

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

Wednesday, December 7, 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 October 26, 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 – Audrey Ochsner

7. Consideration and Proposed Action on Purchases/Contracts

8. Consideration and Proposed Action on Cases Resolved by Stipulations

**Consumer Protection Services**

**4 Star Treatment Pest Control, P. O. Box 3802, Bartlesville, Oklahoma**

**Cedar Ridge Aviation, LLC, P. O. Box 37, Knox City, Texas**

**Blake Hall, 24736 E. 670 Road, Wagoner, Oklahoma**

**Tony Kodesh, 4800 CR 110, Red Rock, Oklahoma**

**Lawnpro Outdoor Services, 7870 E. 126<sup>TH</sup> ST., S. Apt 312, Bixby, Oklahoma**

**Carolyn Leck, 814 S. Duane Ave., El Reno, Oklahoma**

**James Neal, 5600 Free Ferry Road, Fort Smith, Arkansas**

**Total Environment, Inc., 16301 N. Rockwell Ave. Edmond, Oklahoma**

**Tri-Rotor Services, LLC, 9170 E. Road 2, Ulysses, Kansas**

**\*\*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. Next Board meeting scheduled for **Thursday, January 26, 2023**, at Oklahoma City.
10. Old Business
11. 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.
12. Adjournment

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

Oklahoma City, Oklahoma  
October 26, 2022

The Oklahoma State Board of Agriculture met in regular session at 4:12 p.m., October 26, 2022, Abernathy's Farm, Altus, Oklahoma. Written notice of this meeting was filed with the Secretary of State. A notice was posted at the Agriculture Building 24 hours prior to the meeting setting forth thereon the date, time, place and agenda for the meeting and an agenda was posted on the agency website.

Members Present:     Joe Farris  
                               Brent Bolen  
                               Blayne Arthur  
                               Clay Burtrum  
                               Nocona Cook

Others Present:        Kandi Batts, Executive Secretary  
                               JanLee Rowlett, Deputy Commissioner  
                               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  
                               Scott Yates, Director, Food Safety Services  
                               Audrey Ochsner, Public Engagement Specialist  
                               Clint Abernathy, Abernathy's Farms  
                               Tom Buchanan  
                               Glen Winters

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

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the minutes of the regular meeting of September 15, 2022, as presented.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

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

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Farris, to approve the following purchases/contracts as submitted and contained on pages 4 and 5.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Burtrum, to approve the Proposed Action on Stipulations as submitted and contained on pages 6 and 7.

**Agricultural Environmental Management Services**

**Rodney Abernathy, 29943 Cherokee Street, Bokoshe, Oklahoma  
Hollie Farms, P. O. Box 271, Bokoshe, Oklahoma**

**Consumer Protection Services**

**Cate's Recycling, 8800 New Sapulpa Road, Sapulpa, Oklahoma  
Grass Monkey Lawn & Tree, 620 W. Hancock, Muskogee, Oklahoma  
Love's Country Stores, Inc., 301 N. Louis Tittle, Mangum, Oklahoma  
Noah Exclusive Products, 897 CR 1310, Chickasha, Oklahoma  
Outdoor Creations Management, 16085 Rolling Hills Rd. Yukon, 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."

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	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 5:01 p.m.

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

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

# OCTOBER 26, 2022 BOARD MEETING

## **PURCHASES/CONTRACTS**

### **Administrative Services**

**\$7,600 – FY23 - Investigative Services** – Investigative Services is requesting Board Approval for the police outfitting/emergency lighting of a 2022 Ford F-250 to be used by the Law Enforcement Officers, Chief Agent, and Special Agents, of the Oklahoma Department of Agriculture, Food and Forestry to comply with Oklahoma State Statute, Title 47, Chapter 1, Section 1-103.A.3 and B.

**\$13,952.30 - FY23 – Investigative Services** - Investigative Services is requesting Board Approval for the police outfitting/emergency lighting of a 2022 Ford F-150 Crew Cab that is set to arrive in November 2022 and will be used by the Law Enforcement Officers, Chief Agent, and Special Agents, of the Oklahoma Department of Agriculture, Food and Forestry and will comply with Oklahoma State Statute, Title 47, Chapter 1, Section 1-103.A.3 and B.

