection</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Restricted Use Pesticide Dealer</td>
<td>10</td>
<td>11</td>
<td>21</td>
</tr>
<tr>
<td>Container Containment Inspection</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Producer Establishment</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Use</td>
<td>130</td>
<td>92</td>
<td>222</td>
</tr>
<tr>
<td>Termite</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Wood</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pre-treat</td>
<td>8</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Drift Investigation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pesticide Label</td>
<td>1407</td>
<td>3518</td>
<td>4925</td>
</tr>
<tr>
<td>Worker Protection</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1628</strong></td>
<td><strong>3693</strong></td>
<td><strong>5321</strong></td>
</tr>
</tbody>
</table>

* Inspections not yet submitted at the time of this report will be reflected in the next board report.

Along with the above inspections CPS inspectors also took 54 nonagricultural use samples, 68 agricultural use samples and 4 market samples for a total of 126 samples.

**Unwanted Pesticide Disposal**

ODAFF held two unwanted pesticide disposals one on October 12, 2021 in Blackwell at the Kay County Fairgrounds, the other was held October 14, 2021 in Guymon at the Texas County fairgrounds. The collection was scheduled from 8:00am until 1:00pm. The Blackwell event collected 30,419 lbs. and the Guymon event collected 15,665 lbs. for a total of 46,084 lbs. ODAFF started the Unwanted Pesticide Disposal Program in 2006, since the start of the program ODAFF has collected 1,112,686 lbs. of unwanted pesticides. ODAFF works with our hazardous waste contractor, CleanEarth to dispose of these pesticides.
Pesticide Testing & Updates

Licensing & Certification:

Categories 11A, 11B, 12A, 12B, & 13 are expiring at the end of 2021. Renewal letters for Certified Applicators were mailed out at the end of October.

Pesticide Applicator License renewals were emailed on November 2nd to approximately 2300 licensees. Those without an email on file (around 100) were mailed a renewal letter last week.

Oklahoma Ag Expo:

The 2021 Oklahoma Ag Expo had around 200 participants this year.

The participants have a badge with a barcode that contains their applicator information, and the Department uses our own scanners for CEU sign-in.

We may use our own QR code next year like we did for the OKVMA meeting in hopes of being more efficient in collecting participating certified applicators.

Private Applicators:

Megan Parker, Certification and Training Program Administrator, did a presentation in Caddo County for 80 private applicators. At the meeting private applicators expressed frustration that they cannot check their CEUs the way certified applicators can on our website. We have been compiling all the CEUs submitted to us on a spreadsheet for tracking, but it has not been available on the website. The plan is to post the spreadsheet on the ODAFF website so private applicators may check to see if what we have matches with the courses they have taken.

Pesticide Complaint

<table>
<thead>
<tr>
<th>PESTICIDE COMPLAINTS</th>
<th>October 8, 2021 – November 15, 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECEIVED</td>
<td>CLOSED</td>
</tr>
<tr>
<td>CONSUMER GENERATED</td>
<td>4</td>
</tr>
<tr>
<td>MUSK THISTLE</td>
<td>0</td>
</tr>
<tr>
<td>CASES REFERRED TO OGC:</td>
<td>5</td>
</tr>
</tbody>
</table>
ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Federal

Federal phytosanitary certificates Issued from October 1, 2021 – October 31, 2021

Commercial value of shipment $1,250 or more:
5 Federal phytosanitary certificates issued @ $106.00 each
Commercial value of shipment less than $1,250:
3 Federal phytosanitary Certificates issued @ $61.00 each

<table>
<thead>
<tr>
<th>Country</th>
<th>Product</th>
<th>Quantity</th>
<th>Phytos Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denmark</td>
<td>Barrelclover Seed</td>
<td>1 Gram</td>
<td>1</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Barrelclover Seed</td>
<td>1 Gram</td>
<td>1</td>
</tr>
<tr>
<td>Mexico</td>
<td>Sesame Seed</td>
<td>210,000 lbs</td>
<td>5</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Barrelclover Seed</td>
<td>1 Gram</td>
<td>1</td>
</tr>
</tbody>
</table>

Companies applying for federal phytosanitary certificates:
Sesaco: 5
OSU Biosciences: 3

State

State phytosanitary certificates Issued from October 1, 2021 – October 31, 2021
116 phytosanitary certificates for 4,468 plants
2022 Compliance Agreements

There are currently 33 companies that sign compliance agreements for out-of-state shipping. Below is an update on where we are in this process:

Compliance agreements sent out to licensees: 26/33 79%
Left to do: 2 licensees that have not renewed their license
3 agreements for Cotton Boll Weevil
2 agreements for Sweet Potato Weevil

Compliance agreements returned with signatures: 16/33 48%
Certificates issued after agreements are completed (shipping certificate, annual inspection certificate, etc.) 0/33 0%

Phytophthora ramorum (SOD) Survey

We are still seeing occasional shipments coming into the state from Means Nursery in Oregon, where P. ramorum has been found recently.

As of November 15, there have been 451 inspections and 49 samples taken across the state.

Boxwood Blight

Over the last few months, we have had 2 issues with other states reporting plants with Boxwood blight that have potentially come from Oklahoma nurseries. To be diligent in our inspections for Boxwood Blight, we are beginning to develop a Clean Boxwood Program. Large suppliers of Boxwood in the state will be regularly inspected and sampled for Boxwood Blight and audited on their adherence to the Boxwood Blight compliance agreements. Clean nurseries will be issued a Clean Boxwood certificate.
Sweet Potato Weevil Survey

In late August, Richard Folsom, CPS Nursery Inspector, began setting traps for Sweet Potato Weevil at 2 farms located in Western Oklahoma. The purpose of this survey is to provide data to issue a phytosanitary certificate/compliance agreement for shipping sweet potatoes to other states.

5 traps were set at Acadian Farms and 57 traps were set at Triple S Farms in Caddo, Blaine, and Custer counties. Traps were removed in late October/early November. No Sweet Potato Weevils were found.

Guava Root-Knot Nematode Survey

ODAFF also ran a survey for Guava Root-Knot Nematode at the same time as the sweet potato weevil. The survey concluded in early November. No Guava Root-Knot Nematode were found.

Industrial Hemp and Apiary Program

Hemp

<table>
<thead>
<tr>
<th>Hemp Growers</th>
<th>Hemp Acres</th>
<th>Hemp Sq. Ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>57</td>
<td>3322</td>
<td>38,762</td>
</tr>
</tbody>
</table>
We also have 18 licensed hemp processors/handlers.

Hemp is well into harvest season, but we have had many growers crops fail due to lack of water/resources.

*Apiary*

Training was conducted for three CPS inspectors on how to winterize bees, check for pests/disease. Caroline Nelson, Apiary Program Administrator, worked with the Oklahoma State Beekeepers Association to set this training up. CPS received good feedback from the inspectors and the beekeeper about the training.

*Restricted Use Pesticide*

Caroline Nelson, Program Administrator, has taken over the RUP Program and is issuing renewals for 2022.

**AGRICULTURE RESOURCE SECTION**

*Weights & Measures Program*

During October the large capacity scale technicians tested 270 Vehicle scales and 38 of the Vehicle scales were rejected for repairs.

CPS inspectors checked a total of 834 small scales and 50 platform scales, 21 of the scales were rejected. There were 30 random pack inspections and 87 standard pack inspections conducted that resulted in 10 companies receiving letters of warning and 1 company receiving a Stop Sale. Additionally, 172 price verification inspections were conducted at various retailers that resulted in 13 companies receiving letters of warning. A total of 14 scale companies received a letter of warning for not properly servicing scales.

*Feed Program*

During this reporting period there were a total of 160 official feed samples analyzed, with 624 feed determinations made from these samples. These determinations resulted in the issuance of 10 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violations include Calcium, Salt, Vitamin A, and Potassium. Eight stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Two stop sales were issued for products deficient in Vitamin A. One stop sale was issued for a product deficient in Crude Protein. Two stop sales were issued for products deficient in Calcium. Two stop sales were issued for products deficient in Salt. One stop sale was issued for a product deficient in Phosphorus.
The following tables show a two-month comparison of label violations and stop sale orders issued by the Department for feed products that did not meet their guaranteed analysis.

### Table 1. Feed Notice of Label Violation Summary September 2021 – October 2021

<table>
<thead>
<tr>
<th>Nutritional Guarantee</th>
<th>October</th>
<th>September</th>
<th>Two Month Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crude Protein</td>
<td>6</td>
<td>21</td>
<td>27</td>
</tr>
<tr>
<td>Non-protein Nitrogen</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Crude Fat</td>
<td>0</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Crude Fiber</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Calcium</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Phosphorus</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Salt</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Magnesium</td>
<td>0</td>
<td>2</td>
<td>2</td>
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<tr>
<td>Potassium</td>
<td>1</td>
<td>0</td>
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</tr>
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<td>Copper</td>
<td>0</td>
<td>2</td>
<td>2</td>
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<tr>
<td>Iron</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Zinc</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Vitamin A</td>
<td>1</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Medicated Feed</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10</strong></td>
<td><strong>49</strong></td>
<td><strong>59</strong></td>
</tr>
</tbody>
</table>

1 160 feed samples analyzed with 624 determinations; 2 240 feed samples analyzed with 1017 determinations

### Table 2. Feed Stop Sale Summary September 2021 – October 2021

<table>
<thead>
<tr>
<th>Nutritional Guarantee</th>
<th>October</th>
<th>September</th>
<th>Two Month Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crude Protein</td>
<td>1</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Non-protein Nitrogen</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Crude Fat</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Crude Fiber</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Calcium</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Phosphorus</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Salt</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Manganese</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Potassium</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Copper</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Zinc</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Vitamin A</td>
<td>2</td>
<td>16</td>
<td>18</td>
</tr>
<tr>
<td>Medicated Feed</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8</strong></td>
<td><strong>36</strong></td>
<td><strong>44</strong></td>
</tr>
</tbody>
</table>

1 160 feed samples analyzed with 624 determinations; 2 240 feed samples analyzed with 1017 determinations

#### Fertilizer Program

All companies with an Oklahoma fertilizer license were sent their first notices for renewing their licenses: 102 license renewals were mailed and 1825 were emailed. Ag lime companies were also sent their first notices for renewing their ag lime vendor licenses: 13 license renewals were
mailed and 71 were emailed. Two-hundred and twelve companies with registered soil amendment products were sent their first notices for renewing their registrations as well.

Below you will find the performance numbers for the fertilizer, agricultural lime, and soil amendment programs.

<table>
<thead>
<tr>
<th>Type of Sample</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fertilizer</td>
<td>34</td>
</tr>
<tr>
<td>Lime</td>
<td>6</td>
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</table>

<table>
<thead>
<tr>
<th>Type of Investigation</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry Fertilizer Facility</td>
<td>41</td>
</tr>
<tr>
<td>Liquid Fertilizer Facility</td>
<td>26</td>
</tr>
</tbody>
</table>

I will be glad to answer any questions from the Board members.

Kenny M. Naylor

[Signature]
Animal Disease Traceability:
Due to the FADSAFE exercise, National Priority Traces were rescheduled and will now take place December 2-3. We will receive all 8 traces within the 2-day timeframe to complete our cooperative agreement tracing obligation.

We continue to distribute the free RFID tags to interested veterinarians and producers. We also have a limited number of RFID tag readers that are available for loan.

Aquaculture:
No activity of note during this time frame.

Biologics:
No activity of note during this time frame.

Cattle Programs:

Brucellosis:
We have no active bovine Brucellosis cases currently.

The only remaining reservoir of \( B \text{ abortus} \) in the U.S. is in elk and bison in the Greater Yellowstone Park area. Those states have Designated Surveillance Areas, where the disease in wildlife occasionally spills over into domestic cattle and bison.

While there is very little need to test for \( B \text{ abortus} \) any longer, this means we have very little or no surveillance for \( Brucella \text{ suis} \) (Swine Brucellosis) which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. \( B \text{ suis} \) can, and does, infect cattle. I fear this could lead to an increase in the number of human cases of \( B \text{ suis} \).

Tuberculosis:
Almost all AIS field employees, as well as Drs. Gorczyca-Southerland and Ruby, and APHIS VS employees who were able to travel spent the week of October 31- November 6 performing the yearly test on the TB exposed dairy in Cimarron County. The confirmatory testing of all suspects was negative with the exception of one sample that was invalid and will have to have a new sample submitted.

Testing in trace out herds that had purchased animals exposed to the positive bull in Osage County continues.

On October 25 Dr. Stone joined USDA Epidemiologist Dr. Jill Duel at OSU College of Veterinary Medicine in teaching Dr. Dawson’s food animal class covering Scrapie and Bovine Spongiform diseases, Tuberculosis, Johne’s Disease, and threats to our country.
from foreign animal diseases such as Foot and Mouth disease and African Swine Fever. On October 26 and 29 the class was given demonstrations and hands on training for successful tuberculosis testing.

**Trichomoniasis:**
During this period 1161 Oklahoma bulls were tested, and four positive bulls were discovered. Dr. Proctor contacts the owners of positive bulls and their veterinarians to follow up and offer advice about control and eradication of the disease, and to answer questions about the disease and our regulations.

![Map of Oklahoma showing positive bulls for Trichomoniasis](image)

13,147 bulls tested / 34 positive = 0.26% positive

Our current statistics compare to 2.1% positive bulls in 2011, 1.4% in 2012, 1.3% in 2013, 1.4% in 2014, 1.1% in 2015, 1.1% in 2016, 0.5% in 2017, 0.32% in 2018, 0.42% in 2019, and 0.35% in 2020.

**Johne’s Disease:**
In 2021 for this reporting period, we have received 10 positive reports, 4 from new premises. Year to date we’ve had 81 positive reports with 56 new premises.

For this reporting period in 2020 we had 19 positive reports with 8 from new premises. The year to date had 102 positive reports with 63 new premises.

The average year to date reports for the last seven years are 102 positive reports from 66 new premises.

Dr. Stone continues to receive calls for assistance with testing strategy from veterinarians and producers. The test strategy does change as they work forward from control to elimination of the disease. Producers that make the most rapid advancement economically have the most complete records.
**Emergency Management:**
On October 22 Drs. Gorczyca-Southerland, Ruby, and I met with the Director and Regional Response Coordinator from Oklahoma Department of Emergency Management and Homeland Security to discuss the maintenance and repair of emergency response equipment that we purchased with Homeland Security grants.

During this timeframe, we have finalized planning efforts for ODAFF to participate in FADSAFE. Ultimately, the exercise was not postponed, and will be conducted on the days previous scheduled. Dr. Gorczyca-Southerland worked with Dr. Leslie Cole to ensure our FMD response plan was up to date and ready to be utilized for the exercise. Dr. G met several times with the OK Forestry Services Incident Management Team to ensure they were also prepared to manage the “incident” within the exercise. On November 9, Dr. Gorczyca met with the exercise evaluators, Tracey Bender, ODEMHS and Mark Schultz, OSDH to go over the Exercise Evaluations Guides.

We continue to participate in weekly ASF Slaughter Plant Working Group discussions to help prepare the packing industry to respond during an ASF outbreak.

**Equine Programs:**
There are no new cases of EIA in Oklahoma.
There are no reported cases or quarantines for CEM in Oklahoma.
There are no new Piroplasmosis cases or tracebacks for Oklahoma.

We have one premises under quarantine after one horse tested positive for EIA. The exposed and contact equine will be retested on November 18th (60 days after the last exposure to the positive horse) and if all test results are negative, the quarantine will be released. We have not found any additional positive equine associated with this case.

There were 4 confirmed cases of West Nile Virus (WNV) in horses in Oklahoma in the month of October. All reported cases are alive and recovering from their clinical symptoms. Oklahoma has had a total of 9 cases of WNV in equine species in 2021.

**Farmed Cervidae Programs:**
We continue to closely monitor requests to import deer from Pennsylvania and Wisconsin due to the increasing incidence of CWD in those States.

**Feral Swine:**
On October 12 we received a complaint from Delaware County of feral hogs escaping a previously licensed feral hog facility. The facility license was dropped in 2015. The property was then sold. Apparently, some of the feral hogs remained on the property and continued to reproduce. The new owners have English communication challenges and did not understand the rules for feral swine. Dr. Stone and our LSI Rob Pinkston contacted the owner and investigated. The owner has no interest in keeping hogs but hates to waste the meat. We are working with the owner to eliminate the hogs by slaughtering them on farm and will periodically check in on the progress of the elimination.
For the original complaint of feral hogs escaping from the facility, our inspection of the fence found no evidence of pig’s ingress or egress. Feral hogs are in the area and are attracted to the facility by the pigs within the facility.

**Foreign Animal Disease:**
ODAFF and APHIS personnel performed one FAD investigation during this time frame. It was on a horse in Kay County that had symptoms compatible with Vesicular Stomatitis. Thankfully no FADs were diagnosed.

We continue to be part of three separate working groups that are planning to respond to African Swine Fever in case the disease makes it to the USA.

**Livestock Market Audits:**

During this period, there were no new market licenses applied for. Two individuals inquired about the laws and the market process and both were sent packets with those details. Neither have followed up since that time. The month did allow for a new market orientation as well as several market custodial account audits. No violations were discovered during those audits.

<table>
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<th>Livestock Auction Market Activities</th>
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<tr>
<td>Auction market licenses issued</td>
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<td>Auction market complaints investigated</td>
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<td>Fines collected</td>
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<tr>
<td>Livestock Markets with Legal Action</td>
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<tr>
<td>Special Audits (Market Development)</td>
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</table>

**Outreach:**

On October 13 and 15 I had discussions with Senator Inhofe’s staff and members of the Intertribal Bison Committee to address concerns of a proposed law that would make it easier to move bison from the Yellowstone National Park area to Native American tribes.

