

**AGENDA**  
**STATE BOARD OF AGRICULTURE**  
**DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

Wednesday, April 27, 2022  
10:00 a.m.

2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of March 9, 2022.
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
- M. Legislative Update – JanLee Rowlett

7. Consideration and Proposed Action on Purchases/Contracts

FY23 – OMES Central Printing - \$7,000  
FY23 – Presort Mail Services - \$6,000  
FY23 – ImageNet Consulting - \$13,000  
FY23 – Compsource – Rural Firefighters Workers Compensation - \$71,300  
FY23 – Rural Fire Pension Fund - \$92,000  
FY 23 – AT&T Wireless - \$120,000  
FY23 – Comdata Inc. - \$1,500,000  
FY23 – Agency Workers Comp Insurance Premium - \$340,000  
FY23 – onsite Security Guard Services (Superior Security) - \$68,300  
FY23 – Bank of America – Credit Card Charges - \$30,000  
FY23 – Federal Express - \$60,000  
FY23 – Petroleum Traders (Bulk Fuel) - \$60,000  
FY23 – National Association of State Department of Agriculture (NASDA) - \$17,000  
FY23 – Oklahoma Capital Improvement Authority Bond Payments - \$1,698,308  
FY23 – Oklahoma Employment Security Commission – Unemployment Benefits - \$32,000  
FY23 – Oklahoma Public Employees Retirement System – Retirees unused sick leave - \$100,000  
FY23 – Oklahoma Management Enterprises Services (OMES) – Risk Mgt - \$77,000  
FY23 – Oklahoma Management Enterprises Services FICA Savings - \$25,000  
FY23 – Oklahoma Management Enterprises Services – Facility Services - \$333,477  
FY23 – Oklahoma Management Enterprises Services – IT - \$703,000  
FY23 – Oklahoma Management Enterprises Services – OPM - \$26,000  
FY23 – Pitney Bowes – Mail Machine Lease - \$20,000  
FY23 – Oklahoma Turnpike Authority – Pikepass - \$21,000  
FY23 – United States Postal Services (Postage) - \$90,000  
FY23 – (Walnut Storage Building) - \$16,000  
FY23 – Xerox - \$78,500  
FY23 – Galt Temporary Services - \$150,000  
FY23 – BancFirst - \$17,900  
FY23 – Oklahoma Governor’s Office - \$37,500  
FY23 – Oklahoma Management Enterprises Services – Fleet Management - \$114,558  
FY23 – SHI – Adobe Subscription Services - \$8,019  
\$45,000 – Hire a Consultant to review Comprehensive Nutrient Management Plans  
\$170,000 – Fund MOA with Oklahoma Water Resource Board  
\$48,276 – Renewal for OSU Poultry Education Program  
\$12,250 – Elevate provide support in establishing licensed Part 107 pilots  
FY23 – Dakota Agricultural Laboratories testing fees - \$9,800  
FY23 – OSU laboratory testing fees for soil and water samples - \$9,800  
FY23 – OSU Soil Fertility Research - \$475,000  
FY23 – Unwanted Pesticide Disposal Program - \$350,000  
FY23 – OSU Pesticide Program Contract Approval - \$130,000  
FY23 – Kelly Registration Systems – ACH Reimbursement & Inspection Program - \$63,000  
FY23 – OSU Plant disease and Insect Diagnostic Lab - \$51,500  
FY23 – GIS Programming with Oklahoma University - \$43,000  
FY23 – Verizon Wireless - \$25,000  
**FY22** – Kelly Registration System – ACH Reimbursement & Inspection Program Fees - \$23,000  
FY22 – Rental of skid steers/attachment - \$68,250  
FY22 – Chainsaws/Pole saws/PPE - \$10,000  
FY22 – Southern Pine Beetle Prevention Program – Jack Griffin - \$8,000  
FY22 – Southern Pine Beetle Prevention Program – Donna Downen - \$4,650  
FY23 – Radios - \$100,000  
FY23 – ESRI ArcGIS Online Licenses - \$60,000

FY22 – Purchase of Preventive Maintenance Agreement Renewal - \$30,814.20  
 FY22 – purchase of a Gas Chromatograph with Flame Ionization Detector - \$50,000  
 FY22 – Agreement between ODAFF and Oklahoma Department of Tourism - \$5,000  
 FY22 – Women in State Government Conference - \$20,000  
 FY22 – Farmers Market bags – additional \$7,787.50  
 FY22 – Made in Oklahoma & Made in Oklahoma State Fair Store bags – additional \$6,000  
 FY23 – 2022 Oklahoma Christmas Show - \$7,990  
 FY23 – Agreement with Oklahoma Tourism & Recreation Department - \$35,000  
 FY23 - Agreement with Discover Oklahoma, Oklahoma Tourism & Recreation - \$15,000  
 FY23 – Renewal of contract with Freestyle, graphic design firm - \$30,000  
 FY23 – Agreement with Food Export Association of the Midwest USA - \$7,000  
 FY23 – Addendum with OSU for Year 3 of 4 - \$70,000  
 Requesting approval for fuel, maintenance and hangar rent - \$106,500  
 Purchase two 2023 Chevrolet C1500 Silverado 4x4 truck - \$88,000  
 City of Norman Cooperative Agreement - \$20,000  
 Cooperative agreement with USDA APHIS Wildlife Services - \$769,000  
 475-gall fuel trailer - \$10,000  
 Icomm Radios - \$10,000  
 New hanger rental at Sundance Airport - \$5,400

8. Consideration and Proposed Action on Cases Resolved by Stipulations

**Agricultural Environmental Management Services**

Russell Adams, 266 Feldspar Lane, Haworth, Oklahoma  
 Jeff Hickson, 22657 Worthington Road, Gentry, Arkansas  
 Ricky Don Seals, 12196 Poteau Mountain Road, Poteau, Oklahoma  
 Steven Yang, 113048 N. 3790 Road, Okemah, Oklahoma

**Consumer Protection Services**

7-Eleven Store #41478, 500 S. W. 89<sup>th</sup>, Oklahoma City, Oklahoma  
 7-Eleven Store #41410, 642 N. W, 12<sup>th</sup> Street, Moore, Oklahoma  
 Evan Allard, 432616 E. 200 Road, Vinita, Oklahoma  
 Arnold Brothers, Inc., 228 N.E. 2<sup>ND</sup>, Moore, Oklahoma  
 Dollar General, 1500 N. Louis Tittle, Mangum, Oklahoma  
 Dollar General, 303 N. LL Males Ave., Cheyenne, Oklahoma  
 Dollar General, 111 N. Main, Elk City, Oklahoma  
 Dollar General, 110 N. Bridge Road, Grandfield, Oklahoma  
 Dollar General, 110 E. Central, Anadarko, Oklahoma  
 Dollar General, 1150 N. Broadway, Hinton, Oklahoma  
 Dollar General, 811 N. Hazlett, FT. Cobb, Oklahoma  
 Dollar General, 18497 W. Woodward Road, Tahlequah, Oklahoma  
 Dollar General, 103 Nebraska, Cyril, Oklahoma  
 Don's Pest and Weed Control, LLC, 2829 S. Douglas Blvd., Midwest City, Oklahoma  
 George Enterprises, LLC, 109615 Kay Road, Nardin, Oklahoma  
 Jiffy Trip #304, HWY 74 & Breckenridge Road, Garber, Oklahoma  
 Kind Origins Cannabis, LLC, 1900 A. Street, Ada, Oklahoma  
 Maverick Environmental Solutions, 225 Kingsberry Road, Holdenville, Oklahoma  
 Pond RX, DBA Turnpro Aquatics, 22995 Cove Wood Circle, Edmond, Oklahoma  
 Texoma Horticulture, 19824 Crowson Rd, Madill, Oklahoma  
 Town and Country Pest, Turf, and Termite LLC, P.O. Box 1207, Ardmore, Oklahoma  
 Western Producers Coop, 702 South Rambo, Dill City, Oklahoma  
 Wilkins Lawn and Landscape, 44 Westgate Drive, Sulphur, Oklahoma



### **Food Safety**

Twisted Sister Butcher, LLC, 16990 W. Fountain Rd., Tonkawa, 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 Cases Resolved by Consent Order

#### **Consumer Protection Services**

Stegg’s Aerial Spraying, Inc., 2815 College Blvd., Alva, 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.”

10. Next Board meeting scheduled for Wednesday, June 15, 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

*\*Members of the Board and staff from ODAFF may join for lunch. Board Members, staff, and the public may discuss program issues during lunch; no votes or action will be taken during the luncheon.*

**OFFICIAL PROCEEDINGS  
OF THE STATE BOARD OF AGRICULTURE  
DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

Oklahoma City, Oklahoma  
March 9, 2022

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., March 9, 2022, 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:     Brent Bolen  
                               Blayne Arthur  
                               Clay Burtrum

Members Absent:     Joe Farris  
                               Nocona Cook

Others Present:       Kandi Batts, Executive Secretary  
                               JanLee Rowlett, Deputy Commissioner  
                               Dan Ridings, Director, Administrative Services  
                               Wade Krivanek, Director, Laboratory Services  
                               Mark Goeller, Director, Forestry Services  
                               Kenny Naylor, Director, Consumer Protection Services  
                               Dr. Rod Hall, Director, Animal Industry Services  
                               Scott Alls, Director, Wildlife Services  
                               Troy Marshall, Director Agricultural Statistics  
                               Meriruth Cohenour, Director, Market Development Services  
                               Teena Gunter, Director, Agricultural Environmental  
   Management Services & Office of General Counsel  
                               Tommy Stephens, Food Safety Services  
                               Brady Robison, Office of General Counsel  
                               Richard Herren, Office of General Counsel  
                               Keith Merckx, Forestry Services

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

A motion was made by Mr. Bolen, seconded by Mr. Burtrum, to approve the minutes of the regular meeting of January 26, 2022, as presented.

The vote was as follows:

Bolen	Aye
Arthur	Aye
Burtrum	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Arthur	Aye
Burtrum	Aye

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Burtrum, to approve the following purchases/contracts as submitted and contained on pages 4 through 11.

The vote was as follows:

Bolen	Aye
Arthur	Aye
Burtrum	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Bolen, to approve the Proposed Action on Stipulations as submitted and contained on pages 12 and 13.

**Agricultural Environmental Management Services**

Eric Chapman, 15599 W. Greasy Bend Rd, Mannsville, Oklahoma  
Kimberly and Brian Folkner, 105156 4190 Road, Checotah, Oklahoma  
John Hambrick, 12485 Rock Island Road, Cameron, Oklahoma  
Teng Her, 1010 Browning Road, Valliant, Oklahoma  
Tom J. Lewis, P. O. Box 1512, Sallisaw, Oklahoma

**Consumer Protection Services**

EDKO, P. O. Box 130547, Tyler, Texas

**\*\*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.”

The vote was as follows:

Bolen	Aye
Arthur	Aye
Burtrum	Aye

The motion carried.

There is no Old business presented for the Board to take action upon. Mr. Bolen moved, Mr. Burtrum seconded, that the meeting be adjourned at 10:56 a.m.

By \_\_\_\_\_  
President

ATTEST: \_\_\_\_\_  
Executive Secretary

# MARCH 9, 2022 BOARD MEETING

## **PURCHASES/CONTRACTS**

### **Administrative Services**

**\$422,000** - Purchase of new agency vehicles. These vehicles are needed to replace aging fleet vehicles. Replacement of these vehicles are critical to the agency mission and if not replaced may put the employee and public at greater risk.

**\$6,000** – Asset Panda – Purchase of an agency inventory software system. This system will allow for easy asset tracking. It is a cloud-based technology that offers complete flexibility to manage assets for our agency. The software offers a mobile application for users and customizable content creation. This system will replace an outdated Microsoft Database, the system will allow for migration of those assets into this new cloud-based program.

### **Animal Industry**

**ALLFLEX \$21,683.00**

20 - LPR

16 - AWR300

16 - Cases for the AWR 300 ATB300

Purchasing with Cooperative Agreement Supplemental funds.

### **Forestry Services**

**FY22 – Transport Trucks, \$458,850 (245 Fund)**

Purchase of three (3) Class 8 Truck Tractors that will be used to carry Type 3 firefighting bulldozers. These are mission critical pieces of equipment that will respond to wildfires and all-hazard situations throughout the entire state. With new transports in service, OFS will be able to provide timely and reliable responses, limiting the threat to life and property. The transports will be replacing trucks that are undersized, has excessive mileage and require frequent, costly repairs. Funding for this entire purchase will come the OFS 245 fund as part of an approved budget revision.

**FY22 - Dovetail Beds, \$256,000 (245 Fund)**

Purchase of four (4) custom dovetail beds that will be permanently mounted to Class 8 truck tractors for the purpose of hauling firefighting bulldozers. Beds will include headache rack, emergency lighting, blade rest, toolboxes and hydraulic ramps. These specialized beds will allow OFS to safely secure and transport bulldozers responding to wildfires and all-hazard situations. Funding for this entire purchase will come the OFS 245 fund as part of an approved budget revision.

**FY22 - Mobile Radios and Accessories, \$17,000 (Community Fire Protection Grant)**

Purchase twenty (20) Bendix-King KNG M150 mobile radios and accessories (programming cables, batteries, microphones, etc.). These radios will be replacing units 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 cooperating response agencies. These radios will be P25 compliant and purchased from the NASPO contract. Funding for this purchase will come from the US Forest Service – FY21 Community Fire Protection Grant (\$17,000) as part of an approved budget revision.

**FY22 – Laptop Computers, \$19,200 (SFA/VFA Grants & 245 Fund)**

Purchase six (6) laptop computers that will be used for supporting various Fire Management Programs including fire suppression, prescribed burning, dispatching and hazardous fuels mitigation. These machines will be replacing outdated models, equipping newly-hired personnel or positions that now require virtual duties. Acquisition cost for each unit is estimated at \$3,200. Funding for this purchase will come from the FY21 US Forest Service State Fire Assistance - Response Grant (\$6,200), Volunteer Fire Assistance Grant (\$6,000) and OFS 245 Fund (\$7,000) as part of an approved budget revision.

**FY22 – Pickup Trucks, ½-ton, 4X4, \$82,000 (245 Fund)**

Purchase two (2) ½-ton pickups which will include emergency lighting, toolboxes, mobile radios, 4-wheel drive, brush guards and other features needed for off-road work. These trucks will be used primarily to support of our fire management program and forest management program statewide. These trucks are part of the OFS equipment replacement schedule targeted at removing equipment with excessive use and age. Acquisition cost for these units is estimated at \$41,000/each. Funding for this purchase will come from the OFS 245 Fund as part of an approved budget revision.

**FY22 – Pickups, ¾-ton, 4X4, \$149,250 (SFA Grant & 245 Fund)**

Purchase three (3) ¾-ton pickups which will include emergency lighting, toolboxes, mobile radios, 4-wheel drive, brush guards and other features needed for off-road work. These trucks will be used primarily to support of our fire management program including wildfire suppression, fuels mitigation and emergency response. These trucks are part of the OFS equipment replacement schedule targeted at removing equipment with excessive use and age. Acquisition cost for these units is estimated at \$49,750/each. Funding for this purchase will come from the FY18 US Forest Service State Fire Assistance - Mitigation Grant (\$47,500) and OFS 245 Fund (\$101,750) as part of an approved budget revision.

**FY22 - Gooseneck Trailer, \$20,000 (SFA Grant)**

Purchase one (1) heavy duty, tandem axle trailer with ramps. This trailer will be used to transport a skid steer with attachments for the purpose of treating hazardous fuels in and around At-Risk Communities statewide. This program is part of the National Cohesive Wildland Fire Management Strategy with the intent of developing fire adapted communities. Funding for this purchase will come from the FY18 US Forest Service State Fire Assistance - Mitigation Grant.

**FY22 – Wildland Brush Coats, Nomex, \$30,000 (245 Fund)**

Purchase one hundred (100) sets of Winter Personnel Protective Equipment (PPE) for OFS firefighters required to work in below freezing temperatures during wildland firefighting efforts. These brush coats with liners will meet NFPA 1977 Standards on protective clothing for wildland firefighting. Not only will this PPE enhance firefighter safety, but it will make fireline conditions more tolerable during the winter months. Acquisition cost for these brush coats/liners is estimated at \$300/each. Funding for this purchase will come from the OFS 245 Fund as part of an approved budget revision.

**FY22 - Fireline Cooking System, \$8,700 (245 Fund)**

Purchase one hundred (100) JetBoil Personal Cooking systems to be utilized by OFS firefighters when required to work long hours in remote locations as part of emergency response efforts. This will allow our personal to have hot meals and liquids when they are not able to leave the scene due to ongoing response efforts. Acquisition cost for these cooking systems is estimated at \$87/each. Funding for this purchase will come from the OFS 245 Fund as part of an approved budget revision.

**FY22 - Road Grader Updates, \$10,000 (245 Fund)**

OFS acquired a road grader through the Firefighter Property Program free of charge. This piece of equipment will be used for firefighting efforts in western Oklahoma as well as prescribed burning projects where terrain will allow. For this piece of equipment to be serviceable, it will require new tires, hydraulic hoses, fluid/filter change, installation of mobile radios and construction of a brush guard/push rail. Acquisition cost for these items is estimated at \$10,000. Funding for these purchases will come from the OFS 245 Fund as part of an approved budget revision.

**FY22 - Truck Accessories, \$11,000 (245 Fund)**

OFS acquired a Class 8 Truck Tractor using US Forest Service – Volunteer Fire Assistance Grant funds in 2021. This truck will be used to pick up surplus property across the country that will be given to Oklahoma fire departments free of charge. For this truck to function and be effective, it will require a wet kit, aluminum headache rack, toolboxes, chains/boomers and installation of a mobile radio. Acquisition cost for these items is estimated at \$11,000. Funding for these purchases will come from the OFS 245 Fund as part of an approved budget revision.

**FY22 - Service Truck Updates, \$6,000 (245 Fund)**

OFS acquired a service truck through the Firefighter Property Program free of charge. This truck will be used to support Heavy Equipment Task Forces dispatched across the entire state for emergency response situations. For this truck to be serviceable, it will require a tune-up, tires, fluid/filter change, fuel transfer tank, cutting torch, tools and installation of a mobile radio. Acquisition cost for these items is estimated at \$6,000. Funding for these purchases will come from the OFS 245 Fund as part of an approved budget revision.

**FY22 - \$9,900**

Aerial spray pesticide application to the seed production pine tree orchards. OFS needs to spray the cone crop in our genetically improved pine tree orchards. This year there was a noticeable decrease in embryotic-material filled seed in the cones collected at the orchards. This is a result of the presence of cone worms/seed insects. Aerial application of pesticide spray to the orchards will control these pests (cone worms/seed bugs). **Justification:** Without this purchase, there will be a continued decline in the production of genetically-improved seed.

**FY23 - \$7,700**

Telephone and internet service for East Central Area offices. This maintains phones/internet for contact with landowners, received prescribed/controlled burn notifications, receive calls for fires where assistance is needed, etc. **Justification:** Necessary purchase/expenditure for continuity of operations at office complexes and radio repeater sites.

**FY23 - \$7,600**

Utilities (Propane, Water, Trash) for East Central Area offices in Wilburton and Talihina. **Justification:** Necessary purchase/expenditure for continuity of operations in Forestry Services East Central Area.

**FY23 - \$7,000**

Electrical service for East Central Area offices is a necessity in order to operate. **Justification:** Necessary purchase/expenditure for continuity of operations in Forestry Services East Central Area.

**FY23 - \$14,000**

Equipment repair and supplies for East Central Area offices this includes repairs by outside vendors and by Area personnel. **Justification:** This is vital to maintaining our wildland firefighting equipment at a high-level of operational readiness for protecting public safety.

**FY23 - \$9,300**

Land Lease, Commercial, SE Area Headquarters Office Complex, Broken Bow – land where office is located 22 acres MOL. Renew lease with the Commissioners of the Land Office for the land occupied by OFS' SE Area headquarters complex. From this office complex, OFS coordinates all forest management and fire protection programs in SE Oklahoma. **Justification:** without this lease, OFS would not have an office in the SE region of Oklahoma

**FY23 - \$1,950**

Land Lease, land only, SE Area Headquarters Complex, Broken Bow – land behind office complex area 240 acres MOL. Renew lease with the Commissioners of the Land Office for the land occupied by the Oklahoma Forestry Services forestry development demonstration area. **Justification:** OFS utilizes this property to develop and maintain a forestry development demonstration area to inform the public on proper timber and land management practices.

**FY23 - \$12,000**

Electricity for the SE Area Headquarters complex, Antlers office complex, Carter Tower complex, Sobol Tower radio repeater, Tom Tower radio repeater. **Justification:** Necessary purchase/expenditure for continuity of operations at office complexes and radio repeater sites. Each office complex and radio repeater site performs critical public safety functions related to wildland fire and forest management activities.

**FY23 - \$12,500**

Telecommunications – phone/internet for SE Area HQ, Antlers Complex. **Justification:** Necessary purchase/expenditure for continuity of operations at office complexes utilizing phone/internet services critical for the public safety functions related to wildland fire and forest management activities.

**FY23 - \$6,000**

Utility services for SE Area HQ, Antlers Complex, Carter Tower Complex. **Justification:** Necessary purchase/expenditures for continuity of operations at office complexes and Carter Tower complex utilizing water, sewer, trash, propane, and natural gas utilities/services critical for the public safety functions related to wildland fire and forest management activities.

**FY23 - \$22,275**

Heavy Equipment maintenance and repair for all SE Area equipment/buildings. **Justification:** Necessary purchases/expenditures for maintenance and repair of all SE Area equipment including dozers, trailers, tractors, mowers and buildings/shops used for the public safety functions related to wildland fire and forest management activities. Without these maintenance/repairs the equipment used to fight wildland forest fires would be out of service thus creating a potential threat/hazard to the surrounding communities and natural resources of the State of Oklahoma.



**FY23 - \$19,000**

Electric, phone/internet, utilities for the NE Area's Jay District Office, Rose Tower, Area HQ Complex, and Sallisaw District Office. **Justification:** Necessary expenditure to maintain emergency response radio communications for the NE Area.

**FY23 - \$24,000**

AT&T Local & Long-Distance Telephone service for Forest Tree Improvement Center at Idabel; and long distance telephone service for the Forest Regeneration Center and Community Fire Offices at Goldsby. This service is necessary for communication to the public and governmental agencies. **Justification:** required for continuity of operations at these office complexes.

**FY 23 - \$5,200**

Purchase of local phone service through existing provider, Windstream using a new, lower priced plan at the Forest Regeneration Center and Community Fire offices. The current plan is \$623/month or \$7,476/year and the new plan is \$429/month or \$5,148.00 per year. This would save the state of Oklahoma approximately \$2,328/year. **Justification:** Without phone service, FRC and Community Fire would not be able to communicate with landowners and fire coordinators, which would significantly decrease customer service and service to the public.

**FY23 - \$42,000**

Electrical Service for Community Fire, FRC and FTIC offices located in Goldsby and Idabel. **Justification:** Necessary for continuity of operations at these office complexes.

**FY23 - \$12,000**

Propane for FRC and Community Fire Headquarters office & FTIC in Idabel. **Justification:** Necessary for continuity of operations at office complexes.

**FY23 - \$10,000**

Oklahoma Tax Commission for Titles and Tire Fee associated with the Firefighter Property Program. **Justification:** OFS cannot transfer ownership of these vehicles to fire departments without a title. These vehicles are converted to firefighting equipment by the receiving fire department and then used to protect the lives and property of the citizens of Oklahoma.

**FY23 - \$100,000**

Purchase firefighting equipment and clothing for resale to Rural Fire Departments through the Revolving Equipment Fund. This program allows firefighters to buy equipment and personal protective equipment at a reduced cost. **Justification:** without this approval and this program, rural fire department costs to purchase necessary equipment and supplies would increase.

**FY23 - \$50,000**

Purchase firefighting personal protective equipment for OFS employees from the Department of Defense E-Mall. **Justification:** required to supply OFS firefighters with mandatory personal protective equipment (PPE) and other equipment through.

**FY23 - \$200,000**

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.

**FY23 - \$3,870,000**

State Operational Assistance Grants divided equally among the certified fire departments (Rural Fire Defense). Fire Departments receiving the Operational Grant can only use the funds for items authorized in Oklahoma State Statutes, Title 19, Chapter 21, and Section 901.56. **Justification:** Fire departments awarded these grants are able to fulfill a critical public safety function by purchasing firefighting equipment, purchase Worker Compensation Insurance, Vehicle Insurance, etc. as outlined in the above-mentioned statute.

**FY23 - \$50,000**

Community Wildfire Protection Plan (CWPP) development. **Justification:** This is funded by a federal grant that allows communities to develop and implement strategic plans to ensure that their communities are prepared for a wildland fire event thereby reducing their overall wildfire risk.

**FY23 – \$15,000**

Purchase PPE – Wildland Firefighter boots for OFS front-line personnel. **Justification:** This equipment is mandatory for all personnel responding to wildfires or supporting prescribed burns anywhere in Oklahoma. This equipment must be periodically updated. Without this equipment there is an increased risk to personal safety to Forestry Services' firefighters and liability to the Agency. The price per pair has increased.

**FY 23 - \$25,000**

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. **Justification:** 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.

**FY23 – \$325,000**

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.

**FY23 - \$8,000**

Purchase gear needed to support OFS employees on extended overnight travel supporting emergency responses as directed by the agency. As an agency OFS makes available both equipment and personnel to support incidents in-state and throughout the country at any time of the year. Primarily OFS responds to wildfires but in the past has also provided assistance to winter storms as well as severe storms. **Justification:** During these responses it is important that our personnel are supplied with the necessary gear for a safe and effective assignment. Examples of items to be purchased include gear bags, tents, sleeping bags, cold weather gear and Fireline packs. Acquisition cost for an individual item will not exceed \$350/each. Funding for this gear will be provided from revenue accrued from out of state emergency response.

**FY23 - \$150,000**

For use of P-Cards to repair firefighting equipment including but not limited to dozers, Bambi buckets, UTVs and slip-on firefighting units. These purchases will be for repairs more than \$5,000 when a piece of equipment has significant issues and requires Board approval. **Justification:** This will allow the equipment to be repaired quickly after completion of the bidding process and back in service for fire management activities.

**FY23 - \$150,000**

For use of Comdata Cards to repair firefighting equipment including but not limited to transports, engines, pickups, and other rolling stock. These purchases will be for repairs more than \$5000 when a piece of equipment has significant issues and requires Board approval. **Justification:** This will allow the equipment to be repaired quickly after completion of the bidding process and back in service for fire management activities.

**Southern Pine Beetle Prevention Program-Bobby Bowman FY22 - \$7,100.**

Federal Grant to cover the prevention of Southern Pine Beetle from spreading from one landowner to the next. This is a very invasive insect and without this prevention program the threat to landowner's revenue could be severe.

**Market Development Services**

FY2022 – 30 hotel rooms x 2 days (at the state per diem rate) - Ag in the Classroom Teacher Road Trip - \$5,760.00

FY2022 – Ag in the Classroom – printing – Coloring Book, Ag Mag & Soils, Plants & Animals oh my! - \$13,984.47

FY2022 – Amy Reinke - Ag Enhancement & Diversification Grant - \$10,000.00

FY2022 – Oklahoma Red Angus Association – Ag Enhancement & Diversification Ag Event Grant - \$7,500.00

FY2023 – State Fair of Oklahoma - Made in Oklahoma Store – flooring - \$5,500.00

FY2023 – Tulsa County Public Facilities Authority – 2022 Tulsa State Fair - Booth space will be purchased then sublet to Made in Oklahoma companies at a cost share rate - \$25,924.00

ODAFF contracts with the Tulsa County Public Facilities Authority for the purpose of providing a Made in Oklahoma Exhibit in the Exchange Center during the Tulsa State Fair. ODAFF sublets booth spaces within this exhibit area to MIO companies. The MIO Exhibit at the Tulsa State Fair is a rare opportunity for new MIO companies to introduce their products to an average of over 1 million potential customers. The average number of companies impacted each year is between 30-35 companies. The event falls within the purpose of the MIO Program which is to assist local agricultural companies in collectively promoting brand awareness and consumer loyalty for Oklahoma products through cooperative marketing activities. If this proposed expense is not approved, there will not be a labeled MIO exhibit at the Tulsa State Fair. The economic impact to the MIO companies intending to participate in this Exhibit will potentially lose thousands of dollars in sales during the 11-day event held each year.

FY2023 – AgHERculture Summit – facility rental and food – \$10,000.00

FY2022 – Made in Oklahoma & Made in Oklahoma Store bags - \$9,000.00

FY2022 – Contract between ODAFF and the Oklahoma Grape Industry Council to promote and encourage growth and development of the grape and wine industries in Oklahoma through educational and marketing campaigns - Funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund - \$30,000.00

This project is entirely funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund. This grant project with the Oklahoma Grape Industry Council will promote and encourage growth and development of the grape and wine industries in Oklahoma through educational and marketing campaigns along with increasing the positive economic impact of the wine industry in Oklahoma. 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 grape and wine industry through the economic impact, but also runs the risk of not being awarded money from the Oklahoma Viticulture and Enology Center Development Revolving Fund in the future.

### **Office of General Counsel**

Contract for OGC Administrative Law Judge FY 2022 effective 2/1/2022 – 6/30/2022. Contract not to exceed \$10,000.


**BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA**

**APPROVAL OF CASES**

ON THIS 9<sup>th</sup> day of March 2022 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 9<sup>th</sup> day of March 2022.

  
Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**March 9, 2022**

**Cases Resolved by Stipulation**

**Agricultural Environmental Management Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Eric Chapman	OGC-21-426	AEMS	\$200.00
Kimberly & Brian Folker	OGC-21-681	AEMS	\$250.00
John Hambrick	OGC-21-436	AEMS	\$300.00
Teng Her	OGC-21-449	AEMS	\$200.00
Tom J. Lewis	OGC-21-458	AEMS	\$200.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
EDKO	OGC-21-751	CPS	\$1,000.00

# **Oklahoma Department of Agriculture, Food & Forestry**

## **April 27, 2022, Board Report**

### **Administrative Services**

# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES FEBRUARY 2022



INVESTIGATIONS		FEBRUARY	YTD	FYTD
LIVESTOCK		3	10	33
FIRE		10	13	25
PROPERTY		1	3	19
TIMBER		1	1	5
AGENCY ASSISTS	ODAFF		0	0
AGENCY ASSISTS	EXTERNAL		3	5
OTHER		1	6	11
TOTAL INVESTIGATIONS OPENED		16	36	98
CLOSED PENDING ADDITIONAL INFORMATION		5	10	24
NO CRIME		1	2	16
NO PROSECUTION			0	0
CLOSED - ASSIST CASE		1	2	5
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		1	2	2
REFERRED FOR ADMINISTRATIVE ACTION			0	0
INVESTIGATIONS COMPLETED		8	16	47
COUNTS FILED		1	2	6
VALUE OF LOSSES - ALL CRIMES		\$497,550	\$889,250	\$1,965,650
RECOVERED LOSSES - ALL CRIMES		\$218,500	\$337,550	\$642,600
NUMBER OF CATTLE REPORTED STOLEN		14	56	146
NUMBER OF CATTLE RECOVERED		8	10	96



# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES

March 2022

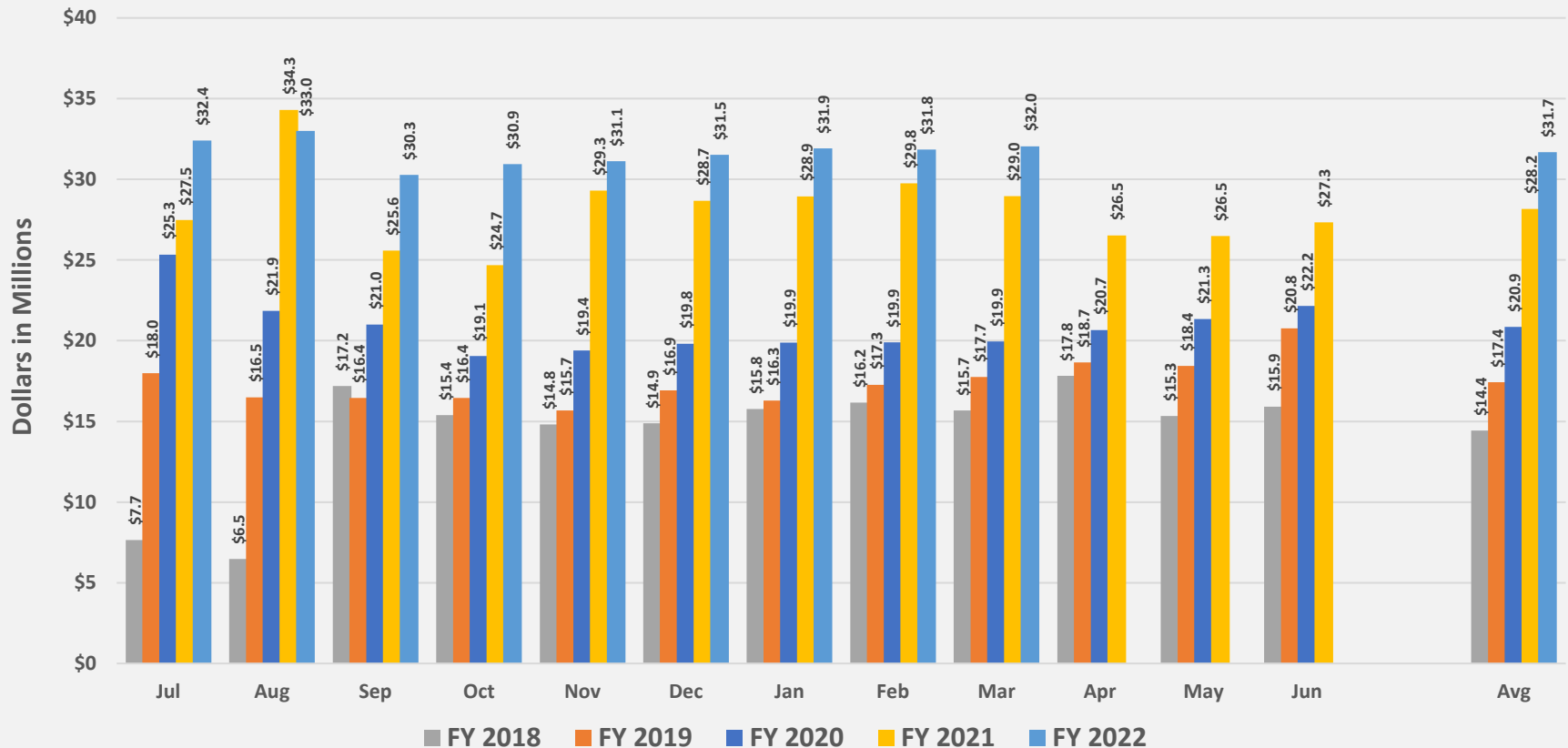


INVESTIGATIONS		MARCH	YTD	FYTD
LIVESTOCK		5	15	38
FIRE		4	17	29
PROPERTY		2	5	21
TIMBER		0	1	5
AGENCY ASSISTS	ODAFF	4	4	4
AGENCY ASSISTS	EXTERNAL		3	5
OTHER		0	6	11
TOTAL INVESTIGATIONS OPENED		15	15	113
CLOSED PENDING ADDITIONAL INFORMATION		4	14	28
NO CRIME		3	5	19
NO PROSECUTION		0	0	0
CLOSED - ASSIST CASE		1	3	6
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		0	2	2
REFERRED FOR ADMINISTRATIVE ACTION		0	0	0
TOTAL INVESTIGATIONS COMPLETED		8	24	55
COUNTS FILED		0	2	6
VALUE OF LOSSES - ALL CRIMES		\$97,300	\$986,550	\$2,062,950
RECOVERED LOSSES - ALL CRIMES		\$72,000	\$409,550	\$714,600
NUMBER OF CATTLE REPORTED STOLEN		26	36	122
NUMBER OF CATTLE RECOVERED		12	12	12

# Administrative Services

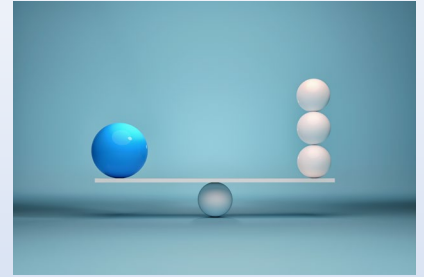
- BrightPath/Work Day system go live date pushed forward.
  - Now projected to go live mid August 2022
  - Payroll testing currently in progress
- Asset Panda (inventory system) – is being reviewed by OMES IT Security
- Accountant II vacancy listed

# Available Cash at Month End per Allotment Budget & Available Cash Report Months Ending: July 2017 – March 2022



*Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,148,110 as of 3/31/2022.*

# Administrative Services - Finance

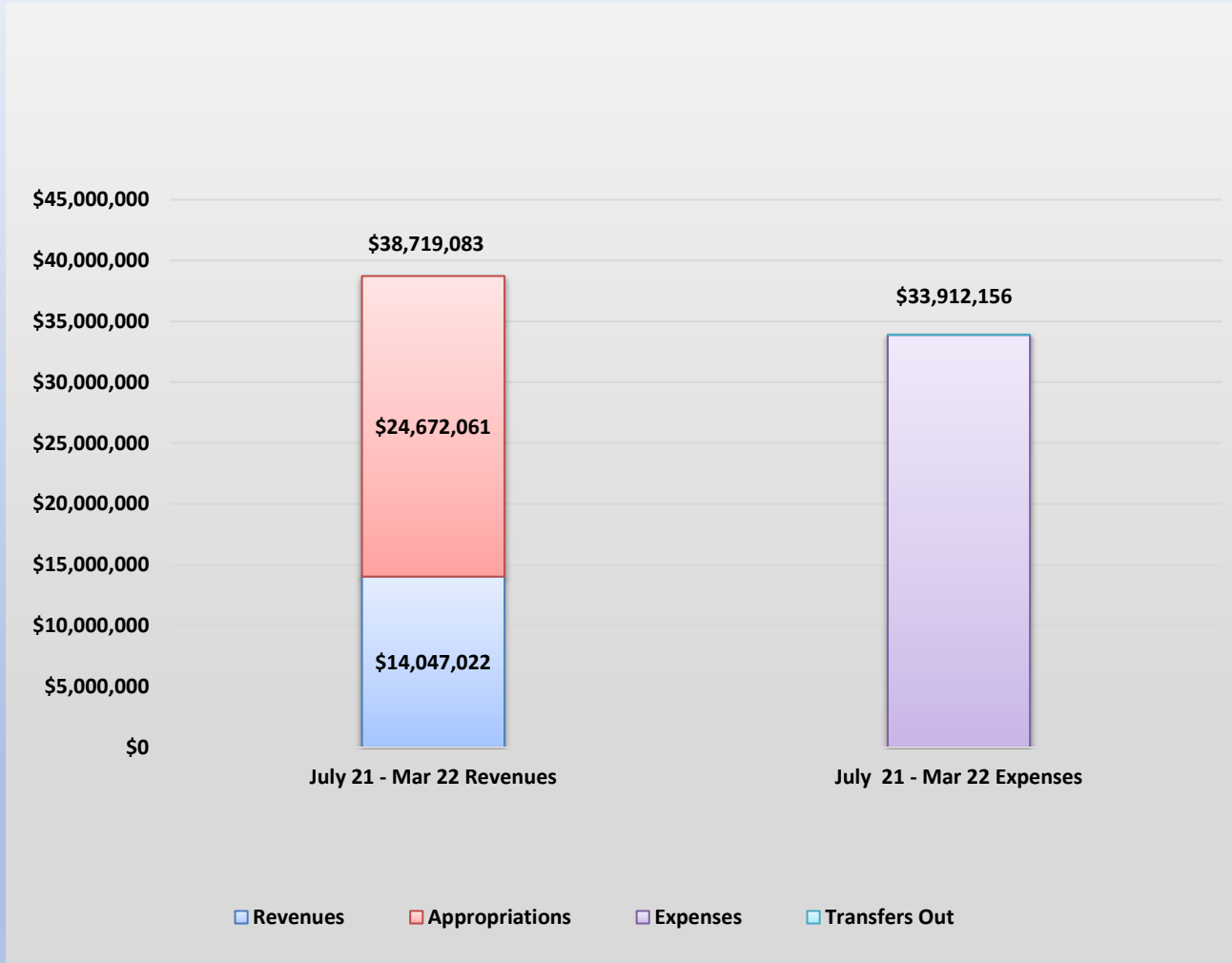


- Cash balance as of 3/31/2022 was \$32 million compared to \$29 million as of 3/31/2021.
- This is an increase of \$3 million from the prior year and is primarily attributed to the following:
  - Increase in Legislative directed spending's/pass thru payments to OSU
    - Annual amount increased from \$2.88 million in FY 21 to \$6 million in FY 22
    - Payments were made monthly in FY 21
    - Payments are made quarterly in FY 22