**\$52,197.50 - FY23 - Investigative Services** - Investigative Service is requesting Board Approval for the purchase of a 2022 Ford F150 Crew Cab including police outfitting/emergency lights to replace a high mileage vehicle currently in our fleet. This vehicle will used by the Law Enforcement Officers, Chief Agent, and Special Agents, of the Oklahoma Department of Agriculture, Food and Forestry and will comply with Oklahoma State Statute, Title 47, Chapter 1, Section 1-103.A.3 and B.

If investigative services is unable to get this vehicle including all emergency outfitting and lights our agents will be driving a high mileage (195,000+) vehicle that is apt to having various mechanical issues and possibly breaking down leaving our agents in an unsafe and unreliable vehicle.

### **Food Safety Services**

Purchases due to over-billed on the Meat Inspection Grant FFY 2021 closeout - \$5,728.00

### **Forestry Services**

#### **FY23 – Transport Trucks \$850,000 (245 Fund)**

Purchase of four (4) 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 for FY22.

#### **FY23 – Laptop Computers \$19,200 (SFA/VFA Grants & 245 Fund)**

Purchase seven (7) 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 US Forest Service Grants and 245 Funds.

**FY23 - Dovetail Beds, \$135,000 (245 Fund)**

Purchase of two (2) 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 for FY22.

**Laboratory Services****FY23 - \$9,063.77 Sartorius Cubis II Analytical Balance**

Purchase of the balance is for analytical testing of dissolved and suspended solids in water for the Inorganic Laboratory. The purchase of the balance will replace outdated equipment that is no longer reliable and will no longer provide accurate results.

**Market Development Services**

FY2023 – Tulsa Home and Garden Show – booth rental – cost share basis for 10 Made in Oklahoma companies - \$9,080.00




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

**APPROVAL OF CASES**

ON THIS 18<sup>th</sup> day of October 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 18<sup>th</sup> day of October 2022.

  
\_\_\_\_\_  
Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**October 18, 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>
Rodney Abernathy	OGC-22-296	AEMS	\$400.00
Hollie Farms	OGC-22-210	AEMS	\$1,000.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Cate's Recycling	OGC-21-314	CPS	\$1,000.00
Grass Monkey Lawn & Tree	OGC-21-809	CPS	\$500.00
Love's Country Stores, Inc.,	OGC-22-100	CPS	\$300.00
Noah Exclusive Products	OGC-22-240	CPS	\$2,500.00
Outdoor Creations MGMT.	OGC-22-274	CPS	\$1,000.00