On October 15 I talked to Representative Mickey Dollens regarding a complaint he received that alleged that an Animal Shelter in his district was not euthanizing animals humanly. I sent him a copy of the American Veterinary Medical Association’s Humane Euthanasia Guidelines.

October 19-22 our field staff and Dr. Gorczyca-Southerland checked in swine at the NSR Fall Classic show pig show and sale in Duncan. This is the largest show pig sale in the world and brings in swine from all over the United States.

On October 19 I assisted in ODAFF’s booth at the State Suppliers Expo at the Oklahoma City Convention Center.
On October 20 I gave a virtual presentation to OSU College of Veterinary Medicine’s Veterinary Emergency Response and Disaster Management elective about the role of the State Veterinarian in disaster response.

On October 26 Dr. Gorczyca-Southerland and I met virtually with USDA APHIS’ leadership team to give them feedback on our relationship with APHIS Veterinary Services’ team, issues that we are dealing with in Oklahoma, and issues we would appreciate assistance from APHIS on.

On October 28 I was shadowed by Hannah Blankinship, a high school senior from the Stillwater area and a member of the Oklahoma Youth Council.

Drs. Gorczyca-Southerland, Stone, Ruby, and I participated in virtual United States Animal Health Association subcommittee and committee meetings from October 4 – 15. Drs. Gorczyca-Southerland, Ruby, and I traveled to Denver to attend the in person USAHA meetings from October 22-26.

**Poultry Programs:**
There were 12 birds submitted under the sick/dead bird program and none were found to have reportable diseases. To date, there have been 86 total cases submitted for 2021.

**Rabies in Livestock:**
There were no reports of livestock rabies during this period.

**Sheep and Goat Programs:**
On November 3 I met with three APHIS VS personnel to draft a response to requests from the APHIS VS Small Ruminant Staff regarding the Scrapie Consistent State Review we had in August.

**Swine Programs:**
On November 10 Dr. Gorczyca-Southerland and I attended a virtual meeting of US Swine Health Improvement Program Official State Agencies.

**Miscellaneous:**
On November 8 we completed and submitted our seven shortage area nominations for the Veterinary Medical Loan Repayment Program.

On Oct 28 We received a call from a producer in Pottawatomie County who had several cows die over a relatively short period of time. He had recently moved to the area and hadn’t developed a relationship with a veterinarian and was not able to get an appointment with one of the area veterinarians on short notice. I asked Dr. Stone to go assess the situation to determine if there was any suspicion of a Foreign Animal Disease. Dr. Stone’s investigation revealed that the deaths had probably occurred over a longer period of time than the owner believed and did not appear to be any reportable disease. The owner was concerned about Anthrax so Dr. Stone submitted blood to OADDL for Anthrax testing which was negative. We do our best to not get involved in situations like
this, as typically we rely on reports from veterinarians that we are needed to investigate suspicious cases.

Respectfully,

[Signature]

Rod Hall, DVM
Introduction

Wildlife Services (WS) responds to damage complaints caused by wildlife to resources or property throughout Oklahoma. WS Specialists conduct operational damage management programs for many of the complaints they receive to resolve these wildlife damage problems. During this period, these projects were conducted on 432 properties with an estimated 766,207 acres of land under agreement. Additionally, WS helped 4,546 persons and entities with technical assistance which involved providing information to cooperators so they can resolve problems themselves. Cooperators reported and WS Specialists verified wildlife damage of $425,541 during this period. Beaver damages accounted for losses totaling $121,612. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling $11,418. Feral swine damages accounted for losses totaling $288,574, while other species of wildlife were responsible for $3,937 in damages to property, agriculture, and livestock. Last Fiscal Year (FY) 21, WS verified wildlife damages of $11,192,373 to properties, natural resources, health and safety, and agriculture as well as helped with technical assistance to 2,397 persons and entities.

Providing Wildlife Services

![West District Pie Chart](image1.png)

![Northeast District Pie Chart](image2.png)

*Figure 1: Species Removed in West District by percentage during October 2021*

*Figure 2: Species Removed in the Northeast District by percentage during October 2021*
Coyote Damage Management

Stephens County landowner requested assistance with coyotes depredating on White-tailed deer in his enclosed structure. The producer reported that coyotes had killed two deer valued at $3,000. The Wildlife Specialist assigned to Stephens County examined one carcass and verified that coyotes were responsible for the loss. Damage management efforts were successful in removing six coyotes from the enclosure. Control efforts continue to prevent additional losses.
**Greer County** livestock producer requested assistance with coyotes depredating on his sheep. The producer reported that coyotes killed two adult sheep valued at $800 dollars and ten lambs valued at $2,000. The Wildlife Specialist assigned to Greer County quickly responded to the request and examined one of the carcasses and confirming that coyotes were responsible for the loss of the sheep. The producer already has been using guarding dogs however the Specialist recommended several additional methods to help prevent future damages, including carcass/carrion removal, night penning, and shed lambing. Control efforts have removed three coyotes and are continuing at this time to further reduce predation losses to coyotes for the producer.

**Beaver County** livestock producer requested assistance with coyotes depredating on his sheep. The producer reported that coyotes had killed eleven sheep valued at $2,750. The Wildlife Specialist assigned to Beaver County quickly responded to the request and examined one of the carcasses and confirming that coyotes were responsible for the loss of the sheep. The Specialist recommended several methods to help prevent future damages, including carcass/carrion removal, night penning, and guarding animals. The Specialist used foot-hold traps and calling/shooting to remove seven coyotes. Control efforts continue to prevent additional losses.

**Carter County** rancher called WS for assistance when they lost a young llama. Coyotes were identified by the Specialist as the predator responsible for the loss of the llama valued at $1,500.00. Foot-hold traps were placed and three male coyotes were removed to stop the predation losses.

**Feral Swine Damage Management**

**Major County** landowner contacted WS needing assistance with feral swine damaging his stored haybales. The landowner estimated the damage to the haybales was $1,800. The Wildlife Specialist assigned to Major County quickly responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove 35 feral swine from the property. No additional damage has occurred, and the population in the area is being monitored to determine if additional management is needed.

**Beckham County** farmer requested assistance with feral swine causing damage in his peanut fields. The farmer reported since he has rolled his peanuts for harvest, feral swine are responsible for $4,000 in damages to the crop. The Wildlife Specialist assigned to Beckham County responded to the request and his field inspection verified feral swine were responsible for the damages to the crop. The Specialist utilized a live trap to remove 30 feral swine from the property. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.
Greer County landowner requested assistance with feral swine causing damage in his wheat fields and pastures. The Wildlife Specialist for Greer County responded to the request and verified feral swine were rooting up the wheat field and pasture resulting in damages valued at $6,300. The Wildlife Specialist utilized a live trap and shooting methods to remove 52 feral swine from the landowner’s property. Activity on the property continues to be monitored to determine if further management is needed.

Roger Mills County landowner contacted WS needing assistance with feral swine rooting in his pastures. The landowner estimated that feral swine have caused $1,000 in damages to his pasture. The Wildlife Specialist assigned to Roger Mills County quickly responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove 23 feral swine from the property. No additional damage has occurred, and population in the area are being monitored to determine if additional management is needed.

Hughes County farmer called WS for assistance with feral swine. The damage was verified and estimated at $1,000.00 to wheat, $4,000.00 to hayfields, and $3,000.00 to his pastures. A remote camera trap was set and 26 feral swine were removed to alleviate the damages to the property.

WS received a feral swine request from a Pushmataha County rancher. The damage was verified and estimated to be $7,000.00. A remote camera trap was set on and 16 feral swine were removed from the property. This project is still being monitored.

Pontotoc County rancher called WS for assistance when he found his 25-acre winter wheat field rooted up by feral swine. Damage was verified and estimated at $2,000.00. A remote camera trap was placed at the property and 39 feral swine have been removed to date. This project is still active.

WS answered a request for an Okfuskee County farmer asking for assistance with feral swine rooting his grazing pasture. WS verified feral swine responsible for rooting damages estimated at $2,500. WS utilized baiting and trapping to remove 34 feral swine from the area. Work is complete at this time and the landowner was instructed on fencing methods and environmental changes that can be utilized to help prevent future problems.

WS was contacted by a Pawnee County landowner. The landowner reported feral swine sightings and damages to a pasture. A WS Specialist responded to the call and verified the damage to the property. A live feral swine trap was placed on the property and 12 feral swine have been removed from the property. At this time work is ongoing. The landowner was advised of environmental changes that could help prevent future damages caused by feral swine.

WS received a call from an Okmulgee County landowner with a complaint that feral swine were rooting up his pasture. After investigating the property abundant damage was verified. Utilizing a live feral swine trap WS removed 16 feral swine from the property. Work is ongoing at this time and the landowner was instructed on fencing methods and environmental changes that can be utilized to help prevent future problems.

Oklahoma County property owner requested assistance from WS with feral swine damage in her yard and concerns of safety because the swine were coming onto her driveway and porch.
The property owner had invited several of her neighbors who were experiencing the same issues and all agreed to sign up as new cooperators, with a total area of approximately 55 acres. Estimated loss to residential yards, a horse pasture, and a cow pasture is $11,000. A feral swine trap was set, resulting in the capture of 27 feral swine. Work is ongoing and efforts are being made to sign more cooperators in the area to increase chances of a more complete and timely resolution to the problem of feral swine damage in this area.

**Aerial Operations**

Aerial operations were conducted in *Greer, Harmon, and Kiowa Counties* to help reduce feral swine populations in areas within these counties. During the month of September, the Wildlife Specialist assigned to these counties verified $7,500 in damages to milo fields, hayfields, and pastures in the areas flown. A helicopter was utilized for 5.2 flight hours to remove 98 feral swine to relieve any additional damage in these areas.

**Beaver Damage Management**

*Custer County* Commissioner contacted WS with beaver damage concerns. The Commissioner reported that beavers were responsible for $1,000 to the road and bridge structure. The Wildlife Specialist assigned to Custer County responded to the request and verified that beavers were responsible for the damage reported. The Specialist utilized conibear traps to remove four beavers from the adjacent creek. Control efforts are completed.

*Caddo County* landowner contacted WS for assistance with beaver that were responsible for burrowing into the pond dam structure on his property. The landowner estimated the damage to the structure to be valued at $5,000. The Specialist for Caddo County quickly responded and verified beaver were responsible for damage to the dam. Control measures employed by the specialist were successful in removing the beavers from the pond to help reduce any additional damage to the dam structure.

*Pontotoc County* property owner called WS for assistance with beavers. The beaver damage was verified and damages were estimated at $3,000.00 to multiple pond dams on the property. Conibear traps were placed and 11 beavers were removed to conclude this project.

*Carter County* farmer, that had already replaced is pond dam due to beaver damage, called WS for assistance when he saw that the beavers were back in his pond. Damage to his new pond dam was verified and is estimated at $500.00. Conibear traps were set and five beavers have been removed to date. This project is still active.

*Wagoner County* landowner contacted WS about beaver damage to his pond. A WS Specialist responded to the call and determined that the damage was caused by beavers. Devices were set to remove four beavers. Repairs to pond dam are approximately $1,500. Work is ongoing at this time. The landowner was instructed on environmental changes and fencing methods that can be utilized to help prevent future problems.
WS was contacted by a *Rogers County* landowner with beaver damage concerns. The landowner reported that beaver was flooding approximately $4500 worth of pasture ground. The beavers had burrowed large holes into his pond’s dam valued at $3500 and had girdled $3000 worth of mixed standing trees. A WS Specialist responded to the request and verified that beavers were responsible for the damage reported. The Specialist is currently utilizing spotlighting/shooting and neck snares methods to remove the beaver. Two beaver have been removed to date and work is continuing at this time. The landowner was instructed on beaver dam removal methods, environmental changes, and structural repairs that can be made to prevent future damages.

*Craig County* Commissioner contacted WS with beaver damage concerns. The Commissioner reported that beaver had flooded a county roadway valued at $3,500. A WS Specialist responded to the request and verified that beaver were responsible for the damage reported. The Specialist was able to utilize spotlighting/shooting to remove three beavers. Work is complete at this time. The Commissioner was instructed on environmental changes, beaver dam removal, and fencing methods that can be utilized to prevent future damages.

*Cleveland County* property owner in Southern made contact with WS and explained that beavers were chewing trees causing damage to his bridge. Damage was estimated at $10,000.00 and was confirmed by WS to the bridge from the trees being chewed down on the bridge. Body grip traps were utilized and five beavers have been removed to date. Work is still ongoing currently.

*Canadian County* District 3 contacted WS about needing assistance with beaver damage that flooded a county road within the district. WS responded to the location and confirmed that beavers had dammed up a tinhorn. The damage had caused water to flood the county road which cost an estimated $2000.00 to repair. WS used night shooting to remove four beavers and no further damage has been reported.

*Table 1: Beaver, Coyote, and Feral Swine removal in Oklahoma by WS October 2021*

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</tr>
<tr>
<td>McCurtain</td>
<td>2</td>
<td>5</td>
<td>SE</td>
<td></td>
</tr>
<tr>
<td>McIntosh</td>
<td>8</td>
<td>4</td>
<td>NE</td>
<td></td>
</tr>
<tr>
<td>Murray</td>
<td>1</td>
<td>10</td>
<td>SE</td>
<td></td>
</tr>
<tr>
<td>Muskogee</td>
<td>3</td>
<td>8</td>
<td>3</td>
<td>NE</td>
</tr>
<tr>
<td>Noble</td>
<td>29</td>
<td>NE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

F-7
Wildlife Disease Sampling for FY 2021

Feral swine samples collected are opportunistically taken during Direct Control projects where feral swine are being removed to alleviate property damage. Each feral swine is sampled for Classical Swine Fever, Pseudo-rabies, Swine Brucellosis and a Genetic sample is collected. If available, extra serum vials are archived for future testing.

High Priority Counties are established by the National Feral Swine program. These counties have been placed as a “High Priority” due to a culmination of factors such as Commercial Pork production, Dairy Farms, Cattle production, Landfills, etc. At least 50% of Fiscal Year (FY)21 samples came from the following High Priority Counties. (Adair, Atoka, Bryan, Choctaw, Coal, Comanche, Haskell, Johnston, Le Flore, Logan, Love, Major, McCurtain, Muskogee, Payne, Pittsburg, Pontotoc, Pushmataha, and Sequoyah).
**Statewide Totals:**
- 370 Feral Swine Sampled
- 20 Counties
- 44 locations

Classical Swine Fever (CSF) = 370 tested, 0 positive
Swine Brucellosis (SB) = 370 tested, 104 positives (28.1%)
Pseudorabies (PRV) = 370 tested, 92 positives (24.8%)

*Figure 7: Pseudorabies Seroprevalence in Oklahoma FY 2021*

*Figure 8: Swine Brucellosis Seroprevalence in Oklahoma FY 2021*
Respectfully submitted,

Scott Alls
Division Director
Wildlife Services Division
October 2021 Activity Report  
for  
December 2021 Board Meeting  
Agricultural Statistics Division

**General:** Rainfall totals in Oklahoma the **first week of October**, averaged 1.14 inches, with the Central district recording the highest total at 1.48 inches. According to the September 28th US Drought Monitor Report, drought conditions were rated 94 percent abnormally dry to exceptional drought, up 15 points from the previous week. Additionally, 73 percent of the state was in the moderate drought to exceptional drought category, up 34 points from the previous week. Statewide, temperatures averaged in the low 70’s. Topsoil moisture conditions were rated mostly adequate to short, while subsoil moisture conditions were rated short to adequate.

Rainfall totals in Oklahoma the **second week of October**, averaged 0.74 of an inch, with the Central district recording the highest total at 1.32 inches. According to the October 5th US Drought Monitor Report, drought conditions were rated 93 percent abnormally dry to exceptional drought, down 1 point from the previous week. Additionally, 69 percent of the state was in the moderate drought to exceptional drought category, down 4 points from the previous week. Statewide, temperatures averaged in the low 70’s. Topsoil moisture conditions were rated mostly adequate to short, while subsoil moisture conditions were rated short to adequate.

Rainfall totals in Oklahoma the **third week of October**, averaged 1.59 inches, with the East Central district recording the highest total at 3.17 inches. According to the October 12th US Drought Monitor Report, drought conditions were rated 96 percent abnormally dry to exceptional drought, up 3 points from the previous week. Additionally, 62 percent of the state was in the moderate drought to exceptional drought category, down 7 points from the previous week. Statewide, temperatures averaged in the low 60’s. Topsoil and Subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma the **fourth week of October**, averaged 0.05 of an inch, with the East Central district recording the highest total at 0.17 of an inch. According to the October 19th US Drought Monitor Report, drought conditions were rated 94 percent abnormally dry to exceptional drought, down 2 points from the previous week. Additionally, 38 percent of the state was in the moderate drought to exceptional drought category, down 24 points from the previous week. Statewide, temperatures averaged in the low 60’s. Topsoil and Subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma the **fifth week of October**, averaged 0.91 of an inch, with the East Central district recording the highest total at 1.86 inches. According to the October 26th US Drought Monitor Report, drought conditions were rated 95 percent abnormally dry to exceptional drought, up 1 point from the previous week. Additionally, 41 percent of the state was in the moderate drought to exceptional drought category, up 3 points from the previous week. Statewide, temperatures averaged in the high 50’s. Topsoil and subsoil moisture conditions were rated mostly adequate to short.
**Small Grains:** Winter wheat planted reached 85 percent, down 2 points from the previous year and down 1 point from normal. Winter wheat emerged reached 68 percent, down 2 points from the previous year and down 6 points from normal. Canola planted reached 77 percent, down 3 points from the previous year but unchanged from normal. Canola emerged reached 7 percent. Rye planted reached 80 percent, down 9 points from the previous year and down 8 points from normal. Rye emerged reached 39 percent, down 10 points from the previous year and down 18 points from normal. Oats planted reached 40 percent, down 5 points from both the previous year and normal.