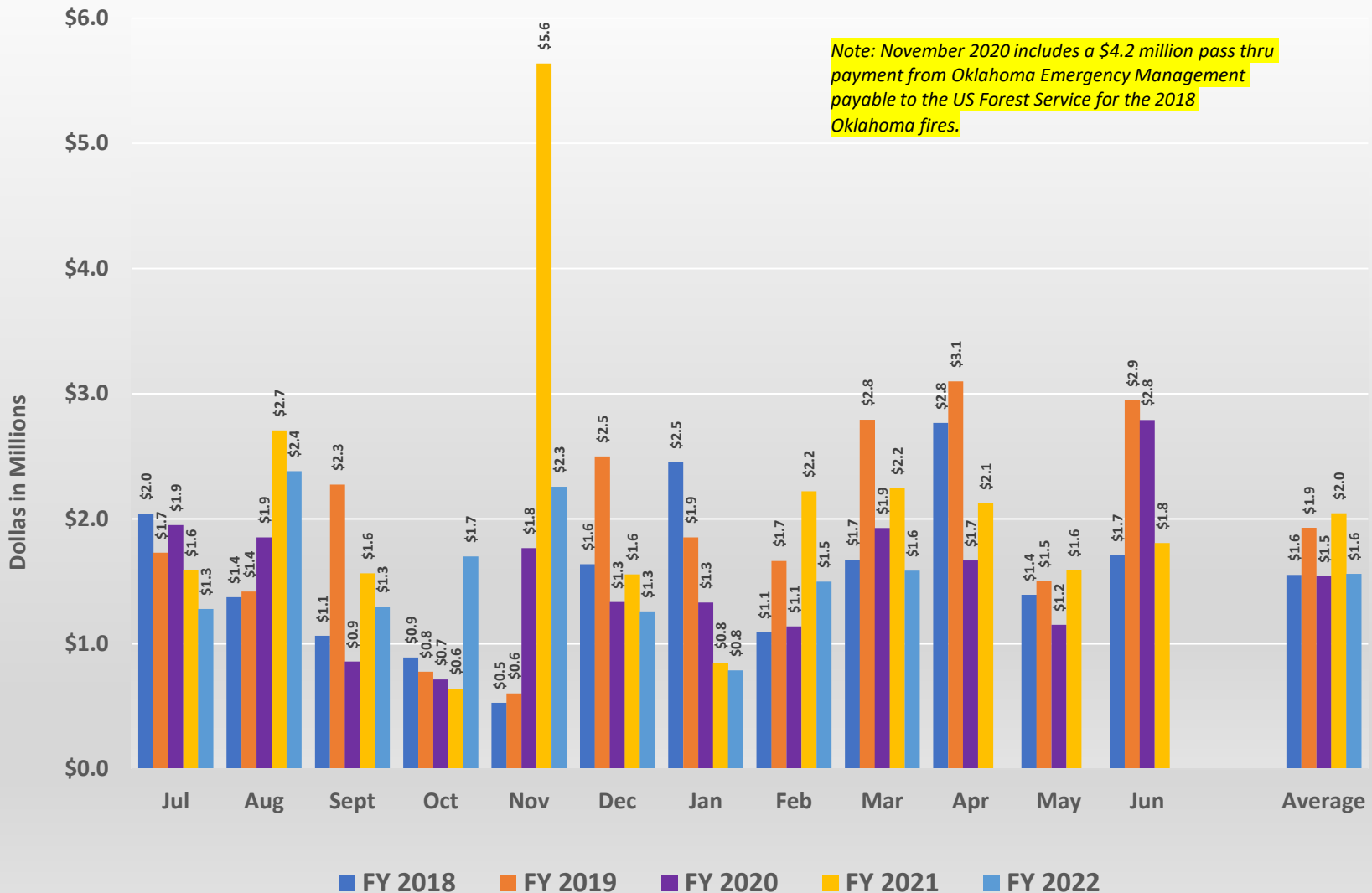
# Administrative Services - Finance

- Frugal spending in anticipation of a possible revenue failure.
- Covid Pandemic

# Total Revenues, Expenses, Transfers In & Out July 2021 thru March 2022



# Total Revenue by Month July 2017 – March 2022

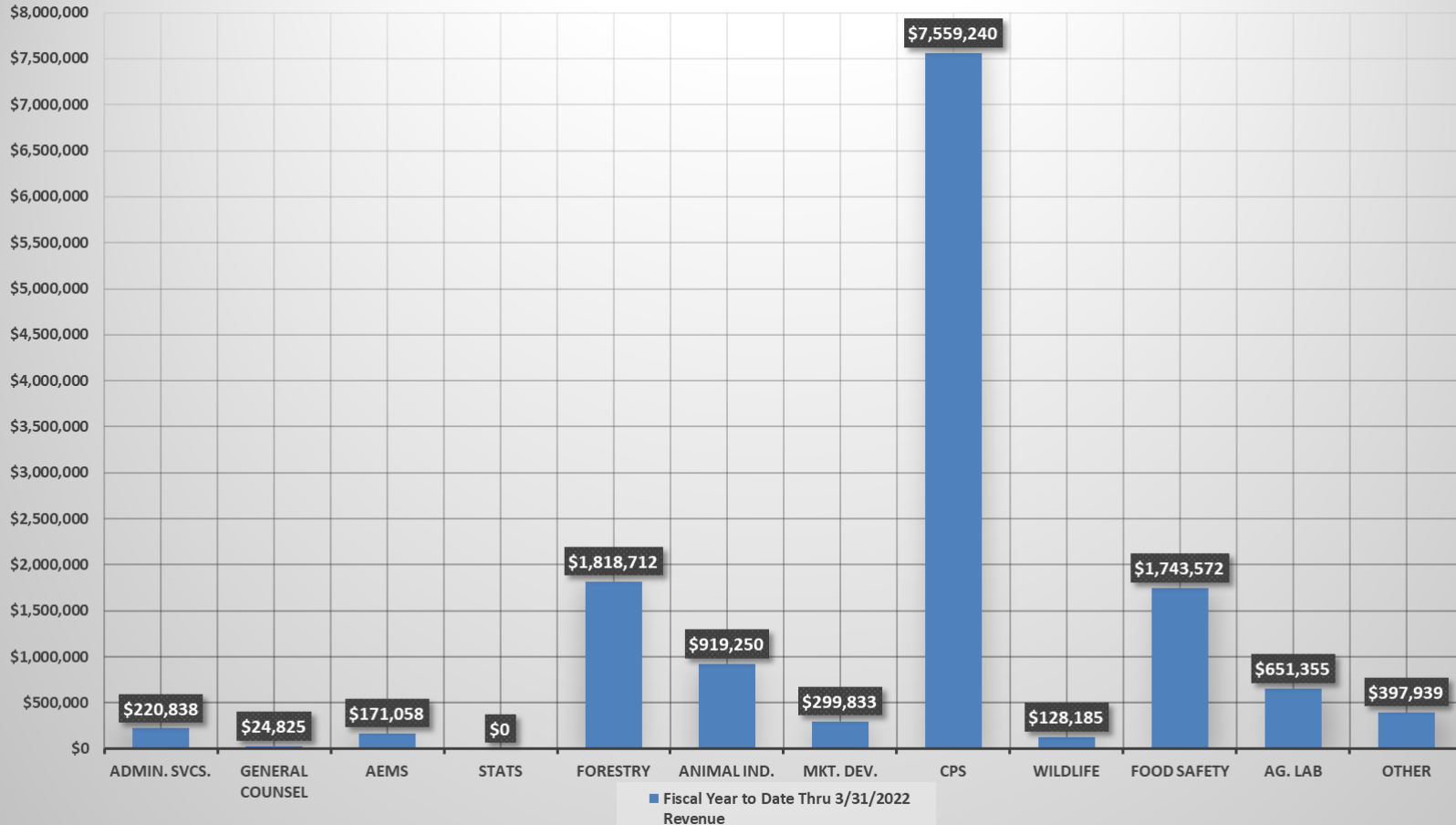


**Revenue By Division  
July 2021 – March 2022**

<b>Division</b>	<b>March 2022 Revenue</b>	<b>Fiscal Year to Date Thru 3/31/2022 Revenue</b>
Admin. Svcs.	41,336	220,838
General Counsel	1,000	24,825
AEMS	18,817	171,058
Stats	-	-
Forestry	70,141	1,818,712
Animal Ind.	322,701	919,250
Mkt. Dev.	7,328	299,833
CPS	967,611	7,559,240
Wildlife	12,500	128,185
Food Safety	61,262	1,743,572
Ag. Lab	26,061	651,355
Other	33,791	397,939
<b>DIVISION TOTAL</b> (see division receipts graph below)	<b>1,562,548</b>	<b>13,934,806</b>
Commodity Storage Indemnity	23,181	112,217
Appropriations	2,285,279	24,672,061
<b>AGENCY TOTAL</b>	<b>3,871,008</b>	<b>38,719,083</b>



## Revenue By Division July 2021 – March 2022

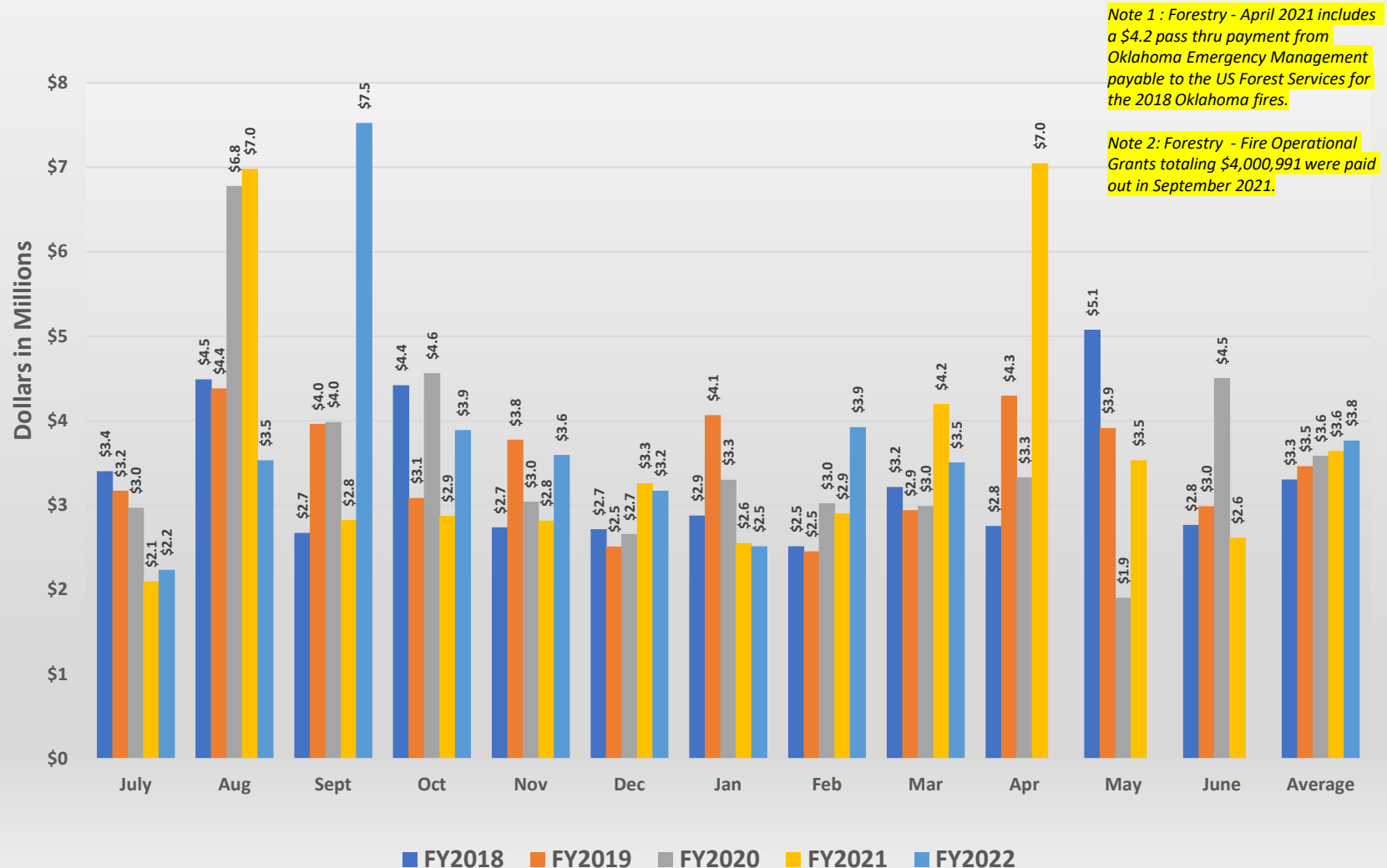


# Administrative Services - Finance

- Revenues (excluding appropriations) for July 2021 thru March 2022 totaled \$14.05 million.
- This is a decrease \$4.96 million from the prior year and is primarily attributed to the following:
  - \$4.2 million pass thru payment received in November 2020 from Oklahoma Emergency Management payable to the US Forest Service for the 2018 fires in Oklahoma
  - Decrease in federal reimbursements



# Total Expenses by Month July 2017 – March 2022



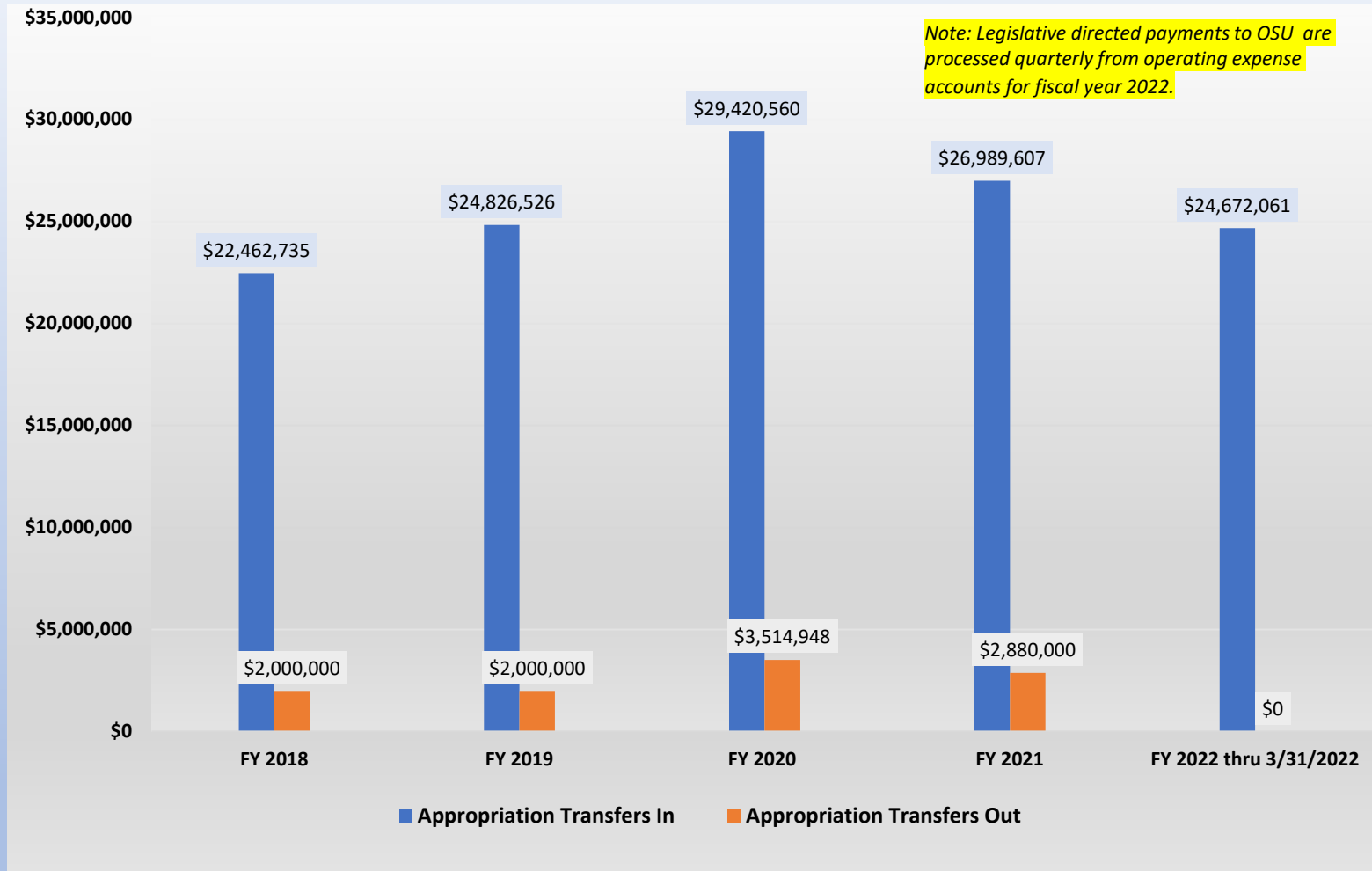
## FY 2022 Total Expenses by Month with Budget Year



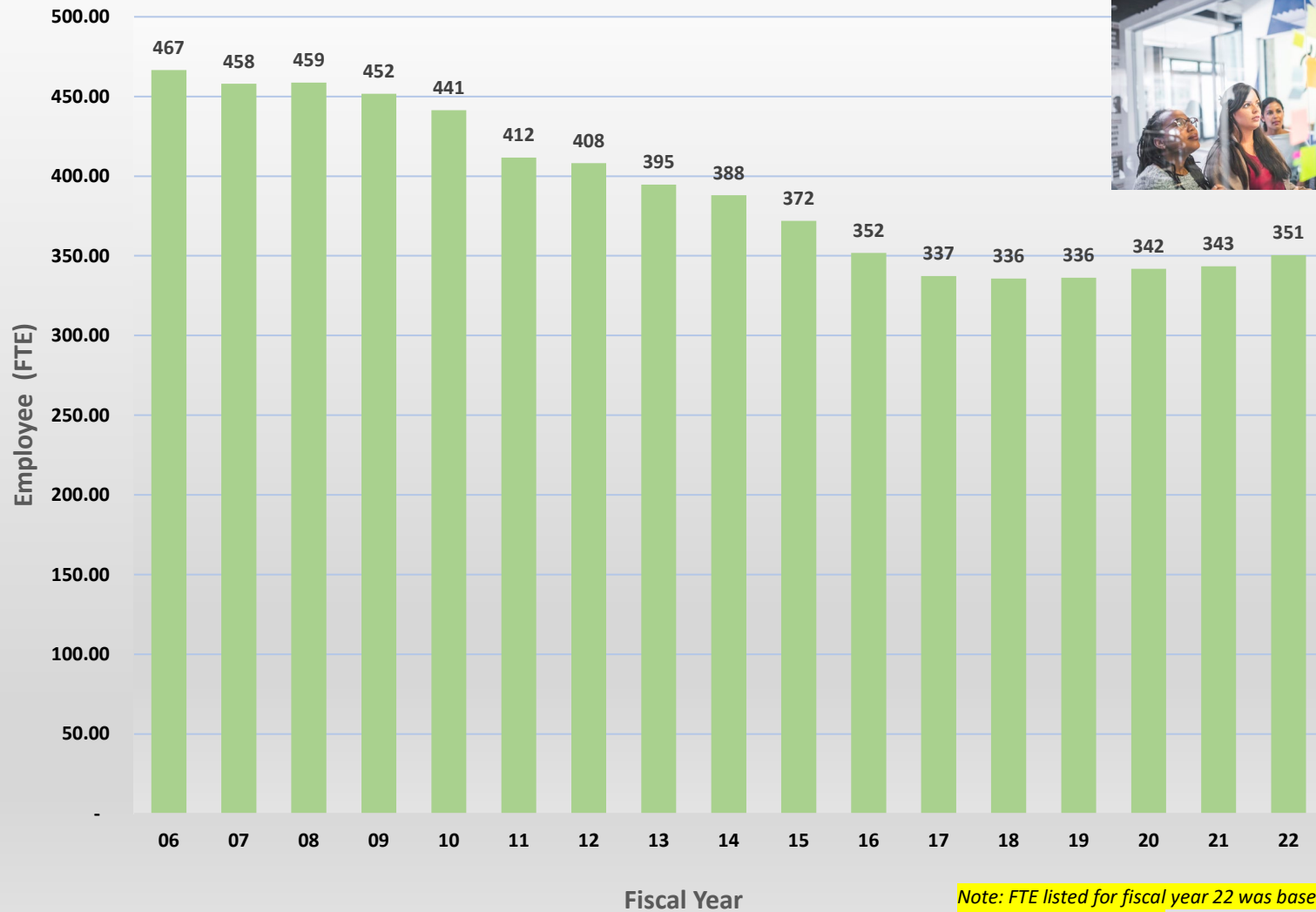
# Administrative Services - Finance

- July 2021 – March 2022 expenses were \$33.9 million
  - Total expenses for the same period last fiscal year were \$40.8 million and included \$10 million in meat processing plant grants that were funded via the CARES Act.
  - Backing off this \$10 million results in an increase of \$3.1 million for the current fiscal year and was due to the following:
    - Change in how pass thru payments to OSU are coded
      - Coded as transfers out in FY21
      - Coded as operating expenditures in FY22
    - Timing of payments
    - Increase in vehicle fuel costs
    - Increased in activity (post pandemic)

# Appropriations FY 2018 - thru March 2022

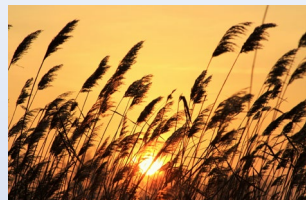


# Employee FTE Totals Fiscal Year FY 2006 – FY 2022



*Note: FTE listed for fiscal year 22 was based on the FTE as of 4/13/2022.*

## Administrative Services – Commodity Storage Indemnity



Commodity Storage Indemnity			
Investment Report			
As of March 31, 2022			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,148,109.71
<u>FY-2022 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest		23,181.15	\$112,216.77
Reinsurance			-
ODAFF Support Services			(50,000.00)
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	\$23,181.15	\$62,216.77
		=====	=====



**Oklahoma Department of Agriculture, Food & Forestry**
**Monthly Budget Report - Budget Year 2022**
**As of March 31, 2022**

<b>Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru March, 31, 2022</b>					
<b>Object Code</b>	<b>Account Description</b>	<b>Fiscal Year 2022 Budget</b>	<b>Fiscal Year 2022 Expenditures thru 3/31/2022</b>	<b>Encumbrances &amp; Pre Encumbrances</b>	<b>Available Budget</b>
510	Personal Services	6,000	-	-	6,000
511	Salary Expense	18,499,183	11,369,513	11,242,375	(4,112,705)
512	Insur.Prem-Hlth-Life,etc	5,949,013	3,084,663	247,971	2,616,380
513	FICA-Retirement Contributions	4,569,311	2,681,510	8,517	1,879,284
515	Professional Services	2,865,945	1,646,436	845,372	374,137
519	Inter/Intra Agy Pmt-Pers Svcs	109,950	24,144	6,216	79,590
521	Travel - Reimbursements	327,545	105,556	-	221,989
522	Travel - Agency Direct Pmts	342,620	157,376	150	185,094
531	Misc. Administrative Expenses	888,791	585,035	117,637	186,119
532	Rent Expense	592,040	338,390	282,283	(28,633)
533	Maintenance & Repair Expense	1,130,554	542,406	169,940	418,209
534	Specialized Sup & Mat.Expense	1,221,855	447,933	521,519	252,403
535	Production,Safety,Security Exp	424,172	86,867	-	337,305
536	General Operating Expenses	184,403	60,251	-	124,152
537	Shop Expense	506,681	275,618	72,224	158,840
541	Office Furniture & Equipment	3,426,643	211,549	399,823	2,815,271
542	Library Equipment-Resources	600	409	-	191
543	Lease Purchases	1,750,868	1,554,222	45,778	150,868
545	Land,ROW,CIP,Pass Thru Assets	-	383	-	(383)
546	Buildings-Purch.,Constr,Renov.	-	-	7,900	(7,900)
554	Program Reimb,Litigation Costs	7,515,951	4,878,979	1,575,153	1,061,819
555	Pmts-Local Gov't,Non-Profits	7,618,450	1,794,208	1,986,202	3,838,040
559	Assistance Pymts to Agencies	150,000	750,000	2,250,000	(2,850,000)
561	Loans,Taxes,Other Disbursements	-	13	-	(13)
564	Merchandise For Resale	120,000	29,700	89,100	1,200
601	AFP Encumbrances	-	-	1,062,143	(1,062,143)
810	Req Only	-	-	117,438	(117,438)
	<b>Operating Totals</b>	<b>58,200,575</b>	<b>30,625,159</b>	<b>21,047,741</b>	<b>6,527,675</b>

# Oklahoma Department of Agriculture, Food & Forestry

## Monthly Budget Report - Budget Year 2022

As of March 31, 2022

### Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru March 31, 2022

Class Funding	Class Fund Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 3/31/2022	Encumbrances & Pre Encumbrances	Available Budget
19011	Carryover	1,428,800	1,428,800	0	(0)
19111	Carryover	168,336	50	71,453	96,834
19201	GRF - Duties	27,423,346	15,477,048	9,436,008	2,510,290
20500	Rural Fire Defense Eqp Rev Fd	236,500	29,700	129,600	77,200
21000	Agriculture Revolving Fund	19,869,441	8,212,677	10,159,560	1,497,203
22500	Enhancement & Diversificatn Fund	150,000	11,425	21,173	117,402
23000	Okla. Pet Overpopulation Fund	12,000	5,000	5,000	2,000
23500	Animal Friendly Revolving Fund	12,000	5,000	5,000	2,000
24500	Rural Fire Revolving Fund	1,338,287	-	-	1,338,287
25600	Ok Viticulture Enology Revl Fd	350,000	147,393	113,387	89,220
26200	Poultry Grading Revolving Fund	1,291,463	732,260	222,621	336,582
28500	Milk & Milk Prod Inspect Rev Fd	316,000	221,438	82,452	12,110
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	4,237	19,763
28700	Healthy Food Financing Revl Fd	150,000	17,600	30,000	102,400
42000	Specialty Crop Federal Funds	825,851	340,539	318,366	166,945
43000	Farm and Ranch Stress Alliance	500,000	-	448,884	51,116
57602	Duties	4,104,550	3,996,228	-	108,322
	<b>Totals</b>	<b>58,200,574</b>	<b>30,625,159</b>	<b>21,047,741</b>	<b>6,527,674</b>

**APRIL 2022 BOARD REPORT**  
**AGRICULTURE LABORATORY SERVICES**  
**(February and March 2022 Activities)**

**QUALITY MANAGEMENT SECTION:** (Daniel Tripp, QA Manager; Eli Klimek, Technical Manager)

Inorganic Section underwent an internal audit by the QA and Technical Manager.

The audit consisted of a quality and technical review:

- Quality portion of the audit assessed the Section's sample traceability, starting from when samples were logged in to the LIMS system to when results were reported.
- Technical portion assessed the Section's staff in performance, sample preparation, SOPs and equipment logs.
- There were no egregious errors found in either portion of the internal audit.

The Inorganic Section also underwent an external audit from the Oklahoma Department of Environmental Quality (DEQ) on February 28<sup>th</sup>.

- There were no egregious errors discovered by DEQ that would jeopardize the Section's accreditation.
- Minor corrections to the findings are already being made with the Section's staff.
- QA Manager has been working on a list of proposed corrections to submit to DEQ as a response to their findings during the external audit.

**PT Results**

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

General Chemistry	
# Analytes Results Received	38
# Analytes Passed	38
# Analytes Failed	0

Pesticides	
# Analytes Results Received	6
# Analytes Passed	6
# Analytes Failed	0

**PT Results**

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

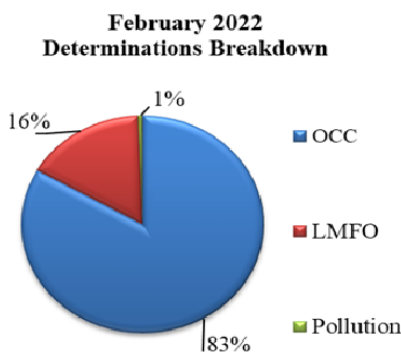
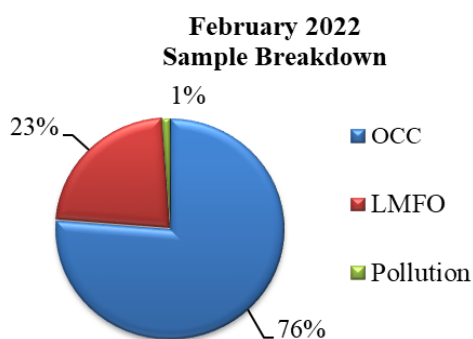
General Chemistry	
# Analytes Results Received	24
# Analytes Passed	24
# Analytes Failed	0

**INORGANIC SECTION:** (Elena Lyon, Environmental/Chemical Laboratory Scientist IV)

In February of 2022 the Section completed 181 samples consisting of 1520 determinations, with the following breakdown:

**February 2022 Inorganic Breakdown**

Customer	Samples	Determinations
OCC	138	1266
LMFO	41	246
Pollution	2	8
<b>Total</b>	181	1520

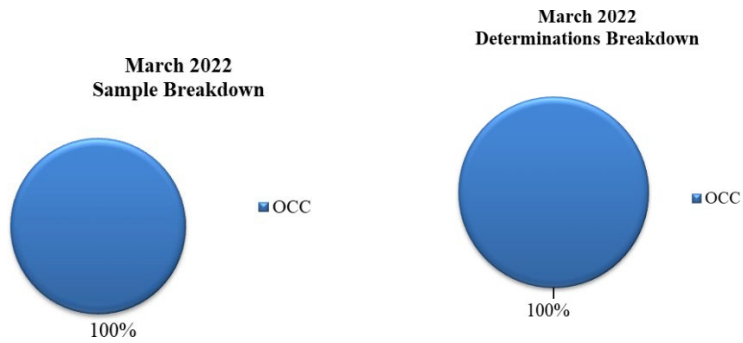


The results from the DEQ audit found a few minor non-conformities. Overall the Section did very well.

In March the Section completed 157 samples consisting of 1413 determinations, with the following breakdown:

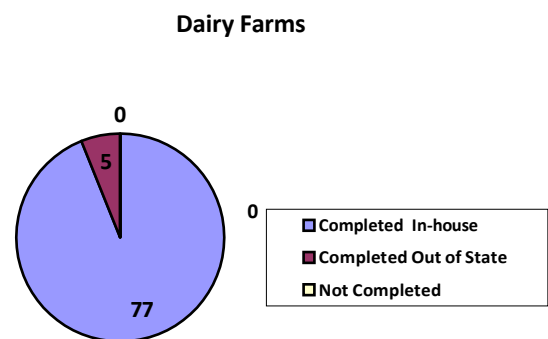
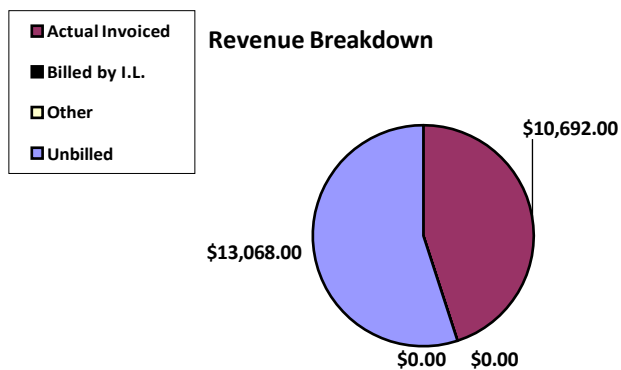
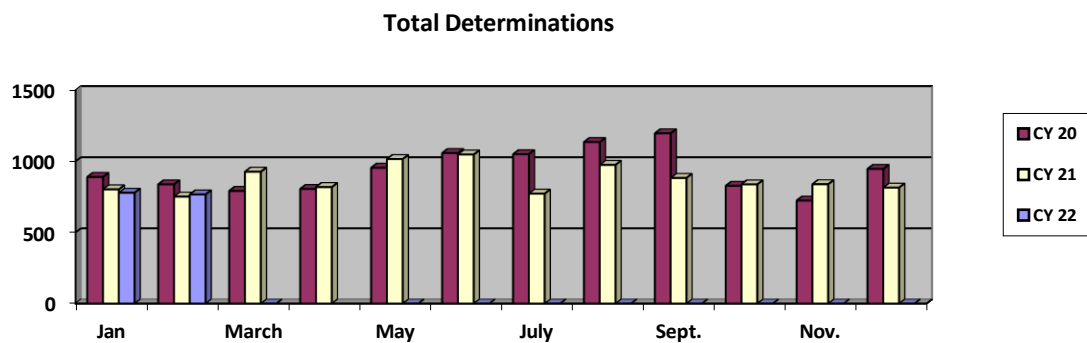
**March 2022 Inorganic Breakdown**

Customer	Samples	Determinations
OCC	157	1413
<b>Total</b>	157	1413



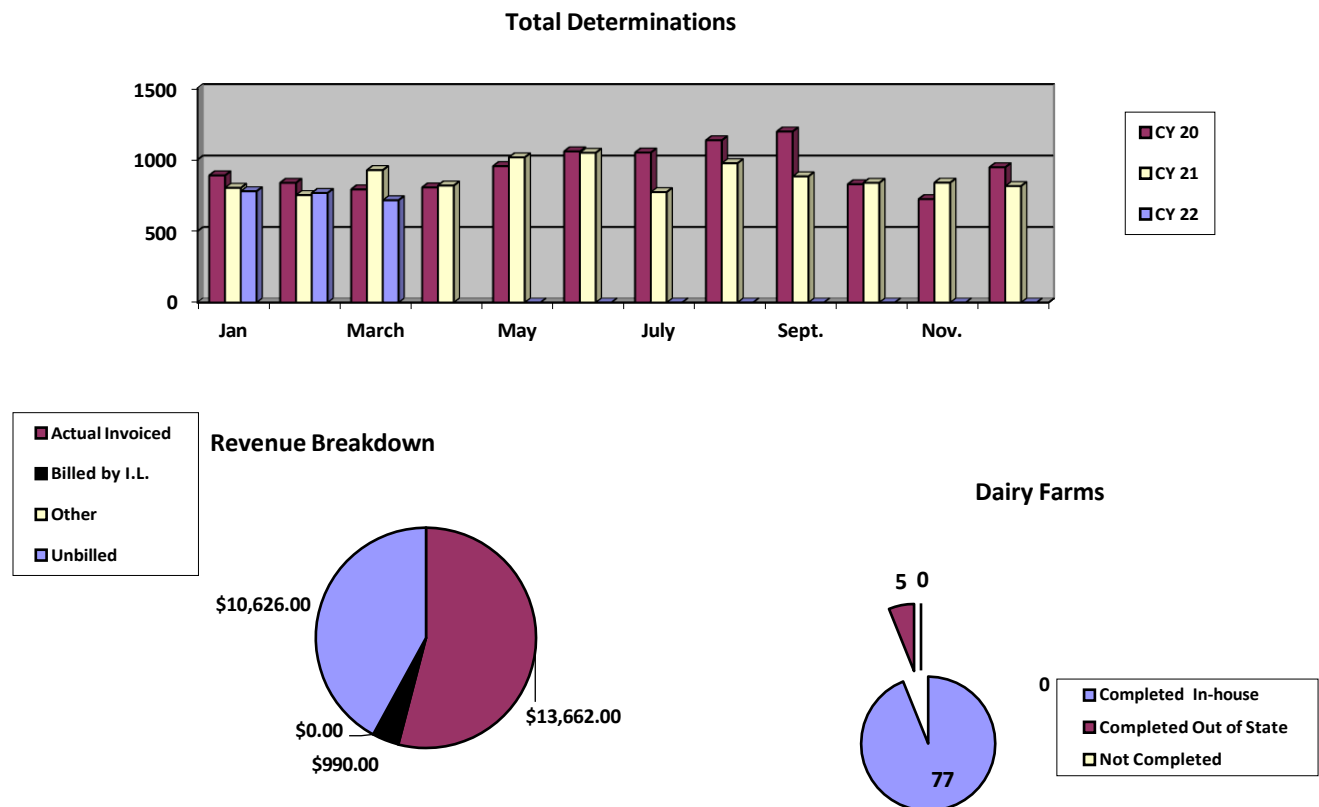
**DAIRY/FOOD SAFETY SECTION:** (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of February was a routine month for the Section. All dairies and plants were tested except for two dairies that were dry. Meat testing has resumed.



The month of March was a routine month for the Section. It was reported that one additional dairy has ceased operation. Five dairies were not tested and one dairy was dry this month. The Section was able to isolate a positive STX1/STX2, non-O157 E. coli from a meat sample. An isolate has been submitted to the State Health Department for sero-typing.

There has been no additional information on the autoclave except that the bids were re-opened with closing date of March 11<sup>th</sup>. The dairy and meat Sections have been notified that testing would not be performed due to the construction dust and potential contamination of samples during the installation of the new autoclave.



## SEED SECTION: (Wade Krivanek, State Seed Program Administrator)

Inventories of seed continue to increase throughout the state as producers are now weighing options on summer crops. Records for February show that a total of 133 seed samples were received for analysis. Most crops tested included soybeans, hybrid corn, hybrid grain and forage sorghum as well as early summer grasses. There are no reports that indicate a seed shortage for any crops.

The ongoing drought situation is still causing much uncertainty regarding the states certified wheat crop. Officials from the Oklahoma Crop Improvement Association are reporting that much of the crop remains in fair to poor condition in many areas. Along with higher fertilizer prices the lack of moisture is adding concern on whether to proceed with top dress applications.

There was a slight increase in activity in the Section for March with a total of 186 samples received. Crop types continue to consist mainly of corn, sorghum, soybeans, and spring grasses. Testing completed on official regulatory samples resulted in several label violations being discovered. A total of 1,400 pounds of tall fescue and ryegrass seed was placed under stop sale due to expired tags.

Officials with the Oklahoma Crop Improvement Association are reporting that recent rains have been beneficial for the states certified wheat crop, however there are still many areas in the western half of the state under severe drought. Yield forecast on much of the state's wheat crop is expected to remain lower when compared to last year's records.

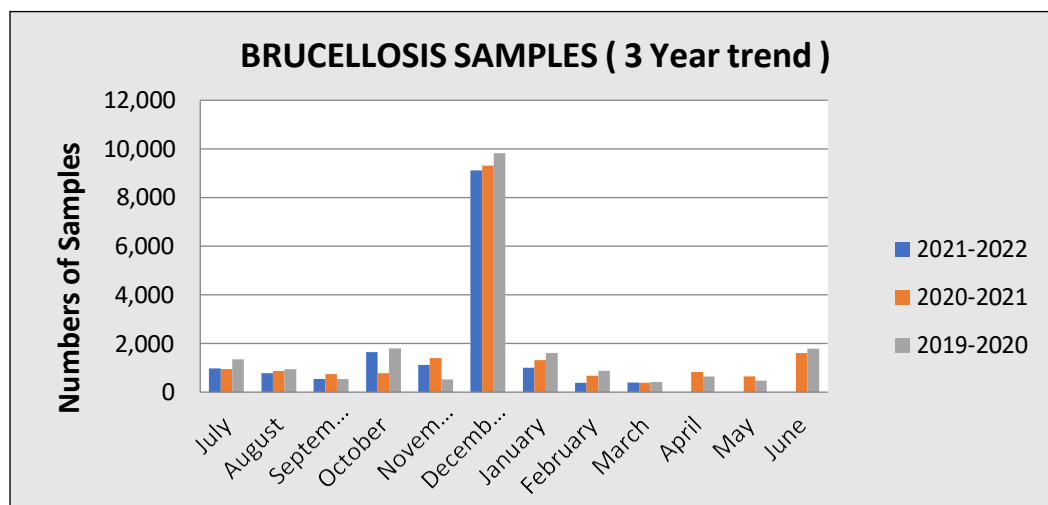
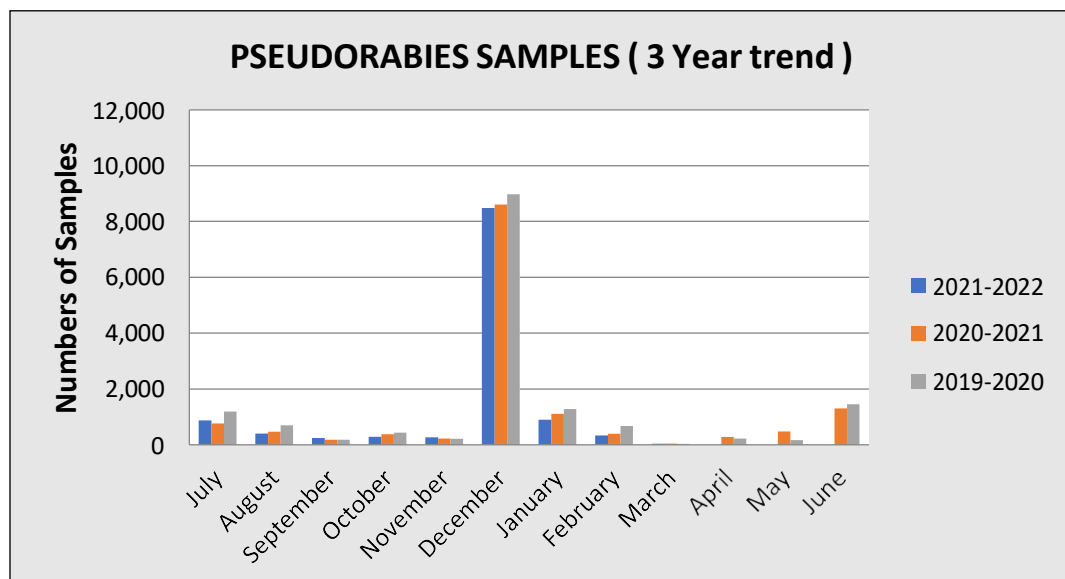
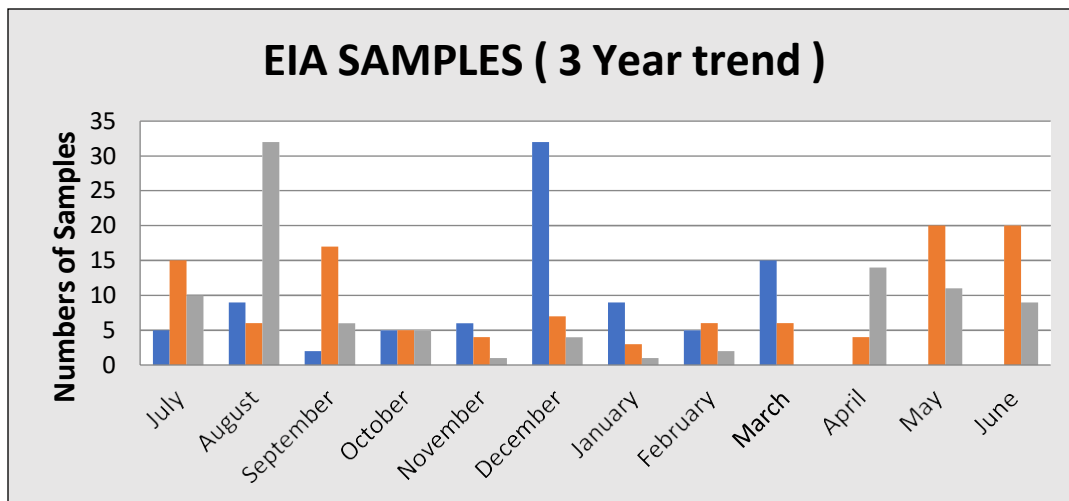
**SEROLOGY SECTION:** (Pete Bourns, Laboratory Scientist IV)

February

<b>3-year Summary of Samples Analyzed</b>			
<b>Year</b>	<b>Brucellosis</b>	<b>Pseudorabies</b>	<b>E.I.A.</b>
<b>2021</b>	<b>385</b>	<b>339</b>	<b>5</b>
<b>2020</b>	<b>677</b>	<b>405</b>	<b>6</b>
<b>2019</b>	<b>880</b>	<b>673</b>	<b>2</b>

March

<b>3-year Summary of Samples Analyzed</b>			
<b>Year</b>	<b>Brucellosis</b>	<b>Pseudorabies</b>	<b>E.I.A.</b>
<b>2021</b>	<b>402</b>	<b>38</b>	<b>15</b>
<b>2020</b>	<b>382</b>	<b>46</b>	<b>6</b>
<b>2019</b>	<b>429</b>	<b>32</b>	<b>0</b>





**GENERAL CHEMISTRY SECTION:** (Johnathan White, Environmental/Chemical Laboratory Scientist II)

On March 11th, Section Supervisor Jennifer Busey resigned her position with the agency. Johnathan White has volunteered to act as Interim Supervisor for the Section. The Section hired new chemist Hollie Harris on February 28<sup>th</sup>.