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

## **December 7, 2022, Board Report**

### **Administrative Services**

# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES OCTOBER 2022

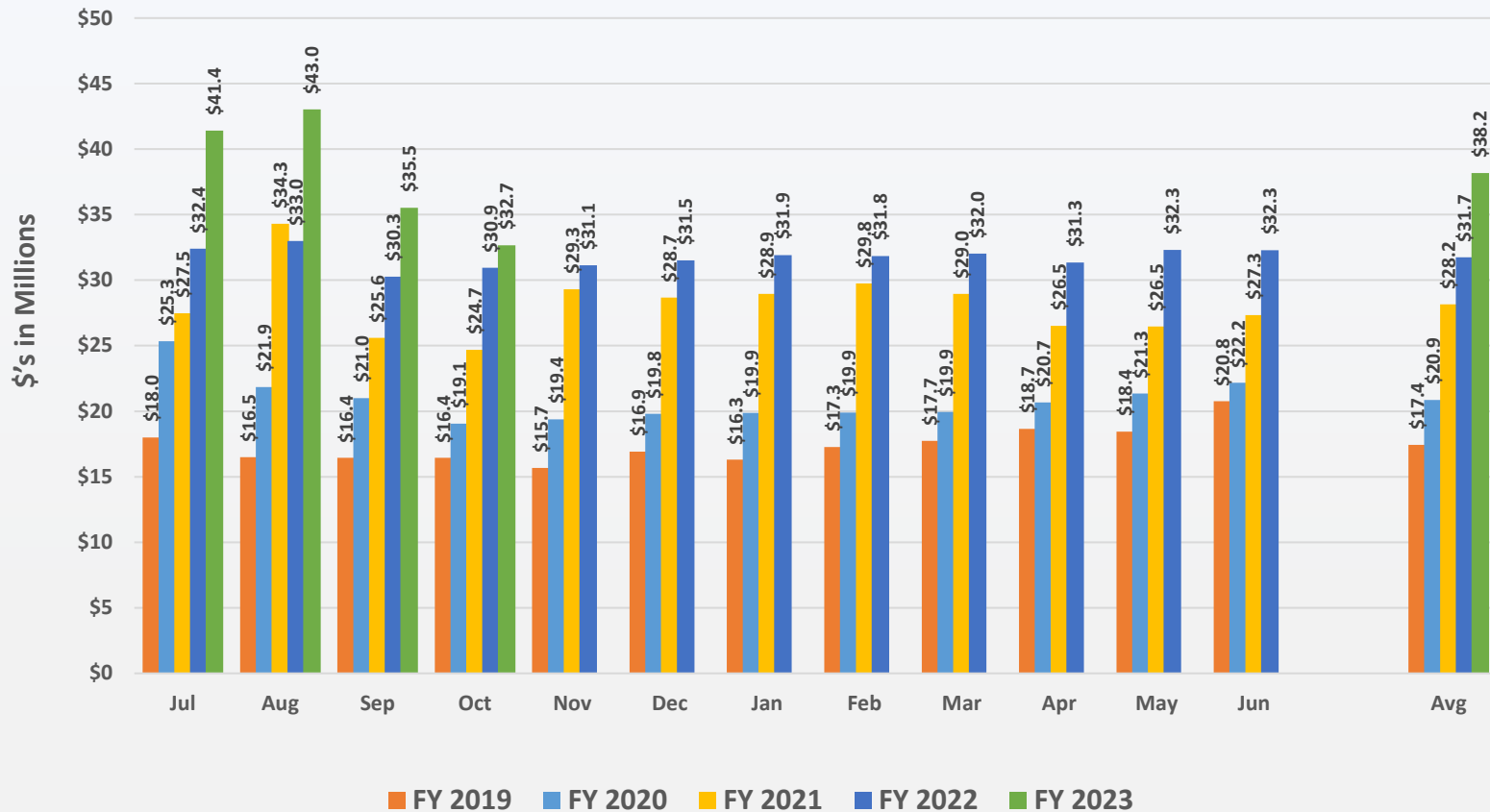


INVESTIGATIONS		OCTOBER	YTD	FYTD
LIVESTOCK		9	46	22
FIRE		2	34	11
PROPERTY		3	24	13
TIMBER			5	0
AGENCY ASSISTS	ODAFF		4	0
AGENCY ASSISTS	EXTERNAL		15	6
OTHER		2	21	10
TOTAL INVESTIGATIONS OPENED		16	149	62
CLOSED PENDING ADDITIONAL INFORMATION		3	46	21
NO CRIME		2	30	19
NO PROSECUTION			0	0
CLOSED - ASSIST CASE			11	4
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION			14	8
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		5	101	52
COUNTS FILED		0	64	41
VALUE OF LOSSES - ALL CRIMES		\$332,375	\$2,144,728	\$905,391
RECOVERED LOSSES - ALL CRIMES		\$11,400	\$1,079,291	\$377,841
NUMBER OF CATTLE REPORTED STOLEN		78	290	227
NUMBER OF CATTLE RECOVERED		3	44	29

# Administrative Services

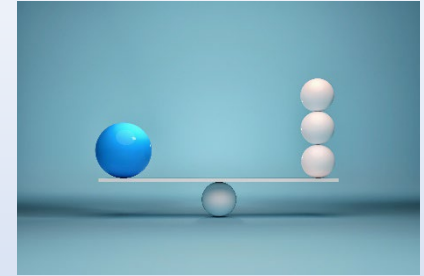
- Legislative directed payments for incorporated municipalities affected by the extreme weather between 2/7/21 & 2/21/21 have been paid out.
- Auto Vehicle Locators, (AVL), are now installed on 117 of our vehicles.
- Several staff attended the virtual Statewide Finance training class in November
- Indirect Cost proposal due 12/31/2022

# Available Cash at Month End per Allotment Budget & Available Cash Report Fiscal Year 2019-2023 Months Ending: July 2018 – October 2022



*Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,241,496 as of 10/31/2022.*