**Row Crops:** Corn harvested reached 92 percent, up 3 points from the previous year and up 4 points from normal. Sorghum harvested reached 64 percent, up 5 points from the previous year but unchanged from normal. Soybeans dropping leaves reached 89 percent, up 5 points from both the previous year and normal. Soybeans harvested reached 48 percent, up 7 points from the previous year and up 4 points from normal. Peanuts mature reached 93 percent, up 1 point from the previous year but unchanged from normal. Peanuts harvested reached 44 percent, down 17 points from the previous year and down 15 points from normal. Cotton harvested reached 32 percent, up 5 points from the previous year and up 1 point from normal.

**Hay:** The fifth cutting of alfalfa hay reached 42 percent, up 2 points from the previous year and up 11 points from normal. The third cutting of other hay reached 67 percent, up 8 points from the previous year and up 4 points from normal. The fourth cutting of other hay reached 15 percent, up 9 points from the previous year but down 8 points from normal.

**Pasture and Livestock:** Pasture and range condition was rated at 84 percent fair to good. Livestock condition was rated at 91 percent good to fair.

**Surveys:** Surveys administered by the Oklahoma call center are listed in the table below:

<table>
<thead>
<tr>
<th>Survey</th>
<th>Enumerated by:</th>
<th>Survey Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calling Suspended on 3/18/2020 due to COVID-19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Calling has rolled over to field enumerators from home. Laptops have been issued to call center enumerators and are currently being used to collect data as well.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Statistics:** On November 9, 2021, the October Crop Production Report was published. Highlights include:

Oklahoma Upland Cotton production is forecast at 760 thousand bales, 19 percent higher than 2020. Yield averaged 879 pounds per acre, compared with 702 pounds last year. Acreage harvested, at 415 thousand acres, is down 5 percent from last year.
Oklahoma corn production is forecast at 46.5 million bushels, up 8 percent from the previous year. Statewide yields averaged 155 bushels per acre, 20.0 bushels higher than 2020. Acres harvested for grain, at 300 thousand, is down 6 percent from last year.

Oklahoma sorghum production is forecast at 23.1 million bushels, up 123 percent from last year. Yield averaged 65.0 bushels per acre, up 20.0 bushels from the previous year. Acres harvested, at 355 thousand acres, is 54 percent higher than 2020.

Oklahoma soybean production is forecast at 13.8 million bushels, down 15 percent from last year. Yield is expected to average 25.0 bushels per acre, compared with 30.0 bushels in 2020. Harvested acreage, at 550 thousand acres, is 2 percent higher than last year.

Oklahoma peanut production is 11 percent lower than last year, at 52.5 million pounds. Yield is forecast at 3,500 pounds per acre, down 720 pounds from 2020. Harvested acres are up 7 percent from last year to 15.0 thousand acres.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 23. In addition, our internet home page was hit 29,908 times in 2021, which is up 12 percent from 2020.

<table>
<thead>
<tr>
<th>Releases for November:</th>
<th>Relating Dates:</th>
<th>Release Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Production</td>
<td>November 1, 2021</td>
<td>November 9, 2021</td>
</tr>
<tr>
<td>Cattle on Feed</td>
<td>November 1, 2021</td>
<td>November 19, 2021</td>
</tr>
<tr>
<td>Farm Labor</td>
<td>October 2021</td>
<td>November 24, 2021</td>
</tr>
<tr>
<td>Agricultural Prices</td>
<td>November 15, 2021</td>
<td>November 30, 2021</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Releases for December:</th>
<th>Relating Dates:</th>
<th>Release Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Production</td>
<td>December 1, 2021</td>
<td>December 9, 2021</td>
</tr>
<tr>
<td>Wheat County Estimates</td>
<td>2020-2021 Crop Year</td>
<td>December 9, 2021</td>
</tr>
<tr>
<td>Cattle on Feed</td>
<td>December 1, 2021</td>
<td>December 23, 2021</td>
</tr>
<tr>
<td>Hogs and Pigs</td>
<td>December 1, 2021</td>
<td>December 23, 2021</td>
</tr>
<tr>
<td>Agricultural Prices</td>
<td>December 15, 2021</td>
<td>December 30, 2021</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Meetings and Events:</th>
<th>Date:</th>
<th>Location:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NRCS Technical Meeting</td>
<td>November 3, 2021</td>
<td>Virtual</td>
</tr>
<tr>
<td>OBHRPI Conference</td>
<td>November 12, 2021</td>
<td>Virtual</td>
</tr>
<tr>
<td>December Surveys NASDA Training</td>
<td>November 23, 2021</td>
<td>Virtual</td>
</tr>
<tr>
<td>Peanut Commission Meeting</td>
<td>December 2, 2021</td>
<td>Stillwater, OK</td>
</tr>
</tbody>
</table>

Respectfully Submitted,

[Troy Marshall]

G-3
AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT
- Total Number of Teachers/Administrators Impacted: 63
- Total Number of Extension Educators Impacted: 17
- Total Number of Students Directly Impacted by Coordinators: 878
- Total Number of Resources Given: 4,630
- Total Number of Teachers/PreService Teachers Resources Given to: 84
- Total Number of PreK-12th Grade Students Resources Given to: 1,288

AG IN THE CLASSROOM WEBSITE, LESSON IMPACT, AND SOCIAL MEDIA
- The AITC website had 11,871 visits and 10,005 unique pageview visits.
- The AITC monthly email is delivered to 15,536 accounts.
- The AITC Facebook page now has 7,768 followers.
- The AITC Twitter page now has 571 followers.
- Oklahoma AITC Instagram account now has 595 followers.
- Oklahoma AITC Pinterest account now has 206 followers.
- The AITC YouTube channel now has 8,075 views.

Ag in the Classroom- Professional Development Workshops

<table>
<thead>
<tr>
<th>Number of Educators &amp; Grade Level(s)</th>
<th>Location</th>
<th>Lessons/Activities Used</th>
<th>Resources Given</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 Extension Educators</td>
<td>Zoom</td>
<td>National Ag in the Classroom Matrix; Holiday-relevant resources; Accurate Ag Books and Videos; Ag Career CAMPs and Contest Information; Gardening and health for January activities</td>
<td>Oklahoma Farm to School Cookbooks mailed out</td>
</tr>
<tr>
<td>1 SPED teacher - Jet Public Schools</td>
<td>Zoom</td>
<td>Website and AITC resources</td>
<td>Phonological Awareness Around the Farm</td>
</tr>
</tbody>
</table>

Ag in the Classroom- Student Events

<table>
<thead>
<tr>
<th>Number of Participants &amp; Grade Level(s)</th>
<th>Location</th>
<th>Lessons/Activities Used</th>
<th>Resources Given</th>
</tr>
</thead>
<tbody>
<tr>
<td>125 students PK-5th grade</td>
<td>Gore Elementary School</td>
<td>Spinning Wheel and Trivia Questions</td>
<td>N/A</td>
</tr>
<tr>
<td>15 High School Students</td>
<td>Maysville High School FFA Program</td>
<td>Delivered the Bushel of Books won from participating in Read an</td>
<td>Accurate Ag Books</td>
</tr>
<tr>
<td>Students</td>
<td>Location</td>
<td>Activity</td>
<td>Resources Mailed</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>------------------</td>
</tr>
<tr>
<td>230 PK-6th grade</td>
<td>Maysville Elementary</td>
<td>Provided the Spinning Wheel and Trivia questions for the FFA students to use at a booth; AITC booth read the book ‘How Many Seeds in a Pumpkin?’, felt the inside of a pumpkin and discussed how they grow</td>
<td>Pumpkin seeds and Pumpkin Putty</td>
</tr>
<tr>
<td>200 PK-12th grade</td>
<td>Anadarko Community Event at Anadarko Airport</td>
<td>Spinning Wheel and Trivia Questions</td>
<td>AITC Coloring Books; Ag on Rt 66 Activity Book; Oklahoma Agriculture Magazine</td>
</tr>
<tr>
<td>225 5th grade</td>
<td>Zoom - Washington and Nowata Counties</td>
<td>Jeopardy Game &amp; True/False over Ag Safety</td>
<td>N/A</td>
</tr>
<tr>
<td>75 5th grade</td>
<td>North Fork of Red River Conservation District’s 2021 Outdoor Classroom</td>
<td>Spinning Wheel and Trivia Questions</td>
<td>AITC Bookmarks and pencils</td>
</tr>
<tr>
<td>4 11-12 grade; 4 High School teachers/counselors/Extension</td>
<td>Northeast Technology Center - Claremore, OK</td>
<td>Real Colors, Social Media Etiquette, Professional Dress / Interviewing skills / Resumes, Tour Moore’s Fish Farm Tour, Port of Catoosa Tour</td>
<td>Students: Find your Future in Agriculture Reader and card Teachers: 50 Find your Future in Agriculture Readers, 100 Find your Future in Agriculture cards; 25 Oklahoma Agriculture Magazines</td>
</tr>
<tr>
<td>4 11-12th grade; 3 High School Teachers/Extension Agent</td>
<td>Western Technology Center - Hobart, OK</td>
<td>Real Colors, Professional Dress/Interviewing Skills, Resumes, Social Media Etiquette, Western Equipment Tour, Duff Cattle Company Tour</td>
<td>Students: Find your Future in Agriculture Reader and card Teachers: 50 Find your Future in Agriculture Readers, 100 Find your Future in Agriculture cards; 25 Oklahoma Agriculture Magazines</td>
</tr>
</tbody>
</table>

**Ag in the Classroom - Resources Mailed or Delivered**

<table>
<thead>
<tr>
<th>Number Of Resources</th>
<th>Location</th>
<th>Resources Mailed</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 Ponca City High School</td>
<td>Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th), Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History), Cotton MS/HS Student Activity Sheets (set of 25) (7th-12th grade)</td>
<td></td>
</tr>
<tr>
<td>125 Tahlequah High School</td>
<td>Does Chocolate Milk Come From Brown Cows? Student Activity Sheets (set of 25) (3rd-12th), Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th), Engineering Process Upper Level student worksheets (set of 25) (3rd-12th), Oklahoma Ag Magazine student magazine (3rd-12th), Alpaca MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Beef Cattle MS/HS Student Activity Sheets (set of 25) (7th-12th grade)</td>
<td></td>
</tr>
<tr>
<td>School/Merchandise</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
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</tr>
<tr>
<td>Tahlequah High School</td>
<td>Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade), Elementary Financial Literacy Cards (K-5th, but mostly 3rd-5th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade)</td>
<td></td>
</tr>
<tr>
<td>Robin Hill School - Norman</td>
<td>Oklahoma Ag Magazine student magazine (3rd-12th); Beef Cattle Elementary Student Activity Sheets (set of 25) (3rd-6th); Think in Pictures Student Readers (set of 25) (3rd-6th grade); Chickens Elementary Student Activity Sheets (set of 25) (3rd-6th); Goats Elementary Student Activity Sheets (set of 25) (3rd-6th); Dairy Cattle Elementary Student Activity Sheets (set of 25) (3rd-6th); Sheep Elementary Student Activity Sheets (set of 25) (3rd-6th); Swine Elementary Student Activity Sheets (set of 25) (3rd-6th); Peanuts Elementary Student Activity Sheets (set of 25) (3rd-6th); Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th)</td>
<td></td>
</tr>
<tr>
<td>Stillwater Junior High</td>
<td>Soil, Plants, and Animals, Oh My! (all grades)</td>
<td></td>
</tr>
<tr>
<td>YMCA Child Development Center</td>
<td>Soil, Plants, and Animals, Oh My! (all grades)</td>
<td></td>
</tr>
<tr>
<td>Woodward High School</td>
<td>Soil, Plants, and Animals, Oh My! (all grades)</td>
<td></td>
</tr>
<tr>
<td>Varnum Elementary</td>
<td>Soil, Plants, and Animals, Oh My! (all grades)</td>
<td></td>
</tr>
<tr>
<td>Varnum Elementary</td>
<td>Chickens MS/HS Student Activity Sheets (set of 25) (7th-12th grade)</td>
<td></td>
</tr>
<tr>
<td>Stillwater Public Schools</td>
<td>Multiple Resources</td>
<td></td>
</tr>
<tr>
<td>Anadarko Public Library</td>
<td>Multiple resources</td>
<td></td>
</tr>
<tr>
<td>Chickasha Elementary</td>
<td>Red Dirt Symbols</td>
<td></td>
</tr>
<tr>
<td>Frederick Elementary</td>
<td>Red Dirt Symbols</td>
<td></td>
</tr>
<tr>
<td>South Carolina State Department of Education</td>
<td>Phonological and Phonemic Awareness Around the Farm</td>
<td></td>
</tr>
<tr>
<td>Stuart Elementary</td>
<td>Phonological and Phonemic Awareness Around the Farm</td>
<td></td>
</tr>
</tbody>
</table>
Ag in the Classroom - Other Events

<table>
<thead>
<tr>
<th>Event</th>
<th>Highlights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feeding teachers at Gore Elementary and Little Axe Elementary</td>
<td>The Farm Bureau Women’s Committee partnered with us to provide lunch to two deserving schools that had the most in attendance at our AITC Summer Conference. We were able to provide lunch at Gore for 40 teachers and at Little Axe Elementary for 75 teachers.</td>
</tr>
<tr>
<td>Farm Bureau Conference</td>
<td>Annie and Melody served as judges at the FB Discussion Meet; AITC also had a booth with Oklahoma Agriculture Magazines and Bookmarks</td>
</tr>
</tbody>
</table>

AGRITOURISM

Agritourism - Site Visits

<table>
<thead>
<tr>
<th>Producer</th>
<th>Location</th>
<th>Category</th>
<th>Highlights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Silo Winery</td>
<td>Tishomingo</td>
<td>Winery</td>
<td>Dropped off maps and stickers, new app discussion</td>
</tr>
<tr>
<td>Brown Hay Maze</td>
<td>Ardmore</td>
<td>Mazes</td>
<td>Took Ag Youth Council member for job shadowing</td>
</tr>
<tr>
<td>Minyard Farms</td>
<td>Lebanon</td>
<td>Farm-to-Table</td>
<td>Took Ag Youth Council member for job shadowing, last season open to public</td>
</tr>
<tr>
<td>Cedar &amp; Stone B&amp;B</td>
<td>Tishamingo</td>
<td>Country Stay</td>
<td>Took Ag Youth Council member for job shadowing</td>
</tr>
</tbody>
</table>

Agritourism - New Producers or Potential Producers

<table>
<thead>
<tr>
<th>Producer</th>
<th>Location</th>
<th>Category</th>
<th>Highlights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dakota Star Ranch</td>
<td>Checotah</td>
<td>Fiber</td>
<td>Site visit – added new farm</td>
</tr>
<tr>
<td>Chickasaw Cultural Center</td>
<td>Sulphur</td>
<td>Horticulture, Farm and Ranch Attraction</td>
<td>Site visit - discussed joining program</td>
</tr>
<tr>
<td>Akecheta Christmas Tree Farm</td>
<td>Hitchita</td>
<td>Christmas Tree</td>
<td>Consultation-Discussed joining program, will revisit</td>
</tr>
</tbody>
</table>

Agritourism – Web and Social Traffic
Facebook: 20,238 follows
Instagram: 2,013 followers

Agritourism - Other Activities
- Christmas Tree Guides sent to print and TravelOK
- Phone consultation with OK Heritage Farm – accident during pumpkin patch season – talked through liability law
- U Can U Pick website page updates
- Zoom meeting with Harvest Hosts about partnership opportunities
- Oklahoma Local Ag Summit (OKLAS) Planning meeting
- Attended Craft Beer Golf Tournament and setup booth
- Zoom meeting about Double Up Oklahoma and working with local producers to add products in grocery stores
- Attend TravelOK Oklahoma Road Show at the Strata Tower in Oklahoma City
- Spoke to Stillwater, OK PEO group
- Took Oklahoma Ag Youth Council member on a day long job shadow
- Shared Flikr account info to OSU Wine and Beverage specialist for videos on hospitality training in wineries
- Talk to two OSU tourism classes, Food & Drink, International Travel & Tourism
- Meeting with West Virginia Dept of Ag, discussing ODAFF market development and how all the programs function
- Spoke to three OSU Ag Communications classes about their class projects featuring Agritourism venues
- Attended National Extension and Tourism Conference in Savannah, GA
  - Attended multiple workshops about agritourism around the country and creating partnerships with groups like extension can be helpful reaching outside agritourism producers

### ECONOMIC DEVELOPMENT

<table>
<thead>
<tr>
<th>Activity</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma Healthy Food Financing Program</td>
<td>The selection committee for the Oklahoma Healthy Food Financing grant met on November 12th to consider applications for funding. The committee selected 2 proposals to be recommend for funding. (Restore OKC &amp; Healthy Oklahomans Nutrition Alliance)</td>
</tr>
<tr>
<td>Agriculture Enhancement &amp; Diversification Program</td>
<td>The selection committee for the Ag Enhancement &amp; Diversification Program met on November 9th to consider applications for loans and grants. The committee is recommending 1 Farm Diversification grant be funded.</td>
</tr>
<tr>
<td>SCBG H.R. 133 Grant</td>
<td>Oklahoma has begun the review process for the 15 applications that were submitted for the $797,812.77 in funding ODAFF has available. These funds are provided by USDA to assist specialty crop producer’s deal with issues caused by COVID-19 that are impacting their industry.</td>
</tr>
<tr>
<td>Perkins Cattle Grading Contest</td>
<td>The Perkins cattle grading contest that was originally scheduled to take place July 2021 but was canceled due to COVID-19 outbreaks was rescheduled for November 2nd. This year’s participation of 4-H &amp; FFA members was down with only 146 individuals competing but 48 1st year ag teachers who were in Stillwater for training participated in the event and gained knowledge of how to grade feeder &amp; slaughter cattle.</td>
</tr>
<tr>
<td>Oasis Fresh Market</td>
<td>Aaron Johnson owner and operator of Oasis Fresh Market met with representatives from ODAFF as they toured the grocery store located in the food desert area of North Tulsa. ODAFF officials proposed several collaborative efforts to help the store source local products for their store.</td>
</tr>
<tr>
<td>ACTIVITY</td>
<td>ACTION</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>Specialty Crop Grant 2020</td>
<td>Let’s Get Growing with a School Garden</td>
</tr>
<tr>
<td></td>
<td>School Gardens are all up including our newest site! Just delivered soil and then training for the teaching staff is Nov. 22</td>
</tr>
</tbody>
</table>

![Images of school garden activities]
Farm to School Month Ideas & Preparations
October was National Farm to School Month! We did a social media campaign during the entire month with content including Tasteful Harvest Tidbit videos featuring Chef Bill Harris! We posted the Tasteful Harvest Recipe Cards, website information for resources etc. Our visit to the OSU Child Development Lab with Sec. Arthur featured live videos and a milk mustache Monday activity.