Our turnaround and sample reporting has been greatly impacted by lack of staffing, and equipment issues. Over all we are making progress in working through existing and new samples and will begin clearing the backlog with the addition of a new grinder who will start April 11<sup>th</sup>. This should give the Section time to process and complete some of the backlog before the construction process and replacement of the new acids hood starts in early May. The Section is preparing for limited testing during the construction process.

Overview of Section numbers for the month of February:

	<b>Feed</b>	<b>Fertilizer</b>	<b>Lime</b>	<b>Total</b>
<b>Samples Received</b>	15	36	1	187
<b>Samples Completed</b>	75	2	2	79
<b>Determinations</b>	356	8	12	376
<b>Violations</b>	45	0	0	45
<b>Violation %</b>	12.64%	0.00%	0.00%	11.97%

Overview of Section numbers for the month of March:

	<b>Feed</b>	<b>Fertilizer</b>	<b>Lime</b>	<b>Total</b>
<b>Samples Received</b>	138	128	9	275
<b>Samples Completed</b>	157	0	7	164
<b>Determinations</b>	316	0	49	365
<b>Violations</b>	18	0	2	20
<b>Violation %</b>	5.70%	0.00%	4.08%	5.48%

**PESTICIDE SECTION:** (Usha Pandey-Kadel, Environmental/Chemical Laboratory Scientist IV)

**Pesticide Section samples completed:**

The Section completed 14 samples in the month of February. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT).

	Number	Test	Det.	Average TAT (days)
Residue Vegetation	2	4	28	51
Residue Soil	1	2	10	38
Residue water	1	2	10	38
Concentrate	9	18	23	29
Pesticide, Other	1	1	11	41

Average Residue  
Turnaround Time: 44 days

Average Formulation  
Turnaround Time: 29 days

Totals		
# of Samples	# of Tests	# of Determinations
14	27	82

**Samples the Section received by month:**

The Section received 15 samples for the month of February (see Fig B). Majority of the samples received are residue samples, 60% (see Fig A).

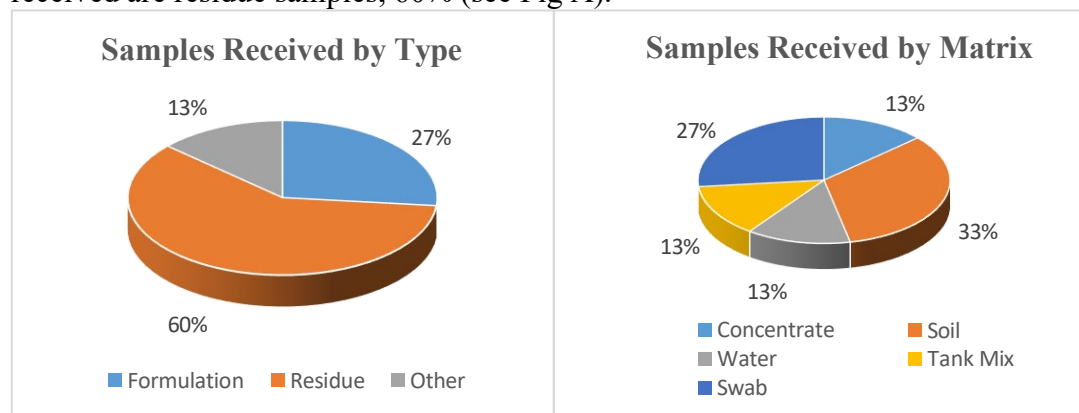
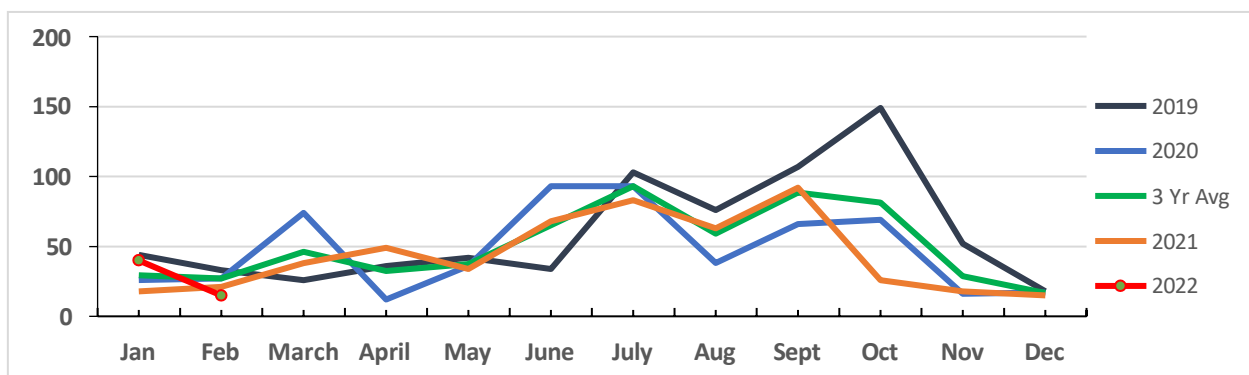


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right)



.Fig B. Graph showing the number of samples received by the Section each month.

### **Determinations the Section completed by month:**

February the Section completed 82 determinations which is 86% higher compared to last month.

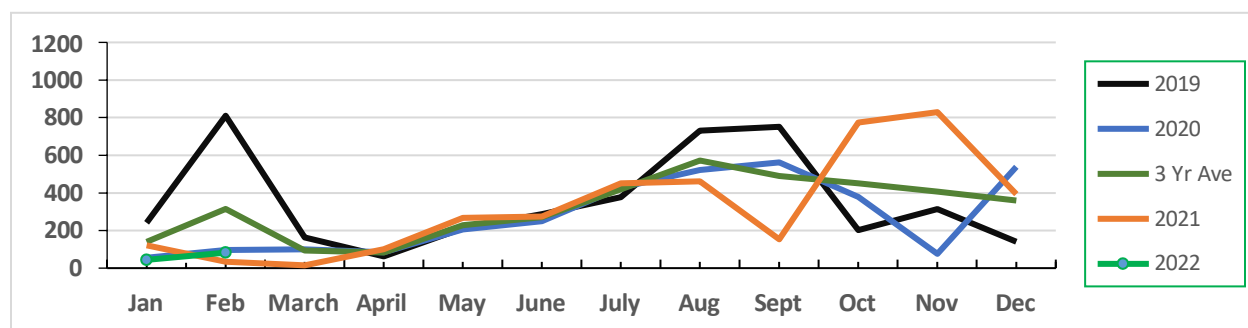


Fig C. Graph showing the number of determinations completed each month.

The month of March, the Section Supervisor completed the state purchase card training. A new Agilent GC-MS instrument was purchased and the Section is preparing for the installation and training on the new equipment. This instrument will be used for routine pesticide residue analysis.

### **Pesticide Section samples completed:**

The Section completed 32 samples for March. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT).

	Number	Test	Det.	Average TAT (days)
Organic Act	7	7	7	13
Residue Soil	11	12	31	42
Residue water	2	2	2	21
Residue Swab	4	8	38	36
Concentrate	7	14	16	68
Tank Mix	1	2	4	104

Average Residue  
Turnaround Time: 31 days

Average Formulation  
Turnaround Time: 73 days

Totals		
# of Samples	# of Tests	# of Determinations
32	45	98

### Samples the Section received by month:

The Section received 24 samples for March (see Fig B). This month the majority of samples received were residue samples, 54% (see Fig A).

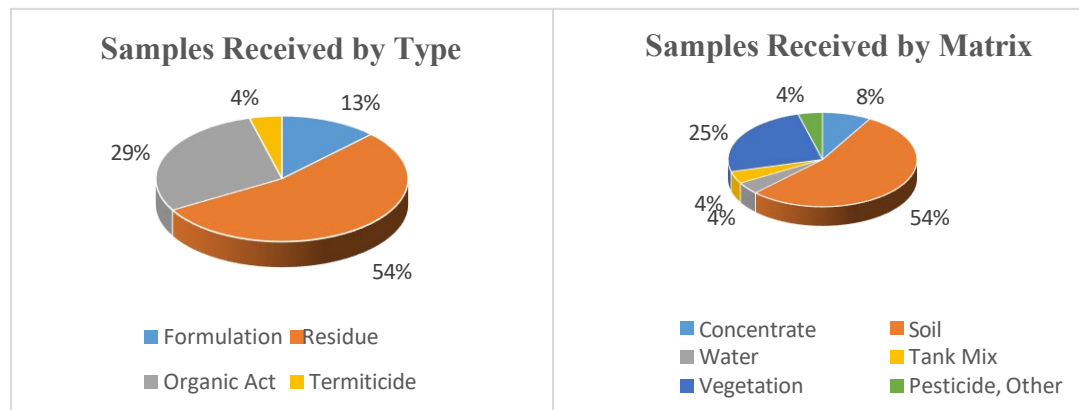
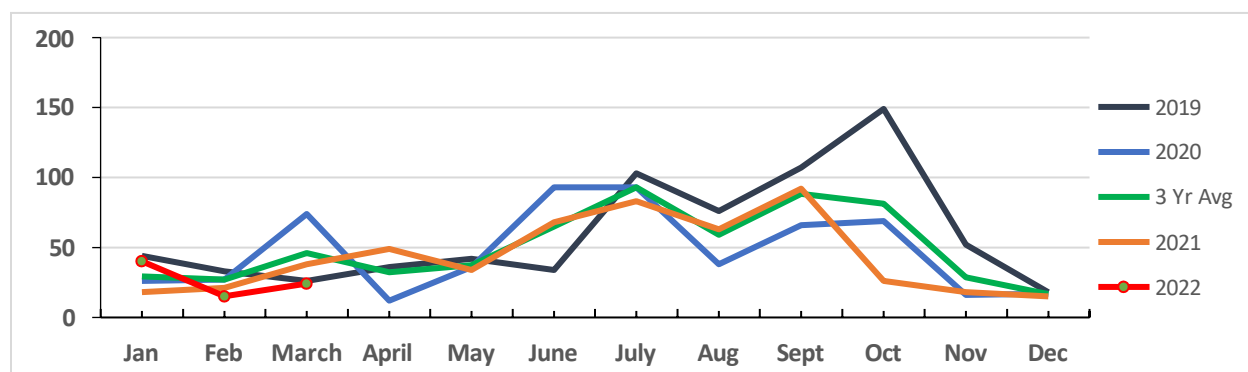


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right)



.Fig B. Graph showing the number of samples received by the Section each month.

### Determinations the Section completed by month:

In March the Section completed 98 determinations which is 20% higher compared to last month.

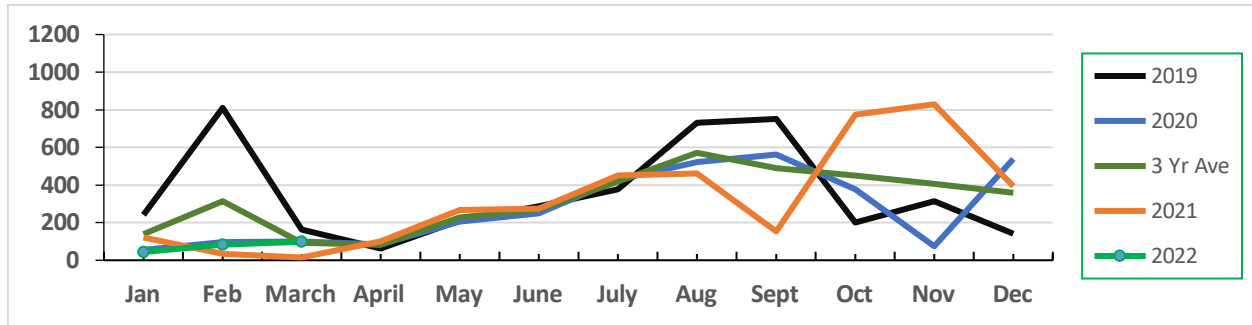


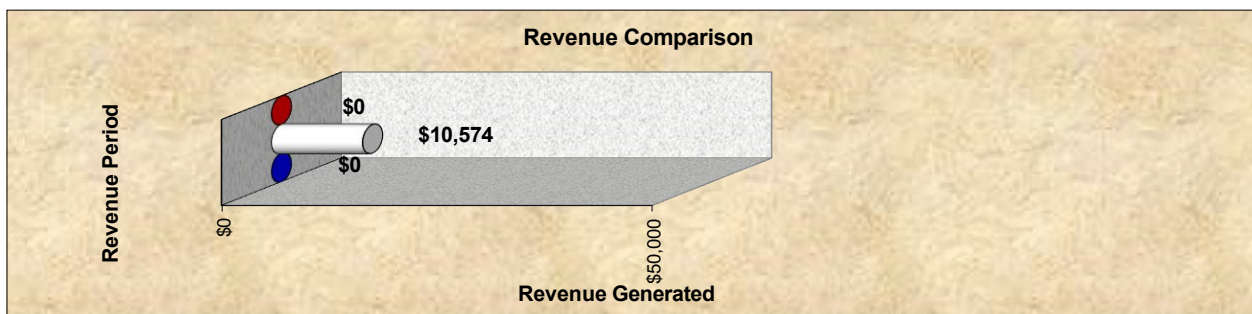
Fig C. Graph showing the number of determinations completed each month.

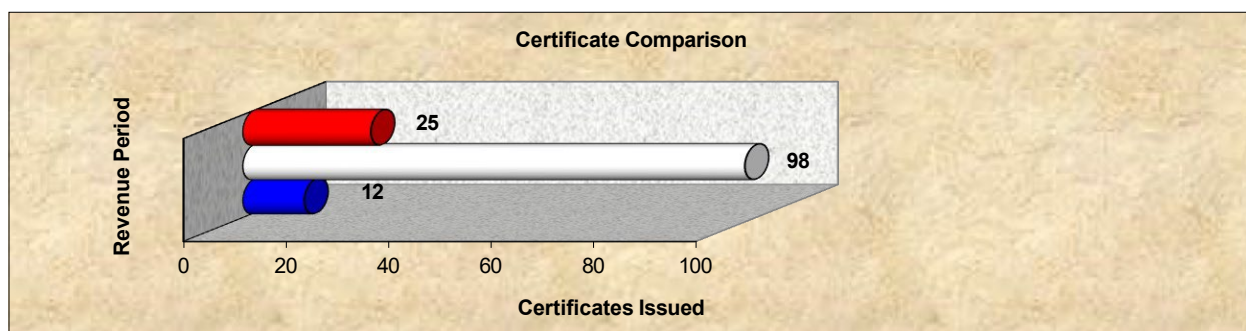
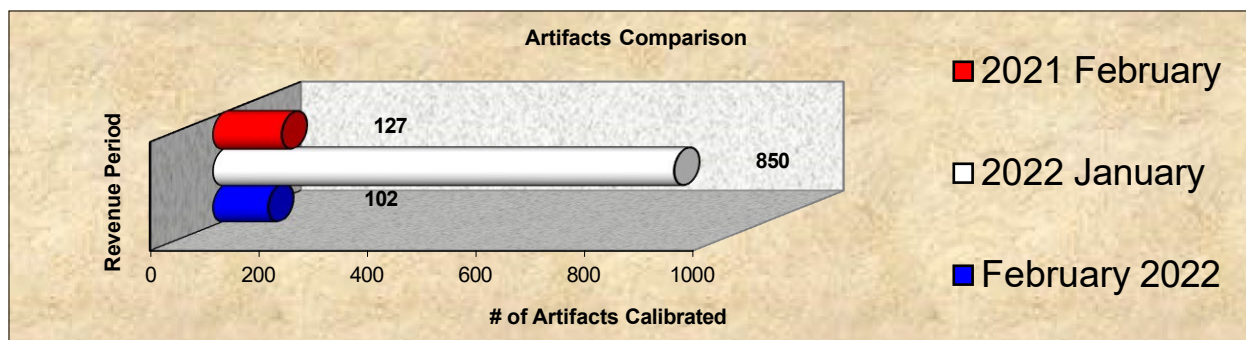
### OKLAHOMA BUREAU OF STANDARDS: (Amanda Kramer, Metrologist I)

The Section was closed to customer work during the month of February in order to perform internal calibrations and update all software used in the Section workload. Amanda Kramer attended the Mass Metrology seminar at NIST and is awaiting information on passing the class to update her conditional authorization to permanent authorization. Richard Gonzales has returned on contract to help oversee higher Echelon Calibrations. Once all recognition documentation is updated and approved, the Section will be able to resume scheduling of Mass I and II.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	0	0	0%	0	0%
In-State Customers	2	0	0%	102	100%
Totals	2	\$0	0%	102	100%

Total Fees not Charged	# Working Days	Lead Time to Next Available Date for Calibration
\$4805	Mass I / II	N/A due to Staffing
Fees not Charged ODAFF CPS	Mass III	13
\$180	Volume	13



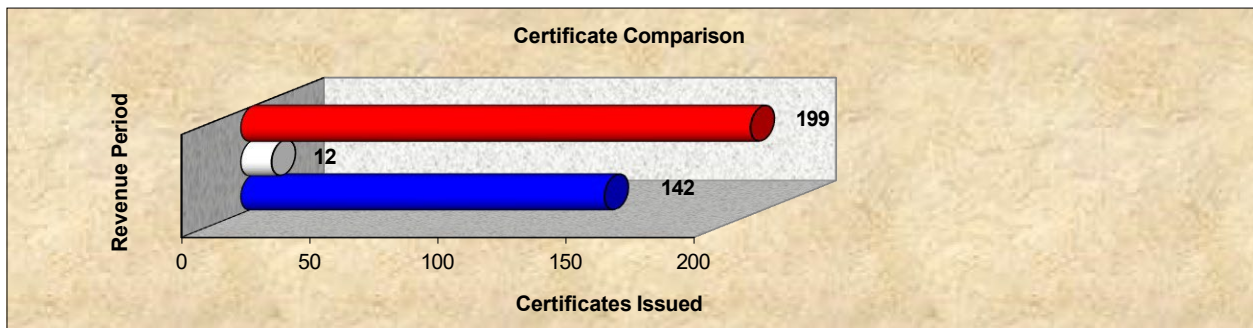
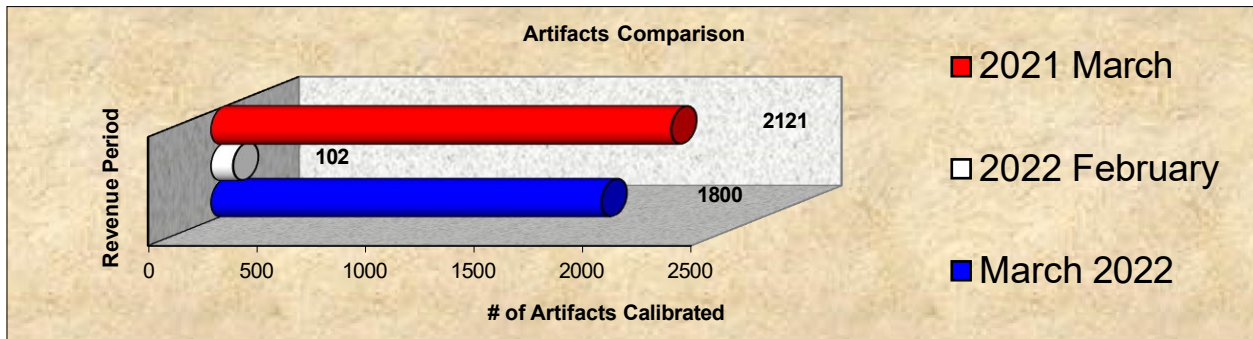
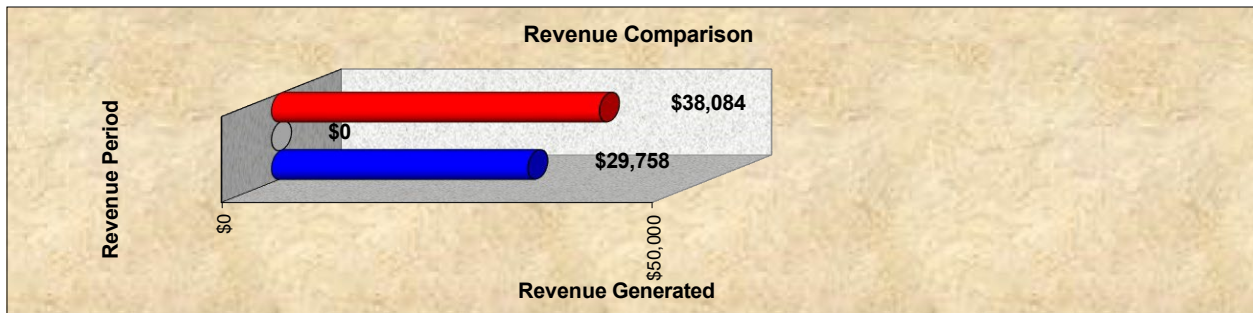


The Section resumed performing customer work in March after being shut down for internal calibrations in February. Amanda Kramer is still waiting on results from the Mass Metrology Seminar at NIST. Richard Gonzales is working on maintaining the Section's internal processes. There were some issues with the environmental conditions in the Mass I automated room that Richard has been working with building management to resolve.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$100	0.3%	1	0%
In-State Customers	11	\$29,758	99.7%	1799	100%
Totals	12	\$29,858	100%	1800	100%

Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
\$2200	Mass I / II 30
Fees not Charged ODAFF CPS	Mass III 7
0	Volume 10



Respectfully Submitted,

Wade Krivanek  
Laboratory Director  
Laboratory Services Division

**BOARD REPORT**  
**AGRICULTURAL LABORATORY SERVICES**  
**FEBRUARY 2022 ACTIVITIES**

FEED SAMPLES	15
FEED DETERMINATIONS	356
POSSIBLE VIOLATIONS	45
 FERTILIZER SAMPLES	 36
FERTILIZER DETERMINATIONS	8
POSSIBLE VIOLATIONS	0
 LIME SAMPLES	 1
LIME DETERMINATIONS	12
POSSIBLE VIOLATIONS	0
 PESTICIDE SAMPLES	 14
PESTICIDE DETERMINATIONS	82
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 181
DETERMINATIONS	1520
 STATE-FEDERAL VET. LAB. SAMPLES	 729
STATE-FEDERAL VET. LAB. DETERMINATIONS	958
NUMBER POSITIVES	0
 SEED SAMPLES	 101
SEED DETERMINATIONS	118
POSSIBLE VIOLATIONS	0
 BUREAU OF STANDARDS CERTIFICATES	 12
NUMBER OF STANDARDS CALIBRATED	102
FEE CHARGES	\$0.00
 DAIRY SAMPLES	 319
DAIRY DETERMINATIONS	767
POSSIBLE VIOLATIONS	15
 <b>TOTAL SAMPLES</b>	 <b>1408</b>
<b>TOTAL DETERMINATIONS</b>	<b>3923</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>60</b>



**BOARD REPORT  
AGRICULTURAL LABORATORY SERVICES  
MARCH 2022 ACTIVITIES**

FEED SAMPLES	138
FEED DETERMINATIONS	316
POSSIBLE VIOLATIONS	18
 FERTILIZER SAMPLES	 128
FERTILIZER DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
 LIME SAMPLES	 9
LIME DETERMINATIONS	49
POSSIBLE VIOLATIONS	2
 PESTICIDE SAMPLES	 32
PESTICIDE DETERMINATIONS	98
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 157
DETERMINATIONS	1413
 STATE-FEDERAL VET. LAB. SAMPLES	 455
STATE-FEDERAL VET. LAB. DETERMINATIONS	735
NUMBER POSITIVES	0
 SEED SAMPLES	 158
SEED DETERMINATIONS	186
POSSIBLE VIOLATIONS	0
 BUREAU OF STANDARDS CERTIFICATES	 142
NUMBER OF STANDARDS CALIBRATED	1800
FEE CHARGES	\$29,758.00
 DAIRY SAMPLES	 319
DAIRY DETERMINATIONS	716
POSSIBLE VIOLATIONS	9
 <b>TOTAL SAMPLES</b>	 <b>1538</b>
<b>TOTAL DETERMINATIONS</b>	<b>5313</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>29</b>



# OKLAHOMA FORESTRY SERVICES BOARD REPORT

*Division Activities from February 18, 2022 – April 27, 2022*

***Serving people by conserving, enhancing, and protecting our lands and forest resources***

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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

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### ***URBAN AND COMMUNITY FORESTRY PROGRAM HIGHLIGHTS - Improving the Forests Where We Live***

#### **Program Highlights**

Arbor Week. The 2022 Arbor Week, Tree City USA Luncheon was held on the campus of Oklahoma City Community College on March 11. Over 75 people attended representing 20 Tree Cities, 2 Air Force Bases, 5 utility companies, and 7 college campuses. They were recognized for their many annual accomplishments with their ongoing local tree programs. The theme of this year's program was "Celebrating Your Successes". During the morning, session representatives from the City of Pauls Valley, Tinker AFB, OG&E and Oklahoma City Community College all gave



presentations on various programs and activities each are involved in to help promote the planting and maintenance of trees and green space. A redbud tree was planted during the event. Mark Goeller and the OCCC President Dr. Mautra Jones were on-hand for the planting.

Mark Bays presented the Tree City USA and Tree Line Utility recognition material to the Edmond City Council on March 14. This was their 23<sup>rd</sup> consecutive year to receive this recognition.

Stillwater Tree City. March 22<sup>nd</sup> Riley Coy and Mark Bays met with the Stillwater Mayor Will Joyce to discuss the benefits of becoming certified as a Tree City USA. The last time Stillwater was recognized was in 2010.

Oklahoma Gardening. On the weekend of March 19-20 Community Forester Mark Bays appeared on OETA's Oklahoma Gardening weekend gardening program to discuss the long-term benefits of planting trees. During the segment, Mark and past host Steve Dobbs revisited a site that was featured with both gentlemen on the program 28 years ago, to display how much the trees had grown. Proper selection and early care proved to be the winning plan to ensure success. Area Forester Jerí Irby was featured on the program discussing the regeneration center in Goldsby. Education Coordinator Tony Pascall also appeared and showcased a teacher's tree-trunk he developed that will engage students and teach users how trees are impacted by climate and how rainfall determines their growth. Below is the extended version of the segment that is on the OSU YouTube site:

<https://www.youtube.com/watch?v=Rj5A2bPV71Y>



1994



2022



Homeowners Association. On March 23, Riley Coy and Mark Bays met with the newly hired Norman city forester Norman Collen Zink at the Vineyard HOA to discuss the health and condition of tree canopy throughout the neighborhoods common and natural areas. Dead tree removal, planting for stream bank stabilization and removing invasive species were the main topics of discussion.

#### Oklahoma City Beautiful Presidents Award.

On March 24, OFS, Oklahoma City Community Foundation and the Association of Central Oklahoma Governments were recognized at the Oklahoma City Beautiful Awards Luncheon for their work together on the Oklahoma City Metro Area Tree Canopy Assessment. This study was conducted within a 536 square mile area in central Oklahoma including, in part, the cities of Norman, Moore, Mustang, Edmond, Del City, Midwest City and Tinker AFB. The plan is currently being used to identify where specific planting projects could occur to maximize their benefits. The assessment is housed on ACOG's Website and the link is below.



[Oklahoma City Metro Area Tree Canopy Assessment](#)



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

### **Harvesting continues at FRC**

FRC staff along with AmeriCorps NCCC team continued harvesting during March for seedling orders. Staff worked long days and weekends to catch up from unfavorable harvesting conditions during February. We appreciate the flexibility of the AmeriCorps team in helping reach our harvesting goals.



*The harvesting crew*



*Co-op members randomize seedlings*

### **Progeny Test randomization at FTIC**

Western Gulf Tree Improvement Cooperative members recently helped randomize a progeny test with Orchard Manager, Justin Jones. This progeny test will be planted at the Tree Improvement Center and data will be gathered to determine the next generation of pine genetics.



### Pollen Collection begins at FTIC

Justin Jones, Orchard Manager, has begun collecting pollen for the Western Gulf Tree Improvement Cooperative. This pollen will then be used to breed the next generation of pine genetics.



*Justin collects pollen in the lift*

### **FORESTRY EDUCATION**

Education Coordinator Tony Pascall attended the Southern Group of State Foresters winter meeting for the Education Committee from February 28 to March 3 in Austin, TX.

Tony hosted a booth on March 5 at the first annual Thunder Festival at the First Americans Museum in Oklahoma City, which focused on Forest Sustainability. Approximately 500 people were in attendance.



*Photo Courtesy of First Americans Museum*



*Geek-A-Palooza*

On March 12, Tony and Forester Riley Coy hosted a booth at Geek-A-Palooza at Girl Scout Camp Trivera in Oklahoma City, with a focus on Dendrochronology. Approximately 800 people were in attendance.

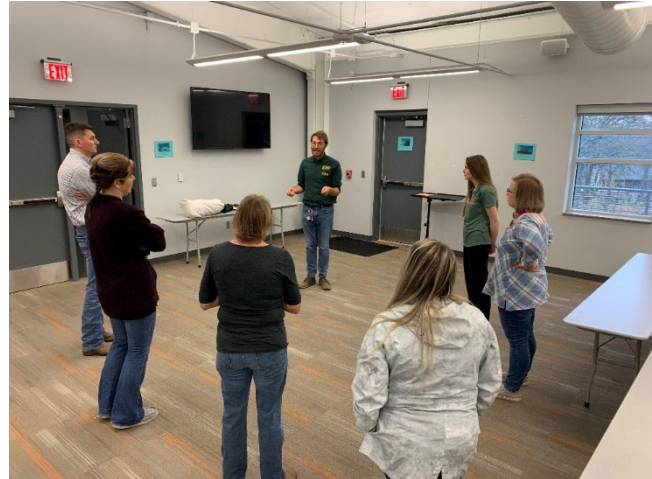


The first traveling trunks have been sent to area forest offices and can be requested by educators. The first lesson focuses on Dendrochronology and is aimed at grades 3 through 8. The trunks include tree cookies, student materials, a lesson plan, and slideshow. Tony explaining the education trunk was part of the Arbor week episode of the Oklahoma Gardening show.

On April 4, Tony held a Project Learning Tree training in Oklahoma City for 4-H educators from around the state. Eight educators will now have resources to teach about the environment through a forestry lens.



*Traveling Trunk Kit*



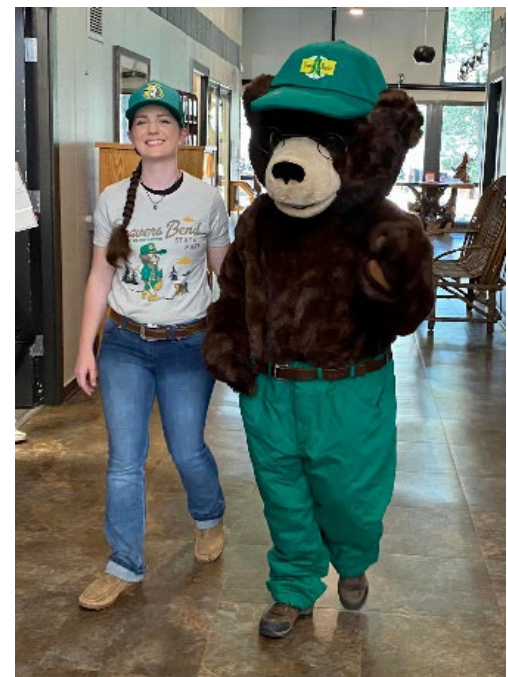
*Tony Trains Educators on Forestry*

## **COMMUNITY OUTREACH AND COMMUNICATIONS**

### ***FOREST HERITAGE CENTER (FHC)***

The Forest Heritage Center had 12,533 visitors during the month of March. Four tours were conducted with 78 individuals.

The Hochatime Hideaway Gift Shop grand opening was held on Friday, April 1, 2022. Lt. Gov Matt Pinnell and Representative Eddy Dempsey were in attendance, as were Smokey Bear and Tree Bear.



[illegible]

The Master Woodworking Artist of the Year gallery is currently open to the public. This year's gallery features the traditional wood art section as well as an educational section. A video in the interactive educational section includes a lesson in dendrochronology from OFS Education Coordinator Anthony Pascall and an interview with wood artists in which they point out some of the characteristics that make wood art unique. The video stresses the interdisciplinarity of science and art that comes together in wood art.

## COMMUNICATIONS

On 3/24, Keith joined State Forester Mark Goeller and Forest Heritage Center Coordinator Calista Stephens to host an informational booth at Ag Day at the State Capitol. They handed out Loblolly Pine seedlings as well as informational material about OFS and the FHC.

Work is underway in earnest on the OFS website and the [forestry.ok.gov](https://forestry.ok.gov) URL no longer points to the obsolete website.



## **PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES**

### **NORTHEAST AREA**

#### **FOREST PROTECTION HIGHLIGHTS**

From February 19<sup>th</sup> through April 8<sup>th</sup> the Northeast Area had 93 fires for 5329.6 acres.

NE Area vehicle inspections were completed.

On February 22, Billy Riggs and Isaac Merchant assisted Oklahoma Law Enforcement personnel and other OFS employees with a drug enforcement project in Oklahoma.

On March 13<sup>th</sup> Billy Riggs and Craig Longshore taught the Wildland Firing Operations class at Camp Gruber, which was hosted by OSU fire training.

NE Area Rangers completed Asbestos and Blood Borne Pathogens safety training.

Several NE Area Rangers assisted with Western Oklahoma fires over the past months.

Cole Hix, Tony Hadley, and Dustin Ryals held a Smokey Fire Prevention program at Hulbert City Park benefiting the Hulbert Library.

Joe Leak, Charles Kimble, and Matt Waldrop held a Smokey Fire Prevention program at Westville Schools benefitting their Child Abuse Prevention program.

#### **PRESCRIBED FIRE**

- March 10<sup>th</sup> NE Area completed a Stevens Grant Rx in Adair County for 300 acres.
- March 16<sup>th</sup> NE Area completed a Stevens Grant Rx in Delaware County for 37 acres.
- Private land fireline construction projects.



*Billy Riggs, Cliff Eppler and Kasandra Roberts on a fire in Sequoyah County*



*Firing Operations Class @ Camp Gruber*



## FOREST MANAGEMENT/PROGRAM HIGHLIGHTS

Evan Long completed three Forest Stewardship Plans. All three were in Cherokee County and covered 195 acres total and managed properties for forest health, wildlife, and planting. Evan met with four landowners and visited with nine others for tree health concerns, management, and stewardship planning.

Connie Robinson completed two Forest Stewardship Plans. One plan was in Delaware County for 9 acres and the other was in Ottawa County for 20 acres. She also wrote a burn plan for a property in Delaware County for 120 acres. Connie assisted 11 landowner and helped with a forest theft. She attended a Tree Health Webinar put on by Missouri SAF and assisted with a Stevens Rx in Delaware County.

On April 7<sup>th</sup> the NE Area held the annual FFA Forestry Competition at Flint Ridge.

## ONGOING ISSUES & UPCOMING EVENTS

- Arkansas River Valley Fire Training – May
- Forest Ranger I Position open in the Colcord Unit

## EAST CENTRAL AREA

### FOREST PROTECTION HIGHLIGHTS

Since the last report, EC has suppressed 60 fires on a total of 8910 acres for an average fire size of 148.5 acres. Thirty-four of those fires were incendiary and 24 debris. Structures and other causes accounted for the balance.

We also made 19 false runs. Most of those were a result of folks not calling in their control burns. I think this points to the need for a renewed effort to advertise the legal requirement to report controlled burns and our toll-free numbers.

### FOREST MANAGEMENT HIGHLIGHTS

Caleb Fields is finishing the planting over 300,000 seedlings on several landowners' plots in LeFlore County.

Four prescribed burn plans have been prepared. EC rangers and foresters will be looking for opportunities to complete more of the prescribed burns that are on the books as the best burning conditions wane into late spring.

### INFORMATION / EDUCATION HIGHLIGHTS

Craig Marquardt hosted Tony Pascall and Brianna Teel on a tour of EC forest management sites where both learned more about OFS programs and gleaned more about how they can connect with other division personnel and offices. The day in the woods proved rewarding for all parties.



*Liberty Students @ FFA Forestry Competition*

## **PERSONNEL UPDATE**

One of two ranger vacancies was filled while the other was filled and then vacated. The Four Corners ranger vacancy has been reposted.

The Talihina Service Forester vacancy has been posted for some time now and will soon be previewed with an eye toward interviewing and/or filling the vacancy with one of those on the certificate.

## **INTERN FORESTER UPDATE**

Cullen Reeves from the University of Kentucky will be our summer intern beginning April 25. Plans are well underway to keep him busy working alongside OFS foresters and rangers for the summer.

## **SAFETY / TRAINING HIGHLIGHTS**

Craig Marquardt, two new EC rangers and one new ranger each from SE and NE traveled to Drumright to meet with Central Technology Center's John Thorpe about their Entry Level Driver Training program. New requirements implemented in February will have our unlicensed, new rangers spending 5.5 weeks training in Drumright training for new Class A CDL testing. Of special, immediate interest, Central Tech's program currently has access to grant dollars to cover the \$4800 cost for each student to complete the course. As it stands, new students must clear eligibility requirements and begin the course by May 9 to qualify for the grant.

## **ONGOING ISSUES**

High comp time balances will start affecting some rangers' availability as fire season comes to a strong finish.

## **UPCOMING EVENTS FOR APRIL AND MAY**

April 8:	Pack test at ECHQ
April 11:	Gentry to start ELDT at Drumright
April 11:	Check Talihina service forester certificate for "eligibles"
April 14:	4 Corners ranger vacancy closes
April 19:	State FFA Contest at Robbers Cave State Park
April 25:	Intern Cullen Reeves starts
April 26:	Workday at Beavers Bend SP to prepare for Forestry Camp in June
May 2-6:	FIA timber output survey training and surveys
May 10:	Supervisor training at McAlester with ODWC
May 9-20:	Every EC ranger is signed up for one or more fire training courses these two weeks

## **SOUTHEAST AREA**

### **FOREST PROTECTION HIGHLIGHTS**

- In Protection: March fires SE Area = 105 fires for 6706.7 acres
- SE Area Dispatcher, Whit Kent, resigned his position as Dispatcher.
- Received bids for drones – Drone bid awarded to UVT. Vendor is in process of registering with the state of Oklahoma to become a registered vendor.
- Multiple task forces have been and are currently deployed to Western Oklahoma.
- Don Cook attended McCurtain County Firefighters Association monthly meeting
- Don Cook attended meeting in OKC with Brian Ryles and Aaron Williams at OEMS – Hazard Mitigation

## **FOREST MANAGEMENT/PROGRAMS HIGHLIGHTS**

- Brock Hill had 8 landowner contacts for the current period.
- Will Phifer had 13 landowner assists/contacts.
- JT Allen had 23 landowner contacts.
- District and McCurtain County FFA Forestry Judging Contests

## **Rx ASSISTANCE**

- McGee Creek WMA South prescribe burn for 1,856 acres
- McReynolds prescribe burn for 35 hours
- JT Allen - 4 prescribe burn plans written for over 500 acres
- Will Phifer - 3 prescribe burn plans written for 353 acres.

## **SAFETY/TRAINING HIGHLIGHTS**

- Antlers district and Broken Bow district – Blood Borne Pathogens and asbestos safety training
- Don Cook and James Hamilton taught S-130 and S-190 for new hire Colton Fuller A242
- Don Cook went to Hochatown Fire Department annual meeting – update of Hochatown project
- Pack test was administered at Broken Bow – successful candidates Colton Fuller and Pat Wayman

## **UPCOMING EVENTS/ACTIVITIES**

- Arkansas River Valley Wildland Fire Academy – people attending classes and people teaching classes
- S-231 Engine Boss academy in Kentucky – Chris Hutson and Cody Mack
- Wildland Fire Field Day – Arkansas and Oklahoma Weyerhaeuser employees and contractors – Don Cook and Paul Chambless
- Water Quality Review – at SE Area HQ
- Timber Product Output surveys with FIA
- April Equipment inspections
- Install Fire Evacuation signs in Hochatown – will work on this project after green up.
- Colton Fuller will attend CDL School in Drumright beginning April 28.