INTERNATIONAL

<table>
<thead>
<tr>
<th>Activity</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of Free Sale</td>
<td>• QSM</td>
</tr>
<tr>
<td></td>
<td>• BioZ</td>
</tr>
<tr>
<td></td>
<td>• BarS</td>
</tr>
<tr>
<td>Food Export</td>
<td>• Currently recruiting for the Private Label Show that has been moved to Jan 29-Feb 1st. This will be the first in person buyers meeting at a domestic show, we are expecting about 8-10 buyers from various countries.</td>
</tr>
<tr>
<td></td>
<td>• Several recruitment meetings for 2022 shows and buyers missions</td>
</tr>
<tr>
<td>USLGE</td>
<td>• Cattlemen Congress rep Erin Dorsey to the AgroExpo Show in Bogata Columbia Oct 25-Nov 1st to represent OK at the USLGE booth.</td>
</tr>
<tr>
<td></td>
<td>• USLGE collected trade leads (231) from 6 countries (Colombia, Brazil, Ecuador, Mexico, Peru and Venezuela)</td>
</tr>
</tbody>
</table>
• Met with the other member states in virtual meeting since they will not be hosting an in-person meeting this year. We were able to hear what other states have been doing during Covid times and what is planned for next year. We will most likely partner with TX & KS in a project to target South America in 2022.

ODEC- Oklahoma District Export Council

• Together with the GIT we hosted the World Trade Conference/Consular Summit, this year was also a virtual event with several speakers on topics from logistics to cyber security and protecting data internationally. Staff hosted and moderated the agriculture portion with speaker from Peru, Guatemala and the UK. We are continuing talks with the Guatemala office regarding seasonal H2 Visa program.

Misc. Meetings

• FAS Spotlight series- Brazil
• Cattlemen’s Congress updates
• IBT Online- started programs for Website assistance with STEP and Food Export funds
• OKIE viticulture updates

MADE IN OKLAHOMA PROGRAM

<table>
<thead>
<tr>
<th>Events</th>
<th>Date</th>
<th>Location</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stockyards Stampede</td>
<td>Oct. 16</td>
<td>Stockyards (OKC)</td>
<td>The Made in Oklahoma Market was held in conjunction with Stockyards Stampede. This was the most successful market in the Stockyards to date.</td>
</tr>
<tr>
<td>Basic Training</td>
<td>Oct. 21</td>
<td>Stillwater</td>
<td>FAPC holds occasional Basic Training Workshops, teaching people how to turn a food product idea into a business. Gave a presentation during training over benefits of Made in Oklahoma Program.</td>
</tr>
</tbody>
</table>

New Producers:
• Alberts Gourmet BBQ Sauce
• Northern Delight Soap Co.
• Deer Creek Woods
• Seaba Farms LLC
• Pollard’s Gentleman Jerky
• Candle Corner Co.
• Texok Fabrication LLC
• GO Farms, LLC
• Volta Biotech/Volta Cannabinoids
• Bellflower Girl LLC
• Willow Mountain Handmade Bijouterie
• SCE LLC
• Simply Stained Shop
• Wild Bergamot
• R&D Meats
• Burr Oak Leather Creations
• Pollen Factory
• The Bridges Mercantile
• Lady M Candles
• Precision Beard Brands
• Dutch Addictions
• ME Designs
• Sabounie LLC
• Work Bench Woods

Other Made in Oklahoma Activities:
• Created Holiday Gift Basket guide (online) – Producers offering a gift basket through the Holiday season can ‘advertise’ it through our website.

**MIO COALITION**

<table>
<thead>
<tr>
<th>Type</th>
<th>S Spent</th>
<th>Highlights</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIO Featured Monthly Recipes in Tulsa World and Oklahoman</td>
<td>$500/month each</td>
<td>Featured press release and 1-2 showcased recipes in food section</td>
</tr>
<tr>
<td>Marketing, Consulting and Graphics Retainer with Krush</td>
<td>$5,500</td>
<td>Social media posts, digital presence, analytics, management of content and creation of digital footprint, recipe file management.</td>
</tr>
<tr>
<td>MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 &amp; 9 in OKC</td>
<td>OKC – 13 appearances Tulsa – 4 appearances</td>
<td>Natalie Mikels &amp; David Brooks, MIO TV Personalities filmed in-person and remote segments for TV</td>
</tr>
<tr>
<td>2021 Media Campaign Launch</td>
<td>$2,817.66</td>
<td>See attached report</td>
</tr>
<tr>
<td></td>
<td>Facebook/Instagram ads:  $2,264.72</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pinterest: $3,704.71</td>
<td></td>
</tr>
<tr>
<td>Restaurant of the Month</td>
<td>Presentation and luncheon with FS Committee</td>
<td>October – Taylor’s Restaurant, OSU Campus, Stillwater, OK November – The Hammett House – Claremore, OK</td>
</tr>
<tr>
<td>Social Media Stats</td>
<td>Krush Retainer</td>
<td>Twitter: 5,489+ Instagram: 3,770+ Facebook: 17,515+</td>
</tr>
<tr>
<td>Recipes of the Month</td>
<td>5 recipes were developed: 10 total members were featured</td>
<td>October: Creamed Corn Casserole Peanut Butter Pretzel Chocolate Fudge</td>
</tr>
</tbody>
</table>
### Made in Oklahoma Coalition – Other Activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Information</th>
</tr>
</thead>
</table>
| MIO Presentation to Lt. Governor at Mountain View Meat Company  
- November 1\(^{st}\) | Staff and MIO President Courtney Talbot presented a comprehensive MIO presentation to the Lt. Governor and ODAFF Leadership at Mountain View Meat Company. We are thankful for the support shown to MIO by state leaders. |
| Social Media Presentation in Claremore  
- November 4\(^{th}\) | Staff was asked by Ag in the Classroom to present to high school students and teachers on the do’s and don’ts of social media. |
| MIO Meeting + New Member interviews  
- November 5\(^{th}\) | Staff led the monthly membership meetings in November and we had a good turnout of over 40 members on the zoom meeting. The MIO board of directors interviewed two new members: Stone Sisters Organics and Deep Fork Foods. Stone Sisters makes a frozen organic spelt pizza crust and Deep Fork is a wholesale manufacturer of condiments and spiced pecans that ships nationwide. |
| CBAO Beers and Birdies Golf Tournament  
- November 8\(^{th}\) | MIO is an allied member of the CBAO so staff went and set up a booth at the golf tournament to show our support. We had three companies attend with us and we handed out MIO information and hot dogs to the golfers. |
| MIO Recipe Photoshoot  
- November 9\(^{th}\) | Staff acts as creative director and coordinator for these photo shoots and works alongside the MIO food stylist and food photographer at the recipe shoots. Channel 6 out of Tulsa came and did a six-minute feature segment showing the behind the scenes of our shoot. Staff did an interview about why purchasing local products is so important. |
| MIO Military Deli/Bakery Product Coordination | Through cooperation with the MIO Coalition, the Military Deli Bakeries in three Oklahoma military bases (Ft. Sill, Altus and Tinker) brought in six MIO companies into the commissaries. Those companies are Bedre Chocolate, OKC Soda Co., Healthy Cravings, Not Your Average Joe, Trucker Treats and Southern Roots Sisters. Staff is working to build out local displays in the commissaries and is coordinating with the nationwide executive director and area manager to get the products in by the first week of December. |
| MIO + FFA Meeting  
- November 10\(^{th}\) | Staff met with Jacey Fye of the FFA Foundation to discuss ways in which MIO can get more involved with the organization. We discussed participating in their silent auction and having a booth at the convention this year. Next year we will look in to supporting scholarship sponsorship opportunities in Food Science and Technology within the FFA organization. |
MARKET NEWS SERVICES
October 14, 2021- November 12, 2021

• Grain Report:

<table>
<thead>
<tr>
<th></th>
<th>October 14, 2021</th>
<th>November 12, 2021</th>
<th>DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHEAT: (bu)</td>
<td>$6.72-$7.31</td>
<td>$7.79-$8.38</td>
<td>$1.07 Higher</td>
</tr>
<tr>
<td>MILO: (bu)</td>
<td>$4.77-$5.37</td>
<td>$5.27-$5.98</td>
<td>$0.60 Higher</td>
</tr>
<tr>
<td>SOYBEANS: (bu)</td>
<td>$11.06-$11.49</td>
<td>$11.54-$11.92</td>
<td>$0.48 Higher</td>
</tr>
<tr>
<td>CORN: (bu)</td>
<td>$5.02-$5.62</td>
<td>$5.62-$6.28</td>
<td>$0.60 Higher</td>
</tr>
<tr>
<td>COTTON: (lb)</td>
<td>103.85 cents</td>
<td>112.44 cents</td>
<td>8.59 cents Higher</td>
</tr>
</tbody>
</table>

• OKC NATIONAL STOCKYARDS (OKC) STEER AND HEIFERS

FEEDER STEERS

Medium & Large Frame No. 1 Muscle Thickness (500-600 lb)

- (10-12-21) $149.00-$176.00 Wtd. Avg. $162.50
- (11-09-21) $151.00-$188.00 Wtd. Avg. $169.50

HEIFERS

Medium & Large Frame No. 1 Muscle Thickness (500-600 lb)

- (10-12-21) $132.00-154.00 Wtd. Avg. $143.00
- (11-09-21) $129.00-164.00 Wtd. Avg. $146.50

• Weekly Report:

Five weekly Oklahoma Market Reports were sent to 8,765 subscribers in October 12- November 12, 2021 (up from 132 subscribers last report from last month).

• Voice Messaging System:

The market news voice messaging system during

- October 14th – October 31, 2021 Accessed 2,635 Times
- November 1st – November 12, 2021 Accessed 1,968 Times
- Monthly Total: October 14th – November 12, 2021 Accessed 4,603 Times
- Compared to last year 3,357 October 14th – November 12, 2020-Is UP by 1,246

• Oklahoma Hay Directory

- In Summary:
  - Oklahoma Hay Directory has recently been updated.
- Made 72 phone calls to hay producers and brokers. 40 have been added to the Oklahoma Hay Directory.
- The other 32 out of the 72 growers that decided to not be in the directory.
  - 8 were call backs for next year’s directory due to sold out.
  - 7 decided to hold hay for their cattle.
  - 15 people did not pick up and did not call back.
  - 2 passed away
  - At the end of the Month, we are up by 23 growers from we were last month and year ago.

- USDA/Oklahoma Hay Report:
  - Updated the broker, grower, trucker list.
  - We had a total of 6, now we are at 11 totals
  - These brokers, growers, and truckers are people that sell everything by the load, tons.

- Hay Report

  **This Month** October 14, 2021- November 12, 2021 Hay Traded 3,995
  **Last Year** October 14, 2020- November 12, 2020 Hay Traded 1,456
  **UP 2,539 Bales Reported**

**Monthly Oklahoma Direct Hay Report**

October 14, 2021- November 12, 2021: Hay begins to pick up this month compared to last month. Cost is still high, which causes hay to remain the main feed resource for the producer. Milk prices are still low, dairies are continuing to move to cheaper feed rations. We continue to be in dry condition in most of the state according to the Mesonet.

**Central**

**Alfalfa - Premium (Trade/Per Ton)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Round</td>
<td>559</td>
<td>180.00</td>
<td>180.00 Delivered</td>
<td>Clippings</td>
<td></td>
</tr>
</tbody>
</table>

**Mixed Grass-Good (Trade/Per Ton)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Round</td>
<td>600</td>
<td>160.00</td>
<td>F.O.B</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**North Central**

**Bermuda Grass - Premium/Supreme (Ask/Per Bale)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Square</td>
<td>Ask</td>
<td>9.00</td>
<td>F.O.B.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size</td>
<td>Qty</td>
<td>Price Range Wtd</td>
<td>Avg Freight/Use</td>
<td>Description</td>
<td>Crop Age</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-------------</td>
<td>----------</td>
</tr>
<tr>
<td>Large Square 4x4</td>
<td>128</td>
<td>120.00</td>
<td>120.00</td>
<td>F.O.B.</td>
<td></td>
</tr>
</tbody>
</table>

**Bermuda Grass - Good/Premium (Ask/Per Ton)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Round</td>
<td>Ask</td>
<td>75.00</td>
<td>F.O.B.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Bermuda Grass - Good (Ask/Per Bale)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Round</td>
<td>Ask</td>
<td>65.00</td>
<td>F.O.B.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Bermuda Grass - Fair (Ask/Per Bale)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Round</td>
<td>Ask</td>
<td>60.00</td>
<td>F.O.B.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Northeast**

**Alfalfa - Premium (Trade/Per Ton)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Round</td>
<td>128</td>
<td>190.00</td>
<td>190.00</td>
<td>Delivered</td>
<td></td>
</tr>
</tbody>
</table>

**Alfalfa - Premium (Trade/Per Ton)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Square</td>
<td>Ask</td>
<td>5.00</td>
<td>F.O.B</td>
<td>Picked Up Out of Field</td>
<td></td>
</tr>
</tbody>
</table>

**Alfalfa - Premium (Trade/Per Ton)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Square</td>
<td>6.00</td>
<td>F.O.B</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Northwest**

**Alfalfa - Premium/Supreme (Trade/Per Ton)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Square 4x4</td>
<td>420</td>
<td>190.00</td>
<td>190.00</td>
<td>F.O.B</td>
<td></td>
</tr>
</tbody>
</table>

**Alfalfa - Good/Premium (Trade/Per Ton)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Square 4x4</td>
<td>234</td>
<td>140.00</td>
<td>140.00</td>
<td>F.O.B</td>
<td></td>
</tr>
</tbody>
</table>

**Alfalfa - Good (Ask/Per Ton)**

<table>
<thead>
<tr>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description</th>
<th>Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Square 4x4</td>
<td>Ask</td>
<td>160.00</td>
<td>F.O.B.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

H-13
<table>
<thead>
<tr>
<th>Description</th>
<th>Crop Age</th>
<th>Size</th>
<th>Qty</th>
<th>Price Range Wtd</th>
<th>Avg Freight/Use</th>
<th>Description Crop Age</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Grass - Premium (Trade/Per Ton)</strong></td>
<td></td>
<td>Large Round</td>
<td>1000</td>
<td>130.00</td>
<td>130.00</td>
<td>Delivered</td>
</tr>
<tr>
<td><strong>Oat - Premium (Trade/Per Ton)</strong></td>
<td></td>
<td>Large Round</td>
<td>400</td>
<td>130.00</td>
<td>130.00</td>
<td>Delivered</td>
</tr>
<tr>
<td><strong>Southwest</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Alfalfa/Grass Mix - Good/Premium (Trade/Per Ton)</strong></td>
<td></td>
<td>Large Round</td>
<td>84</td>
<td>120.00</td>
<td>120.00</td>
<td>F.O.B.</td>
</tr>
<tr>
<td><strong>Bermuda Grass - Premium (Trade/Per Ton)</strong></td>
<td></td>
<td>Large Round</td>
<td>104</td>
<td>120.00</td>
<td>120.00</td>
<td>Delivered</td>
</tr>
<tr>
<td><strong>Grass - Premium (Trade/Per Ton)</strong></td>
<td></td>
<td>Large Round</td>
<td>86</td>
<td>90.00</td>
<td>90.00</td>
<td>Delivered</td>
</tr>
<tr>
<td><strong>Hay (Organic)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Grass - Supreme (Ask/Per Ton)</strong></td>
<td></td>
<td>Large Round</td>
<td>Ask</td>
<td>210.00</td>
<td></td>
<td>F.O.B.</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Grass - Good/Premium (Trade/Per Ton)</strong></td>
<td></td>
<td>Large Round</td>
<td>158</td>
<td>80.00-85.00</td>
<td>82.50</td>
<td>F.O.B.</td>
</tr>
<tr>
<td><strong>Mixed Grass - Good/Premium (Trade/Per Ton)</strong></td>
<td></td>
<td>Large Round</td>
<td>94</td>
<td>75.00</td>
<td></td>
<td>F.O.B.</td>
</tr>
</tbody>
</table>
AEM Division Monthly Activities

- A representative from the AEM Division participated in a conference call with OSU, USDA APHIS, and ODAFF to discuss the Swine Research Project.
- Representatives from the AEM Division participated in multiple Illinois River Watershed working group call.

AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 0
- Number of AgPDES PGP Authorizations this reporting period: 0
- Number of AgPDES CGP Authorizations this reporting period: 4

Complaints and Inspections

A summary of the complaints received and investigated plus all the inspections and technical assistance conducted by the ODAFF AEM Staff for this reporting period:

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Complaints received and investigated this reporting period.</td>
</tr>
<tr>
<td>16</td>
<td>Complaints closed this reporting period</td>
</tr>
</tbody>
</table>

### Complaints Received - Breakdown

- Cattle: 2
- Swine: 3
- Poultry: 3
- Misc. Animal: 3
- Other: 0
- Animal Shelter: 2
- Pet Breeder: 6

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Year to date complaints received in FY 20/FY 21</td>
</tr>
<tr>
<td>24</td>
<td>Year to date complaints closed in FY 20/FY 21</td>
</tr>
<tr>
<td>147</td>
<td>LMFO/CAFO inspections, plus technical assistance</td>
</tr>
<tr>
<td>3</td>
<td>Poultry inspections and technical assistance</td>
</tr>
<tr>
<td>15</td>
<td>Pet Breeders - Shelters inspections and technical assistance</td>
</tr>
<tr>
<td>17</td>
<td>Breeders Pre annual inspections and technical assistance</td>
</tr>
</tbody>
</table>
### CAFO and LMFO Activities - Month and Fiscal Year 2022

<table>
<thead>
<tr>
<th>Activity</th>
<th>Sept. 27-Oct. 31, 2021</th>
<th>FY 22 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint or Compliance Follow-ups</td>
<td>25</td>
<td>94</td>
</tr>
<tr>
<td>Annual Inspections</td>
<td>147</td>
<td>356</td>
</tr>
<tr>
<td>Carcass Disposal Inspections</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Technical Assistance with Contacts</td>
<td>7</td>
<td>53</td>
</tr>
<tr>
<td>Site Visit/Review – No contact made</td>
<td>8</td>
<td>35</td>
</tr>
</tbody>
</table>

### Poultry Activities – Month and Fiscal Year 2022

<table>
<thead>
<tr>
<th>Activity</th>
<th>Sept. 27-Oct. 31, 2021</th>
<th>FY 22 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint or Compliance Follow-ups</td>
<td>6</td>
<td>20</td>
</tr>
<tr>
<td>Annual Poultry Inspections</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Poultry Technical Assistance</td>
<td>152</td>
<td>622</td>
</tr>
<tr>
<td>Soil Samples Collected</td>
<td>6</td>
<td>28</td>
</tr>
<tr>
<td>Site Visit/Review – No contact made</td>
<td>84</td>
<td>381</td>
</tr>
<tr>
<td>Construction Stormwater Inspection</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Eucha-Spavinaw CNMP Written</td>
<td>10</td>
<td>45</td>
</tr>
<tr>
<td>New PFO License Pre-Site Inspections</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### Pet Breeders Activities – Month and Fiscal Year 2021

<table>
<thead>
<tr>
<th>Activity</th>
<th>Sept. 27-Oct. 31, 2021</th>
<th>FY 22 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint or Compliance Follow-ups</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>Shelter Annual Inspections</td>
<td>3</td>
<td>26</td>
</tr>
<tr>
<td>Shelter Technical Assistance provided w/owner/operator</td>
<td>15</td>
<td>45</td>
</tr>
<tr>
<td>Site Visit/Review – No contact made</td>
<td>7</td>
<td>19</td>
</tr>
<tr>
<td>Shelter Close out</td>
<td>0</td>
<td>18</td>
</tr>
<tr>
<td>Breeder Annual Inspections</td>
<td>6</td>
<td>28</td>
</tr>
<tr>
<td>Breeder Technical Assistance</td>
<td>17</td>
<td>51</td>
</tr>
<tr>
<td>Site Visit/Review – No contact made</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Breeder Close out</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### Current FY 22 AEMS Numbers

- **PFOs**: 549
- **Swine LMFO**: 127
- **Swine AFOs**: 32
- **Other CAFOs**: 324
- **Lic. Compost Facilities**: 43
- **Private PWAs**: 67
- **Commercial PWAs**: 69
- **AgPDES CAFO GPs**: 123
- **AgPDES PGPs**: 59
- **AgPDES CGPs**: 15
- **Shelters**: 172
- **Pet Breeders**: 9

Respectively

Teena G. Gunter
AEMS Division

I-2
BEFORE THE STATE BOARD OF AGRICULTURE  
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  

DECEMBER 2021 BOARD REPORT  
REGARDING OCTOBER 11, 2021 THROUGH NOVEMBER 14, 2021  
ACTIVITIES OF THE  
OFFICE OF GENERAL COUNSEL  

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:  

<table>
<thead>
<tr>
<th>Amount to Date (Beginning May 31, 2021)</th>
<th>Amount of Fines for this Board Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>$23,875.00</td>
<td>$33,600.00</td>
</tr>
</tbody>
</table>

CONTRACTS REVIEWED OR DRAFTED (39):  

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forestry</td>
<td>26</td>
</tr>
<tr>
<td>Market Development</td>
<td>9</td>
</tr>
<tr>
<td>Food Safety</td>
<td>2</td>
</tr>
<tr>
<td>Admin</td>
<td>2</td>
</tr>
</tbody>
</table>

ADMINISTRATIVE HEARING PROCEEDINGS:  

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Open Cases: 130</td>
</tr>
<tr>
<td>Total Number of New Cases: 22</td>
</tr>
<tr>
<td>Total Number of Cases Closed: 15</td>
</tr>
<tr>
<td>NOVs Sent: 13</td>
</tr>
</tbody>
</table>

OTHER ACTIONS AND PROCEEDINGS:  

**Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF**, McCurtain County Case No. CV-2018-069. Petition for Declaratory Relief, etc. (Filed but not served on ODAFF as of 11/15/2020).  


**Sam Withiam v. OK State Dept of Agriculture**, Lincoln County District Court, Case No. CJ-20-73: Lawsuit involved tort claim stating ODAFF damaged concrete during elk depopulation. The Attorney General’s Office is handling this claim. An Answer was filed. Discovery is ongoing.

**Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry**, Pittsburg County District Court, Case No. CJ-2020-111: Lawsuit involves vehicle accident between plaintiff and ODAFF employee. Attorney General’s Office is handling this claim.

**Upton’s Naturals Co v. Stitt and Arthur**, District Court, W.D. Oklahoma, Case No. 5:20-cv-00938: Lawsuit against Governor Stitt and Secretary Arthur in their professional capacities. Upton’s Naturals challenges a state law that prohibits food manufacturers from using terms like "hot dogs," "burgers," or "bacon" on labeling for meat-free products. The Attorney General’s Office is handling this claim.

**William Grossman v. Lori Howard et al.**, Cherokee County District Court, Case No. CJ-2020-111: Lawsuit filed on the agency and Forestry Services for requesting damages for a car wreck that occurred during a prescribed burn. The prescribed burn was not performed by ODAFF and the agency had no involvement with the circumstances. The Attorney General’s Office is handling this claim.

**Spring Creek Coalition v. ODAFF and Trong**, Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.

**Spring Creek Coalition v. ODAFF and Phan, et al.**, Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed.


### MEETINGS:

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 11, 2021</td>
<td>Sovereignty Symposium</td>
</tr>
<tr>
<td>October 12, 2021</td>
<td>Sovereignty Symposium</td>
</tr>
<tr>
<td>October 12, 2021</td>
<td>State Suppliers Expo Volunteer Circle up</td>
</tr>
<tr>
<td>October 14, 2021</td>
<td>Advancing Oklahoma</td>
</tr>
<tr>
<td>October 14, 2021</td>
<td>OGC Docket</td>
</tr>
<tr>
<td>October 14, 2021</td>
<td>Director’s Meeting</td>
</tr>
<tr>
<td>October 19, 2021</td>
<td>Director’s Meeting</td>
</tr>
<tr>
<td>October 19, 2021</td>
<td>State Suppliers Expo</td>
</tr>
<tr>
<td>October 19, 2021</td>
<td>GALPS</td>
</tr>
<tr>
<td>October 20, 2021</td>
<td>Foreign Ownership of Ag Land: Legal Background and Update</td>
</tr>
<tr>
<td>October 21, 2021</td>
<td>AALA: Pesticides 101: Understanding the Pesticide Regulatory Process</td>
</tr>
<tr>
<td>October 25, 2021</td>
<td>Speaker at OCU Environmental Law and Ag Association</td>
</tr>
<tr>
<td>October 27, 2021</td>
<td>AgPDES</td>
</tr>
<tr>
<td>October 28, 2021</td>
<td>OGC Staff</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>October 28, 2021</td>
<td>State Board of Agriculture</td>
</tr>
<tr>
<td>October 29, 2021</td>
<td>OBA ELS Conference</td>
</tr>
<tr>
<td>November 2, 2021</td>
<td>Director’s Meeting</td>
</tr>
<tr>
<td>November 3-7, 2021</td>
<td>American Agricultural Lawyers Association Annual Symposium</td>
</tr>
<tr>
<td>November 8, 2021</td>
<td>Director’s Meeting</td>
</tr>
<tr>
<td>November 9, 2021</td>
<td>RK Black scanning project</td>
</tr>
</tbody>
</table>

**RULE ACTIVITIES:**

**Chapter 1. Administrative Operations (Permanent FY 2022):** Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 10. Agricultural Products (Permanent FY 2022):** Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 13. Fuel Alcohol (Permanent FY 2022):** Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 15. Animal Industry (Permanent FY 2022):** Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 30. Consumer Protection (Permanent FY 2022):** Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 37. Food Safety (Permanent FY 2022):** Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 40. Market Development (Permanent FY 2022):** Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 44. AgPDES (Permanent FY 2022):** Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2022):** Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**OHRC**

**Chapter 40. Veterinarian Practices And Restrictions (Permanent FY 2022):**
Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2022):**
Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 60. Running the Race (Permanent FY 2022):**
Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 65. Pari-Mutuel Wagering (Permanent FY 2022):**
Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**Chapter 75. Oklahoma-Bred Program (Permanent FY 2022):**
Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

**OPEN RECORDS REQUESTS (16):**

<table>
<thead>
<tr>
<th>AEMS</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIS</td>
<td>1</td>
</tr>
<tr>
<td>CPS</td>
<td>11</td>
</tr>
<tr>
<td>OHRC</td>
<td>1</td>
</tr>
</tbody>
</table>

**OKLAHOMA HORSE RACING COMMISSION**


**Litigation: Oscar Nunez v. OHRC,** Oklahoma County Case No. CV-2020-449: Petition filed and served. Answer filed. Reversed and remanded. Rehearing held. Motion to Modify District Court’s Order of November 10, 2020 pending.

**Litigation: Josue Ponce v. OHRC,** Oklahoma County District Court Case No. CV-2020-815: Petition for Review of Final Agency Order filed. Response filed.

**Litigation: Miguel Pena v. OHRC,** Oklahoma County District Court Case No. CV-2019-179: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO


**LITIGATION: Rogelio Marquez, Jr. V. OHRC**, Oklahoma County District Court Case No. CJ-2021-3393: Petition filed. Injunction sought. Hearing held, Injunction denied. Pending further proceedings.

**Litigation: Carols Ruiz v. OHRC**, Oklahoma County District Court Case No. CV-2021-2591: Petition Served. Response pending.

<table>
<thead>
<tr>
<th>Task Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare cases for presentation at Stewards Hearings</td>
</tr>
<tr>
<td>Prepare cases for presentation in District Courts</td>
</tr>
<tr>
<td>Provide discovery to opposing counsel and Respondents regarding various hearings</td>
</tr>
<tr>
<td>Stewards Hearings at Remington Park</td>
</tr>
<tr>
<td>Stewards Hearings at Will Rogers Downs</td>
</tr>
<tr>
<td>Hearings in District Courts</td>
</tr>
<tr>
<td>Prepare and file Response to Petition for Temporary Restraining Order and Injunction</td>
</tr>
<tr>
<td>Prepare and file Motion to Dismiss</td>
</tr>
<tr>
<td>Argue appeals at regular session of the Oklahoma Horse Racing Commission</td>
</tr>
<tr>
<td>Discuss possible rule revisions/amendments with Executive Director</td>
</tr>
<tr>
<td>Draft proposed rule revisions</td>
</tr>
<tr>
<td>Advise Executive Director on extent of delegated authority</td>
</tr>
<tr>
<td>Discuss certain policy issues with Executive Director</td>
</tr>
<tr>
<td>Review communication from Respondents’ counsel in various cases</td>
</tr>
<tr>
<td>OHRC regular meeting</td>
</tr>
<tr>
<td>Supervise and direct OHRC legal intern</td>
</tr>
<tr>
<td>Attend ARCI Rules Committee meeting</td>
</tr>
<tr>
<td>Consult with OHRC regarding gaming issues</td>
</tr>
</tbody>
</table>

**OTHER ACTIVITIES:**

<table>
<thead>
<tr>
<th>Activity Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone calls or emails with the public: 18</td>
</tr>
<tr>
<td>Assistance to AEMS: 6</td>
</tr>
<tr>
<td>Assistance to CPS: 11</td>
</tr>
<tr>
<td>Assistance to Wildlife Services: 0</td>
</tr>
<tr>
<td>Assistance to Forestry: 8</td>
</tr>
<tr>
<td>Assistance to AIS: 0</td>
</tr>
<tr>
<td>Assistance to Admin: 4</td>
</tr>
<tr>
<td>Assistance to Market Development: 3</td>
</tr>
<tr>
<td>Assistance to other state or federal agencies: 12</td>
</tr>
<tr>
<td>Assistance to Food Safety:</td>
</tr>
<tr>
<td>---------------------------</td>
</tr>
<tr>
<td>Assistance to NASS:</td>
</tr>
<tr>
<td>Assistance to Executive Office:</td>
</tr>
<tr>
<td>Assistance to Lab:</td>
</tr>
<tr>
<td>Assistance to Investigative Services:</td>
</tr>
</tbody>
</table>

Respectfully Submitted,

[Signature]

Teena G. Gunter
General Counsel
POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

Poultry and Egg Section
In Broken Bow at Tyson Foods, USDA poultry grading was performed by ODAFF inspectors on 502,952 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA Shell Egg grading on 43,560 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors also provided USDA poultry grading services on poultry products being shipped from OK Foods in Muldrow & Heavener. Also; routine egg quality inspections under the Oklahoma egg law were conducted.

Organic Foods Section
Organic inspectors completed compliance and certification inspections at:
- Twelve organic crop producers
- Two organic livestock producers
- Three organic processors
- Collected five organic samples
- Eight retail organic inspections
- Bryan Buchwald presented on organic certification at the Rotary Club in Lawton
- The organic section had requests for 3,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States. The organic section had 3 requests for organic crop applications, 2 requests for organic processing applications and 1 request for an organic livestock application.

Produce Safety Section
- Contacting and visiting farms to determine coverage/exemption under the Produce Safety Rule
- Visited 15 farmers markets and pumpkin patches providing outreach and education to producers and to collect farm inventory
- Completed a produce farm inspection for the Produce Safety Rule
- MCAFDO board meeting
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Sent an e-mail newsletter to inform constituents of the latest information
# Oklahoma Meat Inspection Services
## Investigations and Compliance Activities

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Planned Compliance Reviews</td>
<td>18</td>
</tr>
<tr>
<td>Random Compliance Reviews</td>
<td>132</td>
</tr>
<tr>
<td>Person-to-Person Contacts</td>
<td>49</td>
</tr>
<tr>
<td>Special Investigations and/or Projects</td>
<td>06</td>
</tr>
<tr>
<td>Reports of Apparent Violations</td>
<td>00</td>
</tr>
<tr>
<td>Detentions</td>
<td>00</td>
</tr>
<tr>
<td>Consumer Complaints</td>
<td>05</td>
</tr>
<tr>
<td>Verbal Warnings Issued</td>
<td>05</td>
</tr>
<tr>
<td>Letters of Warning Issued</td>
<td>00</td>
</tr>
<tr>
<td>Samples Submitted to Lab for Analysis</td>
<td>00</td>
</tr>
<tr>
<td>Accident Investigations</td>
<td>01</td>
</tr>
<tr>
<td>Administrative Procedures Act</td>
<td>01 (OK-1-835)</td>
</tr>
</tbody>
</table>

## See details below:

<table>
<thead>
<tr>
<th>ACCIDENT LOCATION</th>
<th>ANIMAL/PRODUCT</th>
<th>DISPOSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>US 70 E Bound near Madill, OK</td>
<td>449 cases (39961 Lbs) 70/30 Ground Beef</td>
<td>All product was sent to Durant Landfill</td>
</tr>
</tbody>
</table>

## Highlighted Activities

During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out zero (0) Letter of Warning for Violations of the Oklahoma Meat/Poultry Inspection Act and/or State Statutes.
**Meat Inspection**

<table>
<thead>
<tr>
<th>Meat Sample Activity:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Samples Submitted for Analysis</td>
<td>13</td>
</tr>
<tr>
<td>Samples Not Analyzed</td>
<td>0</td>
</tr>
<tr>
<td>Samples Analyzed</td>
<td>13</td>
</tr>
<tr>
<td>Samples Non-Compliant</td>
<td>0</td>
</tr>
<tr>
<td>Samples Negative results</td>
<td>13</td>
</tr>
</tbody>
</table>

Oct. 24 – Oct. 27
Scott Yates and I attended the USAHA & AAVLD State Director conference

Oct. 28
Craig Young and Dr. Hardage interviewed and hired Chris Newell for the Sayer area. Effective start date of 11/22/2021.
### MEAT INSPECTION

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Cattle</td>
<td>1,037</td>
</tr>
<tr>
<td>Total Beef Condemned</td>
<td>26,132 lbs</td>
</tr>
<tr>
<td>Number of Swine</td>
<td>302</td>
</tr>
<tr>
<td>Total Pork Condemned</td>
<td>1,325 lbs</td>
</tr>
<tr>
<td>Number of Sheep and Goats</td>
<td>82</td>
</tr>
<tr>
<td>Total Condemned</td>
<td>0 lbs</td>
</tr>
<tr>
<td>Number of Rabbits</td>
<td>0</td>
</tr>
<tr>
<td>Total Condemnations</td>
<td>0 lbs</td>
</tr>
<tr>
<td>Number of Exotic Deer</td>
<td>0</td>
</tr>
<tr>
<td>Total Condemnations</td>
<td>0 lbs</td>
</tr>
</tbody>
</table>

**TOTAL MEAT INSPECTED**: 603,531 lbs

### PROCESSED MEAT INSPECTED

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Processed Red Meat</td>
<td>1,132,058 lbs.</td>
</tr>
<tr>
<td>Condemned on Reinspection</td>
<td>0 lbs</td>
</tr>
<tr>
<td>Poultry (Portions)</td>
<td>120,378 lbs</td>
</tr>
<tr>
<td>Condemned on Reinspection</td>
<td>0 lbs</td>
</tr>
<tr>
<td>Rabbit Meat</td>
<td>0</td>
</tr>
<tr>
<td>Condemned on Reinspection</td>
<td>0 lbs</td>
</tr>
<tr>
<td>Exotic Deer Meat</td>
<td>0</td>
</tr>
<tr>
<td>Condemned on Reinspection</td>
<td>0 lbs</td>
</tr>
</tbody>
</table>

**TOTAL PROCESSED MEAT INSPECTED**: 1,252,436 lbs
DAIRY SECTION

Dairy staff conducted routine inspections at dairy plants and farms, conducted dairy plant equipment checks and collected ice cream samples, raw milk and retail milk and milk products samples and container samples for laboratory analysis.