## **STATE FORESTER ACTIVITIES from February 24 through April 8, 2022:**

- Participated in two meetings with Alberta, Canada's wildfire agency to discuss Artificial Intelligence/Machine Learning related to wildfire predictive services and resource deployment.
- Attended the March Board of Agriculture Meeting
- Attended ODAFF Director's Meetings
- Participated in a virtual meeting to gather information needed for a five-year update of the National Cohesive Wildfire Strategy.
- Participated in a virtual 'lessons learned' meeting with the National Weather Service – Norman to discuss the 5 March wildfire outbreak
- Presented the 'welcome to Oklahoma' and opening address to the SGSF Specialties, Utilization, and Marketing Committee's winter meeting held in Oklahoma City
- Virtually attended the Annual Meeting of the National Incident Commanders/Area Commanders

- Virtually attended the National Wildland Cohesive Strategy update meeting
- Attended one meeting of the National Operations Section Chief's Incident Management Remote Roundtable
- Virtually attended a Data Collection meeting with ESRI
- Meet with OFS Fire Mgmt. Chief Scott Huff and FIA Forester Josh Bradley to discuss supplemental funding for additional employees
- Attended two virtual meetings of the Northern Rockies Incident Commanders group
- Attended the March & April NASF All State Foresters Monthly Policy conference call
- In-briefed the King Road Fire Fatality Facilitated Learning Analysis Team
- Participated in two Incident Commander Incident Management Remote Roundtable virtual meetings
- Participated in two virtual meetings of the NWCG Medical and Public Health Advisory Team
- Participated in the OFS February "First Tuesday" meeting
- Conducted two MS-Teams meeting with the Northern Rockies Incident Management Team #1 to discuss each Team Section's current status
- Attended the Oklahoma State Firefighter's Assn. Legislative Reception
- Participated in five virtual meetings as the Southern States representative to the USFS Community Wildfire Defense Grant Program Development Committee
- Attended a special meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Committee
- Attended a special meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Committee and Federal Engineering, the contractor that will be developing a Statewide Land Mobile Radio Communications Strategic Plan
- Completed the annual Work Capacity Test at the Arduous Level



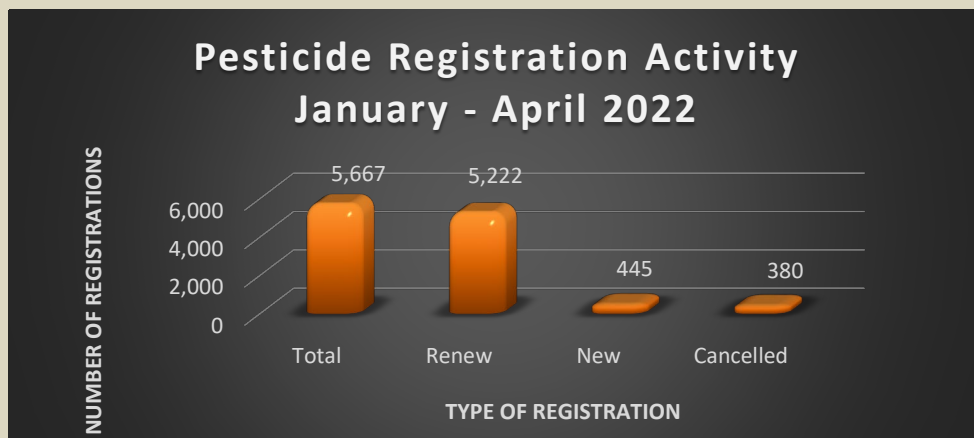
## CONSUMER PROTECTION SERVICES DIVISION

### APRIL 27, 2022 BOARD MEETING REPORT FOR FEBRUARY/MARCH 2022

#### PESTICIDE SECTION

##### Pesticide Registration Activity

Pesticide registrations for January 1<sup>st</sup> to April 5<sup>th</sup> in 2022 are presented in the following chart. A total of 5667 products were registered, of the products registered 5222 were renewals and 445 were new. There were 380 products cancelled.



##### Pesticide Samples

Pesticide samples taken February-March 2022 are presented in the following chart. A total of 17 Residue, 2 Concentrate, 17 Pollution, 3 Tank mix, and 4 Documentary samples were taken.

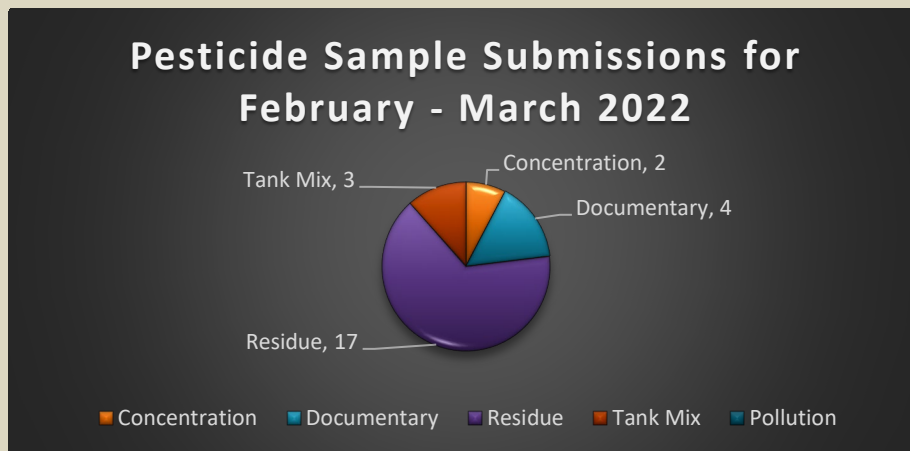


Table 1. Inspection Count for February - March 2022\*

Inspection Type	Number of Inspections		
	February	March	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	19	32	51
Pesticide Applicator Facility	19	25	44
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	8	8	16
Container Containment Inspection	0	0	0
Producer Establishment	0	1	1
Use	44	81	125
Termite	0	0	0
Wood	0	0	0
Pre-treat	0	1	1
Drift Investigation	0	0	0
Pesticide Label	1538	2683	4221
Worker Protection	0	0	0
<b>Total</b>	<b>1628</b>	<b>2831</b>	<b>4459</b>

\* 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 16 nonagricultural use samples, 4 agricultural use samples and 6 producer establishment samples for a total of 26 samples.

#### Pesticide Testing & Updates

##### Licensing & Certification:

Service technician certifications expire at the end of 2022. Since all service technicians must complete the exam to recertify, we will begin the renewal process on July 1, 2022. All other expiring categories will start renewals on September 1, 2022.

We are currently working with PSI testing regarding companies that have 10 to 150 service technicians registering at once.

#### Private Applicators:

The CEU spreadsheet for private applicators was updated on April 5<sup>th</sup>. As of April 5<sup>th</sup>, 1,160 private applicators have received at least 1 CEU with an average of 3.6 CEUs.

#### Pesticide Complaints

PESTICIDE COMPLAINTS	January 6, 2022 – April 11, 2022			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED CASES:	14	8	4	8
MUSK THISTLE:	0			
ODAFF GENERATED CASES:	15	13	13	13
CASES REFERRED TO OGC:	17			

### **Plant Protection Program**

#### Phytosanitary Certificates

##### Federal

Federal phytosanitary certificates Issued from March 1, 2022 – March 31, 2022

Commercial value of shipment \$1,250 or more:

1 Federal phytosanitary certificates issued @ \$106.00 each

Commercial value of shipment less than \$1,250:

5 Federal phytosanitary Certificates issued @ \$61.00 each

<b>Federal Phytosanitary Certificates (March 1, 2022 - March 31, 2022)</b>			
Country	Product	Quantity	Phytos Issued
France	Barrelclover Seed	1 Gram	1
Panama	Potatoes	2,160 Bags	1
Netherlands	Bermuda Grass Seed	3,765 Kg	1
Republic of Korea	Sorghum Seeds	60,000 Kg	1
Thailand	Miscanthus	60 Totes	1

Companies applying for federal phytosanitary certificates:

Colo-Kist	1
International Ingredient:	2
Johnston Seed Company	1
OSU Biosciences:	1

State

State phytosanitary certificates Issued from March 1, 2022 – March 31, 2022  
125 phytosanitary certificates for 26,361 plants



Sudden Oak Death (*P. ramorum*)

Along with our ongoing *P. ramorum* survey being conducted at Park Hill Nursery, we also got confirmation the week of 4/4/22 that Means Nursery in Oregon had plants that tested positive for *P. ramorum* on #3 Scarlet O'Hara Pieris, which were shipped to Lowe's locations in Oklahoma back in early to mid-February. We have been visiting and inspecting all Lowe's stores, looking for these plants and sampling if we find them.

As a result, we have visited 27 Lowe's stores across the state (out of 29 total) and have taken multiple samples. There were several #3 Scarlet O'Hara Pieris found in these stores and stop sales were issued for these plants until we have confirmation of a negative *P. ramorum* test. If they test positive, the plants will be destroyed. Testing results are still in progress at the PDIDL at OSU.



## SANC



Greenleaf Nursery, a SANC-certified nursery, had their annual systems audit on March 8, 2022. This audit covered all areas written in their SANC program manual. No non-conformances were found, and the nursery has been issued their SANC certificates for 2022.



Figure 1: Google Earth Image of Greenleaf Nursery in 2014

## Hemp

9 licensed growers with 58 acres and 4,361 sq/ft registered

8 licensed processors/handlers

We have a significant decrease in license growers and processors. This is a nationwide trend due to CBD market saturation, COVID-19, and an increase in Medical Marijuana growers. We do expect an increase in hemp growers as the price of Medical Marijuana licensing increases.

## Apiary

We have a total of 84 licensed beekeepers in Oklahoma. The CPS Division is working with the Oklahoma State Beekeepers Association to provide in person training for CPS inspectors. This training will occur at local apiaries and will provide an opportunity for CPS inspectors to see a working, healthy apiary. This will also be a time for inspectors to ask questions about what is normal for a hive and what would be considered abnormal.

## Cooperative Agricultural Pest Survey (CAPS) Report

ODAFF is actively engaged in determining the IFA range and enforcing federal and state quarantines. 14 field staff are conducting nursery inspections and right-of-way surveys in counties outside the current quarantine. During the FY 21 IFA Survey, field staff placed 1,018 bait tubes in 26 counties. They collected 463 ant samples, and 30 of those were positive for Red Imported Fire Ants, *Solenopsis invicta*.

This effort is funded through a USDA APHIS Cooperative agreement. Field staff are provided with bait tubes, bait (corn chips), detailed county maps, zipper bags and sampling protocol.

Data is collected using our new ESRI Collector app developed in conjunction with the University of Oklahoma Center for Geospatial Analysis.



Figure 2: USDA IFA stamp.

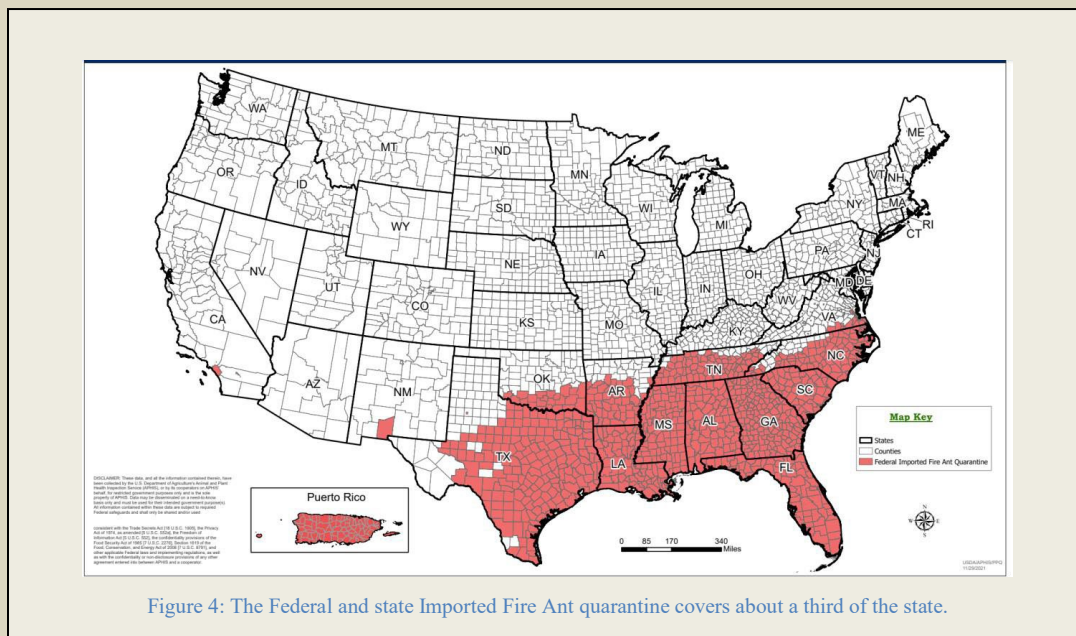


Figure 4: The Federal and state Imported Fire Ant quarantine covers about a third of the state.

The map below indicates all bait tube drops, and positive & negative samples. Negative samples are green, Positives are red. Some counties had an 80% sample rate, while others had 0%. Oklahoma weather is highly variable, and we often experience periods with low humidity, high heat, and no rain during trapping. Ant samples are less likely during these periods.

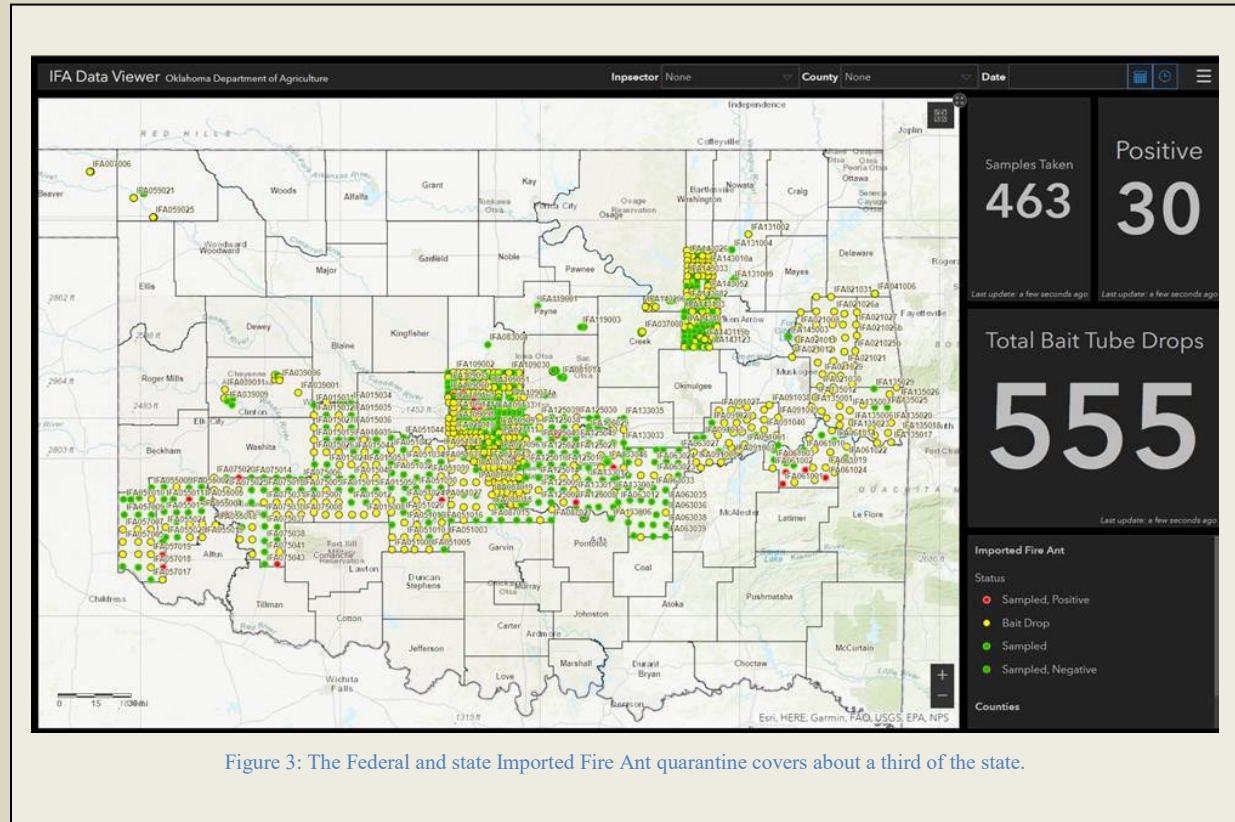


Figure 3: The Federal and state Imported Fire Ant quarantine covers about a third of the state.



Figure 5: IFA Stings

IFA stings cause tight red welts with pustules that itch and may take a few weeks to heal. They pose a risk to people, livestock and native species and mounds can damage equipment.

IFA range widely in size and are much smaller than most of us realize.



Figure 6: Imported Fire Ants





Figure 7: Imported Fire Ant mound

Red Imported Fire Ants are most often confused with Harvester Ants, a native species. IFA mounds are fluffy in appearance, but with a crisp outer surface and a honeycombed interior. They build around grasses and stems.



Figure 6: Harvester Ant mound

Harvester ant's clear vegetation away leaving pebbles and sand near the entrance and the superhighways can be seen going off in multiple directions.

## AGRICULTURE RESOURCE SECTION

### Weights & Measures Program

During this period the large capacity scale technicians tested 51 Vehicle scales and 51 ranch scales, 4 of the Vehicle scales were rejected for repairs and 5 ranch scales were rejected.

CPS inspectors checked a total of 2034 small scales and 30 platform scales, 23 of the scales were rejected. There were 28 random pack inspections and 82 standard pack inspections conducted that resulted in 5 companies receiving letters of warning and 2 companies receiving a Stop Sale. Additionally, 208 price verification inspections were conducted at various retailers that resulted in 12 companies receiving letters of warning. Two scale companies received letter of warnings for not properly servicing a scale. One company received a stop work order for operating without a scrap metal dealers license.

Ranch Scale testing will be winding down in the next week or two. The fee for a ranch scale test is \$200. Call the Weights & Measures office at 405/522-5968 or email Gary Smith at [gary.smith@ag.ok.gov](mailto:gary.smith@ag.ok.gov) to request a scale test.

### Feed Program

#### Program Performance

During this reporting period there were a total of 156 official feed samples analyzed, with 315 feed determinations made from these samples. These determinations resulted in the issuance of 4 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most violations were issued for products deficient in Crude Protein. Other violation includes Crude Fat. No stop sale orders were issued for feed products with severe deviations from their guaranteed analysis.

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 February 2022- March 2022**

Nutritional Guarantee	Number of Label Violations		
	March <sup>1</sup>	February <sup>2</sup>	Two Month Total
Crude Protein	3	3	6
Non-protein Nitrogen	0	0	0
Crude Fat	1	1	2
Crude Fiber	0	1	1
Calcium	0	0	0
Phosphorus	0	1	1
Salt	0	0	0
Magnesium	0	0	0
Potassium	0	0	0
Copper	0	1	1
Iron	0	0	0
Zinc	0	0	0
Vitamin A	0	0	0
Medicated Feed	0	0	0
<b>Total</b>	<b>4</b>	<b>7</b>	<b>11</b>

<sup>1</sup> 156 feed samples analyzed with 315 determinations; <sup>2</sup> 75 feed samples analyzed with 356 determinations

**Table 2. Feed Stop Sale Summary February 2022- March 2022**

Nutritional Guarantee	Number of Stop Sales		
	March <sup>1</sup>	February <sup>2</sup>	Two Month Total
Crude Protein	0	0	0
Non-protein Nitrogen	0	0	0
Crude Fat	0	2	2
Crude Fiber	0	0	0
Calcium	0	0	0
Phosphorus	0	0	0
Salt	0	0	0
Manganese	0	0	0
Potassium	0	0	0
Copper	0	3	3
Zinc	0	1	1
Vitamin A	0	0	0
Medicated Feed	0	0	0
<b>Total</b>	<b>0</b>	<b>6</b>	<b>6</b>

<sup>1</sup> 156 feed samples analyzed with 315 determinations; <sup>2</sup> 75 feed samples analyzed with 356 determinations

## Fertilizer Program

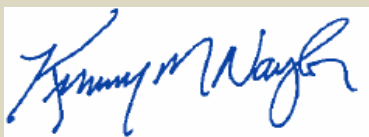
### Program Performance

Below you will find the performance numbers for the fertilizer, agricultural lime, and soil amendment programs for the time-period of February 16<sup>th</sup> to April 10<sup>th</sup>, 2022. During this time-period, Program Administrator Joshua Maples accompanied CPS Field Inspectors, Keith Neugebauer and James Schoppa, to perform anhydrous ammonia facility inspections and ammonium nitrate audits. The goal was to better familiarize himself with the field staff's perspective of those inspections and to increase comradery between field staff and office staff.

Type of Investigation	Number
Anhydrous Ammonia Nurse Tanks	20 (497 Total Tanks)
Anhydrous Ammonia Storage Tanks Liquid Fertilizer Facility	11 (18 Total Tanks)
Dry Bulk Fertilizer Facility	6
Liquid Bulk Fertilizer Facility	3
Pre-Site Facility	0

Type of Sample	Number
Fertilizer	118
Lime	12

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



Kenny M. Naylor



**OKLAHOMA**  
Agriculture, Food  
and Forestry



Oklahoma Department of Agriculture, Food and Forestry  
Animal Industry Services Board Report  
April 27, 2022  
Activities February 19, 2022 – April 8, 2022

**Animal Disease Traceability:**

We continue to distribute the free RFID tags to interested veterinarians and producers. 34,600 RFID tags have already been distributed so far this year. We also have a limited number of RFID tag readers that are available for loan.

During this time frame, the NASAHO ADT subcommittee was reconvened to discuss swine traceability and identification issues that are becoming an issue when groups of hogs are separated while in commerce. A small working group was established and came up with recommendations that will be shared with NASAHO and ultimately to USDA.

During this time frame, we assisted the Arkansas Livestock and Poultry Commission with a trace through an Oklahoma livestock market.

On March 15, a Letter of Warning was sent to an Oklahoma producer for importing cattle from New York without Certificates of Veterinary Inspection.

During this time frame, we spent the supplemental cooperative agreement funds received from USDA to support ADT activities by purchasing 36 RFID wands. The plan will be to distribute these wands to OSU Extension, OSU CVM, the veterinary technology programs in the state, and lastly to veterinarians and producers upon request.

**Aquaculture:**

We have finalized aquaculture renewals and have 23 licensed facilities. Participants in the program receive new decals for their transporter vehicles to reflect their 2022 license status.

**Biologics:**

During this period we completed the biological product renewals for the year. We registered 854 biological products that resulted in \$156,200 of revenue. We have begun to issue stop sale notices to biological companies that have not responded to multiple attempts to contact them to either renew or cancel products previously registered.

**Cattle Programs:**

**Brucellosis:**

We have no active bovine Brucellosis cases currently.

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

### **Tuberculosis:**

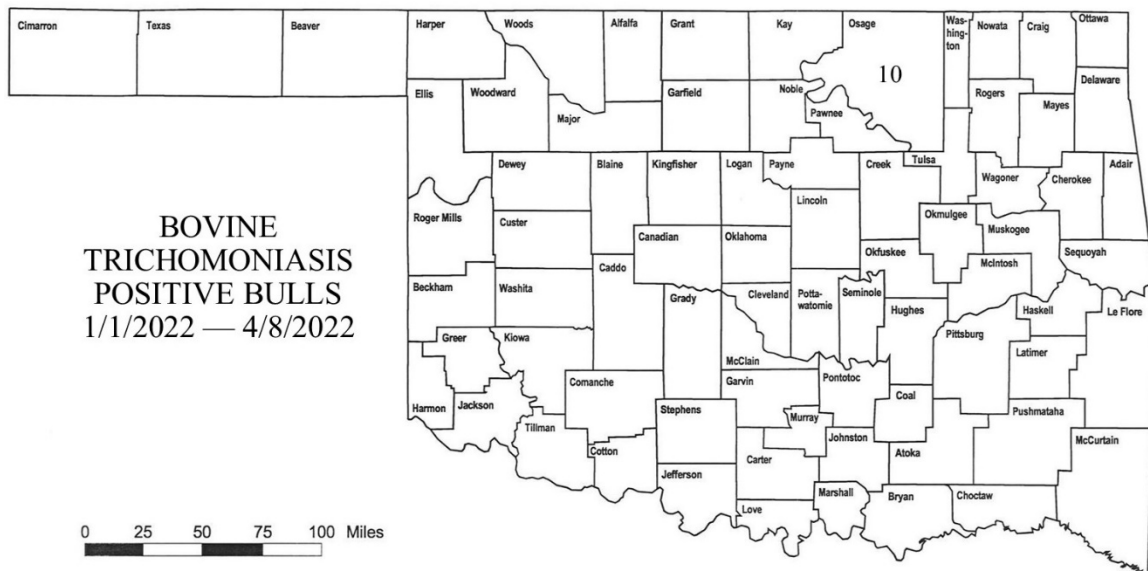
The herd plan for the dairy in Cimarron County requires yearly tests as long as exposed cows are in the herd. We had a meeting with USDA Cattle Health Staff to discuss this, and they agreed that the amount of testing we have done is sufficient. We have closed this case.

The group of bulls in beef herd in Cimarron County was tested. All were negative, so we have closed this case.

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

### **Trichomoniasis:**

During this period 4,195 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.



6,323 bulls tested / 10 positive = 0.16% 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, 0.35% in 2020, and 0.28% in 2021.



### **Johne's Disease:**

In 2022 for this reporting period, we have received 11 positive reports, 10 from new premises. In 2021 for the same period, we were very similar with 12 positive reports, 9 were from 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 soon realize that having good records will pay by known linkage to positive animal and by more rapid progress for disease elimination.

### **Emergency Management:**

The National Veterinary Stockpile Full Scale Exercise has been rescheduled for May 11-12, 2022. Dr. Gorczyca is working with OSDH and the NVS exercise team to continue the planning process.

On March 24, Dr. Gorczyca met with Jamie Doepel, OSDH Warehouse manager to map out the exercise and isolate space at the OSDH warehouse that can be used for the NVS exercise.

On April 8, Dr. Gorczyca participated in a FAD SAFE After-Action Review meeting. This will assist us with developing an improvement plan to address gaps that were evident during the exercise.

On April 8, Dr. Gorczyca, Dr. Ruby, and Dr. Stone met with OSDH Acute Disease Services and the Emergency Preparedness Response Services to provide an overview of the current HPAI outbreak and to discuss response resources that would be needed from OSDH. While this current H5 Eurasian strain of avian influenza has not caused human illness, we discuss monitoring procedures for producers and Ag responders in the event Oklahoma has an affected flock.

On February 25, Dr. Gorczyca worked with Matti Allen and Kylee Deniz with OK Pork Council to finalize US SHIP roll out in Oklahoma. ODAFF is the Official State Agency for US SHIP and Dr. Gorczyca appreciates the collaborative relationship between ODAFF and OK Pork Council to ensure the success of this program. On April 1, we initiated enrollment of swine producers into the US SHIP program and currently have 1 producer completely enrolled.

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 or existing quarantines for EIA in Oklahoma.  
There are no reported cases or quarantines for CEM in Oklahoma.

There is one horse that remains under quarantine for Equine Piroplasmosis. The horse was enrolled in the USDA treatment program and treatment was administered in April. It will remain under quarantine until it tests negative which takes on average 1 year.

**Farmed Cervidae Programs:**

Farmed Cervidae license renewals are due by April 1. With that, there has been an influx of renewal applications to process and approve. Once the application payment has been processed, a livestock inspector will do their yearly inspection. Since March 1, there have been three import permits granted for the import of Cervidae to licensed facilities.

**Feral Swine:**

Feral Swine Transporters and Sporting and Handling facilities license renewals are due by April 1, and to date 38 participants have submitted their renewal applications. Once the application payment has been processed a livestock inspector will do their yearly inspection. Facilities who are licensed with the Department are required to submit a monthly report of the number of hogs brought into and leaving their facilities. Dana is communicating with those licensees to ensure they are reporting regularly.

There have been 1783 Feral Swine Hunting licenses issued so far this year.

**Foreign Animal Disease:**

On March 10<sup>th</sup> Dr. Stone received a call with pictures of a gilt being exhibited at OYE. The picture showed lesions that could be consistent with ASF or CSF but is also commonly seen in diseases endemic in the United State. The gilt and owner were found, and the gilt had improved, epidemiologically was not likely to be a foreign animal disease but was not healthy and probably a risk to the other exhibitors. The owner decided to place the animal in the OYE isolation pens. During the interview it was discovered that the owner had called several vets and had misrepresented information in order to get a CVI.

On March 21-22 Dr. Stone attended a “Full Scale Depopulation and Disposal Exercise” hosted by the Kansas Department of Agriculture and sponsored by the National Pork Board. The exercise was conducted in severe weather conditions, was successful, with many issues improved but many challenges still exist.

ODAFF and APHIS personnel did not perform any FAD investigations during this time frame.

We have received requests for permits to move poultry and poultry products into Oklahoma from premises that are in control zones for HPAI. Dr. Ruby has verified that we believe the animals and products are safe, so we approve the permit.

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. This has gained greater significance due to the finding of ASF in the Dominican Republic and Haiti.

**Livestock Market Audits:**

During this period, there was one livestock market change ownership. The Mountain View, Oklahoma sale barn has been bought by Bill Tom and Dliisa Fleming of Amarillo. The Flemings hosted their first horse sale on March 26<sup>th</sup> and plan to sell on the fourth Saturday of each month. Mr. and Mrs. Fleming also operate a monthly horse auction in Amarillo on the second Saturdays of each month. Staff also sent packets to three individuals interested in sale barn ownership. This period also allowed for a new market orientation as well as a number of custodial account reviews.

#### Livestock Auction Market Activities

Auction market licenses issued	1
Auction market licenses pending	0
Market custodial audits completed	7
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

#### **Outreach:**

March 8 through March 16, ODAFF veterinarians, LSI's, and USDA AHT's checked animals entered in the Oklahoma Youth Expo for official identification, proper test results, proper CVI's, and to answer questions about official identification.

On March 19<sup>th</sup> Dr. Stone spoke to the Okfuskee County Cattlemen's Association about improvement in agriculture and diseases that may affect agriculture in the future and prevention through awareness, best management practices and biosecurity.

On April 4 I did an interview with News9 about the ongoing HPAI outbreak and the wild duck that was found to be positive in Payne County.

We have communicated information about HPAI to commercial and backyard poultry producers with assistance from ODAFF Communications, OSU Extension Communications, and interviews with news media.

#### **Poultry Programs:**

There have been 19 sick or dead birds submitted for our sick bird/dead bird program since the last board report. There has been an increase in sick bird calls since the confirmation of Highly Pathogenic Avian Influenza in a wild mallard in Payne county. None of the calls have been suspects for HPAI but we continue to respond by submitting any sick or dead reported birds for testing. This program has proven to be a successful way to monitor for reportable diseases, such as avian influenza, in Oklahoma backyard flocks.

On March 23, 2022, our department was notified by the Oklahoma Animal Disease Diagnostic Laboratory that a wild mallard had a non-negative test result for Highly Pathogenic Avian Influenza (HPAI). The sample was sent to the National Veterinary Services Lab in Ames, IA where it was confirmed that the duck was infected with H5N1

Eurasian strain of HPAI. While this did not come as an unexpected finding, it did allow for increased communication to backyard flock owners and commercial poultry growers to continue to be vigilant with biosecurity practices to protect their flocks. There have been no confirmed cases of HPAI in domestic poultry in Oklahoma, but the virus continues to spread across the continental US in both backyard and commercial flocks.

Dr. Ruby has been attending weekly virtual meetings with Arkansas, Missouri, and Oklahoma regulatory officials and poultry industry representatives to discuss the current HPAI situation and coordinated responses between the three states.

#### **Rabies in Livestock:**

There have been no confirmed cases of rabies in livestock since the last board report.

#### **Sheep and Goat Programs:**

We worked on three separate cases of a disease called Q fever during this time period. Q Fever is caused by a bacteria called *Coxiella burnetti*. It has zoonotic potential and is endemic throughout the world. Infections can occur by aerosol through mucous membranes of the eyes, nose, and mouth or by blood contamination of wounds. The organism lives in a variety of species with the most important reservoir for human infections found in domestic ruminants, most commonly in goats, sheep and only rarely in cattle. The disease occasionally causes late term abortion storms, stillbirths, and birth of weak offspring.

One case was in a small goat herd in Nowata County, the second in a large meat goat/sheep operation in Tillman County, and the third in a high genetic value mid-sized goat dairy in Garvin County. None of these were epidemiologically linked. The Tillman County herd had an estimated 50 abortions only in the goat flock; the Garvin County herd experienced a 25% loss from abortions, stillbirths, and weak dying kids. The scary thing in this herd is that the owner barbers locally in raw milk.

Dr. Stone worked to gather information and develop plans on minimizing the disease. Dr. LeMac Morris, Oklahoma State Health Department Veterinarian was included to help on the human epidemiologic risk and provide medical information resource for these herd owners, their employees, and physicians. Dr. Stone has worked with the herd owners and their veterinarian on protecting themselves and their employees as they work through the disease.

Current information on all flocks is that the flocks are returning to normal births with only a few left to give birth. The meat goats are planned to go to slaughter. The dairy goat's management has changed to only feeding and consuming pasteurized milk. These flocks are believed to be no more risk than the general population of small ruminants. However, this disease highlights the need for biosecurity and good husbandry practices for all livestock owners.

#### **Swine Programs:**

#### V/Q Herd Program

As of March 1, there are 143 registered validated and qualified swine herds in Oklahoma. Nine participants no longer have breeding sows and there are seven participants who have late or missing reports for the first quarter. Dana continues to work with those participants who have not submitted quarterly testing and herd inventories for the 2022 year. There was one new addition to the V/Q Herd Program during this time. Suspension letters will be mailed in May to those who did not submit January and April quarterly tests.

#### Commercial Production Swine

There are eight primary companies with multiple locations across the state, operating in Oklahoma, with Commercial Monitored Herd agreements in place. They provide herd movement data and health plans as required.

#### Exhibition Swine

There were 75 Swine Show/Sale permits issued in the first quarter of this year, for 4H-FFA, County, and Regional/Area and State exhibitions across Oklahoma.

#### **Miscellaneous:**

Dr. Gorczyca-Southerland and I have been meeting with management from OADDL and the ODAFF lab to discuss possible transition of serology services to OADDL, in the event that the serology section supervisor retires.

The two new Administrative Assistants that started work March 1 are doing a great job. They are Dana Call and Marissa McLaughlin.

Long time Livestock Inspector J.D. Inda retired March 31 after 31 years with the agency. We have opened the application period to find his replacement.

Respectfully,

A handwritten signature in black ink that reads "Rod Hall DVM". The signature is written in a cursive, flowing style.

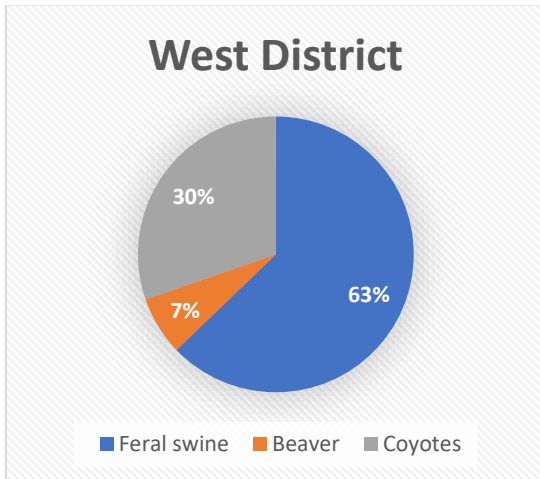
Rod Hall, DVM

**Oklahoma Department of Agriculture, Food, and Forestry**  
**Wildlife Services Division**  
**Board Report for March 2022 Activities**

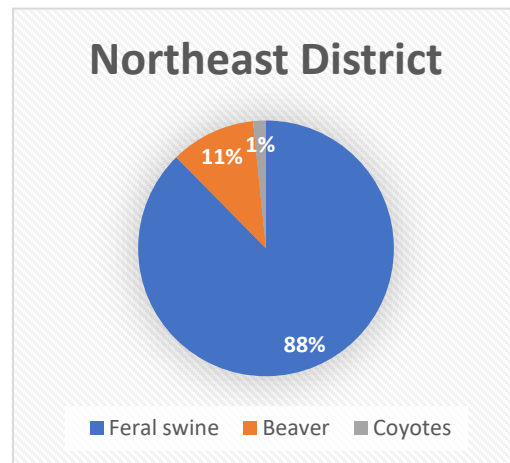
**Introduction**

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 590 properties with an estimated 1,900,755 acres of land under agreement. Additionally, WS helped 262 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 \$1,210,175 during this period. Beaver damages accounted for losses totaling \$189,233. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$17,813. Feral swine damages accounted for losses totaling \$1,002,989, while other species of wildlife were responsible for \$140 in damages to livestock.

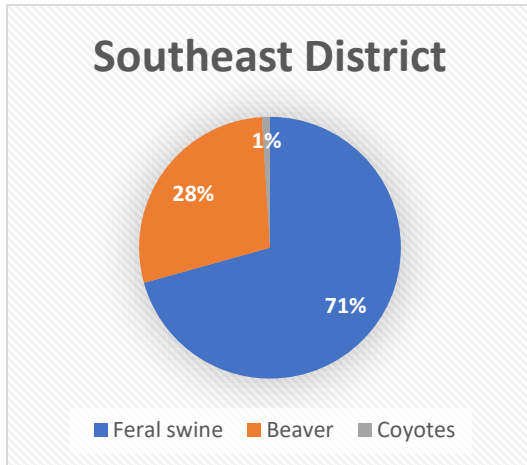
**Providing Wildlife Services**



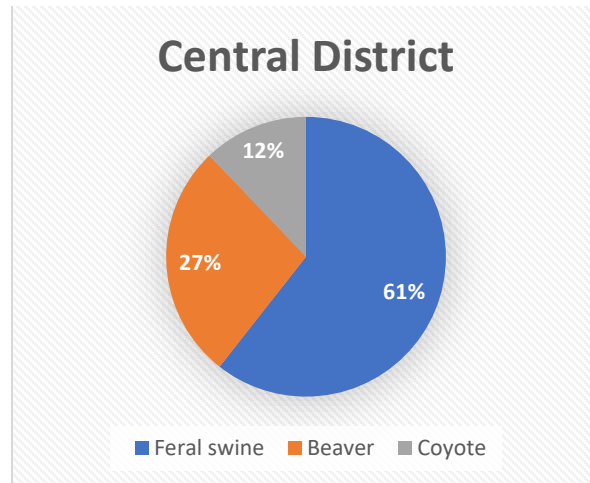
*Figure 1: Species Removed in West District by percentage during March 2022*



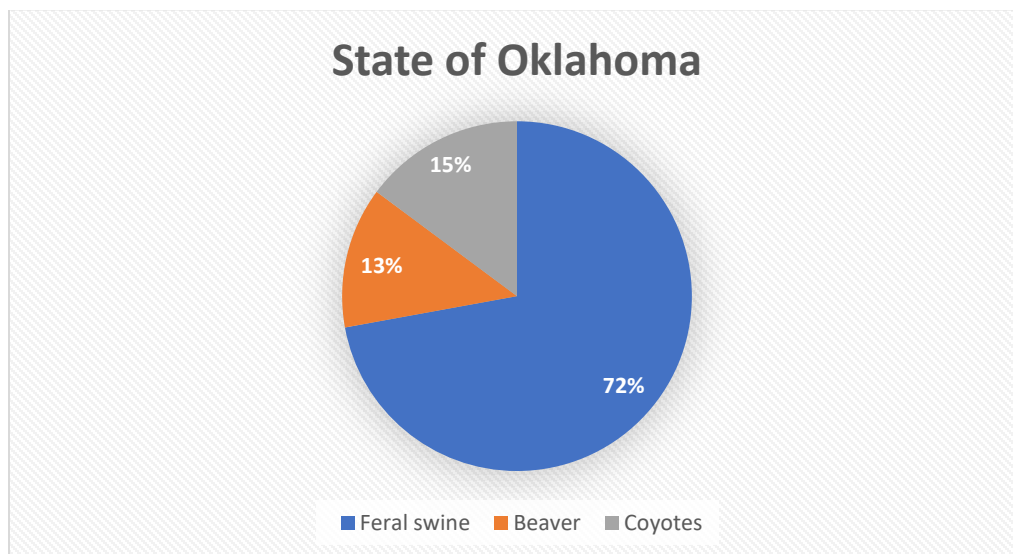
*Figure 2: Species Removed in the Northeast District by percentage during March 2022*



*Figure 3: Species Removed in the Southeast District by percentage during March 2022*



*Figure 4: Species Removed in the Central District by percentage during March 2022*



*Figure 5: Species Removed in the State by percentage during March 2022*

### **Coyote Damage Management**

**Dewey County** landowner requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued \$881. The Wildlife Specialist assigned to Dewey County examined the carcass and verified that coyotes were responsible for the loss of the calves. Damage management efforts were successful in removing 13 coyotes from the property. Control efforts are completed at this time.

**Beaver County** livestock producer requested assistance with coyotes depredating on calves. The producer reported that coyotes had killed one calf valued at \$881. The Wildlife Specialist assigned to Beaver County examined the carcass and verified that coyotes were responsible for the loss valued at \$881. Damage management efforts were successful in removing 9 coyotes from the property. No further losses have occurred, and work is ongoing at this time to prevent additional losses.

**Greer County** livestock producer requested assistance with coyotes depredating on calves. The producer reported that coyotes had killed two calves valued at \$2,000. The Wildlife Specialist assigned to Greer County examined one carcass and verified that coyotes were responsible for the loss valued at \$1,000. Damage management efforts were successful in removing 16 coyotes from the property. No further losses have occurred, and work is ongoing at this time to prevent additional losses.

**Beckham County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued at \$882 dollars. The Wildlife specialist assigned to Beckham County quickly responded to the request and examined the carcass and confirming that coyotes were responsible for the loss of the calf. The Specialist used snares and M-44 sodium cyanide devices to remove twenty-one coyotes. Control efforts continue to prevent additional losses.

**Blaine County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes killed two calves valued at \$1,762. The Wildlife Specialist assigned to Blaine County quickly responded to the request and examined on of the carcasses and confirming that coyotes were responsible for the loss of the calf valued at \$881. Control efforts have removed 20 coyotes and are continuing at this time to further reduce predation losses to coyotes for the producer.

**Woodward County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued at \$881 dollars. The Wildlife specialist assigned to Woodward County quickly responded to the request and examined one of the carcasses and confirming that coyotes were responsible for the loss of the calf. The Specialist used leg hold traps and Snares to remove 11 coyotes. Control efforts continue to prevent additional losses.

### **Feral Swine Damage Management**

**Noble County** landowner requested assistance with feral swine. The landowner reported the presence of feral swine on the property. The Specialist assigned to Noble County responded to the request and verified feral swine damage estimated at \$1,500 to pastureland. The Specialist utilized a live trap to remove 17 feral swine from the property. Work is continuing at this time. The landowner has been advised of environmental changes that could help prevent further problems.

**Washington County** landowner with feral swine damage concerns. The farmer reported that feral swine were responsible for rooting approximately three acres pasture. A WS Specialist responded to the request and verified that feral swine were responsible for the damage reported. The Specialist is currently utilizing a live feral swine trap to remove the swine. The farmer has been instructed on fencing methods and environmental changes that can be utilized to help prevent future problems.



**Custer County** landowner contacted WS needing assistance with feral swine rooting in his wheat fields. The landowner estimated that feral swine rooted up twenty acres valued at \$8,000 in damages. The Wildlife Specialist assigned to Custer County quickly responded to the request and verified the damage. A live trap was utilized to remove 48 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.

**Cotton County** farmer requested assistance with feral swine causing damage in his wheat fields and pastures. The farmer reported that feral swine are responsible for \$5,000 in damages to his fields and pastures. The Wildlife Specialist assigned to Cotton County responded to the request and his field inspection verified the damages to the wheatfields and pastures. The Specialist utilized a live trap to remove 46 swine from the property. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

**Bryan County** rancher called for assistance with feral swine. Pasture damage caused by feral swine was verified and estimated at \$6,000.00. After pre-baiting, a remote camera trap was placed, and 39 feral swine were removed to alleviate the damages.