Dairy Services staff recently completed two Plant survey Parker Plastics and O-I Brockway. The surveys resulted in passing scores for sanitation and enforcement compliance. These passing scores are listed on FDA's Interstate Milk Shippers List website and allows for the interstate shipment of single service containers.

Dairy Services staff continues to sample ice cream products at Blue Bell in Broken Arrow related to the Listeria monocytogenes product contamination and outbreak in 2015. Since starting back up in September of 2015, all samples collected and analyzed by ODAFF have been negative for Listeria monocytogenes.

Swans Dairy was sampled on November 8 for Listeria. The samples included Raw Whole milk, 2%, skim, heavy cream. Samples were confirmed positive for Listeria on November 12. Swans permit for the sale of raw milk products was suspended on Nov. 12, 2021. ODAFF is planning a meeting with Diane Williamson of Swans Dairy in the next couple of weeks regarding her permit status to sell raw milk and raw milk products.

Sincerely,

Scott Yates  
Director of Food Safety
Communications Board Report
October 15 – November 22

We’re Hiring | If you are creative, passionate about Oklahoma agriculture, work well under pressure and want to join a fantastic team at the Oklahoma Dept. of Agriculture, apply for our Public Engagement Specialist position! Link to job description is available here: https://ag.ok.gov/communications-position-open/

Have questions? Contact Morgan Vance at Morgan.vance@ag.ok.gov.

Issued a Raw Milk Recall | Raw milk produced by Swan Bros. Dairy, Inc. of Claremore, OK is the subject of a statewide recall due to the confirmed detection of Listeria. Anyone who has purchased or received raw milk products from this location is strongly urged to dispose of any remaining product.

FADSAFE Exercise | Communications participated in the 72-hour Foreign Animal Disease Exercise hosted by Animal Industry and the USDA. Morgan Vance, along side of Michelle Finch of Forestry, led the Joint Information Center, which housed over 15 members of ag industry group leaders in a mock response to a Foot and Mouth Disease outbreak. We set up phone lines, crafted graphics and created over 100 pieces of communications documents in a two and a half day span.
Ag Youth Council Session 3 | Ag Youth Council members had the opportunity to visit with American Farmers and Ranchers, the Incident Command Team of ODAFF during an outbreak, the staff of the Oklahoma Youth Expo and got a full behind-the-scenes tour of Remington Park on their last session. It was a fantastic turnout and couldn’t have happened without Emily Shuping, Troy Marshall and Audrey Ochsner – big thanks to these folks for taking time out of their weeks to chaperone the AYC!

AgHER Participants Wins OSU Homecoming Queen | We are so proud of AgHERCulture participant, Amarie Griffeth, for being selected as the Oklahoma State University Centennial Homecoming Queen! Amarie is a native of Cushing, Oklahoma, studying agricultural communications and agribusiness at OSU. A prominent young woman in agriculture, Amarie currently serves as an intern at the Oklahoma National Stockyards Company. Congratulations, Amarie!
**AgDoesntStop Tour** | Within the past week, we paid a visit to Mountain View Meat Company in Stilwell and Amelia Creamery in Nowata - two companies that hold membership in the Made in Oklahoma Coalition. Our team (and a few special guests) toured each company’s facility to learn more about how Made in Oklahoma products are created, marketed, and sold to customers across the state.

Special thanks to Lt. Governor Matt Pinnell for traveling to Mountain View Meat with us and taking the time learn more about the Made in Oklahoma Coalition and all it does for Oklahoma businesses!

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**Tri-National Accord** | Sec. @blaynearthur and Deputy Commissioner, @janleerowlett, are representing #OklahomaAg at the 30th Annual Tri-National Agricultural Accord in Arlington, Virginia. Delegates from the US, Canada, and Mexico will discuss pressing issues including regulatory cooperation on pesticide and biotechnology reviews; continuing preparation to combat the threat of African Swine Fever; opportunities for agricultural trade based on the principals of agricultural sustainability and climate resilience; and addressing commodity specific concerns including trade in dairy products with Canada.
**Posted Final Numbers from CARES Act Funding** | Last year, ODAFF administered $10 million in CARES funding to the meat processing industry! One year later, 9 new facilities have been built and 31 facilities have been expanded. This grant money strengthened the Oklahoma food supply chain, created opportunity for processors and producers alike, while creating capital and growth through small processors in rural communities.
DECEMBER 8, 2021 BOARD MEETING

PURCHASES/CONTRACTS

Administrative Services
Oklahoma Management Enterprise Services (OMES) Fleet Management (AVL services)
$114,558 –
This purchase is required per Governor Stitt’s executive order 2020-04, that all state agencies are mandated to install “Automatic Vehicle Locator (AVL)” equipment all state-owned vehicles. This directive will be achieved through a “shared services agreement” with OMES Fleet Management.

Food Safety Services
Food Safety is requesting Board Approval for the purchase of three (3) 2022 F 150 Super Cab 4 WD 6 ½” bed. The total cost of this purchase will be $86,616.00. These vehicles are needed for new employees and to replace aging fleet vehicles. These vehicles are critical to the agency mission and if not replaced or purchased may put the employee and public at greater risk.

Forestry Services
FY22 (Laptops) - $14,000
Purchase four (4) laptops that will be used for supporting various Fire Management Programs including fire suppression, prescribed burning and hazardous fuels mitigation. These machines will be replacing outdated models or for newly hired personnel. Acquisition cost for each unit is estimated at $3,500. Funding for this purchase will come from the US Forest Service State Fire Assistance -Response Grant and State Fire Assistance – Mitigation Grant. Costs for these purchases will be 100% federally reimbursed.

FY 22- $9,500
Purchase of tree seedling containers for FRC and FTIC. Container cells and trays will be used to grow seedlings for conservation plantings such as wetland restoration and forest mitigation sites. Containers seedlings are requested by customers who face more challenges on their planting sites. Without our containerized seedling options, these customers would have failure with their conservation plantings.
Market Development Services
FY 2022 – USDA has provided a Specialty Crop Block Grant to ODAFF with the objective to solely enhance the competitiveness of specialty crops. ODAFF is one of six grant partners included in this award. Effective: 9/30/21 - 9/29/24 - $601,281.19.

USDA Specialty Crop Block Grants - $601,281.19
This project is entirely funded by the USDA Specialty Crop Block Grant Program. The purpose of this grant is to enhance the competitiveness of specialty crops in the state. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the specialty crop industry through the economic impact, but also runs the risk of not being awarded money from the USDA Specialty Crop Block Grant Program in the future.

FY 2022 – Purchase of Oklahoma Grown Farmers Market bags for OK Grown Markets. - $14,000.00

FY 2022 – Homebuilders Association of Greater Tulsa - Tulsa Home and Garden Show - Booth space will be purchased then sublet to Made in Oklahoma companies at a cost share rate - $10,000.00
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

APPROVAL OF CASES

ON THIS 8th day of December 2021 the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture those certain cases summarized on Exhibit A hereto which cases have been resolved by stipulation or consent order. The attached Exhibit A summarizes each action by case name, case number, case type and amount received as a stipulated administrative penalty or by consent order.

ACCORDINGLY, IT IS THEREFORE ORDERED by the State Board of Agriculture that the resolution of each of the cases summarized on Exhibit A hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for each such case; and that the penalty imposed by each such stipulation or consent order is hereby adopted and incorporated herein by reference to Exhibit A hereto.

WITNESS My Hand and Official Seal this 8th day of December 2021.

Blayne Arthur
President
State Board of Agriculture
Exhibit A
Board of Agriculture
December 8, 2021

Cases Resolved by Stipulation

### Agricultural Environmental Management Services

<table>
<thead>
<tr>
<th>Name</th>
<th>File No.</th>
<th>Division</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Brian Cox</td>
<td>OGC-21-330</td>
<td>AEMS</td>
<td>$200.00</td>
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<tr>
<td>Terry J. Hendren</td>
<td>OGC-21-543</td>
<td>AEMS</td>
<td>$400.00</td>
</tr>
<tr>
<td>Navada Jeffries</td>
<td>OGC-21-452</td>
<td>AEMS</td>
<td>$200.00</td>
</tr>
<tr>
<td>Jerry Londagin</td>
<td>OGC-21-352</td>
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### Consumer Protection Services

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<td>Mark McPhail</td>
<td>OGC-20-851</td>
<td>CPS</td>
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<tr>
<td>Signature Landscape, LLC</td>
<td>OGC-21-285</td>
<td>CPS</td>
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<tr>
<td>Wilkins Lawn and Landscape</td>
<td>OGC-21-002</td>
<td>CPS</td>
<td>$1,000.00</td>
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<tr>
<td>Lin Yongxin</td>
<td>OGC-21-212</td>
<td>CPS</td>
<td>$500.00</td>
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</table>
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. BRIAN COX
Case File No: OGC-21-330

BRIAN COX
2139 UNION GROVE ROAD
HAWORTH, OK 74740

Summary of Facts: Respondent applied poultry litter without a current litter analysis.

Statute or Rule Violation: 2 O.S. 10-9.19

Proposed Administrative Penalty: The penalty was assessed at $200. Respondent stipulated and paid the penalty in full.

Deviations: None.
Other Actions Required: None.
OGC Attorney: Wendi Morse
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY.

BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL.

v.

COMPLAINANT.

Case No: OGC-21-330

BRIAN COX
2139 UNION GROVE ROAD
HAWORTH, OK 74740

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars ($200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N Lincoln Blvd, Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation

RESPONDENT:

Brian Cox
Signature

Printed Name and Title

Date: 10/9/21
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

COMPLAINANT,

Case No: OGC-21-330

BRIAN COX
2139 UNION GROVE ROAD
HAWORTH, OK 74740

RESPONDENT.

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference\(^1\) will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on December 9, 2021 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. Please note the Prehearing Conference is not an evidentiary hearing; witnesses and evidence will not be presented at the Prehearing Conference.

\(^1\) Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

**HEARING AND RIGHT TO COUNSEL**

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant’s witnesses, present Respondent’s witnesses, and present relevant evidence on Respondent’s behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department’s Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

**DEFAULT**

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.
JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of being a poultry waste applicator in Oklahoma.

16. Pursuant to 2 O.S. § 10-9.20, ODAFF has authority to regulate persons who are poultry waste applicators.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

18. On or about September 1, 2020, the Agricultural Environmental Management Services Division of the Department received Respondent’s 2019-2020 Annual Litter Report.

19. Respondent applied poultry litter without having a current litter analysis.

20. On or about April 7, 2021, ODAFF sent Respondent a Letter of Warning.

21. To this date, Respondent has failed to provide the missing information.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, violated 2 O.S. § 10-9.19(1) and 2 O.S. § 10-9.19(2) by failing to submit a completed Annual Litter Report and by failing to provide a current soil analysis.
ATTORNEY CONFERENCES

23. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

24. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

25. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

26. Enforcement proceedings may include but are not limited to:
   a.) Administrative fines or penalties;
   b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
   c.) Criminal actions, which could involve fines, imprisonment, or both; and
   d.) Civil actions.

27. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for each violation.

28. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
29. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

30. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

**ENFORCEMENT OF JUDGMENTS**

31. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 et seq.

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

32. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

33. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

34. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

**STIPULATION**

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Dollars ($200.00).

36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check
or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS _____13______ day of ____September______, 2021.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL

Wendi Morse
Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Turner, OBA # 34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789
CERTIFICATE OF MAILING

This is to certify that on this 23\_ day of September, 2021, a true and correct copy of the foregoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

BRIAN COX
2139 UNION GROVE ROAD
HAWORTH, OK 74740

GINA BLAYLOCK
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

COMPLAINANT,

Case No: OGC-21-330

BRIAN COX
2139 UNION GROVE ROAD
HAWORTH, OK 74740

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars ($200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

________________________________________
Signature

________________________________________
Printed Name and Title:

Date: ____________________

Page 8 of 8
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. TERRY J. HENDREN
Case File No: OGC-21-543

TERRY HENDREN
29701 S. 660 RD
GROVE, OK 74345

Summary of Facts: Respondent failed to submit a timely and complete Annual Litter Report for two separate years.

Statute or Rule Violation: 2 O.S. 10-9.18(A)

Proposed Administrative Penalty: The penalty was assessed at $400. Respondent stipulated and paid the penalty in full.

Deviations: None.
Other Actions Required: None.
OGC Attorney: Wendi Morse
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL,

v.

COMPLAINANT,

TERRY J. HENDREN
29701 S. 660 RD.
GROVE, OK 74345

RESPONDENT.

Case No: OGC-21-543

FILED
NOV 09 2021
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars ($400.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

[Signature]

T.J. HENDREN
Printed Name and Title:

Date: 11/01/2021
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

TERRY J. HENDREN
29701 S. 660 RD.
GROVE, OK 74345

RESPONDENT.

Case No: OGC-21-543

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference\(^1\) will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on January 13, 2022 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

---

\(^1\) Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant’s witnesses, present Respondent’s witnesses, and present relevant evidence on Respondent’s behalf.

9. The hearing date will be determined at the Prehearing Conference.

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department’s Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.
JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of poultry waste application in Oklahoma.

16. Pursuant to 2 O.S. § 10-1, ODAFF has authority to regulate persons who are poultry waste applicators.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

18. On or about April 9, 2021, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Annual Litter Report.

19. Annual Litter Reports are due annually by June 30.


22. To this date, Respondent has failed to respond to their Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their Annual Litter Report.
ATTORNEY CONFERENCES

24. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

25. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

26. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

27. Enforcement proceedings may include but are not limited to:
   a.) Administrative fines or penalties;
   b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
   c.) Criminal actions, which could involve fines, imprisonment, or both; and
   d.) Civil actions.

28. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for each violation.

29. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
30. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

31. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

**ENFORCEMENT OF JUDGMENTS**

32. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 et seq.

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

33. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

34. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

35. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

**STIPULATION**

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Four Hundred Dollars ($400.00).

37. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check
or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS ________ day of ________, 2021.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL

Wendi Morse
Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Rice, OBA # 34010
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789
CERTIFICATE OF MAILING

This is to certify that on this \underline{21} day of \underline{OCT}, 2021, a true and correct copy of the foregoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

TERRY J. HENDREN
29701 S. 660 RD.
GROVE, OK 74345

GINA BEAYLOCK
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

TERRY J. HENDREN
29701 S. 660 RD.
GROVE, OK 74345

Case No: OGC-21-543

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars ($400.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

________________________
Signature

________________________
Printed Name and Title:

Date: ____________________
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. NAVADA JEFFRIES
Case File No: OGC-21-452

NAVADA JEFFRIES
PO BOX 143
JAY, OK 74346

Summary of Facts: Respondent failed to submit a timely and complete Annual Litter Report for two separate years.

Statute or Rule Violation: 2 O.S. 10-9.18(A)

Proposed Administrative Penalty: The penalty was assessed at $200. Respondent stipulated and paid the penalty in full.

Deviations: None.
Other Actions Required: None.
OGC Attorney: Wendi Morse
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

COMPLAINANT,

Case No: OGC-21-452

NAVADA JEFFRIES
PO BOX 143
JAY, OK 74346

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars ($200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

[Signature]

Navada D Jeffries, owner
Printed Name and Title:

Date: 11/10/2021
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

Case No: OGC-21-452

NAVADA JEFFRIES
PO BOX 143
JAY, OK 74346

RESPONDENT.

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference\(^1\) will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on February 10, 2022** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing:** witnesses and evidence will not be presented at the Prehearing Conference.

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\(^1\) Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant’s witnesses, present Respondent’s witnesses, and present relevant evidence on Respondent’s behalf.

9. The hearing date will be determined at the Prehearing Conference.

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department’s Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.
JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of poultry waste application in Oklahoma.

16. Pursuant to 2 O.S. § 10-1, ODAFF has authority to regulate persons who are poultry waste applicators.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

18. On or about April 9, 2021, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Annual Litter Report.

19. Annual Litter Reports are due annually by June 30.


21. To this date, Respondent has failed to respond to their Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their Annual Litter Report.
ATTORNEY CONFERENCES

23. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

24. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

25. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

26. Enforcement proceedings may include but are not limited to:
   a.) Administrative fines or penalties;
   b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
   c.) Criminal actions, which could involve fines, imprisonment, or both; and
   d.) Civil actions.

27. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for each violation.

28. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
29. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

30. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

**ENFORCEMENT OF JUDGMENTS**

31. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 et seq.

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

32. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

33. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

34. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

**STIPULATION**

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Dollars ($200.00).

36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check
or money order and sign and return the attached Resolution by Stipulation along with your full
payment of this penalty prior to the stated hearing date.

DATED THIS 25 ______ day of October ________, 2021.

Oklahoma Department of Agriculture, Food, and
Forestry, Office of General Counsel

Wendi Morse
Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Turner, OBA # 34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789
CERTIFICATE OF MAILING

This is to certify that on this __________ day of __________, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail. Return Receipt Requested, as follows:

NAVADA JEFFRIES
PO BOX 143
JAY, OK 74346

GINA BLAYLOCK
BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF  
AGRICULTURE, FOOD, AND FORESTRY,  
BY AND THROUGH THE  
OFFICE OF GENERAL COUNSEL  

COMPLAINANT,  

v.  

NAVADA JEFFRIES  
PO BOX 143  
JAY, OK 74346  

Case No: OGC-21-452

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars ($200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

______________________________
Signature

______________________________
Printed Name and Title:

______________________________
Date:
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. JERRY LONDAGIN
Case File No: OGC-21-352

JERRY LONDAGIN
51501 S 690 RD
COLCORD, OK 74338

Summary of Facts: Respondent failed to submit a timely and complete Annual Litter Report.

Statute or Rule Violation: 2 O.S. 10-9.18(A)

Proposed Administrative Penalty: The penalty was assessed at $300. Respondent stipulated and paid the penalty in full.

Deviations: None.
Other Actions Required: None.
OGC Attorney: Wendi Morse
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

COMPLAINANT,

v.

Case No: OGC-21-352

JERRY LONDAGIN
51501 S 690 RD
COLCORD, OK 74338

RESPONDENT

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Three
Hundred Dollars ($300.00) for this action and has accordingly signed this Resolution by Stipulation and
returned same along with a check or money order in full payment of the proposed penalty or fine to:
Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln
Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and or evidentiary hearing and enters this
Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's
stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

[Signature]

Printed Name and Title:

[Signature]

Date: 10/12/21

RECEIVED
OCT 18 2021
OFFICE OF GENERAL COUNSEL
OKLAHOMA DEPARTMENT OF AGRICULTURE

Page 8 of 8
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

COMPLAINANT,

JERRY LONDAGIN
51501 S 690 RD
COLCORD, OK 74338

RESPONDENT.

Case No: OGC-21-352

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel (“OGC”) of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference\(^1\) will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on December 9, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing; witnesses and evidence will not be presented at the Prehearing Conference.**

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\(^1\) Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling, and j.) Any other matters as may aid in disposition of the case.
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

**HEARING AND RIGHT TO COUNSEL**

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant’s witnesses, present Respondent’s witnesses, and present relevant evidence on Respondent’s behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department’s Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

**DEFAULT**

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.
JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of being a poultry waste applicator in Oklahoma.

16. Pursuant to 2 O.S. § 10-9.20, ODAFF has authority to regulate persons who are poultry waste applicators.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

18. On or about September 14, 2020, the Agricultural Environmental Management Services Division of the Department received Respondent’s 2019-2020 Annual Litter Report which is due by September 1 of each year.


20. On or about April 7, 2021, a Letter of Warning was sent to Respondent.

21. To this date, ODAFF has not received the missing report.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, violated 2 O.S. § 10-9.18(A) by failing to submit a completed Annual Litter Report and by failing to submit an Annual Report on time.
ATTORNEY CONFERENCES

23. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

24. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

25. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

26. Enforcement proceedings may include but are not limited to:

a.) Administrative fines or penalties;

b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;

c.) Criminal actions, which could involve fines, imprisonment, or both; and

d.) Civil actions.

27. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for each violation.
28. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

29. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

30. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

**ENFORCEMENT OF JUDGMENTS**

31. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

32. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

33. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

34. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

**STIPULATION**

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Three Hundred Dollars ($300.00).
36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS ___ day of September, 2021.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL

Wendi Morse

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Turner, OBA # 34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789
CERTIFICATE OF MAILING

This is to certify that on this _23_ day of _September_, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

JERRY LONDAGIN
51501 S 690 RD
COLCORD, OK 74338

GINA BLAYLOCK
BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA  

THE OKLAHOMA DEPARTMENT OF  
AGRICULTURE, FOOD, AND FORESTRY,  
BY AND THROUGH THE  
OFFICE OF GENERAL COUNSEL  

v.  

COMPLAINANT,  

Case No: OGC-21-352  

JERRY LONDAGIN  
51501 S 690 RD  
COLCORD, OK 74338  

RESPONDENT.  

STIPULATION  

Respondent accepts and stipulates to the proposed administrative penalty or fine of Three Hundred Dollars ($300.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298. 

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.  

RESPONDENT:  

______________________________  
Signature  

______________________________  
Printed Name and Title:  

Date: ________________________  

Page 8 of 8
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. MARK MCPHAIL
Case File No: OGC-20-851

MARK MCPHAIL
PO BOX 209
SNYDER, OK 73566

Summary of Facts: Respondent applied a pesticide in a manner inconsistent with its labeling.

Statute or Rule Violation: 2 O.S. 3-86(A)(4)

Proposed Administrative Penalty: The penalty was assessed at $250. Respondent stipulated and paid the penalty in full.

Deviations: None.
Other Actions Required: None.
OGC Attorney: Shelby Turner
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,

BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

COMPLAINANT,

v.

MARK MCPHAII
P.O. BOX 209
SNYDER, OK 73566

RESPONDENT.

Case No: OGC-20-851

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty of fine of Two Hundred and Fifty Dollars ($250.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73108-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT

\[Signature\]

MARK MCPHAII
Printed Name and Title

Date: 11-4-21

Page 9 of 9
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

COMPLAINANT,

MARK MCPHAII
P.O. BOX 209
SNYDER, OK 73566

RESPONDENT.

Case No: OGC-20-851

AMENDED NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference\(^1\) will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, December 9, 2021 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. Please note the Prehearing Conference is not an evidentiary hearing; witnesses and evidence will not be presented at the Prehearing Conference.

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\(^1\) Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and prefiled testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

**HEARING AND RIGHT TO COUNSEL**

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant’s witnesses, present Respondent’s witnesses, and present relevant evidence on Respondent’s behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department’s Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

**DEFAULT**

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.
13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides in the State of Oklahoma.


2 O.S. § 3-86 A

It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.
• On or about July 27, 2020, a pesticide use inspection was performed by ODAFF.

• According to the application records supplied to ODAFF by Farmers Cooperative Association in Snyder, OK, you provided the Mad Dog and Strut Herbicide for the application to your cotton field located in the N1/2 of Section 30-2N-17W. This application occurred on July 21, 2020.

• Strut Herbicide is not labeled to be applied to cotton after crop emergence.

• A vegetative sample was collected from your cotton field located in the N1/2 of Section 30-2N-17W.

• Glyphosate and Dicamba were discovered in the vegetative sample analysis.

• On or about December 22, 2020, a Letter of Warning that detailed the above violation was sent to Mark McPhail.

**ALLEGED CONCLUSIONS OF LAW**

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 3-86 A(4) by applying a pesticide in a manner inconsistent with its label.

**ATTORNEY CONFERENCES**

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. **Arrangements to discuss the matter before the Prehearing Conference are encouraged.**
ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:

   a.) Administrative fines or penalties;
   
b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
   
c.) Criminal actions, which could involve fines, imprisonment, or both; and
   
d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for each violation.

24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.
ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 et seq.

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred and Fifty Dollars ($250.00).

32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL

Page 6 of 9
CERTIFICATE OF MAILING

This is to certify that on this 21st day of Oct, 2021, a true and correct copy of the foregoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

MARK MCPHAIL
P.O. BOX 209
SNYDER, OK 73566

Gina Blaylock
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

COMPLAINANT,

Case No: OGC-20-851

MARK MCPHAIR
P.O. BOX 209
SNYDER, OK 73566

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred and Fifty Dollars ($250.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date:

Page 9 of 9
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. SIGNATURE LANDSCAPE, LLC
Case File No: OGC-21-285

SIGNATURE LANDSCAPE, LLC
9600 N. EASTERN AVE.
OKLAHOMA CITY, OK 73131

Summary of Facts: Respondent allowed an employee to engage in the commercial application of pesticides without proper certification and failed to display a company license number on the application vehicle.

Statute or Rule Violation: OAC 35:30-17-15 and 2 O.S. 3-86(A)(16)

Proposed Administrative Penalty: The penalty was assessed at $750. Respondent stipulated and paid the penalty in full.

Deviations: None.
Other Actions Required: None.
OGC Attorney: Shelby Turner
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,

BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

COMPLAINANT,

v.

SIGNATURE LANDSCAPE LLC
9600 N. EASTERN AVE
OKLAHOMA CITY, OK 73131

RESPONDENT.

Case No: OGC-21-285

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Seven
Hundred and Fifty Dollars ($750.00) for this action and has accordingly signed this Resolution
by Stipulation and returned same along with a check or money order in full payment of the
proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture,
Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters
this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and
Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice
of Violation.

RECEIVED

RESPONDENT:

OCT 13 2021

OFFICE OF GENERAL COUNSEL
OKLA DEPT OF AGRICULTURE

Signature

Printed Name and Title

Date: 10-14-21

Page 9 of 9
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY.
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL.

v.

COMPLAINANT.

Case No: OGC-21-285

SIGNATURE LANDSCAPE LLC
9600 N. EASTERN AVE
OKLAHOMA CITY, OK 73131

RESPONDENT.

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of

Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged

violations of the Oklahoma Agricultural Code and or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference1 will be held before an

impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, October 14, 2021

in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food,

and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. Please note the Prehearing Conference is not an evidentiary hearing; witnesses and

evidence will not be presented at the Prehearing Conference.

1 Prehearing Conferences may address any of the following: a) Identification and simplification of issues, including
the elimination of frivolous claims or defenses, b) Amendments to the pleadings, c) the plan, schedule, and
limitations of discovery; d) Identification of admissions of fact to avoid unnecessary proof and cumulative
evidence; e) The identification of witnesses and substance of testimony, exhibits, and documents; f) The use of
prehearing briefs and pre-filed testimony in the form of sworn affidavits; g) Settlement of all or some of the issues
prior to the hearing; h) Adoption of special procedures for managing difficult or protracted actions that may
involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i) Scheduling, and
j) Any other matters as may aid in disposition of the case.
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

**HEARING AND RIGHT TO COUNSEL**

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant’s witnesses, present Respondent’s witnesses, and present relevant evidence on Respondent’s behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

**DEFAULT**

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.
JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(7). Accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides as Signature Landscape L.L.C., located at 9600 N. Eastern Ave in Oklahoma City, OK 73131.


O.A.C. 35:30-17-15

All vehicles, including nurse tanks and self-propelled ground applicators, used by a commercial applicator during the conduct of business shall be identified by displaying the name and license number of the licensee. The display shall be on both sides of the vehicle in letters not less than two (2) inches in height.

2 O.S. § 3-86 A (16)

(A) It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The
suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

(16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.

**ALLEGATIONS OF FACT**

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent:

- On or about June 7, 2021, ODAFF conducted a routine use inspection of Signature Landscape L.L.C., located at 9600 N. Eastern Ave in Oklahoma City, OK 73131.

- During this routine inspection, the inspector observed your employee, Oracion Rueda, applying Roundup Quick Pro to the cracks of the JC Penny parking lot in Norman, OK.

- Your employee, Oracion Rueda, informed our inspector that he was operating without a certification.

- The inspector also noted that your company license number was not displayed on the application vehicle used by Oracion Rueda.

- On or about June 10, 2021, a Letter of Warning that detailed the above violations was sent to Signature Landscape L.L.C.

**ALLEGED CONCLUSIONS OF LAW**

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 3-86 A (16) and O.A.C. 35-30-17-15 by having an employee operate
commercially without a certification and utilizing an application vehicle that displays no company license number.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:
   a) Administrative fines or penalties;
   b) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
   c) Criminal actions which could involve fines, imprisonment, or both; and
   d) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for each violation.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

25. Fine matrices containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedures outlined in 2 O.S. § 2-7(b) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 et seq.

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Seven Hundred and Fifty Dollars ($750.00)
32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

Oklahoma Department of Agriculture, Food, and Forestry, Office of General Counsel

Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy General Counsel, OBA #14574
Wendi Morse, OBA #33571
Kambi Maddy, OBA #13873
Shelby Turner, OBA #34010
Assistants General Counsel
2800 N Lincoln Blvd
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5097
Facsimile: (405) 522-5789
CERTIFICATE OF MAILING

This is to certify that on this day of , 2021, a true and correct copy of the foregoing instrument was mailed, via Certified Mail. Return Receipt Requested, as follows:

SIGNATURE LANDSCAPE LLC
9600 N. EASTERN AVE
OKLAHOMA CITY, OK 73131

Gina Blaylock
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY.
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

COMPLAINANT.

Case No: OGC-21-285

SIGNATURE LANDSCAPE LLC
9600 N. EASTERN AVE
OKLAHOMA CITY, OK 73131

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Seven Hundred and Fifty Dollars ($750.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

__________________________________________
Signature

__________________________________________
Printed Name and Title

Date: ______________________

Page 9 of 9
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. WILKINS LAWN AND LANDSCAPE  
Case File No: OGC-21-002

WILKINS LAWN AND LANDSCAPE  
44 WESTGATE DR.  
SULPHUR, OK 73086

Summary of Facts: Respondent applied a pesticide in a negligent manner causing the pesticide to drift off-target.

Statute or Rule Violation: 2 O.S. 3-86(A)(3)

Proposed Administrative Penalty: The penalty was assessed at $1,000. Respondent stipulated and paid the penalty in full.

Deviations: None.  
Other Actions Required: None.  
OGC Attorney: Shelby Turner
Respondent, by stipulation, waives their right to a full administrative and/or evidentiary hearing and credits
Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice
Respondent, by stipulation evidencing Respondent's consent to the proposed penalty and
this Resolution by stipulation evidencing Respondent's consent to the proposed penalty and

Forresty, 2800 N. Lincoln Blvd, Oklahoma City, OK 73105-4928.
penalty of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and
penalty or fine to the Office of General Counsel, Oklahoma Department of Agriculture, Food, and
Supplement and returned same along with a check or money order in full payment of the proposed
1,000.00) for this action and has accordingly signed this Resolution by
Respondent accepts and stipulates to the proposed administrative penalty or fine of one

STIPULATION

RESPONDENT
(SURFHUR, OK 73086
44 WESTCATE DR
WILKINS LAWN AND LANDSCAPING

COMPLAINANT

CASE NO: OGC-21-002

OFFICE OF GENERAL COUNSEL
BY AND THROUGH THE
AGRICULTURE, FOOD, AND FORESTRY,
THE OKLAHOMA DEPARTMENT OF
BEFORE THE STATE BOARD OF AGRICULTURE 
STATE OF OKLAHOMA 

THE OKLAHOMA DEPARTMENT OF 
AGRICULTURE, FOOD, AND FORESTRY, 
BY AND THROUGH THE 
OFFICE OF GENERAL COUNSEL 

v. 

COMPLAINANT, 

Case No: OGC-21-002 

WILKINS LAWN AND LANDSCAPE 
44 WESTGATE DR. 
SULPHUR, OK 73086 

RESPONDENT. 

NOTICE OF VIOLATION 

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules. 

PREHEARING CONFERENCE NOTICE 

2. Respondent is hereby notified that a Prehearing Conference\(^1\) will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, October 14, 2021 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma. 

3. Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference. 

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\(^1\) Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing. h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

**HEARING AND RIGHT TO COUNSEL**

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

**DEFAULT**

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.
JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides in the State of Oklahoma.


2 O.S. §3-86(A)(3)

A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

3. A person has operated in a negligent manner, thereby causing a pesticide to drift off-target.
ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about November 30th, 2020, an ODAFF inspector investigated a drift complaint at 923 W 16th St. in Sulphur, OK.

- The location of the complaint investigation is north of the lawn Respondent sprayed at 1526 W. Broadway in Sulphur, OK.

- Respondent’s application records indicate that Weedar 64 and Pin-Dee 3.3 T&O were applied to this lawn on November 23, 2020, with a 7-9 mph south/southeast wind.

- A vegetative sample was taken from the complainant’s property and 2,4-D was recovered in the sample analysis.

- A vegetative sample was taken from the property that Respondent sprayed and 2,4-D and Pendimethalin were recovered in the analysis.

- According to ODAFF’s investigation, Respondent’s application resulted in a pesticide drift onto the property north of the application area.

- On or about January 28, 2021, a Letter of Warning that detailed the above violation was sent to Wilkins Lawn and Landscape.

ALLEGED CONCLUSIONS OF LAW

Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(A)(3) by applying a pesticide in a negligent manner, thereby causing a pesticide to drift off-target.
ATTORNEY CONFERENCES

18. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

19. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

20. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

21. Enforcement proceedings may include but are not limited to:

   a.) Administrative fines or penalties;

   b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;

   c.) Criminal actions, which could involve fines, imprisonment, or both; and

   d.) Civil actions.

22. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for each violation.
23. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

24. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

25. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

**ENFORCEMENT OF JUDGMENTS**

26. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 et seq.

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

27. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

28. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

29. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

**STIPULATION**

30. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars ($1,000.00)**.
31. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

Oklahoma Department of Agriculture, Food, and Forestry, Office of General Counsel

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
✓ Shelby Turner, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789
CERTIFICATE OF MAILING

This is to certify that on this 14th day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows

WILKINS LAWN AND LANDSCAPE
44 WESTGATE DR.
SULPHUR, OK 73086

[Signature]

Gina Blaylock
BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA 

THE OKLAHOMA DEPARTMENT OF  
AGRICULTURE, FOOD, AND FORESTRY,  
BY AND THROUGH THE  
OFFICE OF GENERAL COUNSEL  

v.  

COMPLAINANT,  

Case No: OGC-21-002  

WILKINS LAWN AND LANDSCAPING  
44 WESTGATE DR.  
SULPHUR, OK 73086  

RESPONDENT.  

STIPULATION 

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollars ($1,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298. 