### **Aerial Operations**

Aerial operations were conducted March 19<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup> in Tillman and Jackson Counties. These areas have historically high levels of feral swine damage to corn and peanut production. To help reduce feral swine damage in these areas the helicopter was utilized to reduce feral swine populations prior to planting season. Aerial operations were conducted for fifteen flight hours to remove 952 feral swine. Feral swine activity will be closely monitored in the area to determine if additional operations are needed.

### **Beaver Damage Management**

**Okmulgee County** landowner contacted WS with a complaint that beavers had dammed up the overflow in his pond and was flooding his pasture. After investigating the property, abundant beaver damage was verified. Utilizing conibear traps the Specialist has removed 12 beavers from the area and work is ongoing at this time. The landowner has been advised of environmental changes that could help prevent further problems.

**Craig County** Commissioner contacted WS with beaver damage concerns. The Commissioner reported beavers were plugging a tindhorn and causing extreme flooding to a roadway. A WS Specialist responded to the request and verified that beaver was responsible for the damage reported. The Specialist was able to utilize conibear traps to remove five beavers. Work is complete at this time and the Commissioner was instructed about exclusion methods and environmental changes that can be utilized to prevent future problems. Damage to the roadway was valued at a total of \$6,500. The landowner has been advised of environmental changes that could help prevent further problems.

**Alfalfa County** landowner contacted WS for assistance with beavers burrowing into his pond dam on his property. The landowner estimated the damage to the pasture to be valued at \$10,000. The Specialist for Alfalfa County quickly responded and verified beavers were responsible for

damage. Control measures employed by the Specialist were successful in removing the beavers from the pond to help reduce any additional damage to the pond dam structure.

**Roger Mills County** landowner contacted WS for assistance with beavers damming up the creek on his property and flooding his pasture. The landowner estimated the damage to the pasture to be valued at \$1,200. The Specialist for Roger Mills County quickly responded and verified beavers were responsible for damage. Control measures employed by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to pasture.

**Le Flore County** Commissioner called WS for assistance with beavers flooding a county road. The beaver sign was verified and an adjoining landowner was contacted about the issue. Damages to the road and properties were estimated at \$2,500.00. Twelve conibear traps and six snares were placed and 20 beavers were removed to alleviate the damages. This project is still being monitored.

*Figure 6: Losses Reported and Losses Verified by WS in Oklahoma by Resource, March 2022*

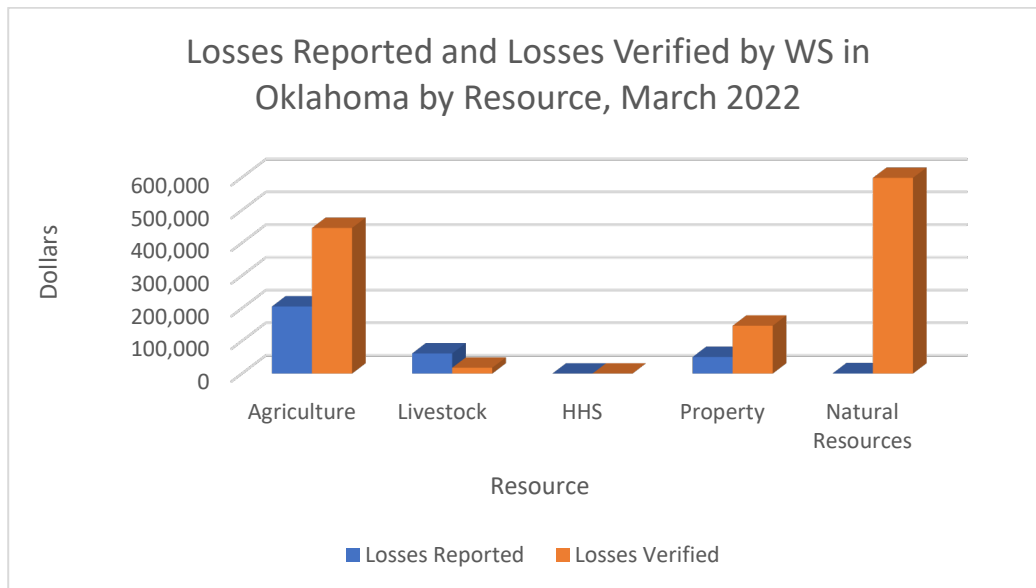
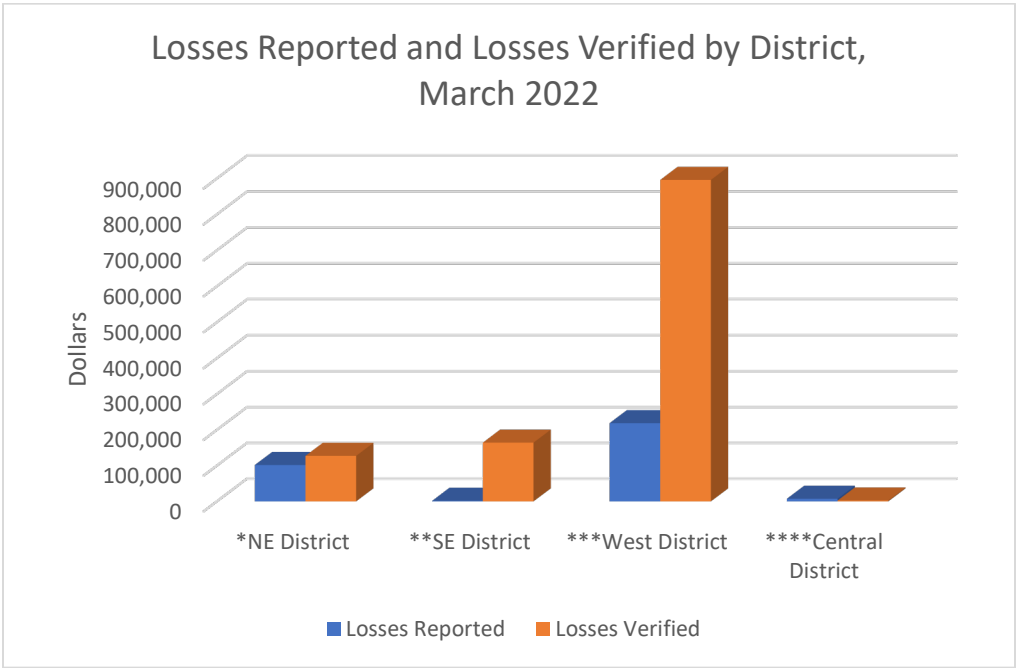


Figure 7: Losses Reported and Losses Verified by District, March 2022



- |            |            |             |               |
|------------|------------|-------------|---------------|
| * Adair    | **Atoka    | *** Alfalfa | **** Canadian |
| Cherokee   | Bryan      | Beaver      | Cleveland     |
| Craig      | Carter     | Beckham     | Oklahoma      |
| Creek      | Choctaw    | Blaine      | Pottawatomie  |
| Delaware   | Coal       | Caddo       |               |
| Haskell    | Garvin     | Cimarron    |               |
| Kay        | Hughes     | Comanche    |               |
| Lincoln    | Jefferson  | Cotton      |               |
| McIntosh   | Johnston   | Custer      |               |
| Muskogee   | Latimer    | Dewey       |               |
| Noble      | Leflore    | Ellis       |               |
| Nowata     | Love       | Garfield    |               |
| Okfuskee   | Marshall   | Grady       |               |
| Okmulgee   | Mayes      | Grant       |               |
| Osage      | McClain    | Greer       |               |
| Ottawa     | McCurtain  | Harmon      |               |
| Pawnee     | Murray     | Harper      |               |
| Payne      | Pittsburg  | Jackson     |               |
| Rogers     | Pontotoc   | Kingfisher  |               |
| Sequoyah   | Pushmataha | Kiowa       |               |
| Tulsa      | Seminole   | Logan       |               |
| Wagoner    |            | Major       |               |
| Washington |            | Roger Mills |               |
|            |            | Stephens    |               |
|            |            | Texas       |               |
|            |            | Tillman     |               |
|            |            | Washita     |               |
|            |            | Woods       |               |
|            |            | Woodward    |               |

### **Wildlife Disease Sampling**

During the month of January, Wildlife Services' collected samples from 20 feral swine in 2 Counties; Johnston County and Sequoyah County. The samples collected will be tested for African swine fever, classical swine fever, pseudorabies, swine brucellosis, and for genetics. All samples were opportunistically collected during feral swine direct control operations on properties that have requested Wildlife Services assistance with feral swine damage.

*Table 2: Species/Disease sampling, March 2022*

<b>Species/Disease</b>	<b>Sample Type</b>	<b>Samples</b>
african swine fever	blood/serum	3
classical swine fever	blood/serum	12
genetics	tissue	15
pseudorabies	blood/serum	15
swine brucellosis	blood/serum	15
Total Samples		60

Respectfully submitted,

Scott Alls  
Division Director  
Wildlife Services Division

**March 2022 Activity Report  
for  
April 2022 Board Meeting  
Agricultural Statistics Division**

**General**

Rainfall totals the **first week of March** in Oklahoma averaged 0.21 of an inch. According to the March 1st US Drought Monitor Report, drought conditions were rated 92 percent abnormally dry to exceptional drought, down 1 point from the previous week. Additionally, 87 percent of the state was in the moderate drought to exceptional drought category, similar to the previous week. Statewide, temperatures averaged in the low 50's. Topsoil and subsoil moisture conditions were rated mostly very short to short.

Rainfall totals the **second week of March** in Oklahoma averaged 0.13 of an inch. According to the March 8th US Drought Monitor Report, drought conditions were rated 92 percent abnormally dry to exceptional drought, similar to the previous week. Additionally, 87 percent of the state was in the moderate drought to exceptional drought category, similar to the previous week. Statewide, temperatures averaged in the upper 30's. Topsoil moisture conditions were rated mostly adequate to short, while subsoil moisture conditions were rated short to adequate.

With cooler nights and drought conditions across the state the **third week of March**, small grain crop progress has now fallen behind the previous year and five-year average. Rainfall totals in Oklahoma averaged 0.35 of an inch for the week. According to the March 15th US Drought Monitor Report, drought conditions were rated 92 percent abnormally dry to exceptional drought, similar to the previous week. Additionally, 87 percent of the state was in the moderate drought to exceptional drought category, similar to the previous week. Statewide, temperatures averaged in the upper 50's. Topsoil moisture conditions were rated mostly adequate to short, while subsoil moisture conditions were rated short.

Rainfall totals the **fourth week of March** in Oklahoma averaged 1.30 inches. According to the March 22nd US Drought Monitor Report, drought conditions were rated 87 percent abnormally dry to exceptional drought, down 5 points from the previous week. Additionally, 77 percent of the state was in the moderate drought to exceptional drought category, down 10 points from the previous week. Statewide, temperatures averaged in the lower 50's. Topsoil moisture conditions were rated mostly adequate to short, while subsoil moisture conditions were rated short to very short.

Winter wheat jointing reached 15 percent, down 29 points from the previous year and down 26 points from normal. Rye jointing reached 8 percent, down 14 points from the previous year and down 23 points from normal. Oats jointing reached 7 percent, down 2 points from the previous year and down 7 points from normal.

Pasture and range condition was rated at 66 percent fair to good. Livestock condition was rated at 89 percent good to fair

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

Survey	Enumerated by:	Survey Dates
Agroforestry Survey	DCC	2/15 – 4/5
Cotton Ginning	DCC	3/1 – 3/2
March Crops APS	DCC	2/27 – 3/18
Berry PDI	DCC	3/11 – 3/30
NACS	DCC	3/14 – 5/27
April Milk Production	DCC	3/31 – 4/13
Cash Rents	DCC	4/18 – 6/21
April Labor	DCC	4/18 – 5/10
Organic Survey	DCC	4/21 – 5/19
May Ag Yield	DCC	4/29 – 5/7

**Statistics:** On March 31, 2022, the Prospective Plantings Report was published. Highlights include:

Oklahoma Upland cotton is forecast at 530 thousand acres, up 7 percent from last year. Growers intend to plant 380 thousand acres of corn, up 12 percent from last year. Producers intend to plant 420 thousand acres of sorghum this year, 2 percent below last year

Oklahoma winter wheat planted, at 4.40 million acres, is unchanged from a year ago. Planted acreage for oats is down 38 percent from last year, at 50.0 thousand acres

Oklahoma canola acreage increased 58 percent from last year to 19.0 thousand acres. Prospective soybean acreage, at 560 thousand acres, is down 3 percent from last year. Planted acreage for peanuts is forecast at 13.0 thousand acres, down 19 percent from 2021. An estimated 2.60 million acres will be harvested for dry hay this year, down 12 percent from last year.

**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 4,024 times in March, which is down 36 percent from 2021.

**Releases for March:**

Crop Production  
Price Reactions Reports  
Cattle on Feed  
Hogs and Pigs  
Agricultural Prices  
Prospective Plantings Report

**Relating Dates:**

March 1, 2022  
2021 Crop Year  
March 1, 2022  
March 1, 2022  
March 15, 2022  
March 1, 2022

**Release Dates:**

March 9, 2022  
March 11, 2022  
March 25, 2022  
March 30, 2022  
March 31, 2022  
March 31, 2022

**Releases for April:**

Crop Production  
Cattle on Feed  
Meat Animal PDI  
Agricultural Prices

**Relating Dates:**

April 1, 2022  
April 1, 2022  
2020-2021  
April 15, 2022

**Release Dates**

April 8, 2022  
April 22, 2022  
April 28, 2022  
April 29, 2022

**Meetings and Events:**

Team 17 Producer Webinar  
SEB and FAC Meeting  
State Technical Meeting  
Team 2 Producer Webinar  
Team 16 Producer Webinar  
Team 4 Producer Webinar  
Team 10 Producer Webinar  
Team 18 Producer Webinar  
Team 3 Producer Webinar  
Team 9 Producer Webinar  
AESIS Science Fair  
OBHRPI Rural Econ Conference  
Wheat Commission Meeting  
Team 6 Producer Webinar  
SPR NASDA Supervisor Meeting  
Team 12 Producer Webinar  
Team 11 Producer Webinar  
WEWAIT Texas  
SPR Wheat OY Training  
Keller OY Field Training

**Date:**

March 3, 2022  
March 9, 2022  
March 22, 2022  
March 23, 2022  
March 24, 2022  
March 24, 2022  
March 30, 2022  
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March 31, 2022  
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Respectfully Submitted,



Troy Marshall



# MARKET DEVELOPMENT SERVICES

April 27, 2022

## Report to the State Board of Agriculture

### AG IN THE CLASSROOM

#### AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 79
- Total Number of Pre-service Teachers Impacted: 22
- Total Number of Extension Educators Impacted: 1
- Total Number of Students Directly Impacted by Coordinators: 699
- Total Number of Resources Given: 10,399
- Total Number of Teachers/PreService Teachers Resources Given to: 118
- Total Number of PreK-12th Grade Students Resources Given to: 4,409

#### AG IN THE CLASSROOM WEBSITE, LESSON IMPACT, AND SOCIAL MEDIA

- The AITC website had 22,362 visits and 18,296 unique pageview visits.
- The AITC monthly email is delivered to 15,884 accounts.
- The AITC Facebook page now has 7,933 followers.
- The AITC Twitter page now has 587 followers.
- Oklahoma AITC Instagram account now has 602 followers.
- Oklahoma AITC Pinterest account now has 210 followers.
- The AITC YouTube channel now has 8,614 views.

#### Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
8 participants; 5th - 10th grade teachers	Edmond Public Schools	AITC website and resources; Pig Personality Test; Iron Content in Cereal; Turkey Toss with fact and opinion - all activities from the Soil, Plants, & Animals, Oh My resource	Soil, Plants, and Animals, Oh My; Red Dirt Symbols; Oklahoma Ag Mag; Oklahoma Ag Mag; Swine Tear Sheets; Wheat Tear Sheets, Chicken Tear Sheets, Engineering Process Tear Sheets
22 OSU Ag-Ed Pre-service teachers	Stillwater - World Harvest Church	AITC website and resources; Pig Personality test; Leather bracelet with Beef byproducts; Temple Grandin Agriculture Pictionary; Pig Ear Notching	AITC bag, Oklahoma Ag Mag, Swine MS/HS tear sheets, Wheat tear sheets, Cotton tear sheets; Soil Plants and Animals Oh My, Beef Tear sheets, soybean tear sheets, peanut tear sheets, Dairy tear sheets, horse tear sheets, engineering process tear sheets; Chicken tear sheets; Careeropoly game

MS/HS - videoed PD to be sent out by East Central University to local teachers	East Central University in Ada	Farming for Energy (National AITC Lesson) - did Wind Turbine and BioMass Energy activities	Engineering Process Tear Sheets
40 Agritourism venue owners/operators	Broken Arrow Local Ag Summit Agritourism Conference Stoney Creek	Strawberry Rocks, Pumpkin Catapults, and Alpacas, presentation of website, resources, and ideas for agritourism farms	(40 Early Childhood, 40 Elementary, 40 High School) Strawberry, (40 Early Childhood, 40 Elementary, 40 High School) Beans, (40 Early Childhood, 40 Elementary, 40 High School) Tomatoes, (40 Early Childhood, 40 Elementary, 40 High School) Bees & Honey, (40 Early Childhood, 40 Elementary, 40 High School) Pecans, (40 Early Childhood, 40 Elementary, 40 High School) Alpacas, (40 Early Childhood, 40 Elementary, 40 High School) Sesame, (40 Early Childhood, 40 Elementary, 40 High School) Beef, 15 Pumpkins, 15 Peaches, 15 Berries, 15 Christmas Trees, TEAR SHEETS

#### Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
250 students - 9th - 12th grade	Carl Albert High School Career Day	Kahoot over Ag Careers	Ag Career Readers- gave out 10 games to teachers
100 children/families	Oklahoma History Center Farm to Table Festival	Agricultural Trivia Wheel	Ag on Rt 66 Student Magazine
20 - 9th-12th grade FFA Students	Cache Ag Building - presentation of 1st place poster contest winner	N/A	Copy of Poster in frame; Senator and Representative Citations; Gift card and medal sponsored by the Oklahoma Beef Council
200 Middle School & High School students	STEM Day at Central Tech; Drumright	Talked to students about the variety of careers in agriculture in a large group setting; also talked to teachers and students at the booth	Gave out 12 games to teachers; gave out 100 career magazines; pens to teachers
125 Blaine County 5th Graders	Blaine County Nutrition Fair/Watonga	Used the Did you Know Posters/ Played game to put the real food on the correct poster	Gave out Poster sets; Soil Plants and Animals oh my to teachers; Beef Tearsheets as well
1	Metro Christian Academy -	N/A	Copy of Poster in

	Drew Shaufer, First Place Poster Contest Sixth Grade		frame; Senator and Representative Citations; Gift card and medal sponsored by the Oklahoma Beef Council
3	Dahlongegah and Roland	N/A	Copy of Posters in frames; Senator and Representative Citations; Gift cards and medals sponsored by the Oklahoma Beef Council

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

Locations where Resources are Mailed or Delivered	
John Ross Elementary - Edmond	Washington Elementary - Norman
Wilson 6th Grade Center - Collinsville	Bray-Doyle Elementary - Marlow
Homeschool - Glenpool	Sequoyah Public Schools - Claremore
Roy Clark Elementary - Tulsa	Lewis and Clark Elementary - Tulsa
Western Oklahoma Christian School - Clinton	Bridge Creek Middle School - Blanchard
Moffett Public School	Lexington Elementary
Mark Twain Elementary - Duncan	Truman Elementary - Norman
Ringwood Public Schools	Washington Irving Elementary - Edmond
Urban League School Age Program - Oklahoma City	Hayes Elementary - Ada
Robertson Elementary - Tulsa	Creekwood Elementary - Broken Arrow
Lakeside School - Hominy	Bryant Elementary - Oklahoma City
Skyline Elementary - Stillwater	Variety Care FWHP
Kenny Farms - Mooreland	Mustang FFA
Pawnee Public Schools	Pottawatomie County Extension
Union Public Schools - Tulsa	Dahlongegah Schools - Stilwell
Ferguson College of Agriculture	Chickasha Elementary
Alex Elementary	Ninnekah Elementary
Rush Springs Elementary	Cashion Elementary
Perry Upper Elementary	Okarche Elementary

Okarche Elementary	Holy Trinity - Kingfisher
Lomega Elementary	Kingfisher Elementary
Deer-Creek Lamont Elementary	Stroud Elementary
Pioneer-Pleasant Vale Elementary	Pawnee Elementary
Darlington Elementary	Banner Elementary - El Reno
Mulhall-Orlando Elementary	Dover Elementary
Clayton Elementary	Wellston Elementary
Idabel Elementary	Flower Mound Elementary - Lawton
Checotah Elementary	Leedy Elementary
Marshall Elementary	Checotah Middle School
Positive Tomorrow's Daycare	Minco Elementary
Antler's Elementary	Midway School

#### **Ag in the Classroom- Other Events**

<b>Event</b>	<b>Highlights</b>
Ag Day at the State Capitol	We were able to celebrate our Overall contest winners for the categories of photography, coloring contest (PK-2nd), and poster contest (Elementary 3rd-5th, Middle School 6th-8th, and High School 9th - 12th). We also recognized our Oklahoma AITC Teacher of the Year and our National Excellence in teaching Agriculture Nominee.
National AITC Leadership Summit	The National Ag in the Classroom held their biannual Leadership Summit in Kansas City, MO on March 28th-March 30th. Emily Ague, as State AITC Contact, attended NAITCO business meetings, but all coordinators participated in Professional Development workshops and networking throughout the Summit.
Partnered with Oklahoma Cattle Women for their Read about Agriculture Week	Oklahoma Ag in the Classroom partnered with the Oklahoma Cattlewomen and helped provide a barn full of resources to every school they went to read a book too. We also helped choose a book about beef that was on the AR list for students to get points.

## **AGRITOURISM**

#### **Agritourism - Site Visits**

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Flora Bodega/Paseo Farmers Market	OKC	Farmers Market	Site visit, Farm hub
Oklahoma Tulips	Harrah	Horticulture	Attended soft opening, created marketing materials for social
Oklahoma Tulips	Harrah	Horticulture	Dropped off OK Grown stickers

Stockyards	Oklahoma City	Farm & Ranch	Visited with Minnesota Leadership Program
Fair-Weather-Friend	Oklahoma City	Breweries	Visited with Minnesota Leadership Program
Canadian River Brewing	Chickasha	Breweries	Dropped off new beer trails and stickers
Oklahoma Heritage Farm Store & Fall Festival	Ramona	Pumpkin Picking, Mazes, Farm-to-Table, Teachable Moments, Petting Farm	First stop on the OKLAS Rolling Agritourism Bus tour
Owasso Christmas Tree & Berry Farm	Owasso	Christmas Trees, U-Pick, Farm-to-Table	Second stop on the OKLAS Rolling Agritourism Bus tour
Marshall Brewing Company	Tulsa	Breweries	Third stop on the OKLAS Rolling Agritourism Bus tour
Joe's Farm	Bixby	Farm-to-Table, U-Pick, Farmers Market, Horticulture	Final stop on the OKLAS Rolling Agritourism Bus tour

#### **Agritourism - New Producers or Potential Producers**

Producer	Location	Category	Highlights
OK EAT (Oklahoma Energy & Agricultural Training)	Bartlesville	Farm-to-table	Site visit, Unique attraction featuring mini John Deere Gators and other farm vehicles for rent for kids to drive around, hoping to see produce sold and u-pick flowers
Donkey Dairy	Luther	Petting Farm	Site visit, Added to program
Buffalo Point Retreat	Waukomis	Vineyard/winery, country stay, wedding venue	Site visit, Added to program
Safari Creation Wildlife Park	Wyandotte	Petting Farm	Site visit, Added to program
Thrive Flower Farm	Stillwater	Horticulture	Site visit, added to program
Tahlequah Farmers Market	Tahlequah	Farmers Market	Dropped off OK Grown Bags
Creekside Berry Farm	Red Oak	U-pick, Farm-to-Table	Dropped off OK Grown Bags, liability signs, brochures
Old Tymers Farmers Market	Wilburton	Farmers Market	Dropped off OK Grown Bags
Flix Brewhouse	Oklahoma City	Breweries	Added to the OK Craft Beer Trail
Romance Blooms	Stillwater	Horticulture/U-Pick	Site visit, added u pick flowers to program

#### **Agritourism - Other Activities**

- Oklahoma Wine Trails app
  - Officially launched OK Wine Trails App
  - 400+ downloads after one week
  - Interview with KOCO 5: <https://www.koco.com/article/oklahoma-wine-trails-app/39692520>
  -
- OKLAS
  - Hosted and coordinated 3-day OKLAS event including workshops, breakout sessions and bus tours: 70 virtual and 191 in-person

- Phone consult/conversations with: Cashion FM, Buffalo Point Retreat, Red Bird Farm – hoping to add Farm Hub, Yarrowhead – hoping to add farmers market, trying to add agritourism,
- Email consultation with: Cashion FM, Yarrowhead FM, Lakeview FM, Red Bird FM, Mayes Co. FM
- Zoom consults: Melissa Fleming – NW OK ranch, Marak Family Farm – adding agritourism, Mayes Co. Farmers Market questions, Freedom store MIO/farmers market,
- Attended the ADDYs – Award ceremony for marketing pieces – Oklahoma Agritourism seasonal guides won a Silver ADDY
- Presentation to El Reno Atheneum Club about agritourism attractions
- Meeting with Jenn Maynard with Artio Services – discussed agritourism venues partnering with local artists
- Assisted Emily Shuping with MIO Coalition Legislative Reception
- Assisted with Ag Day at the Capitol
- Meeting with Stacy Tomas and Tony Collins, Hospitality and Tourism at OSU
- Presented to Stacy Tomas’ tourism class at OSU
- Presented to Oklahoma County OSU Extension Eastside Farmers Market vendors
- Attended Oklahoma Local Ag Collaborative meeting
- Hosted Minnesota Ag Leadership Program participants
- Judge the Oklahoma Youth Expo Ag achievement contest
- Meeting with with Tabbi Burwell, OCBA, brainstorming starting Craft Beer Passport program
- Speak to OSU Ag Communications writing classes about agritourism in Oklahoma, assist in students’ agritourism projects
- Meeting with 4-H Healthy Living Ambassador leader about grant project
- Attended and spoke at Craft Beer Forum of Oklahoma at OSU
- Work with Food Safety Division to create a Produce Safety Guide
- Work with Food Safety Division to modify and add Food Freedom Act information to Bringing Farm to Market Guide

## **ECONOMIC DEVELOPMENT**

Activity	Action
Agriculture Enhancement & Diversification Program	April 1 <sup>st</sup> was the deadline to submit applications to be considered during the selectin committees Quarter 2 meeting on May 4 <sup>th</sup> . Three (3) Ag Event grant applications were submitted along with Two (2) Farm Diversification grants.
Healthy Food Financing Program	April 1 <sup>st</sup> was the deadline to submit applications to be considered during the selectin committees Quarter 2 meeting. One (1) application was submitted for consideration.
2022 SCBG application	A total of 11 applications were submitted and forwarded to an external review committee. The committee scored the applications, and the highest-ranking proposals were invited to participated in phase 2 of the selection process by presenting their proposal to the committee and answering questions. At the end of the day the committee recommended

	funding eight (8) proposals. Oklahoma will receive \$574,883.73 to fund projects this year.
Rural Oklahoma Food Animal Veterinary Grant	The Oklahoma Department of Agriculture offered a new grant program to help fund rural veterinarians. Ten (10) \$15,000 grants will be provided to veterinarians focusing on beef, swine, sheep, goats and poultry.
2021 H.R. 133 SCBG	USDA -AMS approved the State Plan that was submitted for \$797,812.77 to fund nine (9) projects. ODAFF is currently working to get contractual agreements in place. Recipients will have 3 years to complete their projects.
OKC West Cattle Grading Contest	In conjunction with the OKC Farm Show a cattle grading contest was held at the OKC West livestock auction in El Reno on April 8 <sup>th</sup> . Participation was up over 100 kids from the previous year with over 415 contestants. Market Development and USDA Market News staff serve as officials. During the contest, youth are tested on their ability to evaluate the carcass quality and projected growth pattern of beef cattle. The students determine the animal's gender, age, frame size, muscling and body condition. Each contest is starts by conducting a training "school" about the USDA grading system and providing some examples of animals during that time

## **FARM TO SCHOOL**

Project	Details	Location
Local Food for Schools, USDA AMS	ODAFF is likely the entity to take charge of this project so I have been participating in calls and meeting in order to coordinate entities.	
School Gardens, USDA SCBG	Planting has begun, each planting day includes a day of lessons and coursework for students.	

## **INTERNATIONAL**

Activity	Action	Location
Certificate of Free Sale	<ul style="list-style-type: none"> <li>• QSM</li> <li>• Shawnee Mills</li> </ul>	



Food Export	<ul style="list-style-type: none"> <li>• Attended the Food Export Spring Directors Meeting in Chicago, IL</li> <li>• Updates from our FAS/USDA officer on the latest MAP program updates,</li> <li>• Farm Bill &amp; FTA agreements update from NASDA RJ Karney</li> <li>• Provide a state update and heard from all 13 states on their international updates.</li> <li>• All proposed projects for the 2023 UES were presented.</li> <li>• Continuing to complete tasks for the National Restaurant Show coming up in May, OK will have a booth at the show and we have one company that will be attending, Mountain View Meat Company</li> </ul>	
OKIE (Oklahoma Israel Exchange)	<ul style="list-style-type: none"> <li>• Met with the executive director, Edie Roodman, to discuss our viticulture collaboration since the departure of the Extension appointment at OSU</li> <li>• The next event will be May 12<sup>th</sup> at 6:30 at Discover #stateofstyle</li> </ul>	
USLGE	<ul style="list-style-type: none"> <li>• Competed application for UES proposal for Cattlemen's Congress next January and a possible inbound mission in the summer of 2023</li> <li>• Reaching out to the breed associations to id the correct contacts for the program</li> </ul>	
Market Development Events	<ul style="list-style-type: none"> <li>• Oklahoma Local Ag Summit &amp; attended the Oklahoma Agritourism Rolling Workshop</li> <li>• MIO Legislative Reception</li> <li>• Ag Day at the Capitol</li> </ul>	
National Livestock Credit Corp	<ul style="list-style-type: none"> <li>• Still waiting for APHIS to connect with the Israel staff to make the visit to OK</li> </ul>	
FAS	<ul style="list-style-type: none"> <li>• Spotlight on Kenya</li> <li>• OK/Romania Call</li> </ul>	
GIT ( Governor's International Team)	<ul style="list-style-type: none"> <li>• Continuing plans for the Oklahoma Consular Summit Oct 18-19<sup>th</sup> in OKC and the World Trade Conference Oct 20<sup>th</sup> in Tulsa</li> </ul>	
ODOC	<ul style="list-style-type: none"> <li>• EU Ambassador to the US will be visiting April 29<sup>th</sup></li> <li>• France Ambassador to the US will be visiting April 18<sup>th</sup></li> </ul>	

## **MADE IN OKLAHOMA COALITION**

### **Made in Oklahoma Coalition – Advertising, Web and Social Traffic**

<b>Type</b>	<b>\$ Spent</b>	<b>Highlights</b>
MIO Featured Monthly Recipes in Tulsa World and Oklahoman	\$500/month each	Featured press release and 1-2 showcased recipes in food section
Marketing, Consulting and Graphics Retainer with Krush	\$5,500	Social media posts, digital presence, analytics, management of content and creation of digital footprint, graphic design, etc.
MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 & 9 in OKC	OKC – 18 appearances Tulsa – 6 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
2021 Media Campaign	See monthly co-op advertising report	Direct link to the monthly reports (April data is being gathered now): <a href="https://docs.google.com/spreadsheets/d/1KavbhMdd1nDfRktRwRFtJlpXrFRYIxoU1a59HFFoxd4/edit?usp=sharing">https://docs.google.com/spreadsheets/d/1KavbhMdd1nDfRktRwRFtJlpXrFRYIxoU1a59HFFoxd4/edit?usp=sharing</a>
Restaurant of the Month	Each month staff, along with Food Service Committee present the restaurant with their award and eat lunch as a group at their establishment.	<b>February</b> – Scratch Kitchen – Paseo Arts District, OKC <b>March</b> – The Lumber Shack – Harrah, OK <b>April</b> – MAD Eats – Owasso, OK
Social Media Stats	Staff, and MIO media committee plan social content each month with our advertising agency, Krush Digital Marketing.	Twitter: 5,539 Instagram: 5,058+ Facebook: 24,534+ Pinterest: 2,325  A total of 3,434 new followers were gained at the end of Q3.
MIO Monthly Newsletter Re-launch		<ul style="list-style-type: none"> <li>○ 1790 distribution list</li> <li>○ 1273 opens</li> <li>○ 333 clicks</li> </ul>
Edible OKC March/April feature:	Ad features MIO coffee recipes three ways:	<ul style="list-style-type: none"> <li>- Iced Cinnamon Honey Latte</li> <li>- Espresso Martini</li> <li>- Chocolate Fudge Swirled Ice Coffee</li> </ul>
MIO Thunder Promotions & Court Cart	MIO Presence at Thunder Games: <ul style="list-style-type: none"> <li>- 3.4 v. Minnesota</li> <li>- 3.8 v. Bucks</li> <li>- 3.30 v. Atlanta</li> <li>- 4.3 v. Suns</li> </ul> MIO food items featured in MIO Court Cart:	Staff worked with Exec. Chef Andrew Murin to source MIO items and develop menu

	<ul style="list-style-type: none"> <li>- New dining concept features MIO menu items</li> </ul>	
OK Living Partnership highlighting MIO Recipes	<p>Launched Feb 1<sup>st</sup> – July 31<sup>st</sup> (will re-evaluate partnership at that time)</p> <ul style="list-style-type: none"> <li>- Highlights 2-3 MIO recipes per month</li> <li>- Free publication to electric coop members</li> </ul>	MIO provides recipe content and OK Living does the ad design
Recipes of the Month	MIO recipes are developed each month highlighting member company products.	<p><b>February:</b> Brownie Bottom Cheesecake BBQ Pork Sliders</p> <p><b>March:</b> Caesar Salad Flatbread Pizza One-pot Beer Braised Pork Roast Sheet Pan Quesadillas with Jalapeno Ranch Dip</p> <p><b>April:</b> Spinach and Berry Salad with Candied Pecans Greek Salad Flatbread</p>
Jan/Feb Retailer of the Month	Doc's Country Mart – Bixby, OK	Staff coordinated with owner and store manager to create new signage and displays for their stores highlighting MIO products.
March Retailer of the Month	Pruett's Foods/Uptown Grocery	
April Retailer of the Month	Crest Foods, 8 Metro Locations	

#### Made in Oklahoma Coalition – Other Activities

Activity	Information
<p>OALP DC Trip</p> <ul style="list-style-type: none"> <li>- February 27<sup>th</sup> – March 6<sup>th</sup></li> </ul>	Staff attended the National Government OALP Session where we visited Pennsylvania and Washington DC for 10 days. It was a fantastic trip and learning opportunity.
<p>MIO Meetings</p> <ul style="list-style-type: none"> <li>- Feb. 4<sup>th</sup></li> <li>- March 11<sup>th</sup></li> <li>- April 8<sup>th</sup></li> </ul>	Staff and MIO president Courtney Talbot led the monthly membership meeting. February and March meetings were held on Zoom and the April meeting was held in person at ODAFF.
<p>Lazy E Calcutta Auction Meal Sponsorship</p> <ul style="list-style-type: none"> <li>- March 9<sup>th</sup></li> </ul>	MIO sponsored this meal in conjunction with 10 member companies whose products were featured in the dishes served that evening.
<p>Uptown Grocery Local Products Fair</p> <ul style="list-style-type: none"> <li>- March 10<sup>th</sup></li> </ul>	Over 12 MIO companies participated in the Uptown Grocery Local Vendor Fair. This was a very successful event that was well attended by area shoppers. Ray Pruett, owner of the store was thrilled with the event and has continued to hold one per quarter moving forward. This event was promoted on social media and drove some of our highest social traffic of the month.

MIO Legislative Reception - March 23 <sup>rd</sup>	The MIO legislative reception provides a fantastic networking opportunity between MIO members, restaurant and retail partners, legislators, state officials, and folks in the Food and Ag space. We provided a fantastic meal catered by Head Country BBQ and Kam's Cookery featuring MIO cocktails, brews and desserts. Additionally, both Governor Stitt and Secretary of Agriculture Blayne Arthur spoke at the event.  <b>Link to Legislative Reception video:</b> <a href="https://www.youtube.com/watch?v=Md9bc5Ia9BY&amp;feature=youtu.be">https://www.youtube.com/watch?v=Md9bc5Ia9BY&amp;feature=youtu.be</a>
Affiliated Food Show Amarillo - March 24 <sup>th</sup>	Seven MIO members participated in the Affiliated Foods Spring Show in Amarillo TX.
Ag Day at the Capitol - March 24 <sup>th</sup>	Ag Day at the Capitol provides MIO companies a great opportunity to feature their products to visitors, legislators, and staffers at the Oklahoma State Capitol. This year's event was a huge success. 4 MIO Coalition members participated in this event.
MIO Goody Bag Handout at the Capitol - March 29 <sup>th</sup>	Since legislators weren't able to make it to the Legislative Reception, staff and members planned a day to hand the bags out to the legislators. It was a success and many of the legislative staffers posted about the bags they received on social media.
MIO House Presentation to OKC Thunder & Paycom Center - March 30 <sup>th</sup>	MIO recognized the Paycom Center as the first ever "MIO House" on March 30 <sup>th</sup> . To be recognized as an MIO house, a venue must commit to utilizing Oklahoma-made ingredients whenever possible. The Paycom Center sources products from over twenty Oklahoma food and beverage companies and features these products in eating establishments and bars in dining concepts throughout the concourse.
Homeland Retail Promotions and First Sunday Event - April 3 <sup>rd</sup>	To support the grand opening of the new Homeland store on 36 <sup>th</sup> and Lincoln, MIO set up demo's with companies throughout the new store. Members reported selling cases of product and meeting new demographics of customers at the event. These events continue to happen on the first Sunday of each month.
Crest Foods Table Top Trade Show - April 7 <sup>th</sup>	12 MIO members participated in the Crest Foods Table-top Trade show. All buyers from Crest stores attended this event and visited with members in their category. All members reported positive results and a few members were brought into the Crest stores.

## **MADE IN OKLAHOMA PROGRAM**

<b>Meeting/Event</b>	<b>Date</b>	<b>Location</b>	<b>Details</b>
MIO/TSF	Feb. 28	Virtual	Met with staff from Tulsa State Fair to discuss Made in Oklahoma building and what that will look like in 2022.
Freedom, OK Market	March 22	Virtual	Met with Valerie to discuss Made in Oklahoma event, grocery store, farmers market/farmers market hub in Freedom.

Oklahoma Christmas Show	March 25	Virtual	Discussed having a Made in Oklahoma section at the Oklahoma Christmas Show -coming to OKC.
FAPC Basic Training	March 31	Stillwater	Gave presentation over Made in Oklahoma Program for Basic Training students
Whole Foods	April 1	Virtual	Met with Perry Fink, the local forager for Whole Foods to discuss getting Made in Oklahoma products into Oklahoma Whole Foods stores
NAAMO Update	April 4	OKC	Discussed planning for NAAMO Conference to be held in Oklahoma in July
Toured the Palace	April 5	El Reno	Toured venue for potential spot for Made in Oklahoma Showcase
Toured Route 66 Interpretive Center	April 6	Chandler	Toured venue for potential spot for Made in Oklahoma Showcase
MIO Coalition Meeting	April 8	OKC	Monthly coalition membership meeting
Toured the Grand Canadian Theatre	April 8	Purcell	Toured venue for potential spot for Made in Oklahoma Showcase

Events	Date	Location	Details
Tulsa Home and Garden Show	March 10-13	Sage Net - Tulsa	We had a Made in Oklahoma section of 10 booths, 22 Made in Oklahoma companies participated in the show total.
Ag Day at the Capitol	March 24	State Capitol	37 Made in Oklahoma companies and Ag groups set up in the 2 <sup>nd</sup> floor Rotunda, heard compliments of this being the best Ag Day yet!

#### **New Producers:**

- Sunny Girl Sundries
- Lucky 7 Leather Co.
- Scissor-Tail Yarn & Fiber Mill
- Hey There, Honey
- Gyllian's Unbelievable Cupcakes
- ARTISH: Hand-Crafted Goods
- Webster Creative
- Author Debbie Fogle
- Creative Quills Publishing
- Chill-N-Reel
- Turkey Spur Leather
- Silver and Sage

- Barney Family Farm
- Okie Watercolors

Other Made in Oklahoma Activities:

- Helped with Oklahoma Local Ag Summit (March 1-3)
- Helped with MIO Legislative Reception (March 23)
- 2022 Ag Day at the Capitol
- 2022 Tulsa Home and Garden Show
- Planning for 2022 Ag on Lincoln
- Planning for 2022 Made in Oklahoma Showcase
- Planning for 2022 Tulsa State Fair
- Planning for 2022 Oklahoma State Fair
- Sent out information for other various events and marketing opportunities for Made in Oklahoma Program Members
  - Del City Small Business Market
  - Retail locations looking to add Made in Oklahoma Products
  - Retailer Assistance – created and sent out survey to determine challenges in the retailer/wholesale space
  - Potential Tulsa Fest (put on by Craft Brewers Association)
  - Social Media Reels – Aubrey to make reels with videos companies submit
  - Whole Foods Potential Supplier application
  - Whole Foods Accelerator Program

## **MARKET NEWS SERVICES**

**February 18, 2022 – April 8, 2022**

- **Grain Report:**

	<b>February 18, 2022</b>	<b>April 8, 2022</b>	<b>DIFFERENCE</b>
<b>WHEAT: (bu)</b>	\$7.85-\$8.50	\$9.85-\$10.67	\$2.00 to \$2.17 Higher
<b>MILO: (bu)</b>	\$6.14-6.74	\$7.21-\$7.69	\$1.07 to \$0.95 Higher
<b>SOYBEANS: (bu)</b>	\$15.11-\$15.41	\$15.73-\$16.20	\$0.62 to \$0.79 Higher
<b>CORN: (bu)</b>	\$6.39-\$7.16	\$7.51-\$8.29	\$1.12 to \$1.13 Higher
<b>COTTON: (lb)</b>	116.66 cents	125.91 cents	9.25 cents Higher

- **OKC NATIONAL STOCKYARDS (OKC) STEER AND HEIFERS**

### **FEEDER STEERS**

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

- (04-06-21) \$160.00-185.00 Wtd. Avg \$172.50
- (04-05-22) \$192.00-211.00 Wtd. Avg. \$201.50

### **HEIFERS**

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

- (04-06-21) \$144.00-159.00 Wtd. Avg \$151.50
- (04-05-22) \$155.00-191.00 Wtd. Avg. \$173.00

- **Weekly Report:**

○ Seven weekly Oklahoma Market Reports were sent to 9,233 subscribers  
February 18, 2022 – April 8, 2022 (**up from 166 subscribers last report**).