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation. 

RESPONDENT:  

__________________________  
Signature  

__________________________  
Printed Name and Title 
Date: ________________________ 

Page 9 of 9
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. LIN YONGXIN
Case File No: OGC-21-212

LIN YONGXIN
22150 CR 290
MORRISON, OK 73601

Summary of Facts: Respondent engaged in the use of a pesticide in a manner inconsistent with its labeling.

Statute or Rule Violation: 2 O.S. 3-86(A)(4)

Proposed Administrative Penalty: The penalty was assessed at $500. Respondent stipulated and paid the penalty in full.

Deviations: None.
Other Actions Required: None.
OGC Attorney: Shelby Turner
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

v.

COMPLAINANT,

Case No: OGC-21-212

L.I.N YONGXIN
22150 CR 290
MORRISON, OK 73601

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Five Hundred Dollars ($500.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title: Xun Wang To (Manager)

Date: 12/12/2021

Page 8 of 8
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE OFFICE OF GENERAL COUNSEL

v.

COMPLAINANT,

Case No: OGC-21-212

LIN YONGXIN

22150 CR 290
MORRISON, OK 73601

RESPONDENT.

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference\(^1\) will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, December 9th, 2021 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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\(^1\) Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

**HEARING AND RIGHT TO COUNSEL**

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant’s witnesses, present Respondent’s witnesses, and present relevant evidence on Respondent’s behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department’s Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

**DEFAULT**

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the
Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

**JURISDICTION, VENUE, AND APPLICABLE LAW**

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application and storage of pesticides in the State of Oklahoma.


**2 O.S. §3-86(a)(4)**

A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.
ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about April 2, 2021, a complaint investigation was performed by the Oklahoma Department of Agriculture, Food, and Forestry.

- During this investigation, it was discovered that multiple empty 300 gallon pesticide totes of Roundup PowerMax Herbicide and Diuron 4L Herbicide were being used to store irrigation water.

- The labels on these totes both states that the containers are non-refillable and should not be used to hold any material other than pesticides.

- Additionally, 10 boxes of Piston TR and 3 boxes of Beethoven TR were found in Respondent’s chemical storage room.

- Beethoven TR is only labeled for ornamental crops; the label specifically prohibits the product being used on crops grown for food.

- Piston TR is only labeled to be used on ornamental and fruiting vegetable crops.

- On or about May 10, 2021, a Letter of Warning that detailed the above violation was sent to Respondent, Lin Yongxin.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(a)(4) by using a pesticide in a manner inconsistent with its labeling.
ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:

a.) Administrative fines or penalties;

b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;

c.) Criminal actions, which could involve fines, imprisonment, or both; and

d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for each violation.

24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

**ENFORCEMENT OF JUDGMENTS**

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 et seq.

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

**STIPULATION**

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars ($500.00)**.

32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by
check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL.

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
☑ Shelby Turner, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 20 day of Sept., 2021, a true and correct copy of the foregoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

LIN YONGXIN
22150 CR 290
MORRISON, OK 73601

[Signature]

Gina Blaylock
BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA  

THE OKLAHOMA DEPARTMENT OF  
AGRICULTURE, FOOD, AND FORESTRY,  
BY AND THROUGH THE  
OFFICE OF GENERAL COUNSEL  

v.  

COMPLAINANT,  

Case No: OGC-21-212  

LIN YONGXIN  
22150 CR 290  
MORRISON, OK 73601  

RESPONDENT.  

STIPULATION  

Respondent accepts and stipulates to the proposed administrative penalty or fine of Five Hundred Dollars ($500.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.  

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.  

RESPONDENT:  

______________________________________  
Signature  

______________________________________  
Printed Name and Title  

______________________________________  
Date:  

Page 8 of 8
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. SUPERIOR TERMITE AND PEST
Case File No: OGC-19-889 and OGC-20-005

SUPERIOR TERMITE AND PEST
205 S. 85TH E. AVE.
TULSA, OK 74112

Summary of Facts: Respondent failed to meet the minimum standards for termite treatment on two separate occasions at two separate pretreat sites.

Statute or Rule Violation: OAC 35:30-17-73

Proposed Administrative Penalty: The penalty was assessed at $30,000. This was calculated by penalizing $5,000 per each sample that yielded zero pesticide, then $2,500 per sample that contained a level of pesticide below the minimum standards. An administrative hearing took place on June 10, 2021. Administrative Judge Richard Herren prepared a Proposed Final Order in favor of ODAFF, recommending that Respondent’s $30,000 penalty be enforced.

Deviations: None.
Other Actions Required: None.
OGC Attorney: Shelby Turner
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

COMPLAINANT,

v.

SUPERIOR TERMITE & PEST
205 S. 85TH E. AVE.
TULSA, OK 74112

RESPONDENT.

Case File No: OGC-19-889
OGC-20-005

PROPOSED FINAL ORDER

On the 10th day of June 2021, this matter comes on for hearing before me, the
undersigned Administrative Law Judge. The Complainant appears through Assistant
General Counsel, Shelby Turner. Respondent appears in person. Each party made an
opening statement. Complainant presented evidence and testimony regarding the
allegations of fact and law. Respondent presented evidence and testimony regarding his
defenses and mitigation of any penalty. Each party provided a closing statement and
argued the pertinent allegations of their case and defense. Upon conclusion of the hearing
this matter was taken under advisement.

FINDINGS OF FACT

1. On June 11, 2020, on behalf of the Complainant, the Office of General Counsel
filed an Amended Notice of Violation in this administrative action alleging the following:

“ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations
of fact summarize the alleged violations committed by Respondent.

- On or about August 15, 2019, ODAFF conducted an inspection of the termite pretreat site location at 8872 256th Pl in Broken Arrow, OK.
  
  i. As a result of this inspection, two horizontal samples and two vertical samples were taken.
  
  ii. No chemical residue was recovered in the horizontal samples or the vertical samples.
  
  iii. On of about October 21, 2019, a Letter of Warning that detailed the above violation was sent to Respondent.

- On or about November 25, 2019, ODAFF conducted an inspection of the termite pretreat site located at 6443 E. 148th St in Bixby, OK.
  
  i. As a result of this inspection, two horizontal samples and two vertical samples were taken.
  
  ii. 4.78 and 4.94 ppm imidacloprid was recovered in the two horizontal samples taken.
  
  iii. The minimum acceptable residue level for a horizontal sample is 5.00 ppm.
  
  iv. 4.76 and 4.20 ppm imidacloprid was recovered in the two vertical samples.
  
  v. The minimum acceptable residue level for a vertical sample is 10.00 ppm.
vi. On or about December 30, 2019, a Letter of Warning that detailed the above violation was sent to Respondent.

2. Based on the evidence and testimony presented the above allegations of facts are true and correct.

CONCLUSIONS OF LAW

3. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to the Oklahoma Constitution Article VI, Section 31 and Oklahoma Statute Title 2 Section 2-4(A)(7).

4. Under Oklahoma Statute Title 2 Section 2-4(A)(3), the Department has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

5. Under Oklahoma Statute Title 2 Section 2-18(A), after notice an opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or ordered issued pursuant thereto, the Board shall have the authority to assess an administrative penalty not less than One Hundred Dollars ($100) and not more than Ten Thousand Dollars ($10,000) for each violation. Each animal, each action, or each day a violation continues may constitute is separate and distinct violation.

6. Under Oklahoma Statute Title 2 Section 3-86(A), it shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked,
or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

6. Any violation of state law or rules or standards prescribed by the Board.

7. Oklahoma Agricultural Code 35:30-17-73. Concrete Slabs states as follows:

(a) All pesticide applications shall follow the pesticide label instructions including the application rates and methods. Treatments using less than label recommended concentrations at higher volume or higher concentrations at reduced volume applications are prohibited for pre-construction treatments. A written contract shall be provided that conforms with all requirements for contracts issued in the Structural Pest Category. In addition, the contract shall include the total square footage treated, the total linear feet treated, and any additional information required.

(b) Pretreatment of main slab areas (including attached garages) is as follows:

(1) Termiticide shall be applied at the rate specified on the label and in accordance with label instructions to the entire area to be covered by concrete, for the establishment of horizontal and/or vertical barriers.

(2) Horizontal barriers shall be established.

(3) Vertical barriers shall be established by trenching or trenching and rodding through the bottom of the trench and at the rate prescribed by the label. When trenching cannot be performed due to elements of construction (i.e. coarse aggregate fill, rebar, etc.) the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.

(4) Treatment shall not be made when the soil or fill is excessively wet or when rain is imminent.

(5) Precautions shall be taken to prevent disturbance of the treated areas by human or animal contact or prolonged exposure to the weather.

(6) Immediately after completion of treatment to the main slab area, each termite pretreatment shall be stenciled or a sticker or tag permanently affixed to one of the stubouts in an area which will be readily accessible. The stencil, sticker, or tag shall identify the company, date of treatment, and termiticide used.

(c) Pretreatment of adjacent slabs, i.e., porches, patios, entrance pads, walkways, driveways, etc., shall be as follows:

(1) Termiticide shall be applied at the rate specified on the label and in accordance with label instructions for application, to the adjacent slabs which abut the main structure.

(2) Treatment and precautions shall meet the requirements in (b)(2) and (b)(3) of this Section.

(d) Pretreatment of outside foundations shall be as follows:

(1) Treatment shall be applied to the soil by trenching or trenching and rodding into the bottom of the trench around the entire outside foundation of the structure after the final grade has been established. This treatment shall be performed within 30 days of notification of completion of landscaping or one year from the date of completion of construction, whichever comes first.

(2) Where trenching is not possible due to rocks, concrete, gutters, etc., the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.

(3) Where outside foundations (stem walls) have 12" or more of exposed concrete extending above the outside final grade, the outside foundation treatment may be omitted.

(e) Pretreatment of crawl space construction shall be made in the same manner as described in the minimum standards for existing structures (SEE PART 15 of this Chapter).
(f) Any treatment that does not meet all of the minimum standards for pretreatments under concrete slab or crawl space is considered "Partial Pretreats" and is not acceptable. In the event a portion of a structure is not treated through no fault of the applicator, it will be stated in the pretreat documentation and the contract signed by the contractor (home builder), and include specific reasoning why the area was not treated.

(g) Pesticide applicators must issue Form NPCA-99b to the builder as an attachment to the contract.

9. Based on the proven facts, Respondent violated Oklahoma Agricultural Code 35:30-17-73. Respondent specifically failed to pretreat the site located at 8872 256th Pl Broken Arrow, OK and under applied and miss applied the pretreat site located at 6443 E 148th St in Bixby, OK in violation of the label and Department rules.

10. An administrative penalty in the amount of Thirty Thousand Dollars ($30,000.00) is warranted and hereby imposed.

**RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED that this Proposed Final Order be adopted as the Final Order and all penalties be imposed on the Respondents.

SIGNED THIS 16th DAY OF SEPTEMBER 2021.

[Signature]

RICHARD D. HERREN
ADMINISTRATIVE LAW JUDGE

**CERTIFICATE OF MAILING**

This is to certify that a true and correct copy of the above and foregoing Order was mailed to by certified mail, return receipt requested, postage prepaid, on the date of filing, as follows:

Superior Termite & Pest
205 85th Ave
Tulsa, OK 74112

[Signature]
Wendi Morse
BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF  
AGRICULTURE, FOOD, AND FORESTRY,  
BY AND THROUGH THE  
OFFICE OF GENERAL COUNSEL  

v.  

COMPLAINANT,  

Case No: OGC-19-889  
OGC-20-005  

SUPERIOR TERMITE & PEST  
205 S 85TH E AVE.  
TULSA, OK 74112  

RESPONDENT.  

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference\(^1\) will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, October 1, 2020 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing; witnesses and evidence will not be presented at the Prehearing Conference.**

\(^1\) Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

**HEARING AND RIGHT TO COUNSEL**

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant’s witnesses, present Respondent’s witnesses, and present relevant evidence on Respondent’s behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department’s Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

**DEFAULT**

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.
JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides in the State of Oklahoma.


OAC 35:36-17-73

(a) All pesticide applications shall follow the pesticide label instructions including the application rates and methods. Treatments using less than label recommended concentrations at higher volume or higher concentrations at reduced volume applications are prohibited for pre-construction treatments. A written contract shall be provided that conforms with all requirements for contracts issued in the Structural Pest Category. In addition, the contract shall include the total square footage treated, the total linear feet treated, and any additional information required.

(b) Pretreatment of main slab areas (including attached garages) is as follows:
(1) Termicide shall be applied at the rate specified on the label and in accordance with label instructions to the entire area to be covered by concrete, for the establishment of horizontal and/or vertical barriers.
(2) Horizontal barriers shall be established.
(3) Vertical barriers shall be established by trenching or trenching and rodding through the bottom of the trench and at the rate prescribed by the label. When trenching cannot be performed due to elements of construction (i.e. coarse aggregate fill, rebar, etc.) the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.
(4) Treatment shall not be made when the soil or fill is excessively wet or when rain is imminent.
(5) Precautions shall be taken to prevent disturbance of the treated areas by human or animal contact or prolonged exposure to the weather.
(6) Immediately after completion of treatment to the main slab area, each termite pretreatment shall be stenciled or a sticker or tag permanently affixed to one of the
stubouts in an area which will be readily accessible. The stencil, sticker, or tag shall identify the company, date of treatment, and termicide used.

(c) Pretreatment of adjacent slabs, i.e., porches, patios, entrance pads, walkways, driveways, etc., shall be as follows:

(1) Termicide shall be applied at the rate specified on the label and in accordance with label instructions for application, to the adjacent slabs which abut the main structure.

(2) Treatment and precautions shall meet the requirements in (b)(2) and (b)(3) of this Section.

(d) Pretreatment of outside foundations shall be as follows:

(1) Treatment shall be applied to the soil by trenching or trenching and rodding into the bottom of the trench around the entire outside foundation of the structure after the final grade has been established. This treatment shall be performed within 30 days of notification of completion of landscaping or one year from the date of completion of construction, whichever comes first.

(2) Where trenching is not possible due to rocks, concrete, gutters, etc., the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.

(3) Where outside foundations (stem walls) have 12" or more of exposed concrete extending above the outside final grade, the outside foundation treatment may be omitted.

(e) Pretreatment of crawl space construction shall be made in the same manner as described in the minimum standards for existing structures (SEE PART 15 of this Chapter).

(f) Any treatment that does not meet all of the minimum standards for pretreatments under concrete slab or crawl space is considered “Partial Pretreats” and is not acceptable. In the event a portion of a structure is not treated through no fault of the applicator, it will be stated in the pretreat documentation and the contract signed by the contractor (home builder), and include specific reasoning why the area was not treated.

(g) Pesticide applicators must issue Form NPCA-99b to the builder as an attachment to the contract.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about August 15, 2019, ODAFF conducted an inspection of the termite pretreat site located at 8872 256th Pl. in Broken Arrow, OK.

  i. As a result of this inspection, two horizontal samples and two vertical samples were taken.
ii. No chemical residue was recovered in the horizontal samples or the vertical samples.

iii. On or about October 21, 2019, a Letter of Warning that detailed the above violation was sent to Respondent.

- On or about November 25, 2019, ODAFF conducted an inspection of the termite pretreat site located at 6443 E. 148th St. in Bixby, OK.
  
i. As a result of this inspection, two horizontal samples and two vertical samples were taken.
  
ii. 4.78 and 4.94 ppm imidacloprid was recovered in the two horizontal samples taken.

iii. The minimum acceptable residue level for a horizontal sample is 5.00 ppm.
  
iv. 4.76 and 4.20 ppm imidacloprid was recovered in the two vertical samples.
  
v. The minimum acceptable residue level for a vertical sample is 10.00 ppm.
  
vi. On or about December 30, 2019, a Letter of Warning that detailed the above violation was sent to Respondent.

ALLEGED CONCLUSIONS OF LAW

Based upon the application of the above law to the aforementioned facts, Respondent violated OAC 35:30-17-73 by failing to apply the appropriate level of pesticide.

ATTORNEY CONFERENCES

18. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
19. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

20. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

**ENFORCEMENT PROCEEDINGS**

21. Enforcement proceedings may include but are not limited to:

   a.) Administrative fines or penalties;
   
   b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;

   c.) Criminal actions, which could involve fines, imprisonment, or both; and

   d.) Civil actions.

22. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for each violation.

23. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

24. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

25. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.
ENFORCEMENT OF JUDGMENTS

26. Administrative penalties, civil penalties, and other fines imposed by the Board shall be
enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform
Enforcement of Foreign Judgments Act, 12 O.S. § 719 et seq.

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

27. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed
Settlement, Consent Order, or Default.

28. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved
by the State Board of Agriculture.

29. Proposed Final Administrative Orders shall be prepared and issued in accordance with the
Administrative Procedures Act and presented to the Board of Agriculture for review and
approval.

STIPULATION

30. If Respondent desires to resolve this matter without a hearing or further action,
Complainant proposes an administrative penalty of Thirty Thousand Dollars
($30,000.00).

31. If you wish to waive your right to hearing and stipulate to the above alleged findings of
fact and conclusions of law, you may pay the full amount of the recommended penalty by
check or money order and sign and return the attached Resolution by Stipulation along
with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL

Page 7 of 9
CERTIFICATE OF MAILING

This is to certify that on this 11th day of June, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

SUPERIOR TERMITE & PEST
205 S. 85TH E AVE
TULSA, OK 74112

Gina Blaylock
BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

COMPLAINANT,

v.

SUPERIOR TERMITE & PEST
205 S. 85TH E AVE.
TULSA, OK 74112

RESPONDENT.

Case No: OGC-19-889
OGC-20-005

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Thirty Thousand Dollars ($30,000.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent’s consent to the proposed penalty and Respondent’s stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

__________________________________________
Signature

__________________________________________
Printed Name and Title
Date: ________________________________