- **Voice Messaging System:**

The market news voice messaging system during

- Monthly Total: February 18, 2022 – April 8, 2022 **8,599 Accessed Times**
- Compared to Last Month: January 7, 2022 – February 18, 2022 **6,356 Accessed Times** Compared to Last Month: **Accessed Times-Is UP by 2,243**

- **Oklahoma Agriculture Market News**

- **Facebook Page**
  - Likes/Followers 249
  - **UP 20 Likes/Followers**

- People reached through pasted month: 685 people
- **UP 147 people reached**
- **Oklahoma Hay Directory**
  - Hay Directory has 27 growers still active. 8 new growers were added during this month.
- **Hay Report**

**This Month:** February 18, 2022 - April 8, 2022 Hay Traded 13,699

**Last Year** February 18, 2021 – April 1, 2021 Hay Traded 1,736

**UP 11,963 Bales Reported**

**Current: OKLAHOMA HAY MARKET REPORT  
4-8-22**

**Receipts: 3,545 Last Reported: 4,429 Year Ago: 0**

Compared to last report: We are lower in trades due to the transition period from winter hay into getting ready for spring cuttings. We are still in need of much-needed rain to help our wheat and hay fields. Especially in Western Oklahoma for they are still in extreme into exceptional drought conditions. Drought conditions from Central Oklahoma toward Eastern Oklahoma ranging from severe to no drought at all.

\*\*\* The next report release will be April 22nd. \*\*\*

#### **Central**

##### **Alfalfa: Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Ground	2	140.00	140.00 F.O.B	

##### **Alfalfa: Good (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	128	160.00	160.00	Delivered

##### **Bermuda Grass: Good (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	10	60.00	60.00	Delivered

##### **Grass: Good/Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	64	80.00	80.00	Delivered

#### **North Central**

##### **Bermuda Grass: Premium/Supreme (Ask/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Squares	50	9.00		F.O.B.

##### **Bermuda Grass Premium (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Squares	60	120.00		F.O.B.

##### **Bermuda Grass: Good (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	50	60.00		F.O.B.

##### **Prairie/Meadow Grass: Good (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	150	60.00	50.00	F.O.B.



**Prairie/Meadow Grass: Fair/Good (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	74	50.00	50.00	F.O.B.

**Northeastern****Alfalfa: Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	128	215.00	215.00	Delivered

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Ground	102	175.00	215.00	Delivered

**Grass: Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	170	145.00	145.00	Delivered

**Praire/Meadow Grass: Good (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	306	50.00	50.00	Delivered

**Praire/Meadow Grass: Good (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	170	65.00	65.00	Delivered

**Wheat Straw: (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Squares	500	125.00	125.00	Delivered

**Northwestern****Alfalfa: Supreme (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	128	2400.00	240.00	Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	192	220.00 220.00		Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Ground	4	160.00 160.00		Delivered

**Alfalfa: Fair/Good (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	167	130.00 130.00		Delivered

**Oat: Premium (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	350	130.00	130.00	Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	64	140.00 140.00		Delivered

**Wheat - Utility/Fair (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	408	100.00 100.00		Delivered/Old Crop

**Southeastern****Alfalfa: Good/Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	34	255.00	255.00	Delivered

**Bermuda Grass: Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	96	145.00	145.00	Delivered

**Southwestern****Alfalfa: Good (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	96	200.00	200.00	Delivered

**Grass: Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	42	90.00	90.00	Delivered

**Western****Alfalfa Premium (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	185.00		Delivered	

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	85.00			F.O.B.

**Grass: Good/Premium (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	80.00			F.O.B.

**Grass: Good/Premium (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	90.00		F.O.B.	

**MixednGrass: Good/Premium (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		75.00		F.O.B.



**Oklahoma Department of Agriculture,  
Food, and Forestry  
March 09, 2022 Board Report for the  
Agricultural Environmental Management Services  
Division - Activities from  
Dec. 26, 2021 thru Feb. 13, 2021**

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## **AEMS Division Monthly Activities**

- Representatives from the AEMS division participated in multiple Illinois River Watershed working group calls
- AEMS Field Inspectors attended the Erosion & Sediment Control Inspection for Certification.

### **AgPDES Permitting Activities**

- Number of AgPDES CAFO Authorizations this reporting period: 36
- Number of AgPDES PGP Authorizations this reporting period: 15
- Number of AgPDES CGP Authorizations this reporting period: 44

### **Complaints and Inspections**

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

11	Complaints received and investigated this reporting period.
11	Complaints closed this reporting period
Complaints Received - Breakdown	
Cattle - 1	
Swine – 1	
Poultry- 1	
Misc. Animal -1	
Other – 2	
Animal Shelter 0	
Pet Breeder 5	
95	Year to date complaints received in FY 22
50	Year to date complaints closed in FY 22
108	LMFO/CAFO inspections, plus technical assistance
293	Poultry inspections and technical assistance
27	Pet Breeders/Shelters inspections and technical assistance

### **CAFO and LMFO Activities - Month and Fiscal Year 2022**

	Feb 14th- Apr 3 <sup>rd</sup> 2022	FY 22 Total
Complaint or Compliance Follow-ups	18	133
Annual Inspections	86	663
Technical Assistance with Contacts	22	126
Site Visit/Review – No contact made	20	84

### **Poultry Activities – Month and Fiscal Year 2022**

	Feb 14th- Apr 3 <sup>rd</sup> 2022	FY 22 Total
Complaint or Compliance Follow-ups	5	25

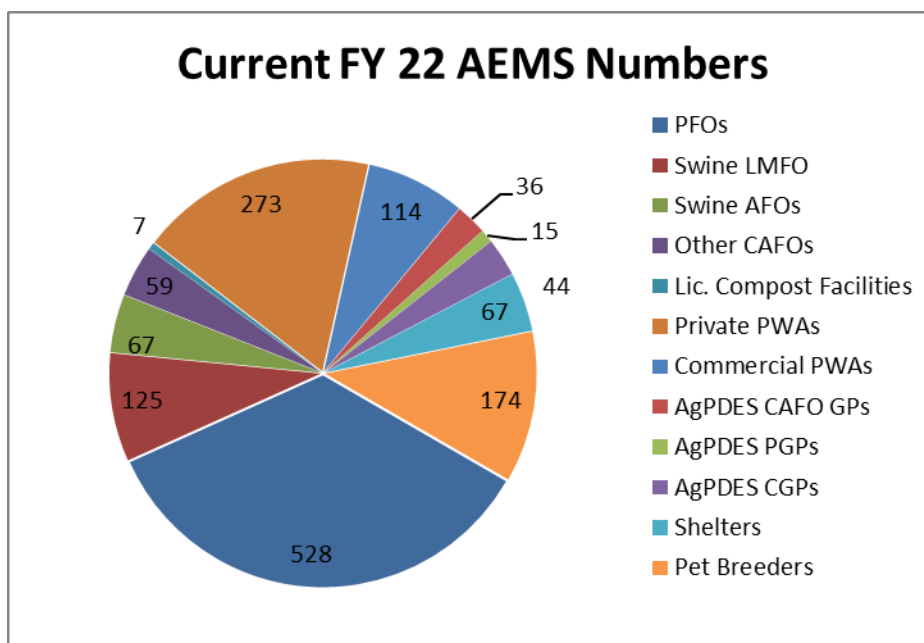
Annual Poultry Inspections	133	244
Poultry Technical Assistance	160	938
Site Visit/Review – No contact made	106	589
Eucha-Spavinaw CNMP Written	40	97

**Pet Breeders Activities – Month and Fiscal Year 2022**

	Feb 14th- Apr 3 <sup>rd</sup> 2022	FY 22 Total
Complaint or Compliance Follow-ups	16	46
Breeder/Shelter Annual Inspections	15	41
Breeder/Shelter Technical Assistance provided w/owner/operator	3	48
Breeder/Shelter Close out	2	20

**Composting Activities – Month and Fiscal Year**

	Feb 14th- Apr 3 <sup>rd</sup> 2022	FY 22 Total
Complaint or Compliance Follow-ups	18	22
Site Inspections (Annual or Compliance follow-up)	12	15
Technical Assistance provided with owner/operator	15	17



Respectively

Teena G. Gunter  
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE  
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**APRIL 2022 BOARD REPORT  
REGARDING FEBRUARY 21, 2022 THROUGH APRIL 10, 2022 ACTIVITIES  
OF THE  
OFFICE OF GENERAL COUNSEL**

**AMOUNT OF ADMINISTRATIVE FINES COLLECTED:**

<b>Amount to Date (2022)</b>	<b>Amount of Fines for this Board Meeting</b>
\$6,350.00	\$20,200
\$57,475	2021 Total (5/31-12/31/2021)

**CONTRACTS REVIEWED OR DRAFTED (54):**

Forestry - 6
Market Development - 11
Animal Industry - 2
Administration - 4
Wildlife Services - 26
CPS - 5

**ADMINISTRATIVE HEARING PROCEEDINGS:**

Total Number of Open Cases: 155
Total Number of New Cases: 17
Total Number of Cases Closed: 49
NOVs Sent: 31

**OTHER ACTIONS AND PROCEEDINGS:**

<b><i>Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF</i></b> , McCurtain County Case No. CV-2018-069. Petition for Declaratory Relief, etc. (Filed but not served on ODAFF as of 4/11/2022.) .
<b><i>W.L. Hardesty, et al., v. ODAFF and Cesar Cervantes</i></b> , Okmulgee County District Court Case No. CJ-2019-040: Petition served. Answer filed. Motion to Dismiss heard and denied September 4, 2019. Pending scheduling order.
<b><i>Kirk Marshall v. ODAFF</i></b> , Oklahoma County District Court Case No. CJ-2020-1347: Petition served. Time period tolled by Supreme Court Order until May 15, 2020. Answer

drafted and prepared for filing. Application for Injunction Denied. Answer filed. Hearing held. Amended Petition filed by Plaintiff. Answer to Amended Petition filed. District Court Order AFFIRMED by Court of Civil Appeals. ODAFF Amended Motion to Dismiss pending.
<b><i>Sam Withiam v. OK State Dept of Agriculture</i></b> , 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.
<b><i>Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry</i></b> , 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.
<b><i>Upton's Naturals Co v. Stitt and Arthur</i></b> , 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.
<b><i>William Grossman v. Lori Howard et al.</i></b> , 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 was not involved with the circumstances. The Attorney General's Office is handling this claim.
<b><i>Spring Creek Coalition v. ODAFF and Trong</i></b> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<b><i>Spring Creek Coalition v. ODAFF and Phan, et al.</i></b> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed. Discovery ongoing.
<b><i>Superior Termite &amp; Pest, Inc. V. ODAFF</i></b> , Tulsa County District Court Case No. CV-2022-200, Petition for Appeal from Final Agency Order served. Response Drafted. Pending scheduling order.

### **MEETINGS:**

<b>Date</b>	<b>Activity</b>
2/23/2022	Directors Meeting
2/24/2022	Legislative Monitoring Committee
2/24/2022	Illinois River Working Group
2/25/2022	OGC Staff
2/25/2022	Source Water Protection in Oklahoma
2/25/2022	OGC Staff Meeting
2/28/2022	Senate Agriculture and Wildlife Committee
3/1/2022	Settlement conference – Superior Termite
3/1/2022	RK Black Document Review
3/1/2022	House Agriculture Committee
3/1/2022	OBA GALPS regular meeting

3/2/2022	EPA Region 6 Administrator Agriculture Meet and Greet
3/3/2022	AgPDES
3/3/2022	Directors Meeting
3/3/2022	OSBI CLE
3/7/2022	Water Reuse Action Plan
3/9/2022	State Board of Agriculture
3/9/2022	OBA Women in Law Section
3/10/2022	Advancing Oklahoma
3/10/2022	OSBI CLE
3/10/2022	Illinois River Working Group
3/11/2022	Illinois River SWAT
3/14/2022	Toured Poultry Farm with AEMS and Inspectors
3/14/2022	AALA 2022 Symposium Planning Committee
3/14/2022	Elevate UAS
3/15/2022	Workday Security Role Q&A
3/15/2022	OGC Laserfiche Training
3/16/2022	Collections Meeting
3/17/2022	OSBI CLE
3/22/2022	OBA Day at the Capitol
3/23/2022	Directors Meeting
3/23/2022	Considering Carbon: Understanding the Legalities of Soil Carbon Sequestration Contracts
3/23/2022	GovQA Redaction Training
3/24/2022	Ag Day at Capitol
3/24/2022	Illinois River Working Group
3/28/2022	HB1512
3/29/2022	Directors Meeting
3/29/2022	Attorney General re: Fire Marshal
3/29/2022	Legislature re: Nutrient Management Plan bill
3/30/2022	Tour Shawnee Lakes Area
3/31/2022	OGC Staff
3/31/2022	OSBI CLE
3/31/2022	AgPDES Meeting
3/31/2022	Illinois River Working Group
4/4/2022	Senate Agriculture and Wildlife Committee
4/4/2022	Directors Meeting
4/5/2022	OBA GALPS
4/5/2022	Legislature re: Nutrient Management Plan bill
4/5/2022	Intern Interview
4/5/2022	House Agriculture Committee
4/6/2022	OMES Workday meeting
4/6/2022	Intern Interview
4/6/2022	Murphy Brown Project
4/7/2022	Commissioners of Land Office

## **RULE ACTIVITIES:**

<b>Chapter 1. Administrative Operations (Permanent FY 2022):</b> Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
<b>Chapter 10. Agricultural Products (Permanent FY 2022):</b> Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
<b>Chapter 13. Fuel Alcohol (Permanent FY 2022):</b> Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
<b>Chapter 15. Animal Industry (Permanent FY 2022):</b> Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
<b>Chapter 30. Consumer Protection (Permanent FY 2022):</b> Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
<b>Chapter 37. Food Safety (Permanent FY 2022):</b> Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
<b>Chapter 40. Market Development (Permanent FY 2022):</b> Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
<b>Chapter 44. AgPDES (Permanent FY 2022):</b> Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
<b>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2022):</b> Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
<b>OHRC</b>
<b>Chapter 40. Veterinarian Practices and Restrictions (Permanent FY 2022):</b> Permanent rules adopted by Commission February 17, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 24, 2022. Statement of Submission filed with Office of Administrative Rules February 24, 2022.



<p><b>Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2022):</b> Permanent rules adopted by Commission February 17, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 24, 2022. Statement of Submission filed with Office of Administrative Rules February 24, 2022.</p>
<p><b>Chapter 60. Running the Race (Permanent FY 2022):</b> Permanent rules adopted by Commission February 17, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 24, 2022. Statement of Submission filed with Office of Administrative Rules February 24, 2022.</p>
<p><b>Chapter 65. Pari-Mutuel Wagering (Permanent FY 2022):</b> Permanent rules adopted by Commission February 17, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 24, 2022. Statement of Submission filed with Office of Administrative Rules February 24, 2022.</p>

### **OPEN RECORDS REQUESTS (14):**

AEMS: 9
CPS: 2
AIS: 3

### **OKLAHOMA HORSE RACING COMMISSION**

<p><b>Litigation: Alfredo Gomez and Cruz Villafranco v. OHRC,</b> Oklahoma County District Court Case No. CV-2020-430: Petition served. Response filed. Petitioners' Motion for Partial Summary Judgment responded to. Pending hearing.</p>
<p><b>Litigation: Oscar Nunez v. OHRC,</b> 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.</p>
<p><b>Litigation: Josue Ponce v. OHRC,</b> Oklahoma County District Court Case No. CV-2020-815: Petition for Review of Final Agency Order filed. Response filed.</p>
<p><b>Litigation: Miguel Pena v. OHRC,</b> Oklahoma County District Court Case No. CV-2019-179: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held October 11, 2019. TRO entered. Amended Petition for TRO heard May 15, 2020. TRO denied. Permanent injunction denied. Pending Motion to Dismiss.</p>
<p><b>Litigation: Jose Sanchez III, et al. V. Global Gaming, Heritage Place and OHRC,</b> Oklahoma County District Court Case No. CJ-2020-2395: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held May 26, 2020. TRO denied. Further action pending.</p>
<p><b>Litigation: Sammy Howard v. OHRC,</b> Oklahoma County District Court Case No. CV-2020-1921. Petition served. Response filed. Briefs filed. Oral arguments held. Remanded for further proceedings. Motion hearing set 4/22/2022.</p>
<p><b>LITIGATION: Rogelio Marquez, Jr. V. OHRC,</b> Oklahoma County District Court Case No. CJ-2021-3393. Petition filed. Injunction sought. Hearing held; Injunction denied. Pending further proceedings.</p>

<b>Litigation: Carlos Ruiz v. OHRC</b> , Oklahoma County District Court Case No. CV-2021-2591. Petition Served. Response filed.
Prepare cases for presentation at Stewards Hearings
Prepare cases for presentation in District Courts
Provide discovery to opposing counsel and Respondents regarding various hearings
Stewards Hearings at Remington Park
Stewards Hearing at Will Rogers Downs
Hearings in District Courts
Prepare and file Response to Petition for Temporary Restraining Order and Injunction
Prepare and file Motion to Dismiss
Argue appeals at regular session of the Oklahoma Horse Racing Commission
Discuss possible rule revisions/amendments with Executive Director
Draft proposed rule revisions
Advise Executive Director on extent of delegated authority
Discuss certain policy issues with Executive Director
Review communication from Respondents' counsel in various cases
OHRC regular meeting
Supervise and direct OHRC legal intern
Attend ARCI Rules Committee meeting
Consult with OHRC regarding gaming issues
Attend briefings and meetings regarding Horse Racing Integrity and Safety Act (HISA)

### **OTHER ACTIVITIES:**

Phone calls or emails with the public: 78
Assistance to AEMS: 12
Assistance to CPS: 33
Assistance to Wildlife Services: 2
Assistance to Forestry: 13
Assistance to AIS: 9
Assistance to Admin: 10
Assistance to Market Development: 12
Assistance to other state or federal agencies: 10
Assistance to Food Safety: 14
Assistance to NASS: 0
Assistance to Executive Office: 6
Assistance to Lab: 45
Assistance to Investigative Services: 1
Assistance to Legislature: 4

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Teena G. Gunter', with a long horizontal flourish extending to the right.

Teena G. Gunter  
General Counsel

## **FOOD SAFETY REPORT APRIL 2022**

### **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 2,623,276 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA Shell Egg grading on 82,560 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. Bryan Buchwald attended the online National Egg Regulatory Officials Annual Conference & Training Seminar. At Dorada Foods in Ponca City a Child Nutrition Labeling Program Review was conducted under the USDA cooperative agreement.

#### **Organic Foods Section**

Organic inspectors completed compliance and certification inspections at:

- Nine organic crop producers
- One organic livestock producer
- Five organic processors
- Eight retail organic inspections
- 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 7 requests for organic crop applications, 3 requests for organic processing applications and 3 requests for organic livestock applications.

#### **Produce Safety Section**

- Conducted On-Farm Readiness Reviews to help producers prepare for inspection
- Contacting and visiting farms to determine coverage/exemption under the Produce Safety Rule
- Hosted 3 Produce Safety Alliance grower courses
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Quarterly FDA monitoring call
- Presented information about the Produce Safety Rule through an outreach table at the Oklahoma Local Ag Summit
- The Produce Safety staff participated in the Partnership for Food Protection Conference
- Justin McConaghy attended the Mid-Continental Association of Food and Drug Officials educational conference
- Assisted with NASDA workgroup for Produce Safety Program Standards development
- Assisted with AFDO Produce Safety Committee conference planning
- Sent an e-mail newsletter to inform constituents of the latest information

## Oklahoma Meat Inspection Services Investigations and Compliance Activities

Planned Compliance Reviews	08
Random Compliance Reviews	188
Person-to-Person Contacts	85
Special Investigations and/or Projects	04
Reports of Apparent Violations	01
Detentions	00
Consumer Complaints	13
Verbal Warnings Issued	04
Letters of Warning Issued	01
Samples Submitted to Lab for Analysis	00
Accident Investigations	02
Administrative Procedures Act	00

### See details below:

ACCIDENT LOCATION	ANIMAL/PRODUCT	DISPOSITION
I-35 & HWY 51 W. of Stillwater, OK	98 Mixed Cattle	16 dead, taken to OKC Landfill
HWY 64 ½ miles E. of Rosston, OK	1232 – 30 lb cases (40158 lbs) frozen beef livers	All products were sent back for re inspection at Natural Beef in Dodge City, KS

### Highlighted Activities

During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out one (1) Letter of Warning for Violations of the Oklahoma Meat/Poultry Inspection Act and/or State Statutes.

### **Meat Inspection**

Meat Sample Activity:	
Samples Submitted for Analysis	28
Samples Not Analyzed	0
Samples Analyzed	28
Samples Non-Compliant	0
Samples Negative results	28

March 11

Dr. Hardage, Jim Sharp and Thomas Stephens conducted interviews for 2 positions in the Southeast district. We hired Wade Kuntz and Perry Kell.

March 22.

Thomas Stephens met with the Adair County extension agent Jennifer Patterson to speak at the “Beginner Farmer & Rancher Program “.

March 30

Scott Yates spoke and presented a presentation to the Ripley High school and Middle school.

## MEAT INSPECTION

<b>Number of Cattle</b>	<b>626</b>
<b>Total Beef Condemned</b>	<b>0 lbs</b>
<b>Number of Swine</b>	<b>42</b>
<b>Total Pork Condemned</b>	<b>0 lbs</b>
<b>Number of Sheep and Goats</b>	<b>1850</b>
<b>Total Condemned</b>	<b>0 lbs</b>
<b>Number of Chickens</b>	<b>400</b>
<b>Total Condemnations</b>	<b>0 lbs</b>
<b>Number of Exotic Deer</b>	<b>0</b>
<b>Total Condemnations</b>	<b>0 lbs</b>
<b>TOTAL MEAT INSPECTED</b>	<b>469,350 lbs</b>

## PROCESSED MEAT INSPECTED

<b>Processed Red Meat</b>	<b>541,660 lbs.</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Poultry (Portions)</b>	<b>208,998 lbs</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Rabbit Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Exotic Deer Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>TOTAL PROCESSED MEAT INSPECTED</b>	<b>750,658 lbs</b>

## DAIRY SECTION

Jayson Jones inspector at Dairy Services passed her environmental sanitarian licensing exam and is expected to be approved by the board soon. This certification requires ongoing education that allows our employees to be knowledgeable on the steps necessary to protect our dairy supply.

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 staff will meet with Swans Dairy on April 14 to review and discuss their Food Safety and Recall plan. Suspension of permit shall still be enforced for the sale of raw milk sales. Dairy Services will need to approve the Safety and Recall plan before being reinstated for raw milk sales. FDA did a follow-up inspection and swab sampling on March 28 2022. All swabs where negative for listeria monocytogenes, inspection is still pending.

On April 13-14, 2022, Dairy Services assisted FDA with a check rating at Hiland Dairy in Norman. FDA Milk Specialists, Clinton George & Anna Tucker, conducted the check rating. This was a follow-up inspection related to last year's recall of 1% chocolate milk sold in half-pint containers. FDA indicated they were very satisfied with corrective actions taken by Hiland Dairy. FDA told Hiland Dairy they would receive a passing score.

Clint George with FDA did a record review of Oklahoma Triennial State Program Evaluation. The evaluation included Grade A Producers, Listed BTU's, Grade A Plants Listed, Grade A Plants Not Listed, Non Grade A Producers, Manufactured Dairy Plants, Receiving/Transfer Stations, Hauler/Samplers, Plant Samplers, Tankers, Milk Tank Truck Wash Stations, Single Service Manufacturers, Plant Samplers & Delegated SSO's.

Dairy Staff is still working with Red Ridge Creamery on becoming an IMS listed milk plant.

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive, flowing style.

Scott Yates  
Director of Food Safety



## Communications Board Report

March – April 2022

**Ag Youth Council Applications Open** | We are thrilled to announce that applications for the 2022-2023 Agriculture Youth Council are now open! Created by Sec. Blayne Arthur, the Agriculture Youth Council provides future agricultural leaders with an experience that cultivates professional development and deepens each student's knowledge of the many facets within the Oklahoma ag industry.

All incoming Oklahoma high school seniors with an interest in agriculture are eligible to apply for the council - membership in 4-H or FFA is not required. Applications are due April 29, 2022.

For more information about AYC and to apply, visit <https://ag.ok.gov/agriculture-youth-council/>



**Attended the BrucePak Ground Breaking** | Morgan Vance had the opportunity to celebrate the groundbreaking ceremony of a \$22.5 million expansion at [Brucepac](#) in Durant! This latest investment is projected to add more than 100 jobs to the Durant area.

They are a family-owned company with food processing facilities in Oregon and Oklahoma. Since 1949, BrucePac has produced fully-cooked and ready-to-eat beef, chicken, pork, turkey and plant-based protein products they sell nationwide to retail, foodservice, military and industrial markets.



**Thank you Letter Sent to the EPA |** We extended our appreciation to Administrator Regan and the Environmental Protection Agency for their decision and willingness to revise the Enlist One and Enlist Duo labels. Sec. Arthur sent off this letter to Washington, D.C. this afternoon to show Oklahoma's appreciation for this decision.

□ □

**HPAI Confirmed in Oklahoma |** A wild duck in Payne County is the first wild bird in Oklahoma to be confirmed to be infected with the Eurasian H5 type of highly pathogenic avian influenza.

“While Oklahoma has not seen HPAI in a backyard or commercial poultry flock this year, the finding of this single duck adds Oklahoma to a long list of states with confirmed cases of HPAI,” said Dr. Rod Hall, State Veterinarian for Oklahoma. “I encourage poultry owners of all kinds to continue to remain vigilant, practice good biosecurity and report sick or dying birds immediately.”

Symptoms of HPAI in poultry include: a decrease in water consumption; lack of energy and appetite; decreased egg production or soft-shelled, misshapen eggs; nasal discharge, coughing, sneezing; incoordination; and diarrhea. HPAI can also cause sudden death in birds even if they aren’t showing any other symptoms. HPAI can survive for weeks in contaminated environments.

This type of HPAI virus is considered low risk to people but can be very dangerous to poultry species which is an important part of Oklahoma’s agricultural industry.

**OYE Skillathon Contest |** Audrey Ochsner and Morgan Vance hosted the Skillathon contest at the OYE again this year. \$10,000 in scholarship money was distributed to students in three different age categories.

As we shared with EPA, this technology has been counted on by farmers to produce high-quality grain and fiber with the most efficient use of natural resources possible. With supply-chain disruptions and limited availability of alternative varieties, changing technology so close to planting and ultimately continuing business for many of these farmers created significant challenges.

While we understand the need to protect certain species, we appreciate the consideration of all available data to make these determinations. Your agency’s willingness to review additional information and revise the label restrictions based on new findings is not taken for granted by the Oklahoma Department of Agriculture, Food, and Forestry or Oklahoma’s farmers and ranchers.

As always, we appreciate the time and effort your team puts into the registration of these products to ensure the review and registration of these products is comprehensive and transparent so that technology can be utilized to the full extent possible to feed and clothe the world and also protect our land and water for future generations.

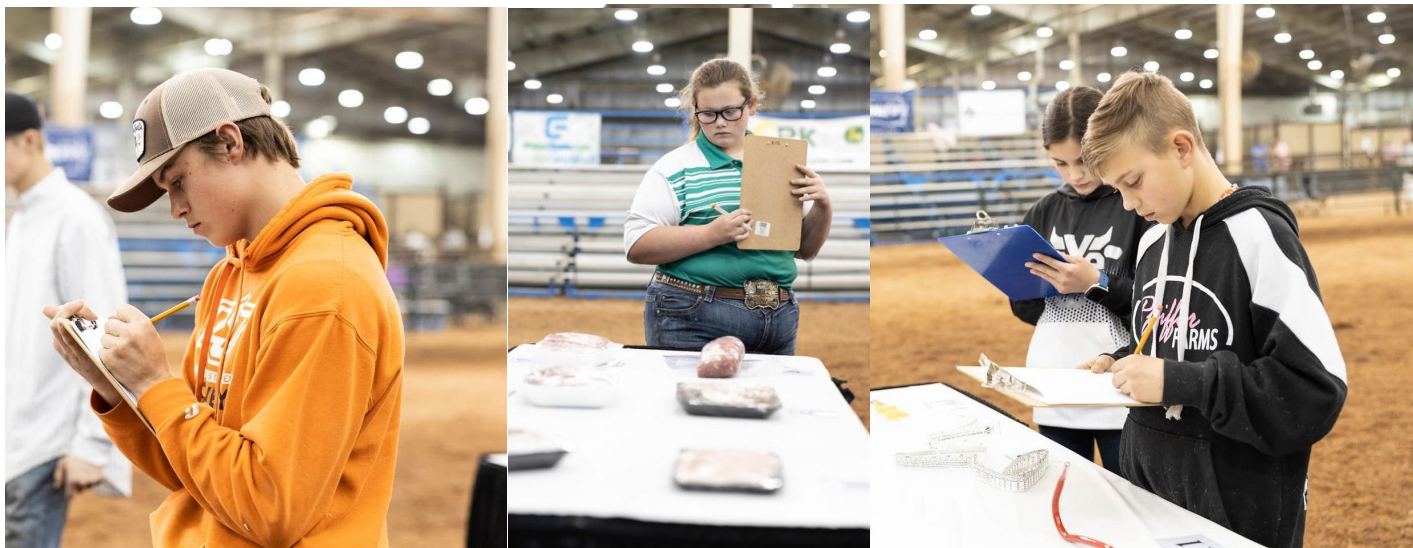
Sincerely,

*Blayne Arthur*

Blayne Arthur  
Oklahoma Secretary of Agriculture

2800 N. Lincoln, Oklahoma City, OK 73105 • (405) 521-3864





**Ag Day at the Capitol Recap** | In addition to celebrating Mr. Don Schieber, recipient of the 2022 Governor’s Outstanding Achievement Award in Agriculture, we recognized outstanding Agriculture Youth Council members and Oklahoma Ag in the Classroom teachers and students. Thank you to the agricultural organizations and interest groups, Made in Oklahoma companies and agriculturalists from across the state who contributed to making the day a success.

We are grateful to Governor Kevin Stitt, Lt Governor Matt Pinnell, and the Oklahoma Legislature for their continued support of the ag industry, and the work they do each day to ensure Oklahoma agriculture continues to thrive. To see more snapshots from the day, visit <https://odaff.smugmug.com/ODAFF-Events-/2022-Events>





**Don Schieber Inducted into Oklahoma Ag Hall of Fame |** Secretary of Agriculture Blayne Arthur is proud to announce Mr. Don Schieber as the recipient of the 2022 Governor's Outstanding Achievement Award in Agriculture. The Ponca City farmer will become the 25th inductee into the Oklahoma Agriculture Hall of Fame, the state's most prestigious agriculture award. Schieber will be arriving to the Annual Ag Day at the Capitol event in Oklahoma City via a mule team wagon on Thursday, March 24th at 8:00 a.m., alongside of Governor Kevin Stitt and Sec. Arthur. The Outstanding Achievement in Agriculture Award is the highest award given by the Governor to honor distinguished Oklahoma agriculture producers. This prestigious award honors leaders in the agriculture industry who exemplify personal values, performance, and achievement.



**Legislative Showmanship at OYE |** In early March, we watched more than 100 Oklahoma legislators and celebrities compete in the 2022 Legislative Show at the [Oklahoma Youth Expo!](#) Legislators are paired with a 4-H or FFA member from their district and work with their exhibitor's project to compete for top showman. This year, [Senator Roger Thompson](#) took home the Grand Champion Showman title.



JanLee Rowlett, Legislative Liaison for the Oklahoma Department of Agriculture, Food, and Forestry to provide an update on the 2022 Legislative session, including ODAFF bill requests and other ag legislative topics.

# **APRIL 27, 2022 BOARD MEETING**

## **PURCHASES/CONTRACTS**

### **Administrative Services**

**FY23 – OMES Central Printing - \$7,000**

**FY23- Presort Mail Services - \$6,000**

**FY23- ImageNet Consulting – \$13,000**

Annual Laserfiche software maintenance (LSAP) renewal for the agency document scanning software.

**FY23 - Compsource - Rural Firefighters Workers Compensation - \$171,300**

Premiums for insurance to cover the claims of injured rural firefighters. ODAFF would be in violation of state law. This would increase the state's liability in the event of the injury of uninsured rural firefighter. Legislative directed spending.

**FY23 - Rural Fire Pension Fund - \$92,000**

The Oklahoma Firefighters Pension and Retirement System shall determine the number of persons who are eligible members of the Oklahoma Firefighters Pension and Retirement System. Upon adequate documentation of membership in the Oklahoma Firefighters Pension and Retirement System pursuant to the provisions of subsection D of Section 351 of Title 19 of the Oklahoma Statutes, the State Department of Agriculture shall make a transfer payment from the Volunteer Firefighter Employer Contribution Payment Revolving Fund to the Oklahoma Firefighters Pension and Retirement System. The amount transferred shall equal the sum of Sixty Dollars (\$60.00) multiplied by the number of members as certified by the System to the Department. Legislative directed spending.

**FY23 AT&T Wireless - \$120,000.00**

This purchase is for the agency pooled plan cellular service. This purchase allows agency employees to conduct state official abroad which increases efficiency and productivity. This allows for internet connectivity to cell phones, hotspots and iPads. If not approved, the agency will become less efficient and greatly reduce agency response times and agency deliverables. This expense is vital to agency operations.

**FY23 Comdata Inc. - \$1,500,000**

This purchase is for agency fuel and maintenance of the fleet. Each agency vehicle is issued a credit card for fuel and maintenance purposes which are tracked on a monthly basis. If not approve, the agency will become less efficient and greatly reduce agency response times and agency deliverables. This expense is vital to ensure agency operations

**FY23 Agency Workers Comp Insurance premium - \$340,000**

Premiums for insurance to cover the claims of injured workers. ODAFF would be in violation of state law. If not approved, this would increase the State's liability in the event of the injury of uninsured state employees.

**FY23 Onsite Security Guard Services (Superior Security) - \$68,300**

The agency has an on-site security services for building and personnel safety. Without this service agency property and employee safety would be placed at a greater risk daily.

**FY23 Bank of America – Credit Card charges - \$30,000**

The State contracts with Bank of America to process credit card payments. If not approve, ODAFF will not be able to accept credit card payments in person, mail order or for the online store operated by Forestry.

**FY23 Federal Express - \$60,000**

This purchase is a release against the mandatory statewide contract for small package delivery. This allows for the agency to conduct daily mail services. Without this purchase the agency would be unable to send packages, thus resulting in potential work stoppage of agency activities.

**FY23 Petroleum Traders (Bulk Fuel) - \$60,000**

Forestry Services has several remote office locations with heavy firefighting equipment. Providing bulk fuel allows for these locations to fuel it firefighting equipment and remain in a ready status when dispatched. Without this purchase this could greatly reduce agency response times, thus putting the public and property at greater risk.

**FY23 National Association of State Departments of Agriculture (NASDA) - \$17,000**

NASDA grows and enhances agriculture by forging partnerships and creating consensus to achieve sound policy outcomes between state departments of agriculture, the federal government, and stakeholders. Without this membership the agency would no longer be allowed to vote/approve NASDA policy priorities. This would weaken agency partnerships and discontinue agency resources; such as member leadership, regulatory expertise, political connections, white papers and subject matter experts. NASDA's tactics support the strategic initiatives, which carry out the business objectives of our mission statement and strategic intent statement.

**FY23 Oklahoma Capital Improvement Authority – Bond Payments - \$1,698,308**

Payments on the bond that financed the construction of the Agriculture Lab building. These payments are required by state law.

**FY23 Oklahoma Employment Security Commission – Unemployment benefits - \$32,000**

This is an estimate of the claims that ODAFF would have to pay former employees who file for unemployment and are approved. These payments are required by state law.

**FY23 Oklahoma Public Employees Retirement System – Retirees unused sick leave \$100,000**

When an employee retires, they can use the balance of their accrued sick leave to “purchase” time to count for retirement eligibility. These payments are to transfer the value of the leave to the OPERS system. These payments are required by state law.

**FY23 Oklahoma Management Enterprise Services (OMES) – Risk Management- \$77,000**

Purchase of insurance for liability, vehicle, equipment, agency contents, tort and Directors & Officers. The agency would be uninsured and unable to fulfill its statutory mission.



**FY23 Oklahoma Management Enterprises Services (OMES) FICA Savings \$25,000**

When an employee selects ‘Premium Conversion’ they can see a lowering of their tax base for tax purposes and for the withholding of FICA. Since the State matches FICA withholding, this results in a savings for the state as well. These payments transfer that savings to EBC to administer the program. These payments are required by state law.

**FY23 Oklahoma Management Enterprises Services (OMES) - Facility Services - \$333,477**

Service Management Agreement with OMES, OMES agrees to furnish janitorial services, maintenance services, and all utilities. OMES maintains the building’s existing heating, ventilating and air-conditioning (HVAC) system, water system, electrical system, and plumbing system. If not approved, laboratory operations would cease, and the agency would be unable to fulfill its statutory mission.

**FY23 Oklahoma Management Enterprises Services (OMES) – Information Technology - \$703,000**

Pursuant to the Information Technology Consolidation and Coordination Act codified at 62 O.S.§35.1 et seq., as amended (the “Act”), OMES -ISD shall provide information technology shared services to each State Agency. The agency will have no computer operations and would be unable to fulfill its statutory mission.

**FY23 Oklahoma Management Enterprises Services (OMES) – OPM - \$26,000**

Payment of ODAFF’s portion towards mandated Merit Protection Act. These payments are required by state law.

**FY23 Pitney Bowes – Mail Machine Lease - \$20,000**

Statewide mandatory contract for leased mailroom postage equipment. Without this purchase the agency would be unable to fulfill its statutory mission.

**FY23 Oklahoma Turnpike Authority – Pikepass - \$21,000**

Agency payment of toll expenses for agency vehicles which use toll roads. Without this contract, the agency would be unable to use toll roads.

**FY23 United State Postal Services (Postage) - \$90,000**

Purchase of postage for the agency mail machine. Without this purchase the agency would be unable to fulfill its statutory mission.

**FY23 (Walnut Storage Building) - \$16,000**

Storage building for agency supplies. Without this contract, the agency would be required to store supplies in the headquarter building, which currently is very limited with regards to storage capacity.

**FY23 Xerox - \$78,500**

Lease of multifunction devices for agency operations, these devices are used as printers, copiers, scanners, faxes. Also, maintenance and supply services for agency laser printers. Without this purchase the agency would be unable to fulfill its statutory mission.

**FY23 Galt Temporary Services - \$150,000**

Purchase from the mandatory statewide contract for temporary services. These individuals provide a variety of agency mission critical functions which allow the agency to operate in an efficient as possible manner. Without this purchase the agency would be unable to fulfill its statutory mission.

**FY23 BancFirst - \$17,900**

ODAFF lockbox services. This service allows for agency deposits to be received directly by BankFirst staff and deposited directly into agency accounts.

**FY23 Oklahoma Governor's Office - \$37,500**

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.

**FY23 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.

**FY23 SHI – Adobe Subscription Services - \$8,019**

Purchase of the Adobe subscription services. The agency will purchase (5) Creative Cloud licenses for Enterprise All Apps at a cost of \$3,885.00 for twelve months. We will also purchase of (53) licenses of Acrobat Pro DC for enterprise for agency staff at a cost of \$4,134 for twelve months.

**Agricultural Environmental Management Services****A request for \$45,000.00**

Professional Services – The AEMS Division need to hire a Consultant to review Comprehensive Nutrient Management Plans (CNMP), Nutrient Management Plans (NMP); and develop the plans; to perform duties in the areas of poultry, swine, cattle, Best Management Practices and in compliance, technical assistance and reviews or other related actions as requested by the Director of the AEMS Division. The AEMS Division is requesting approval of \$45,000 to solicit for a Nutrient Management Specialist, an Independent Contractor to review CNMP and NMP's; development the plans with option of 3 year renewal. Failure to hire a Consultant to perform these activities will result in noncompliance with the laws that regulate poultry, swine and cattle industry.

**A request of \$170,000**

Professional Services – FY22 request for approval of \$170,000 to fund MOA with Oklahoma Water Resource Board (OWRB) to sample LMFO groundwater monitoring wells around lagoons. Funding is provided from Environmental Protection Agency (EPA) and dispersed directly to OWRB through Oklahoma Secretary of Energy & Environment (OSEE).

**A request of \$48,276**

Professional Services – Request approval of renewal, not to exceed \$48,276.00 for the OSU Poultry Education program. The funds are appropriated dollars. The funding is for Poultry Waste Management training, as needed, for operators of poultry feeding operations and land applicators of poultry waste, to attend educational training on poultry waste management which is provided by Oklahoma State University through the Oklahoma Cooperative Extension Service. Failure to renew will result in noncompliance with the law that regulates poultry feeding operations operators and land applicators of poultry waste.

**A request of \$12,250**

Elevate will provide support the Oklahoma Department of Agriculture Food and Forestry ODAFF in establishing licensed Part 107 pilots. This training will be self-paced and conducted remotely. The topics covered in the training will include lessons on regulations, operating in the national airspace system, aeronautical decision making, and more, which will prepare ODAFF personnel for the part 107 exam. Once ODAFF personnel have completed part 107 training and successfully acquired 107 licensure. Elevate will provide detailed consultation and training for mission planning, data acquisition, processing and management. These services will be quoted in a separate cost estimate once the part 107 training has been completed.

**Consumer Protection Services**

**FY2023 Dakota Agricultural Laboratories testing fees for pesticide samples related to the new dicamba and 2,4D product - \$9,800.00**

**FY2023 OSU laboratory testing fees for soil and water samples related to environmental pollution investigations - \$9,800.00**

**FY2023 Oklahoma State University Soil Fertility Research --\$475,000.00**

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Pursuant to 2 O.S. § 8-77.7 (A), ODAFF is required to collect an inspection fee of \$1.00 per ton of which \$0.50 per ton shall be forwarded directly to a special Soil Fertility Research Account in the Department of Plant and Soil Sciences of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University (OSU) for the purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops and forages and groundwater and surface water protection from plant food nutrients. Though tonnage amounts vary each year due to when a crop is planted, commodity prices, fertilizer prices and the weather we use the upper range of inspection fees paid annually to determine the amount of \$450,000.00 that could potentially be paid out to OSU. However, the actual amount paid to OSU will be based on the amount of inspection fees paid to ODAFF.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

This is a statutory requirement of the Oklahoma Fertilizer Act and needs to be done to further research to prevent the pollution of lands and waters of Oklahoma from fertilizers.

**FY2023 Unwanted Pesticide Disposal Program --\$350,000.00**

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Pursuant to 2 O.S. § 3-82(J) (3), ODAFF is required to collect a registration fee of \$210.00 for each pesticide or device label registered. A portion of these fees, in the amount of \$300,000.00 annually, shall be dedicated for conducting programs for unwanted pesticide disposal. This amount shall be deposited into the State Department of Agriculture Unwanted Pesticide Disposal Fund and shall be dedicated for this use only. Since not all of the \$300,000.00 in the funds is utilized each year they are then carried forward into the next fiscal year and the amount available for unwanted pesticide disposal in fiscal year 2022 exceeds \$350,000.00.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

This is a statutory requirement of the Combined Pesticide Law and needs to be done to prevent the pollution of lands and waters of Oklahoma from unwanted pesticides.

**FY2023 Oklahoma State University Pesticide Program Contract Approval --\$130,000.00**

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Pursuant to 2 O.S. § 3-82 (B), applicators are required to be certified in a category or categories in which they make pesticide applications. ODAFF administers these exams under state law and delegated federal authority from EPA. Additionally, the law also requires a practical training exam after the written exams have been passed for certain categories such as fumigation, structural and general pest. To support the certification and training program the EPA grant includes monies for development of study manuals specific for each exam and for a practical exam when necessary. Other uses of the EPA grant monies include assisting applicators, owners and farmers with compliance for the federal worker protection standards. In order to comply with these requirements assistance was requested from Oklahoma State University (OSU) for the purpose of study manuals, WPS compliance support and providing a venue for the practical examination school.

OSU as a land grant university has proven expertise in each of the pesticide categories and education that lends itself well into writing study material for the written examinations. They also have a state of the art training facility for practical exams that allows each applicator to experience many different application sites during an exam. This has resulted in two positive outcomes for ODAFF. The first is a large decrease in the number of complaints which frees up agency time and resources. The second is the ability to do these exams as a group instead of individually for each applicator which requires fewer personnel to complete the task. Finally, since education is one of the universities main purposes they are an excellent source to provide training for the federal worker protection standard.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.  
Currently, ODAFF does not have the resources to develop, print and distribute study material for the certification and training program. The agency also does not have enough staff to monitor all practical exams individually so additional staff would be necessary without OSU. The federal WPS program would also be problematic without the assistance of OSU. OSU provides a neutral party to review a facilities compliance with WPS and provide assistance and education to show them how to comply with federal law.

OSU provides critical support in the pesticide program through training material and assistance that would be difficult for the agency to provide without additional personnel. The loss of OSU's assistance would place a great strain on ODAFF's limited resources.

**FY2023 Kelly Registration System (KRS)--ACH reimbursement and inspection program fees--\$63,000.00**

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

KRS paid ODAFF for licenses, tonnage and registrations that were initially completed in the online system using an ACH transaction. The persons/companies later canceled the payments, so Kelly did not receive payment for what they had already paid to ODAFF. ODAFF has since collected the money from these entities and needs to repay KRS for the overpayment. Also, pays the fees for a subcontracted online inspection program for MI Corporation.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

This money is an overpayment by KRS and needs to be returned. We do not have an inspection program for field staff to use when conducting their inspections.

**FY2023 OSU Plant Disease and Insect Diagnostic Lab (PDIDL) --\$ 51,500.00**

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. It also, contains for analysis from sample of a grape survey we will also be conducting under a USDA cooperative agreement. Both sampling events are fully funded by an USDA APHIS cooperative agreement.

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.

**FY2023 GIS Programing with Oklahoma University --\$43,000.00**

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

GIS programing would provide ODAFF with the ability to GPS hemp grower fields to provide required data to USDA. It also will allow us to do a better job of collecting and reporting our USDA CAPS survey information under our grant programs. Finally, it will assist us in collecting information on complaints, inspections and licensee's.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

Without the GIS programming we will have more difficulty meeting USDA hemp reporting requirements and CAPS reporting requirements. This will also limit our efficiency in sampling, trapping and inspections.

**FY2023 Verizon Wireless --\$25,000.00**

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Verizon is used as the main form of communication for field staff and office staff. Additionally, with the Agency moving forward with online services having access to a mobile wireless for field staff is essential to their job duties.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

Without wireless there would be no way to communicate or move forward with our online system for inspections. Additionally, it will slow response times to complaints including those that are time sensitive like human health related and environmental.

**FY2022 Kelly Registration System (KRS)--ACH reimbursement and inspection program fees--\$23,000.00**

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

KRS paid ODAFF for licenses, tonnage and registrations that were initially completed in the online system using an ACH transaction. The persons/companies later canceled the payments, so Kelly did not receive payment for what they had already paid to ODAFF. ODAFF has since collected the money from these entities and needs to repay KRS for the overpayment. Also, pays the fees for a subcontracted online inspection program for MI Corporation.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

This money is an overpayment by KRS and needs to be returned. We do not have an inspection program for field staff to use when conducting their inspections.

## **Forestry Services**

### **FY22 – Rental of skid steers/attachments - \$68,250 (SFA Grant)**

Rental of multiple skid Steers and attachments to complete mechanical mitigation projects currently identified in Community Wildfire Protection Plans. The rental is needed due to a 10-12 month delay in delivery of a purchased Skid Steer. There are currently three projects awaiting mechanical work including Bartlesville, Weatherford and Hochatown. Due to the impending grant deadline, these funds will be returned to the US Forest Service if not expended by September 30, 2022. This program is part of the National Cohesive Wildland Fire Management Strategy with the intent of developing fire adapted communities. Funding for this purchase will come from the FY18 US Forest Service, State Fire Assistance - Mitigation Grant. 100% of this purchase will be reimbursed.

### **FY22 – Chainsaws/Polesaws/PPE - \$10,000 (SFA Grant)**

Purchase of chainsaws, pole saws, limb saws and personal protective equipment. These items will be used to complete hazardous fuels mitigation projects identified in Community Wildfire Preparedness Plans. Use of hand tools will be effective in areas where mechanized heavy equipment is not practical or authorized. This program is part of the National Cohesive Wildland Fire Management Strategy with the intent of developing fire adapted communities. Funding for this purchase will come from the FY18 US Forest Service, State Fire Assistance - Mitigation Grant. 100% of this purchase will be reimbursed.

### **FY22 - \$8,000 Southern Pine Beetle Prevention Program-Jack Griffin**

Federal Grant to cover the prevention of Southern Pine Beetle from spreading from one landowner to the next. This is a very invasive insect and without this prevention program the threat to landowner's revenue could be severe.

### **FY22 - \$4,650 Southern Pine Beetle Prevention Program-Donna Downen**

Federal Grant to cover the prevention of Southern Pine Beetle from spreading from one landowner to the next. This is a very invasive insect and without this prevention program the threat to landowner's revenue could be severe.

### **FY23 – Radios; \$100,000**

Purchase and repair of mobile/handheld radios and supplies for OFS personnel. These radios will be used for fire suppression activities, emergency response and fuels mitigation projects across the entire state. All these activities are critical in preparing Oklahoma communities for potential impacts from wildfire and providing enhanced public safety. Funding for these purchases will come from US Forest Service Consolidated Grant Programs, OFS 210 Fund and OFS 245 Fund.

### **FY23 - \$60,000**

Purchase ESRI ArcGIS Online Licenses (Federal Grant) – This allows the OFS Incident Management Team and fire personnel to utilize Collector, giving our firefighters real-time wildland fire data exchange. Data collected from the Collector application gives firefighters an advantage in fighting fires and increases overall firefighter and public safety.

### **Laboratory Services**

FY22 - Purchase of Preventive Maintenance Agreement Renewal for the HPLC-MSMS Triplequad 6470 - \$30,814.20

Purchase of Preventative Maintenance Agreement for the HPLC-MSMS Triplequad in the Pesticide Section ensures continuous and consistent operation of the instrument and improves overall quality of the data being reported. If not purchased and instrumentation should breakdown Section would not be able to test samples.

FY22 - Purchase of a Gas Chromatograph with Flame Ionization Detector (GC/FID) - \$50,000.00

Purchase of a Gas Chromatograph with flame ionization detector that is used to detect, separate and quantify the chemical components present in samples. The Pesticide Section will use the instrument to quantify pesticide residues in various samples such as soil, water, vegetation and will verify active ingredients present in commercially available pesticide formulation samples and tank mixes. Equipment is to replace outdated instrumentation and software. If not purchased the Section would not be able to test samples.

### **Market Development Services**

FY2022 – Agreement between ODAFF and Oklahoma Department of Tourism – Agritourism Wine Trail Guide ad – Project funded entirely by the Oklahoma Viticulture and Enology Center Development Revolving Fund - \$5,000.00

FY2022 – Women in State Government Conference – facility rental & food – total amount will be reimbursed to agency by attendee registration - \$20,000.00

FY2022 – Farmers Market bags – Went to board in December for \$14,000.00 and bids came back higher than expected so this is the additional amount of the project. – cost share basis - \$7,787.50

FY2022 – Made in Oklahoma & Made in Oklahoma State Fair Store bags – Went to board in March for \$9,000.00 and bids came back higher than expected so this is the additional amount of the project – cost share basis - \$6,000.00

FY2023 – 2022 Oklahoma Christmas Show – 10 Made in Oklahoma booth spaces – cost share basis - \$7,990.00



FY2023 – Agreement with Oklahoma Tourism and Recreation Department to promote the Agritourism industry through the development of consumer marketing campaigns. - \$35,000.00

The Agritourism program is entering a partnership with Oklahoma Tourism and Recreation Department (OTRD) as part of our marketing plan for FY2023. As a part of this partnership, Agritourism gets to use their existing marketing channels including free ads in their guides, website presence, travel show co-ops and brochure inventory, warehousing, and distribution. If this proposed expense is not approved, we will lose an opportunity to share in a campaign that gains exponentially more reach than we could obtain on our own. OTRD already has the channels set up and by not partnering we would be looking at well over \$100,000 to replace what they can give us in ad placement, website presence and Search Engine Optimization. We have evaluated the warehousing and postage costs; this alone would be over \$50,000 in hard costs and does not include the advertising and marketing part of our agreement.

FY2023 – Agreement with Discover Oklahoma, Oklahoma Tourism and Recreation Department, for the promotion of Agritourism venues through the development and production of an advertising campaign on *Discover Oklahoma* television shows. - \$15,000.00

FY2023 – Renewal of contract with Freestyle, graphic design firm, for Year 3 of 4 to work with the Agritourism program in creating promotional and print items to further promote the program and help establish continuity with advertising and marketing pieces. - \$30,000.00  
This is Year 3 of 4 for the graphic design firm that maintains the Agritourism brand while developing new print materials, refreshing website content, strategically updating social media channels and assisting with social and website analytics. It is the goal of the Agritourism Program to utilize all marketing channels to create a consistent brand awareness campaign and utilize social channels for seasonal promotions within the many categories of Agritourism. If this expense is not approved, there will be a negative impact on the ability of the Agritourism Program to promote and advertise the 350+ Agritourism venues in the state, resulting in an economic loss of those businesses and the local economy in those areas.

FY2023 – Agreement with Food Export Association of the Midwest USA (Food Export – Midwest) for membership to provide small and medium size food and agricultural companies' access to international markets through a variety of exporter programs and to increase volume and value of agricultural exports from the region in represents. - \$7,000.00

FY2023 – Addendum with Oklahoma State University for Year 3 of 4 - Viticulture and Enologist Extension Specialist – Project funded entirely by the Viticulture and Enology Center Development Revolving Fund Grant - \$70,000.00

This project is entirely funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund. This employee will coordinate an annual grape management course, create online grape management and wine making classes, write grant applications and research vineyard and viticulture projects as needed. The employee will also assist grape growers and wine makers through field days, correspondence and site visits. 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 grape and wine industry through the economic impact, but also runs the risk of not being awarded money from the Oklahoma Viticulture and Enology Center Development Revolving Fund in the future.

## **Wildlife Services**

\$106,500.00 - ODAFF Wildlife Services is requesting approval for fuel, maintenance and hangar rent for the two (2) Federal helicopters for FY23 that is used in the state's aerial control of wildlife. The breakdown is as follows:

- \$55,000 for fuel
- \$4,800 hangar rent
- \$11,700 hangar rent
- \$35,000 maintenance

\$ 88,000.00 - ODAFF Wildlife Services is requesting approval to purchase two (2) 2023 Chevrolet C1500 Silverado 4x4 truck. This will be replacing high mileage vehicles. Not approving this purchase would result in higher & more frequent repair bills.

\$ 20,000.00 - ODAFF Wildlife Services is requesting approval for the City of Norman Cooperative Agreement regarding the control of wildlife for the City. Not approving this purchase would result in a human health and safety hazard for the public.

\$ 769,000.00 - ODAFF Wildlife Services is requesting approval for the cooperative agreement with USDA APHIS Wildlife Services which will provide damage management activities to farmers and ranchers in Oklahoma. Activities are related to damages incurred from feral swine, beavers, coyotes and avian predators. Not approving this agreement would mean significant financial loss to Oklahoma Agriculture due to wildlife damage.

\$ 10,000 – ODAFF Wildlife Services is requesting approval for a 475-gallon fuel trailer. This fuel trailer will increase productivity and time management by decreasing ferry/fuel when county/location doesn't have an abundance of aviation fuel necessary for operations. This will result in circumventing time off site.

\$ 10,000 – ODAFF Wildlife Services is requesting approval for Icomm Radios. These will be used to increase range and mobility of our communication between air and ground crew in the search/control of Feral Swine. This will decrease our loss of communication over distances that our current radios lack. This will result in more and better radios for communication and prevent aborted missions due to lack of communication.

\$ 5,400.00 – ODAFF Wildlife Services is requesting approval for a new hangar rental at Sundance Airport to house an additional Federal helicopter for FY22 that is used in the state's aerial control of wildlife.

**BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA**

**APPROVAL OF CASES**

ON THIS 27<sup>th</sup> day of April 2022 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 27<sup>th</sup> day of April 2022.

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Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**April 27, 2022**

**Cases Resolved by Stipulation**

**Agricultural Environmental Management Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Russell Adam	OGC-21-434	AEMS	\$400.00
Jeff Hickson	OGC-21-544	AEMS	\$400.00
Ricky Don Seals	OGC-21-431	AEMS	\$200.00
Steven Yang	OGC-21-488	AEMS	\$5,000.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
7-Eleven #41478	OGC-21-442	CPS	\$450.00
7-Eleven #41410	OGC-21-375	CPS	\$450.00
Evan Allard	OGC-22-071	CPS	\$250.00
Arnold Brothers	OGC-22-020	CPS	\$500.00
Dollar General	OGC-21-707	CPS	\$825.00
Dollar General	OGC-21-705	CPS	\$525.00
Dollar General	OGC-21-317	CPS	\$525.00
Dollar General	OGC-22-008	CPS	\$375.00
Dollar General	OGC-22-005	CPS	\$525.00
Dollar General	OGC-22-004	CPS	\$525.00
Dollar General	OGC-22-055	CPS	\$900.00
Dollar General	OGC-22-053	CPS	\$375.00
Dollar General	OGC-22-052	CPS	\$525.00
Don's Pest & Weed	OGC-21-896	CPS	\$250.00
George Enterprises	OGC-22-016	CPS	\$500.00
Jiffy Trip #304	OGC-22-009	CPS	\$1,050.00

Kind Origins Cannabis	OGC-22-015	CPS	\$500.00
Maverick Environmental Solutions	OGC-20-822	CPS	\$500.00
Pond Rx	OGC-21-817	CPS	\$500.00
Texoma Horticulture	OGC-22-29	CPS	\$250.00
Town & Country Pes, Turf and Termite LLC	OGC-22-32	CPS	\$750.00
Western Prod. Coop.	OGC-20-830	CPS	\$250.00
Wilkins Lawn & Landscape	OGC-22-021	CPS	\$500.00

**Food Safety Division**

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Twisted Sister Butcher	OGC-21-183	FS	\$900.00

**Cases Resolved by Consent Order**

**Consumer Protection Services**

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Stegg's Aerial Spraying	OGC-20-633	CPS	\$500.00

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. RUSSELL ADAMS  
Case File No. OGC 21-434**

**RUSSELL ADAMS  
266 FELDSPAR LANE  
HAWORTH, OK 74740**

**Summary of Facts:** Respondent failed to submit two Annual Litter Reports.

**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:** Richard D. Herren

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.

RUSSELL ADAMS  
266 FELDSPAR LANE.  
HAWORTH, OK 74740

RESPONDENT.

Case No: OGC-21-434

STATE BOARD OF AGRICULTURE  
MAR 07 2022  
FILED

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:

*Russell Adams dba Bar-A-Bar Farm*  
Signature

*Russell Adams*  
Printed Name and Title:

Date: 2-28-22

**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. )

RUSSELL ADAMS )  
266 FELDSPAR LANE )  
HAYWORTH, OK 74740 )

RESPONDENT. )

**FILED**

DEC 09 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-434

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on March 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.**

<sup>1</sup> 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 (AEMS) Division of the Department received Respondent's 2019-2020 Annual Litter Report.

19. Respondent failed to provide the address where the poultry litter was produced and applied.

20. Respondent applied poultry litter without having a current soil and/or poultry analysis.

21. On or about March 1, 2021, ODAFF sent Respondent a Letter of Warning.

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

### **ALLEGED CONCLUSIONS OF LAW**

23. 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, by failing to provide a current soil analysis, and by applying litter in excess of acceptable amounts.

### **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 23 day of November, 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 9 day of Dec, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

RUSSELL ADAMS  
266 FELDSPAR LANE  
HAWORTH, OK 74740



---

Gina Blaylock



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. JEFF HICKSON  
Case File No. OGC 21-544**

**JEFF HICKSON  
22657 WORTHINGTON ROAD  
GENTRY, AR 72734**

**Summary of Facts:** Respondent failed to submit two Annual Litter Reports.

**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:** Richard D. Herren



BY AND THROUGH THE  
OFFICE OF GENERAL COUNSEL

COMPLAINANT,

v.

JEFF HICKSON  
22657 WORTHINGTON RD  
GENTRY, AR 72734

RESPONDENT.

Case No: OGC-21-544

**FILED**  
MAR 31 2022  
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

Jeff Hickson  
Printed Name and Title

Date

3-27-2022

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. )

JEFF HICKSON )  
22657 WORTHINGTON RD. )  
GENTRY, AR 72734 )

RESPONDENT. )

Case No: OGC-21-544

**FILED**  
FEB 16 2022  
STATE BOARD OF AGRICULTURE

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 14, 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.**

---

<sup>1</sup> 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.

20. Respondent failed to submit their Annual Litter Report for 2018-2019.

21. Respondent failed to submit their Annual Litter Report for 2019-2020.

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 14th day of February, 2022.

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

*Richard D. Herren*

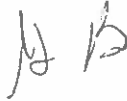
Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 16 day of Feb, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

JEFF HICKSON  
22657 WORTHINGTON RD.  
GENTRY, AR 72734



---

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, )

Case No: OGC-21-544

JEFF HICKSON )  
22657 WORTHINGTON RD )  
GENTRY, AR 72734 )

**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. RICKY DON SEALS  
Case File No. OGC 21-431**

**RICKY DON SEALS  
12196 POTEAU MTN. RD.  
POTEAU, OK 74953**

**Summary of Facts:** Respondent failed to submit an Annual Litter Report.

**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:** Original Notice of Violation erroneously fined Respondent \$500. By statute the fine is \$200.

**Other Actions Required:** None.

**OGC Attorney:** Richard D. Herren

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.

RICKY DON SEALS  
12196 POTEAU MTN. RD.  
POTEAU, OK 74953

RESPONDENT.

Case No: OGC-21-431

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:

*Ricky Don Seals*  
Signature

*Ricky Don Seals*  
Printed Name and Title:

Date: 3-3-22

**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.**

**RICKY DON SEALS  
12196 POTEAU MTN. RD.  
POTEAU, OK 74953**

**RESPONDENT.**

**FILED**

**DEC 09 2021**

**STATE BOARD OF AGRICULTURE**

**Case No: OGC-21-431**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on March 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.**

---

<sup>1</sup> 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 October 2, 2020, the Agricultural Environmental Management Services (AEMS) Division of the Department received Respondent's 2019-2020 Annual Litter Report.

19. Annual Litter Reports are due annually by September 1<sup>st</sup>.

20. Respondent applied poultry litter without having a current soil and/or litter analysis.

21. Respondent failed to provide complete contact information.

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

### **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 and by failing to provide all contact information and 2 O.S. 10-9.19(1) by applying litter with no current soil analysis.

### **ATTORNEY CONFERENCES**

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 Five Hundred Dollars (\$500.00).



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 23 day of November, 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 9 day of Dec., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

RICKY DON SEALS  
12196 POTEAU MTN. RD.  
POTEAU, OK 74953

A handwritten signature in dark ink, appearing to read 'Gina Blaylock', is written over a horizontal line.

GINA BLAYLOCK



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. STEVEN YANG  
Case File No. OGC 21-488**

**STEVEN YANG  
113048 N 3790 ROAD  
OKEMAH, OK 74859**

**Summary of Facts:** Unauthorized discharge from his lagoon.

**Statute or Rule Violation:** 2 O.S. §20-10(B)(1)

**Proposed Administrative Penalty:** The penalty was assessed at \$5,000. Respondent stipulated and paid the penalty in full.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Richard D. Herren

**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.**

**STEVEN YANG  
113048 N 3790 ROAD  
OKEMAH, OK 74859**

**RESPONDENT.**

**FILED**

**APR 10 2022**

**STATE BOARD OF AGRICULTURE**

**Case No: OGC-21-488**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Five Thousand Dollars (\$5000.00) 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

Steve Yang  
\_\_\_\_\_  
Printed Name and Title:

Date: April 11 2022

**FILED**  
FEB 28 2022  
STATE BOARD OF AGRICULTURE  
21-488

**Case No: OGC-21-488**

<sup>1</sup> 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, operated a concentrated swine feeding operation in Oklahoma.

16. Pursuant to 2 O.S. § 20-1, Respondent is subject to the Oklahoma Swine Feeding Operations Act and ODAFF has authority to regulate Concentrated Swine Feeding Operators.

17. Under the Act, operators are required to utilize Best Management Practices including no discharges from the lagoons.

### **ALLEGATIONS OF FACT**

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

19. On May 4, 2021 AEMS was notified of an unauthorized discharge from Respondent's primary and secondary lagoons.

20. On or about August 3, 2021, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding the discharge of process wastewater.

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 the Act (2 O.S. §20-10(B)(1)) by discharging process wastewater into the waters of the state.

### **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 O.S. § 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 Five Thousand Dollars (\$5000.00).

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 16TH day of February, 2022.

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

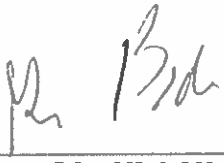
*Richard D. Herren*

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829  
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 28 day of Feb., 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**STEVEN YANG  
113048 N 3790 ROAD  
OKEMAH, OK 74859**

  
\_\_\_\_\_  
GINA BLAYLOCK

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

v.

**RESPONDENT.**

## STIPULATION

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.

**Signature**

Printed Name and Title:

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. 7-ELEVEN**  
**Case File No: OGC-21-442**

**7-ELEVEN (STORE #41478)**  
**500 SW 89TH**  
**OKLAHOMA CITY, OK 73139**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after each inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Four Hundred Fifty Dollars (\$450.00). (6 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

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. )

7-ELEVEN (STORE #41478) )  
500 SW 89TH )  
OKLAHOMA CITY, OK 73139 )

RESPONDENT. )

Case No: OGC-21-442


**FILED**  
APR 14 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Hundred Fifty Dollars (\$450.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

Barbara A. Milfelt  
Printed Name

Sr. Regulatory Compliance Analyst  
Job Title

April 12, 2022  
Date

**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.**

**7-ELEVEN (STORE #41478)  
500 SW 89TH  
OKLAHOMA CITY, OK 73139**

**RESPONDENT.**

**FILED**

**MAR 02 2022**

**STATE BOARD OF AGRICULTURE**

**Case No: OGC-21-442**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 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.

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<sup>1</sup> 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 business of selling consumer items under the business name of 7-Eleven (store #41478), located at 500 SW. 89th, in Oklahoma City, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about February 05, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that ten (10) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about July 06, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that six (6) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

28. 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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 Fifty Dollars (\$450.00). (6 violations at \$75.00 per violation).

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 \_\_\_\_\_<sup>1<sup>ST</sup></sup> day of \_\_\_\_\_ March \_\_\_\_\_, 2022.

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

*Kambi Maddy*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 9 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**7-ELEVEN, INC.  
ATTN: LEGAL DEPARTMENT  
3200 HACKBERRY ROAD  
IRVING, TX 75063**

  
\_\_\_\_\_  
Signature

**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-21-442**

**7-ELEVEN (STORE #41478) )  
500 SW 89TH )  
OKLAHOMA CITY, OK 73139 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Hundred Fifty Dollars (\$450.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. 7-ELEVEN**  
**Case File No: OGC-21-375**

**7-ELEVEN (STORE #41410)**  
**642 NW 12<sup>TH</sup> ST.**  
**MOORE, OK 73160**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after each inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Four Hundred Fifty Dollars (\$450.00). (6 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy



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. )

7-ELEVEN (STORE #41410) )  
642 NW 12<sup>TH</sup> ST. )  
MOORE, OK 73160 )

RESPONDENT. )

Case No: OGC-21-375

**FILED**  
APR 14 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Hundred Fifty Dollars (\$450.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

Barbara A. Milfelt

Printed Name

Sr. Regulatory Compliance Analyst

Job Title

April 11, 2022

Date

**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.**

**7-ELEVEN (STORE #41410)  
642 NW 12<sup>TH</sup> ST.  
MOORE, OK 73160**

**RESPONDENT.**

**FILED**

MAR 02 2022

STATE BOARD OF AGRICULTURE

Case No: OGC-21-375

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 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.

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<sup>1</sup> 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 business of selling consumer items under the business name of 7-Eleven (store #41410), located at 642 NW 12<sup>th</sup> St., in Moore, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about February 01, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Moore, Oklahoma. The inspection revealed that seven (7) of the hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about June 28, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Moore, Oklahoma. The inspection revealed that six (6) of the hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

28. 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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 Fifty Dollars (\$450.00). (6 violations at \$75.00 per violation).

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 1 day of March, 2022.

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

*Kambi Maddy*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 2 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**7-ELEVEN, INC.  
ATTN: LEGAL DEPARTMENT  
3200 HACKBERRY ROAD  
IRVING, TX 75063**

*12/13*

Signature



**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-21-375**

**7-ELEVEN (STORE #41410) )  
642 NW 12<sup>TH</sup> ST. )  
MOORE, OK 73160 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Hundred Fifty Dollars (\$450.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. EVAN ALLARD**  
**Case File No: OGC-22-71**

**Evan Allard**  
**432616 E. 200 Rd.**  
**Vinita, OK 74301**

**Summary of Facts:** Respondent failed to provide copy of application records to ODAFF when requested.

**Statute or Rule Violation:** 2 O.S. §3-82(A)(1) & §3-83(A)

**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:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

APR 09 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

Evan Allard  
432616 E. 200 Rd.  
Vinita, OK 74301

RESPONDENT.

Case No: OGC-22-71

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

Evan Allard  
Printed Name and Title:

Date: 4-5-22

**FILED**  
MAR 30 2022  
STATE BOARD OF AGRICULTURE

**RESPONDENT.**

## NOTICE OF VIOLATION

## **PREHEARING CONFERENCE NOTICE**

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

<sup>1</sup> 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 commercial pesticide application, located at Vinita, Oklahoma.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF 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.

### **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 18<sup>th</sup> day of August and again on the 14<sup>th</sup> day of December, the Consumer Protective Services Division of the Department sent you requests for records concerning applications made by you in the vicinity of section 24-28N-19E. As of this date those records have not been received.

19. The department sent requests for records to your business on August 18, 2021 and again on December 14, 2021 with no avail. You are required by statute to produce records when requested. This is a violation of 2 O.S. § 3-83(A).

20. You are on file with ODAFF as a certified applicator, but are not tied to commercial applicator business. This is a violation of 2 O.S. §3-82(A)(1).

### **ALLEGED CONCLUSIONS OF LAW**

21. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-82(A)(1) and 2 O.S. §3-83(A) by not producing records when requested and not having a commercial business applicators license.

- **2 O.S. §3-82(A)(1):** "It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged."
- **2 O.S. §3-83(A):** "Every commercial and noncommercial applicator shall keep accurate records pertaining to pesticide activities, applications, and wood infestation reports, as required by the State Board of Agriculture. The records of the applicator shall be kept intact at the principal business location in this state for at least two (2) years after their date of expiration and copies shall be furnished to any authorized agent of the Board, immediately upon request in person, at any time during the regular business hours of the applicator. Copies of records shall be furnished to any authorized agent of the Board within seven (7) working days of a written request, in summary form, by mail, fax, e-mail, web site, or any other electronic media customarily used."

### **ATTORNEY CONFERENCES**

22. 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.
23. 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.
24. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

25. 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.
26. 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.
27. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.



28. 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**

29. 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**

30. 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**

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

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

33. 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**

34. 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).

35. 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 30<sup>th</sup> day of March, 2022.

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

*Brady Robison*

---

Teena G. Gutter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

✓ Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 30 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Evan Allard  
432616 E. 200 Rd.  
Vinita, OK 74301**

  
\_\_\_\_\_  
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.**

**Evan Allard  
432616 E. 200 Rd.  
Vinita, OK 74301**

**RESPONDENT.**

**Case No: OGC-22-71**

**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: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. ARNOLD BROTHERS INC.**

**Case File No. OGC-22-20**

**ARNOLD BROTHERS INC.**

**228 NE 2<sup>nd</sup>**

**MOORE, OK 73160**

**Summary of Facts:** During a routine inspection of this business it was discovered that their business license had been expired since December of 2018. They continued doing business as a commercial pesticide applicator while the license was expired. The business license is now current

**Statute or Rule Violation:** 2 O.S. §3-86(A)(15) and 2 O.S. §3-82(A)(1)

**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:** Brady Robison

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.

Arnold Brothers Inc.  
228 NE 2<sup>nd</sup>  
Moore, OK 73160

RESPONDENT.

Case No: OGC-22-20

**FILED**  
MAR 28 2022  
MAR 28 2022  
BOARD OF AGRICULTURE  
BOARD OF AGRICULTURE

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

Ricky Arnold (OWNER)  
Printed Name and Title:

Date: 3-25-2022

Arnold Bros., Inc.  
228 NE 2nd  
Moore, OK 73160

**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.**

**ARNOLD BROTHERS INC.  
228 NE 2nd  
MOORE, OK 73160**

**RESPONDENT.**

**FILED**

**MAR 08 2022**

**STATE BOARD OF AGRICULTURE**

**Case No: OGC-22-20**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on April 14<sup>th</sup>, 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.**

---

<sup>1</sup> 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 commercial pesticide application, located at 228 NE 2<sup>nd</sup>, Moore, Oklahoma.

16. Pursuant to Oklahoma Combined Pesticide Law & Rules 2 O.S. § 3-82(A)(1) and 2 O.S. §3-86(A)(15), ODAFF has authority to regulate persons who “act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.” Additionally:

“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:

Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged.”

### **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 the 5<sup>th</sup> day of November, 2021, the Consumer Protection Service Division of the Department conducted a routine inspection of and found at the time of the inspection your commercial applicator business license had been expired since December 31, 2018.

19. It was documented that you had continued to conduct business from 2019 through the year of 2021.

### **ALLEGED CONCLUSIONS OF LAW**

20. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 3-82 A(1) and 2 O.S. § 3-86 A(15) by engaging in the application of pesticides without proper certification.

### **ATTORNEY CONFERENCES**

21. 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.

22. 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.

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

### **ENFORCEMENT PROCEEDINGS**

24. 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.

25. 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.

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

27. 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**

28. 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**

29. 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

30. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
31. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
32. 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

33. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Five Hundred Dollars (\$500.00).
34. 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 15<sup>TH</sup> Day of February, 2022.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA #13873

✓ Brady Robison, OBA # 33600

Richard Herren, OBA #13829

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

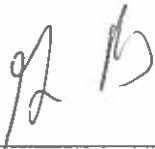
Telephone: (405) 522-5997

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 8 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

Arnold Brothers Inc.  
228 NE 2<sup>nd</sup>  
Moore, OK 73160

  
\_\_\_\_\_  
Gina Blaylock



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. DOLLAR GENERAL  
Case File No: OGC-21-707**

**DOLLAR GENERAL  
1500 N LOUIS TITTLE  
MANGUM, OK 73554**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Eight Hundred Twenty-Five Dollars (\$825.00). (11 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 21 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

DOLLAR GENERAL )  
1500 N LOUIS TITTLE )  
MANGUM, OK 73554 )

RESPONDENT. )

707  
Case No: OGC-21-705 *JS*

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Eight Hundred Twenty-Five Dollars (\$825.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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:

*Mia Savabja*  
Signature

Mia Savabja  
Printed Name

Sr. Dir./Store Ops  
Job Title

3.9.22  
Date



**BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA**

**FILED**

MAR 03 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-21-707

DOLLAR GENERAL )  
1500 N LOUIS TITTLE )  
MANGUM, OK 73554 )

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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 14, 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.

---

<sup>1</sup> 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 business of selling consumer items under the business name of Dollar General, located at 1500 N Louis Tittle, in Mangum, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about July 22, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Mangum, Oklahoma. The inspection revealed that six (6) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about September 22, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Mangum, Oklahoma. The inspection revealed that eleven (11) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

28. 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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 Eight Hundred Twenty-Five Dollars (\$825.00). (11 violations at \$75.00 per violation).

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 1 day of March, 2022.

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

*Kambi Maddy*

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
✓ Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829  
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 3 day of Feb, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**

*11/13*  
\_\_\_\_\_  
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. )**

**Case No: OGC-21-705**

**DOLLAR GENERAL )  
1500 N LOUIS TITTLE )  
MANGUM, OK 73554 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Eight Hundred Twenty-Five Dollars (\$825.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. DOLLAR GENERAL**  
**Case File No: OGC-21-705**

**DOLLAR GENERAL**  
**303 N. LL MALES AVE.**  
**CHEYENNE, OK 73628**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Hundred Twenty-Five Dollars (\$525.00). (7 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

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. )

DOLLAR GENERAL )  
303 N LL Males Ave. )  
CHEYENNE, OK 73628 )

RESPONDENT. )

**FILED**  
MAR 07 2022  
STATE BOARD OF AGRICULTURE

Case No: OGC 21-705

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred and Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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:

Mia Sava loja  
Signature

Mia Sava loja  
Printed Name

Sr. Dir. Store Ops  
Job Title

2/24/2022  
Date

**FILED**  
FEB 14 2022  
STATE BOARD OF AGRICULTURE

**RESPONDENT.** )

<sup>1</sup> 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 business of selling consumer items under the business name of Dollar General, located at 303 N LL Males Ave, in Cheyenne, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about August 5, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Cheyenne, Oklahoma. The inspection revealed that seven (7) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about October 8, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Cheyenne, Oklahoma. The inspection revealed that seven (7) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

28. 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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**

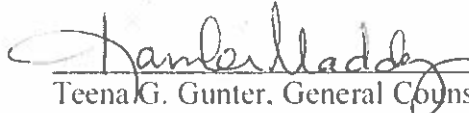
36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Five Hundred and Twenty-Five Dollars (\$525.00). (7 violations at \$75.00 per violation).

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 14 day of Feb., 2022.

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

\* Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard Herren, OBA # 13829

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 14<sup>th</sup> day of Feb., 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**

  
\_\_\_\_\_  
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. )**

**Case No: OGC 21-705**

**DOLLAR GENERAL )  
303 N LL Males Ave. )  
CHEYENNE, OK 73628 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred and Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. DOLLAR GENERAL**  
**Case File No: OGC-21-317**

**DOLLAR GENERAL**  
**111 N MAIN**  
**ELK CITY, OK 73644**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Hundred Twenty-Five Dollars (\$525.00) (7 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

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. )

DOLLAR GENERAL )  
111 N MAIN )  
ELK CITY, OK 73644 )

RESPONDENT. )

**FILED**

MAR 07 2022

STATE BOARD OF AGRICULTURE

Case No: OGC 21-317

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred and Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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:

Mia Savaloja  
Signature

Mia Savaloja  
Printed Name

Sr. Dir / Store Ops  
Job Title

2.24.22  
Date

**FILED**  
FEB 14 2022  
STATE BOARD OF AGRICULTURE

RESPONDENT.

<sup>1</sup> 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 business of selling consumer items under the business name of Dollar General, located at 111 N Main, in Elk City, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about December 29, 2020, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Elk City, Oklahoma. The inspection revealed that six (6) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about July 9, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Elk City, Oklahoma. The inspection revealed that seven (7) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**



25. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-5997.
26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.
27. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

28. 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.
29. Pursuant to 2 O.S. § 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.
30. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
31. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

### **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.

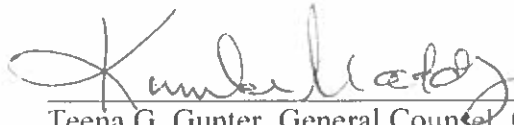
### **STIPULATION**

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Five Hundred and Twenty-Five Dollars (\$525.00). (7 violations at \$75.00 per violation).

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 14 day of Feb., 2022.

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

*A* Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard Herren, OBA # 13829

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

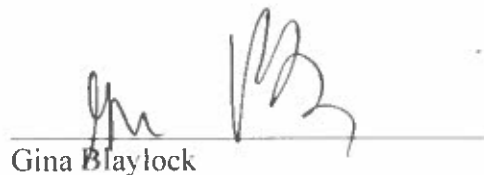
Telephone: (405) 522-5997

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 14 day of Feb., 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**

  
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. )**

**Case No: OGC 21-317**

**DOLLAR GENERAL )  
111 N MAIN )  
ELK CITY, OK 73644 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred and Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. DOLLAR GENERAL**  
**Case File No: OGC-22-08**

**DOLLAR GENERAL**  
**110 N. BRIDGE RD**  
**GRANDFIELD, OK 73546**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Three Hundred and Seventy-Five Dollars (\$375.00). (5 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

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. )

DOLLAR GENERAL )  
110 N. BRIDGE RD )  
GRANDFIELD, OK 73546 )

RESPONDENT. )

Case No: OGC 22-08

**FILED**  
**FILED**  
MAR 07 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Hundred and Seventy-Five Dollars (\$375.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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:

*Mia Savaloja*

Signature

Mia Savaloja

Printed Name

Sr. Dir. Stone Ops

Job Title

2.24.22

Date

**FILED**  
FEB 14 2022  
STATE BOARD OF AGRICULTURE

**RESPONDENT.**

<sup>1</sup> 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 business of selling consumer items under the business name of Dollar General, located at 110 N. Bridge RD, in Grandfield, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about October 27, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Grandfield, Oklahoma. The inspection revealed that five (5) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about December 27, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Grandfield, Oklahoma. The inspection revealed that five (5) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

28. 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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.

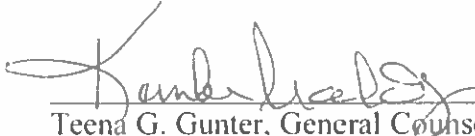
### **STIPULATION**

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Three Hundred and Seventy-Five Dollars (\$375.00). (5 violations at \$75.00 per violation).

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 14 day of Feb, 2022.

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

 Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard Herren, OBA # 13829

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 14 day of Feb, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**



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. )**

**Case No: OGC 22-08**

**DOLLAR GENERAL )  
110 N. BRIDGE RD )  
GRANDFIELD, OK 73546 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Hundred and Seventy-Five Dollars (\$375.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. DOLLAR GENERAL**  
**Case File No: OGC-22-05**

**DOLLAR GENERAL**  
**110 E CENTRAL**  
**ANADARKO, OK 73005**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Hundred and Twenty-Five Dollars (\$525.00). (7 violations at \$75.00 per violation).. Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

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. )

DOLLAR GENERAL )

110 E CENTRAL )

ANADARKO, OK 73005 )

RESPONDENT. )

Case No: OGC 22-05

**FILED**  
MAR 07 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred and Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

*Mia Savalaja*

Signature

Mia Savalaja

Printed Name

Sr. Dir. Store Ops

Job Title

2.24.22

Date



**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.**

**DOLLAR GENERAL )  
110 E CENTRAL )  
ANADARKO, OK 73005 )**

**RESPONDENT. )**

**FILED**  
**FEB 14 2022**  
**STATE BOARD OF AGRICULTURE**

Case No: OGC 22-05

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 14, 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.

---

<sup>1</sup> 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 business of selling consumer items under the business name of Dollar General, located at 110 E Central, in Anadarko, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about August 17, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Anadarko, Oklahoma. The inspection revealed that eight (8) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about December 20, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Anadarko, Oklahoma. The inspection revealed that seven (7) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

28. 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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.

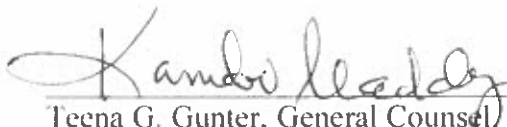
### **STIPULATION**

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Five Hundred and Twenty-Five Dollars (\$525.00). (7 violations at \$75.00 per violation).

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 14 day of Feb, 2022.

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

 Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard Herren, OBA # 13829

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 14 day of Feb, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**



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. )**

**Case No: OGC 22-05**

**DOLLAR GENERAL )  
110 E CENTRAL )  
ANADARKO, OK 73005 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred and Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. DOLLAR GENERAL  
Case File No: OGC-22-04**

**DOLLAR GENERAL  
1105 N. BROADWAY  
HINTON, OK 73047**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Hundred Twenty-Five Dollars (\$525.00) (7 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

MAR 07 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-22-04

DOLLAR GENERAL )  
1105 N. BROADWAY )  
HINTON, OK 73047 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred and Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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:

Mia Savaloja

Signature

Mia Savaloja

Printed Name

Sr. Dir. Store Ops

Job Title

2.24.22

Date

STATE BOARD OF AGRICULTURE

**Case No: OGC-22-04**

<sup>1</sup> 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 business of selling consumer items under the business name of Dollar General, located at 1105 N. Broadway, in Hinton, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about October 19, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Hinton, Oklahoma. The inspection revealed that nine (9) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about December 20, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Hinton, Oklahoma. The inspection revealed that seven (7) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

28. 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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**

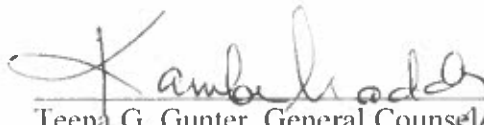
36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Five Hundred Twenty-Five Dollars (\$525.00). (7 violations at \$75.00 per violation).

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 14 day of Feb, 2022.

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

 Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard Herren, OBA # 13829

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 14 day of Feb, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**



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. )**

**Case No: OGC-22-04**

**DOLLAR GENERAL )  
1105 N. BROADWAY )  
HINTON, OK 73047 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred and Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. DOLLAR GENERAL**  
**Case File No: OGC-22-55**

**DOLLAR GENERAL**  
**811 N HAZLETT**  
**FT. COBB, OK 73038**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Nine Hundred Dollars (\$900.00). (12 violations at \$75.00 per violation).. Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

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. )

DOLLAR GENERAL )  
811 N. HAZLETT )  
FT. COBB, OK 73038 )

RESPONDENT. )

Case No: OGC-22-55

**FILED**  
MAR 28 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Nine Hundred Dollars (\$900.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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:

*Mia Savaloga*

Signature

*Mia Savaloga*

Printed Name

*Sr Director, Store.*

Job Title

*3.16.22 Operations*

Date

**BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA**

**FILED**

**MAR 10 2022**

**STATE BOARD OF AGRICULTURE**

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

**COMPLAINANT, )**

**v. )**

**Case No: OGC-22-55**

**DOLLAR GENERAL )  
811 N HAZLETT )  
FT. COBB, OK 73038 )**

**RESPONDENT. )**

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**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on June 9, 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.

---

<sup>1</sup> 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 business of selling consumer items under the business name of Dollar General, located at 811 N. Hazlett, in Ft. Cobb, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about November 24, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Ft. Cobb, Oklahoma. The inspection revealed that six (6) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about January 25, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Ft. Cobb, Oklahoma. The inspection revealed that twelve (12) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**



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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

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- 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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**

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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 Nine Hundred Dollars (\$900.00). (12 violations at \$75.00 per violation).

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 10th day of March, 2022.

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

*Kambi Maddy*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 10 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**

*Gina Blaylock*

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. )**

**Case No: OGC-22-55**

**DOLLAR GENERAL )  
811 N. HAZLETT )  
FT. COBB, OK 73038 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Nine Hundred Dollars (\$900.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. DOLLAR GENERAL**  
**Case File No: OGC-22-53**

**DOLLAR GENERAL**  
**18497 W WOODWARD RD.**  
**TAHLEQUAH, OK 74464**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Three Hundred Seventy-Five Dollars (\$375.00). (5 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

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. )

DOLLAR GENERAL )  
18497 W WOODWARD RD. )  
TAHLEQUAH, OK 74464 )

RESPONDENT. )

Case No: OGC-22-53

**FILED**  
MAR 28 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Hundred Seventy-Five Dollars (\$375.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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:

*Mia Savalaga*  
Signature

Printed Name

*Cor Director, Store Operations*  
Job Title

Date

*3/16/22*

**FILED**  
MAR 10 2022  
STATE BOARD OF AGRICULTURE

**Case No: OGC-22-53**

<sup>1</sup> 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 business of selling consumer items under the business name of Dollar General, located at 18497 W Woodward Rd., in Tahlequah, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about October 28, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Tahlequah, Oklahoma. The inspection revealed that five (5) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about January 04, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Tahlequah, Oklahoma. The inspection revealed that five (5) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

28. 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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 Three Hundred Seventy-Five Dollars (\$375.00). (5 violations at \$75.00 per violation).

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 10th day of March, 2022.

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

*Kambi Maddy*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 10 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**

*A. B.*

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. )**

**Case No: OGC-22-53**

**DOLLAR GENERAL )  
18497 W WOODWARD RD. )  
TAHLEQUAH, OK 74464 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Hundred Seventy-Five Dollars (\$375.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. DOLLAR GENERAL**  
**Case File No: OGC-22-52**

**DOLLAR GENERAL**  
**103 NEBRASKA**  
**CYRIL, OK 73029**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Hundred Twenty-Five Dollars (\$525.00) (7 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 28 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-22-52

DOLLAR GENERAL )  
103 NEBRASKA )  
CYRIL, OK 73029 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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:

Mia Savaloja  
Signature

Mia Savaloja  
Printed Name

Sr Director Store  
Job Title

3/16/22 Operations  
Date



**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.**

**DOLLAR GENERAL  
103 NEBRASKA  
CYRIL, OK 73029**

**RESPONDENT.**

MAR 10 2022  
STATE BOARD OF AGRICULTURE

**Case No: OGC-22-52**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on June 9, 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.

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<sup>1</sup> 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 business of selling consumer items under the business name of Dollar General, located at 103 Nebraska, in Cyril, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about November 16, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Cyril, Oklahoma. The inspection revealed that seven (7) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about January 18, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Cyril, Oklahoma. The inspection revealed that seven (7) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

28. 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.

29. Pursuant to 2 O.S. § 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.

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

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

### **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 Five Hundred Twenty-Five Dollars (\$525.00). (7 violations at \$75.00 per violation).

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 10th day of March, 2022.

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

*Kambi Maddy*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 10 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**

  
\_\_\_\_\_  
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. )**

**Case No: OGC-22-52**

**DOLLAR GENERAL )  
103 NEBRASKA )  
CYRIL, OK 73029 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. DON'S PEST & WEED CONTROL**

**Case File No. OGC-21-896**

**DONS PEST AND WEED CONTROL LLC  
2829 S. DOUGLAS BLVD.  
MIDWEST CITY, OK 73130**

**Summary of Facts:** Respondent applied Princep Liquid outside of label guidelines. The labeling for the product indicates that the product should not be applied when winds are in excess of 10 miles per hour; winds at the time of application were 25 miles per hour.

**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:** Brady Robison

**FILED**  
MAR 31 2022  
STATE BOARD OF AGRICULTURE

**RESPONDENT.**

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)  
Case No: OGC-21-896

## 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 )

COMPLAINANT, )

v. )

DON'S PEST & WEED CONTROL )  
2829 S. DOUGLAS BLVD. )  
MIDWEST CITY, OK 73130 )

RESPONDENT. )

) Case No: OGC-21-896

**FILED**  
FEB 07 2022  
STATE BOARD OF AGRICULTURE

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 pm on **Thursday, May 12<sup>th</sup>, 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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<sup>1</sup> 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 Don's Pest and Weed Control, located at 2829 S. Douglas Boulevard in Midwest City, Oklahoma.

16. Pursuant to Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF 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.

#### **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.

18. On or about December 2, 2020, the Oklahoma Department of Agriculture, Food, and Forestry performed a complaint investigation regarding a pesticide application made by Respondent.

19. As part of this investigation, it was discovered that Respondent performed an ornamental and turf application to a home lawn on November 19, 2020.

20. Respondent's application records indicate that Princep Liquid was applied at 2924 Shadybrook Dr. when the wind speeds were 25 mph.

21. The Princep Liquid product label indicates that the product should not be applied in wind speeds greater than 10 mph.

22. A Letter of Warning detailing the above violation was sent to Respondent on or about January 26, 2021.

### **ALLEGED CONCLUSIONS OF LAW**

23. 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 labeling.

### **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 **Two Hundred Fifty Dollars (\$250.00)**.

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 **18** day of **October, 2021**.

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  
Kambi Maddy, OBA #13873  
✓ Brady Robison, OBA # 33600  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

### STIPULATION

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

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 18 day of October, 2021.

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

Kambi Maddy, OBA #13873

✓ Brady Robison, OBA # 33600

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 7 day of Feb, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DON'S PEST AND WEED CONTROL  
2829 S. DOUGLAS BLVD  
MIDWEST CITY, OK 73130**



---

Gina Blaylock



**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. GEORGE ENTERPRISES LLC**

**Case File No. OGC-22-16**

**GEORGE ENTERPRISES LLC**  
**109615 KAY RD.**  
**NARDIN, OK 74646**

**Summary of Facts:** During a cause inspection ODAFF Inspectors inspected respondents marijuana grow operation; this inspection was a result of a batch of medical marijuana that had failed inspection by the Oklahoma Medical Marijuana Authority. Inspectors observed several pesticide products in the storage area, specifically Eagle 20EX, Forbid 4F (Spiromesifem), and Avid 0.15EC. Only products registered with ODAFF may be used with medical marijuana. These products are not registered with ODAFF. Respondent was applying products off label.

**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:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

APR 13 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

Case No: OGC-22-16

GEORGE ENTERPRISES LLC  
109615 KAY RD.  
NARDIN, OK 74646

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:

Fei Yang  
Signature

Fei Yang (Manager)  
Printed Name and Title:

Date: 4/8/2022

**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. )**

**GEORGE ENTERPRISES LLC )  
109615 KAY RD. )  
NARDIN, OK 74646 )**

**RESPONDENT. )**

**FILED**

**MAR 02 2022**

**STATE BOARD OF AGRICULTURE**

**Case No: OGC-22-16**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 14<sup>th</sup>, 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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<sup>1</sup> 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 commercial marijuana production with pesticide applications, located at 109615 Kay Rd., Nardin, Oklahoma.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF 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.

### **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 28<sup>th</sup> day of October, 2021, the Consumer Protection Services Division of the Department performed a pesticide use inspection based on a report submitted to the Department by the Oklahoma Medical Marijuana Authority. This report indicated that one of your batches failed due to high levels of Spiromesifen, a pesticide.

19. During the inspection, our inspectors found several pesticide products in your storage area.

20. The products found are not labeled to be used in medical marijuana production, specifically, Eagle 20 EW, Forbid 4F (Spiromesifen), and Avid 0.15 EC.

21. Only products registered with ODAFF and labeled for application to hemp may be used.

### **ALLEGED CONCLUSIONS OF LAW**

22. Based upon the application of the above law to the aforementioned facts, you have been using pesticides off label. Using a pesticide in a manner inconsistent with its labeling is a violation of the Oklahoma Combined Pesticide Law & Rules: 2 O.S. § 3-86 A(4)

### **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 Five-Hundred Dollars (\$500.00).

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 15<sup>TH</sup> day of February, 2022.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

✓ Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 2 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

George Enterprises LLC  
109615 Kay Rd.  
Nardin, OK 74646

  
\_\_\_\_\_  
Gina Blaylock



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. JIFFY TRIP**  
**Case File No: OGC-22-09**

**JIFFY TRIP #304**  
**HWY 74 & BRECKENRIDGE RD.**  
**GARBER, OK 73738**

**Summary of Facts:** An investigator conducted three routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after each inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was One Thousand Fifty Dollars (\$1050.00). (7 violations at \$150.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

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. )

JEFFY TRIP #304 )  
HWY 74 & BRECKENRIDGE RD )  
GARBER, OK 73738 )

RESPONDENT. )

Case No: OGC-22-09

**FILED**  
MAR 21 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Fifty Dollars (\$1050.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

Alex Williams  
Printed Name

Chief Operating Officer  
Job Title

3-7-2022  
Date



**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.**

**JIFFY TRIP #304  
HWY 74 & BRECKENRIDGE RD.  
GARBER, OK 73738**

**RESPONDENT.**

**FILED**

MAR 07 2022

**STATE BOARD OF AGRICULTURE**

**Case No: OGC-22-09**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 14, 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.

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<sup>1</sup> 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 business of selling consumer items under the business name of Jiffy Trip #304, located at HWY 74 & Breckenridge Rd., in Garber, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A third violation discovered within any twelve-month period will be assessed a penalty of One Hundred Fifty Dollars (\$150.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about June 30, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Jiffy Trip in Garber, Oklahoma. The inspection revealed that five (5) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J).

22. On or about September 20, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Jiffy Trip in Garber, Oklahoma. The inspection revealed that nine (9) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J).

24. On or about December 06, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Jiffy Trip in Garber, Oklahoma. The inspection revealed that seven (7) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

25. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a third violation of 2 O.S. § 14-38(J).

### **ALLEGED CONCLUSIONS OF LAW**

26. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

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

28. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

### **ENFORCEMENT PROCEEDINGS**

30. 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.

31. Pursuant to 2 O.S. § 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.

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

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

### **ENFORCEMENT OF JUDGMENTS**

34. 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**

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

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

37. 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**

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Fifty Dollars (\$1050.00)**.  
**(7 violations at \$150.00 per violation).**

39. 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 1 day of March, 2022.

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

*Kambi Maddy*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 2 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**HAMMER - WILLIAMS  
ATTN: LEGAL DEPARTMENT  
PO BOX 1112  
ENID, OK 73702**

*JB*

---



**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-22-09**

**JIFFY TRIP #304 )  
HWY 74 & BRECKENRIDGE RD )  
GARBER, OK 73738 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Fifty Dollars (\$1050.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. KIND ORIGINS CANNABIS LLC**

**Case File No. OGC-22-15**

**KIND ORIGINS CANNABIS LLC  
1900 A. ST.  
ADA, OK 74820**

**Summary of Facts:** Respondent had multiple pesticide products located within their medical marijuana storage area. Specifically Trifecta Crop Control, Dakine 420 Flat Line, Bonide Neem Oil, Optic Folar Shift 3.9%, Ethephon, and Bonide Sulphur Plant Fungicide RTU. None of which is registered with ODAFF or labeled to be used with medical marijuana or hemp.

Respondent was applying pesticides off label.

**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:** Brady Robison

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.

KIND ORIGINS CANNABIS LLC  
1900 A. ST.  
ADA, OK 74820

RESPONDENT.

Case No: OGC-22-15

**FILED**  
APR 07 2022  
STATE BOARD OF AGRICULTURE

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: 04-07-22

**BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA**

**FILED**

MAR 04 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-22-12

KIND ORIGINS CANNABIS LLC )  
1900 A. ST. )  
ADA, OK 74820 )

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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 14<sup>th</sup>, 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.**

---

<sup>1</sup> 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 commercial marijuana production with pesticide applications, located at 1900 A. St., Ada, Oklahoma.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF 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.

### **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 the 20<sup>th</sup> day of October, 2021, the Consumer Protection Services Division of the Department visited your marijuana grow operation in Ada, OK to conduct a routine inspection.

19. While inspecting your grow operation our inspectors observed several pesticide products in your storage area. Many of which are not labeled to be used in marijuana production.

20. Specifically Trifecta Crop Control, Dakine 420 Flat Line, Bonide Neem Oil, Optic Foliar Shift 3.9% Ethephon, and Bonide Sulpur Plant Fungicide RTU.

21. Only pesticide products that have been registered with the ODAFF and are labeled for application to hemp may be used with medical marijuana.

### **ALLEGED CONCLUSIONS OF LAW**

22. Based upon the application of the above law to the aforementioned facts, you have been applying pesticide products inconsistent with the labeling of those products in violation of the Oklahoma Combined Pesticide Law & Rules 2 O.S. §3-86(A)(4).

### **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 Five-Hundred Dollars (\$500.00).

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 15<sup>TH</sup> DAY OF FEBRUARY, 2022.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

✓ Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 4<sup>th</sup> day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

Kind Origins Cannabis LLC  
1900 A. St.  
Ada, OK 74820



---

Gina Blaylock



**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. MAVERICK ENVIRONMENTAL SOLUTIONS**

**Case File No. OGC-20-822**

**MAVERICK ENVIROMNETAL SOULUTIONS  
225 KINGSBERRY RD  
HOLDENVILLE, OK 74848**

**Summary of Facts:** Respondent was operating a pesticide producing establishment without a valid ODAFF producer permit. Respondent was producing a private labeled product called Hydrolyte Hospital Disinfectant for Paradigm Convergence Technologies Corporation. Respondent supplied inspectors with the copy of the label and the EPA number did not match what was reported to the EPA.

**Statute or Rule Violation:** 2 O.S. §3-82(M)(2)

**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:** Brady Robison

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. )

MAVERICK ENVIRONMENTAL SOLUTIONS )  
225 KINGSBERRY RD )  
HOLDENVILLE, OK 74848 )

RESPONDENT. )

**FILED**

MAR 07 2022

STATE BOARD OF AGRICULTURE

Case No: OGC-20-822

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:

**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. )**

**MAVERICK ENVIRONMENTAL SOLUTIONS )  
225 KINGSBERRY RD )  
HOLDENVILLE, OK 74848 )**

**RESPONDENT. )**

**FILED**

OCT 21 2021

STATE BOARD OF AGRICULTURE

**Case No: OGC-20-822**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, January 13<sup>th</sup>, 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.**

---

<sup>1</sup> 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 Maverick Environmental Solutions, located at 225 Kingsberry Road in Holdenville, OK 74848.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF 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.

#### **2 O.S. § 3-82 M(2)**

It shall be unlawful for any person to produce within this state any pesticide, active ingredient or device without first obtaining a pesticide producer establishment permit issued by 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 November 18, 2020, ODAFF conducted a complaint investigation of Maverick Environmental Solutions, located at 225 Kingsberry Road in Holdenville, OK 74848.



- According to our reports, your company is producing a private labeled product called Hydrolyte Hospital Disinfectant for Paradigm Convergence Technologies Corporation.
- The EPA Establishment number on the product label of the Hydrolyte Hospital Disinfectant that your company provided to our inspector does not match the EPA Establishment number on your 2019 annual production report.
- According to our records, the Hydrolyte Hospital Disinfectant label that is registered with ODAFF does not contain an Oklahoma pesticide producer establishment permit.
- On or about December 4, 2020, a Letter of Warning that detailed the above violation was sent to Maverick Environmental Solutions.

#### **ALLEGED CONCLUSIONS OF LAW**

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 3-82 M(2) by producing a private labeled pesticide product without a valid Oklahoma pesticide producing establishment permit.

#### **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  
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 21 day of Oct, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**MAVERICK ENVIRONMENTAL SOLUTIONS  
225 KINGSBERRY RD  
HOLDENVILLE, OK 74848**

  
\_\_\_\_\_  
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. )**

**Case No: OGC-20-822**

**MAVERICK ENVIRONMENTAL SOLUTIONS )  
225 KINGSBERRY RD )  
HOLDENVILLE, OK 74848 )**

**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: \_\_\_\_\_

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. PONDS RX DBA TURNPRO AQUATICS**

**Case File No. OGC-21-817**

**PONDS RX  
DBA TURNPRO AQUATICS  
22995 COVE WOOD CIR.  
EDMOND, OK 73025**

**Summary of Facts:** Respondent's employee was making an application of herbicide to aquatic vegetation in a lake, specifically Procellor SC. Respondent's employee was not wearing the proper personal protective equipment, to wit: he did not have on long sleeves and long pants while making application and only had on one waterproof glove. Finally employee did not have an identification issued by ODAFF.

**Statute or Rule Violation:** 2 O.S. §3-86(A)(4) & 2 O.S. §3-86 (A)(16)

**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:** Brady Robison

TURNER LG @ COX.NE1

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

APR 07 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

PONDS RX )

DBA TURNPRO AQUATICS )

22995 COVE WOOD CIR. )

EDMOND, OK 73025 )

RESPONDENT. )

Case No: OGC-21-817

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:

*[Handwritten signature and date 4-7-22]*

Signature

Printed Name and Title:

Date:

*4-5-22*



**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.**

**PONDS RX  
DBA TURNPRO AQUATICS  
22995 COVE WOOD CIR.  
EDMOND, OK 73025**

**RESPONDENT.**

**FILED**

MAR 08 2022

STATE BOARD OF AGRICULTURE

Case No: OGC-21-817

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 14<sup>th</sup>, 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.**

---

<sup>1</sup> 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 applying commercial pesticides, located at 22995 Cove Wood Circle, Edmond, Oklahoma.

16. Pursuant to Title 2 O.S. § 3-86(A)(4) and 2 O.S. § 3-86(A)(16), ODAFF has authority to regulate persons who apply commercial pesticides.

### **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 9<sup>th</sup> day of September, 2021, the Pesticide Complaint Division of the Department of Agriculture, Food and Forestry conducted an investigation based off of a consumer complaint.

19. Said investigation was conducted at Oklahoma Noname 22 Lake in Oklahoma City Oklahoma.

- At said site, employee of Respondent, Kyle Shaw, was making application to the aquatic vegetation in the lake.
- According to records, Procellor SC was the product being applied.

- Respondent's employee was not wearing the specified PPE required by the product label. Specifically he did not have long sleeves and long pants. Additionally he was only wearing one waterproof glove when two are required.
- Kyle Shaw has previously passed the service technician exam, but has not been issued a service technician identification and not on the list of applicators for your company.
- Making an application inconsistent with the pesticide product label and without issued identification from ODAFF are violations of the Oklahoma Combined Pesticide Law & Rules.

### **ALLEGED CONCLUSIONS OF LAW**

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

21. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 3-86(16) by applying commercial pesticides without having first obtained an issued license by the Oklahoma Department of Agriculture, Food and Forestry.

### **ATTORNEY CONFERENCES**

22. 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.

23. 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.

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

## **ENFORCEMENT PROCEEDINGS**

25. 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.
26. 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.
27. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
28. 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**

29. 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**

30. 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**

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

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

33. 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**

34. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five-Hundred Dollars (\$500.00)**.

35. 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 14<sup>TH</sup> DAY OF FEBRUARY, 2022.

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

Brady Robison

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA #13873  
✓ Brady Robison, OBA # 33600  
Richard Herren, OBA #13829  
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 8 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

PONDS RX DBA TURNPRO AQUATICS  
22995 COVE WOOD CIR.  
EDMOND, OK 73025

  
\_\_\_\_\_  
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.**

**PONDS RX  
DBA TURNPRO AQUATICS  
22995 COVE WOOD CIR.  
EDMOND, OK 73025**

**RESPONDENT.**

**Case No: OGC-21-817**

**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: \_\_\_\_\_



**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. TEXOMA HORTICULTURE**

**Case File No. OGC-22-29**

**TEXOMA HORTICULTURE  
19824 CROWSON RD  
MADILL, OK 73446**

**Summary of Facts:** ODAFF inspectors conducted a routine inspection of the Respondents business. At the time of the inspection the business commercial license had been expired since December 2019. Respondent continued to conduct business through the years of 2020 and 2021 without a valid business license. Currently, the business license is still expired

**Statute or Rule Violation:** 2 O.S. §3-86 & 2 O.S. §(A)(1)

**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:** Brady Robison

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.

TEXOMA HORTICULTURE  
19824 CROWSON RD  
MADILL, OK 73446

RESPONDENT.

Case No: OGC-22-23

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

Dustin Combs - Owner  
Printed Name and Title:

Date: 4/11/22

RECEIVED

APR 15 2022

OFFICE OF GENERAL COUNSEL  
OKLA. DEPT OF AGRICULTURE

**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-22-29**

**TEXOMA HORTICULTURE )  
19824 CROWSON RD )  
MADILL, OK 73446 )**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on May 12, 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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<sup>1</sup> 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 commercial application of pesticides.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF 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.

### **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 17<sup>th</sup> day of November, the Consumer Protective Services Division of the Department conducted a routine use inspection of your business.

19. At the time of the inspection, your commercial applicator license was expired and had been expired since December 2019.

20. Licenses expire at the end of each calendar year and must be renewed. Documents showed that you continued to operate business from 2020 through 2021 without a valid license issued by ODAFF.

21. You failed to renew your business license and continued to make commercial applications in violation of Oklahoma Combined Pesticide Law & Rules.

### **ALLEGED CONCLUSIONS OF LAW**

22. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-82 (A)(1) by applying pesticide without a valid license issued by ODAFF.
23. Respondent violated 2 O.S. §3-86(A)(15) by conducting commercial business without a valid commercial applicator business license; business licenses expire at the end of each year and must be renewed. You failed to renew that license and continued to conduct business.

### **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 Two Hundred and Fifty Dollars (\$250.00).

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 17<sup>TH</sup> day of February, 2022.

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

*Brady Robison*

\_\_\_\_\_  
Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

✓ Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

Texoma Horticulture  
19824 Crowson Rd.  
Madill, OK 73446

\_\_\_\_\_  
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.**

**Case No: OGC-22-23**

**TEXOMA HORTICULTURE  
19824 CROWSON RD  
MADILL, OK 73446**

**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: \_\_\_\_\_

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. TOWN & COUNTRY PEST, TURF, & TERMITE**

**Case File No. OGC-22-32**

**TOWN AND COUNTRY PEST, TURF, AND TERMITE LLC  
P.O. BOX 1207  
ARDMORE, OK 73402**

**Summary of Facts:** ODAFF inspectors conducted an inspection of the Respondents business as a result of a consumer complaint. Respondent reported that they conducted an ODAFF 1 inspection on a structure. The report filed as a result of their inspection was inaccurate in that they did not find evidence of termite activity in the structure. ODAFF inspectors found termite activity in the structure in multiple locations. The activity was present and visible at the time of the Respondents inspection. Respondent filed an inaccurate ODAFF 1.

**Statute or Rule Violation:** O.A.C. 35:30-17-101

**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:** Brady Robison

**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.

TOWN AND COUNTRY PEST, TURE, AND  
TERMITE LLC  
P.O. BOX 1207  
ARDMORE, OK 73402

RESPONDENT.


Case No: OGC-22-32

**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

D. Ida Peltz Co-owner  
Printed Name and Title

**RECEIVED**

**APR 15 2022**

Date: 4-11-22

**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.**

**TOWN AND COUNTRY PEST, TURF, AND  
TERMITE LLC  
P.O. BOX 1207  
ARDMORE, OK 73402**

**RESPONDENT.**

**Case No: OGC-22-32**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on May 12<sup>th</sup>, 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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<sup>1</sup> 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 commercial pesticide application and pest control, in Oklahoma.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF 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.

### **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 the 20<sup>th</sup> day of January, 2022, the Consumer Protection Services Division of the Department conducted an investigation based on a consumer complaint.

19. During the course of this investigation it was found that you completed an inspection for termites at a property located at 4536 Vinson Rd. and filed a report for that inspection.

- The report for that inspection indicated that there were not any signs or evidence of termite activity or damage from such activity.
- ODAFF inspectors found termite damage to the baseboards on the west wall of the laundry room, and around the window seal and the ceiling above the window on the south wall of the southeast bedroom of the property.

- According to our investigation, this damage and activity was present when you conducted your inspection.

### **ALLEGED CONCLUSIONS OF LAW**

20. Based upon the application of the above law to the aforementioned facts, Respondent is in violation of the Oklahoma Combined Pesticide Law & Rules. Specifically, O.A.C. 25:30-17-100 which states: (a) Any wood infestation report (WIR) issued that is not in compliance with these rules shall be inaccurate, misleading, or fraudulent (b) Any person who issues a WIR that fails to comply with the provisions of these rules shall be in violation for failure to perform work according to minimum standards.
21. Respondent filed a report that indicated no termite activity. This report was false, misleading or fraudulent.

### **ATTORNEY CONFERENCES**

22. 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.
23. 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.
24. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

25. 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.

26. 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.

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

28. 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**

29. 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**

30. 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**

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

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

33. 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**

34. 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)**.

35. 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 18<sup>TH</sup> day of February, 2022.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

✓ Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 \_\_\_\_\_, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**TOWN AND COUNTRY PEST, TURF, AND TERMITE LLC  
P.O. BOX 1207  
ARDMORE, OK 73402**

\_\_\_\_\_  
Gina Blaylock

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

v.

**RESPONDENT.**

**Case No: OGC-22-32**

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: \_\_\_\_\_

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. WESTERN PRODUCERS COOP**

**Case File No. OGC-20-830**

**WESTERN PRODUCERS COOP  
702 SOUTH RAMBO  
DILL CITY, OK 73641**

**Summary of Facts:** Respondent placed for retail sale Tomcat Rat and Mouse Bait Place Pacs for individual sale contrary to product labeling. These packs cannot be sold individually per the manufacturer product labeling.

**Statute or Rule Violation:** 2 O.S. §3-86(C)(5)

**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:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

MAR 15 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT. )

Case No: OGC-20-830

WESTERN PRODUCERS COOP )  
702 SOUTH RAMBO )  
DILL CITY, OK 73641 )

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:

Mike Sawyer  
Signature

Mike Sawyer - General Manager  
Printed Name and Title

Date: 03/08/2022

**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.**

**WESTERN PRODUCERS COOP  
702 SOUTH RAMBO  
DILL CITY, OK 73641**

**RESPONDENT.**

**FILED**  
**JAN 26 2022**  
**STATE BOARD OF AGRICULTURE**

**Case No: OGC-20-830**

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, April 14<sup>th</sup>, 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.**

---

<sup>1</sup> 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 sale of pesticides as Western Producers COOP, located at South Rambo & Hwy 42 in Dill City, OK 73641.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF 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.

**17. 2 O.S. §3-86(C)(5)**

C. It shall be unlawful for any person, whether or not a person holds a permit as a manufacturer, registrant, or distributor, to distribute, sell, or offer for sale within this state, deliver for transportation or transport in intrastate or interstate commerce, or to violate any part of this subarticle or rules promulgated by the Board. Any pesticide registration, permit, certificate, or identification issued may be suspended, canceled, revoked, or refused reissue by the Board after a notice and opportunity to be heard has been given to the holder of the registration, permit, certificate, or identification. Notice shall be given to the holder of the registration, permit, certificate, or identification by registered or certified mail at least ten (10) days prior to the date of hearing. The suspension, cancellation, revocation, or refusal to reissue any registration, permit, certificate or identification may be made if the Board finds that:

5. That any person intends to or has distributed, sold, stored, or used any pesticide or device in a manner inconsistent with its labeling.

### **ALLEGATIONS OF FACT**

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

- On or about November 20, 2020, ODAFF conducted a pesticide marketplace inspection.
- The Inspector found that Respondent was selling Tomcat Rat and Mouse Bait Place Packs individually for \$1.35 each.
- These rat and mouse bait packs cannot be sold individually, as stated on the product label.
- On or about December 9, 2020, a Letter of Warning detailing the above violation was sent to Western Producers COOP.

### **ALLEGED CONCLUSIONS OF LAW**

19. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(C)(5) by selling a pesticide in a manner inconsistent with its labeling.

### **ATTORNEY CONFERENCES**

20. 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.

21. 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.

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

### **ENFORCEMENT PROCEEDINGS**

23. 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.

24. 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.

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

26. 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**

27. 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**

28. 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**

29. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
30. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
31. 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**

32. 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)**.
33. 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

A handwritten signature in blue ink, appearing to be "Z. J. [unclear]", is written over a horizontal line.

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA #13873  
↗ Brady Robison, OBA #33600  
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 26 day of Jan., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**WESTERN PRODUCERS COOP  
702 SOUTH RAMBO  
DILL CITY, OK 73461**



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.**

**WESTERN PRODUCERS COOP  
702 SOUTH RAMBO  
DILL CITY, OK 73641**

**RESPONDENT.**

**Case No: OGC-20-830**

**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: \_\_\_\_\_

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. WILKINS LAWN AND LANDSCAPE**

**Case File No. OGC-22-21**

**WILKINS LAWN AND LANDSCAPE  
44 WESTGATE DR.  
SULPHUR, OK 73086**

**Summary of Facts:** During a routine inspection of Respondent's place of business, ODAFF inspectors requested application records for the business. Respondent refused to allow for inspection of application records.

**Statute or Rule Violation:** O.A.C. 35:30-17-21

**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:** Brady Robison



**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.

WILKINS LAWN AND LANDSCAPE  
44 WESTGATE DR.  
SULPHUR, OK 73086

RESPONDENT.

Case No: OGC-22-21

**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:

**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. )

WILKINS LAWN AND LANDSCAPE )  
44 WESTGATE DR. )  
SULPHUR, OK 73086 )

RESPONDENT. )

**FILED**

MAR 04 2022

STATE BOARD OF AGRICULTURE

Case No: OGC-21-22

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 14<sup>th</sup>, 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.

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<sup>1</sup> 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 business of application of pesticides in the State of Oklahoma, located at 44 Westgate Drive, Sulphur, Oklahoma.

16. Pursuant to Oklahoma Administrative Code 35:30-17-20(a)(1), ODAFF has authority to regulate persons who have contracts for the commercial application of pesticides in the Structural Pest Category.

### **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 November 3, 2021, an inspector for The Oklahoma Department of Agriculture Food, and Forestry conducted an inspection at your 44 Westgate Dr. location in Sulphur, OK.

19. The inspector was not supplied with application records when requested during the inspection nor have records been supplied to this date.

20. Application records must be kept and maintained at your principle place of business for two (2) years and accessible for inspection during reasonable business hours.

### **ALLEGED CONCLUSIONS OF LAW**

21. Based upon the application of the above law to the aforementioned facts, Respondent violated the Oklahoma Combined Pesticide Law and Rules O.A.C. 35:30-17-21 by not producing records when they were requested.

### **ATTORNEY CONFERENCES**

22. 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.

23. 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.

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

### **ENFORCEMENT PROCEEDINGS**

25. 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.

26. 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.

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

28. 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**

29. 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**

30. 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**

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

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

33. 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**

34. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five-Hundred Dollars (\$500.00)**.

35. 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 14<sup>TH</sup> DAY OF FEBRUARY, 2022.

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

*Brady Robison*

---

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829  
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 4 day of March, 2022, 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**



---

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.**

**WILKINS LAWN AND LANDSCAPE  
44 WESTGATE DR.  
SULPHUR, OK 73086**

**RESPONDENT.**

**Case No: OGC-22-21**

**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: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. TWISTED SISTER BUTCHER, LLC  
Case File No. OGC 21-183**

**TWISTED SISTER BUTCHER, LLC  
JILL HAROUFF  
16990 W FOUNTAIN RD  
TONKAWA, OK 74653**

**Summary of Facts:** Respondent slaughtered and processed three bovine for a fee without the appropriate license.

**Statute or Rule Violation:** 2 O.S. § 6-190

**Proposed Administrative Penalty:** The penalty was assessed at \$900. Respondent stipulated and paid the penalty in full.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Richard D. Herren

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.

TWISTED SISTER BUTCHER LLC  
JILL HAROUFF  
16990 W. FOUNTAIN RD  
TONKAWA, OK 74653

RESPONDENT.

Case No: OGC-21-183

**FILED**  
FEB 10 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Nine Hundred Dollars (\$900.00) 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

Jill M. Harouff / owner  
Printed Name and Title:

Date: Feb 10<sup>th</sup> 2022

**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.**

**TWISTED SISTER BUTCHER LLC )  
JILL HAROUFF )  
16990 W FOUNTAIN RD )  
TONKAWA, OK 74653 )**

**RESPONDENT.**

**FILED**

**SEP 20 2021**

**STATE BOARD OF AGRICULTURE**

**Case No: OGC-21-183**

**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<sup>1</sup> 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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<sup>1</sup> 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 slaughter of animals as Twisted Sisters Butcher LLC, located at 16990 W. Fountain Rd in Tonkawa, Oklahoma.

16. Pursuant to Okla. Stat. Ann. 2 § 2-4(A)(3), ODAFF 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.

#### **2 O.S. § 6-190**

No person, firm or corporation shall, with respect to any cattle, bison, sheep, swine, goats, horses, mules or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals:

(a) Slaughter any such animals or prepare any such articles which are capable of use as human food at any establishment preparing such articles for intrastate commerce, except in compliance with the requirements of this act;

(b) Slaughter or handle in connection with slaughter any such animals in any manner not in accordance with Section 6-183 of this title;

(c) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce,

(1) any such articles which :

(A) are capable of use as human food, and

(B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or

(2) any articles required to be inspected under Sections 6-181 through 6-196 of this title unless they have been so inspected and passed;

(d) Do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

#### **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 December 5, 2020, the Food Safety Division of the Department went to investigate Twisted Sisters Butcher LLC after receiving an anonymous complaint of an illegal slaughter and processing plant in Tonkawa.

19. Compliance Officers met with the Respondent who informed them that she had processes ten (10) animals for family members for no cost.

20. Respondent was warned by the Compliance Officers that charging a fee for slaughter and processing at her unlicensed facility would be breaking the law and that fines could be levied. Respondent was also informed of how to become licensed.

21. On February 19, 2021, after receiving another anonymous complaint about Respondent, an employee of ODAFF called to set a kill date and get a price. A date and price were set by the Respondent.

22. On February 25, 2021, Compliance Officers with ODAFF went back to Respondent's facility to write a violation for the kill date set with the ODAFF employee.

23. Upon entering the facility, the Compliance Officers found three (3) slaughtered beef being processed for a fee.

#### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 6-190 by slaughtering animals not in compliance with the requirements set forth by the Oklahoma Meat Inspection Act.

#### **ATTORNEY CONFERENCES**

25. 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 405-522-4668.

26. 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.

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

#### **ENFORCEMENT PROCEEDINGS**

28. 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.



29. 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.

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

31. 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**

32. 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**

33. 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**

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

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

36. 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**

37. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Nine Hundred Dollars (\$900.00).

38. 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 31 day of August, 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  
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 forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

TWISTED SISTER BUTCHER  
JILL HAROUFF  
16990 W. FOUNTAIN RD  
TONKAWA, OK 74653

  
\_\_\_\_\_  
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.**

**TWISTED SISTER BUTCHER LLC  
JILL HAROUFF  
16990 W. FOUNTAIN RD  
TONKAWA, OK 74653**

**RESPONDENT.**

**Case No: OGC-21-183**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Nine Hundred Dollars (\$900.00) 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 DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. STEGG'S AERIAL SPRAYING, INC.**

**Case File No. OGC-20-633**

**STEGGS AERIAL SPRAYING INC.  
2815 COLLEGE BLVD  
PO BOX 446  
ALVA, OK 73717**

**Summary of Facts:** This Case is about aerial application of pesticides that resulted in wind-drift to a neighboring property. Respondent applied Brash and MSM on June 13, 2020 to a pasture in the SE ¼ S21-28N-9W with a southwest wind at 9 mph. Upon inspection by ODAFF inspectors, it was found that herbicide had drifted onto the neighboring property affecting high in the tree canopy of walnut, cottonwood, and willow trees. A sample was taken and the analysis found that 2,4-D, setsulfuron methyl, and dicamba were present.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$500.

**Deviations:** Per a prior agreement with the prior attorney working on the case, the deviation was in the amount of the penalty assessed. Originally assessed at \$1000.00 it was reduced to \$500.00 by that agreement. Documentation was provided to show the conversation between the prior attorney and the attorney for the respondent.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
APR 12 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-20-633

STEGG'S AERIAL SPRAYING, INC. )  
2815 COLLEGE BLVD )  
ALVA, OK 73717 )

RESPONDENT. )

**SETTLEMENT AGREEMENT AND CONSENT ORDER**

**PARTIES**

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Stegg's Aerial Spraying, Inc. (the "Respondent").

**AUTHORITY**

2. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(16).

**DEPARTMENT'S NOTICE**

3. On or about November 17, 2020, the Department issued a Notice of Violation in Case No. OGC-20-633, ("Notice") to Respondent, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

**ORDER AND AGREEMENT**

4. In compromise and full settlement of this matter, Respondent shall pay to the Department an administrative penalty of Five Hundred Dollars (\$500). Upon the execution of this agreement by both parties, payment shall immediately be made by Respondent payable to the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:

Office of General Counsel  
Oklahoma Department of Agriculture, Food, and Forestry  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

#### **EFFECT OF THE AGREEMENT**

5. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based on or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
6. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
7. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

#### **NO ADMISSION.**

8. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

### NON-ADMISSIBILITY.

9. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

### HEARING WAIVER

10. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

### MISCELLANEOUS

11. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
12. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
13. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
14. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
15. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
16. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
17. This Agreement shall be governed by the laws of the State of Oklahoma



Executed by the Parties on the dates set forth below:

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

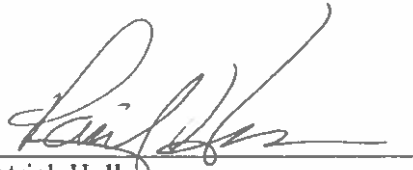
 

Shelby Turner  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104

COMPLAINANT

Date: 4-12-22

- and by -



Patrick Hullum  
101 N. Robinson Ave.  
Oklahoma City, OK 73102  
Telephone: (937) 516-0334

COUNSEL FOR RESPONDENT

Date: 3/30/22

# Exhibit A

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: <u>OGC-20-633</u>
	)	
Stegg's Aerial Spraying, Inc.	)	
2815 College Blvd	)	
Alva, OK73717	)	
	)	
RESPONDENT.	)	

**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<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 pm on **Thursday, October 14th, 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.**

---

<sup>1</sup> 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.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF 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.

#### **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.

18. On or about June 25, 2020, an inspector for the Oklahoma Department of Agriculture, Food, and Forestry conducted an investigation concerning a complaint.
19. As a result of this investigation, Respondent's application records were requested.
20. Respondent's application records revealed that on June 13, 2020, Respondent applied Brash and MSM 60 to a pasture in the SE ¼ S21-28-9W with a southwest wind at 9 mph.
21. ODAFF's inspector noted that the walnut trees, cottonwood trees, willow trees, and other plant species on the property north of Respondent's application area showed herbicide effects.
22. As a result of this discovery, a vegetative sample was taken from the property north of Respondent's application area. The sample results revealed that 2, 4-D, metsulfuron methyl, and dicamba were taken.
23. A vegetative sample was also taken from Respondent's targeted field. In that sample, 2, 4-D, metsulfuron methyl, and dicamba were detected.
24. On or about September 4, 2020, a Letter of Warning detailing the above violation was sent to Steggs Aerial Spraying, Inc.

#### **ALLEGED CONCLUSIONS OF LAW**

25. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. 3-86(A)(3) by applying an herbicide in a negligent manner thereby resulting in an off target drift.

#### **ATTORNEY CONFERENCES**

26. 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.

27. 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.

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

### **ENFORCEMENT PROCEEDINGS**

29. 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.

30. 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.

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

32. 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**

33. 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

34. 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

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

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

37. 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

38. 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)**.

39. 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 7th day of June, 2021.

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

A handwritten signature in black ink, appearing to be the initials 'ST' or similar, written over a horizontal line.



Tecna 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 \_\_\_\_\_, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Stegg's Aerial Spraying, Inc.  
2815 College Blvd  
Alva, OK 73717**

\_\_\_\_\_  
Gina Blaylock