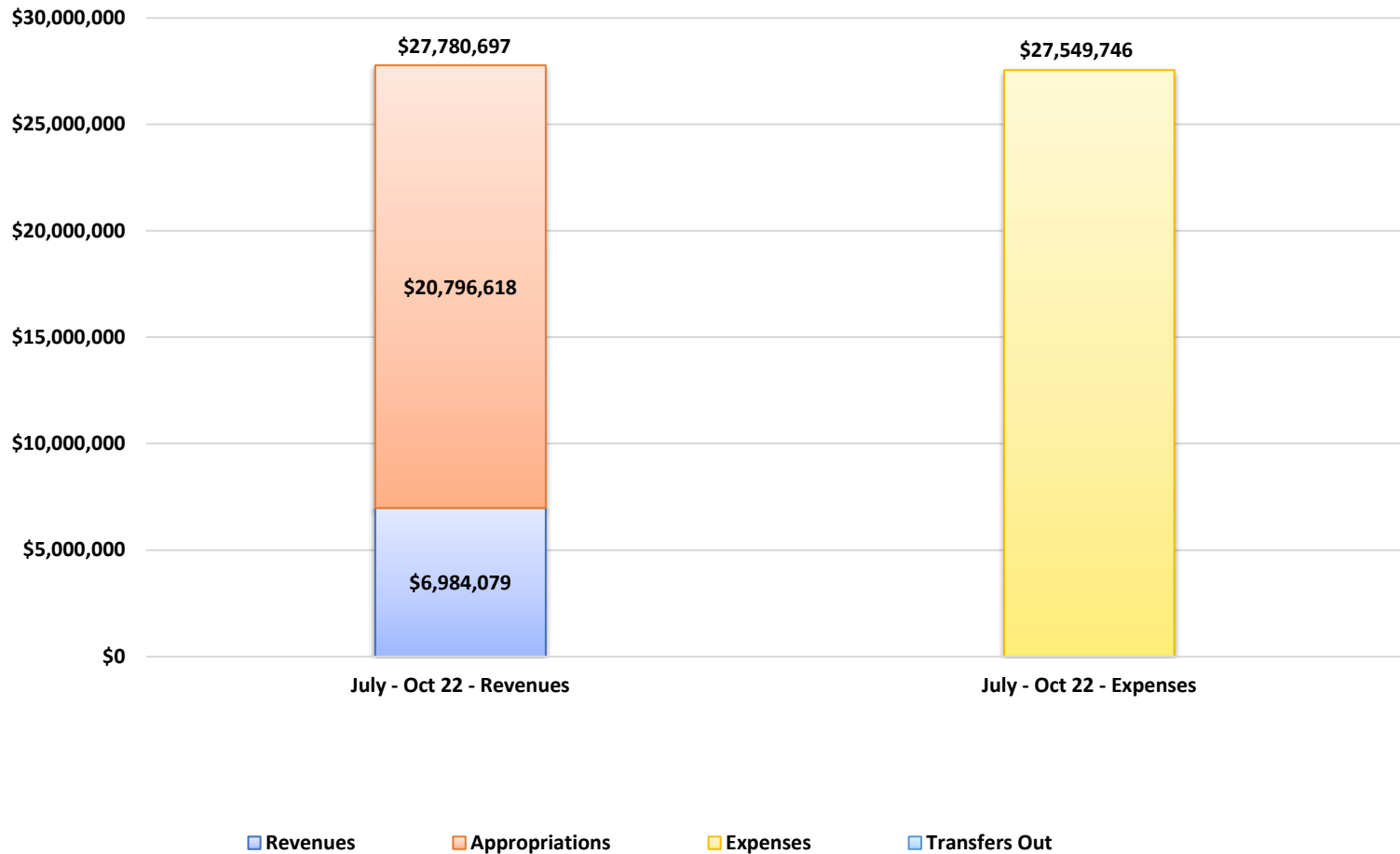
# Administrative Services - Finance



- Cash balance as of 10/31/2022 was \$32.7 million compared to \$30.9 million as of 10/31/2021.
  - Increase of \$1.8 million from the prior year and is primarily attributed to the following:
    - Increase in appropriations and appropriated cash for increases in legislative directed payments
    - Timing of grant receipts

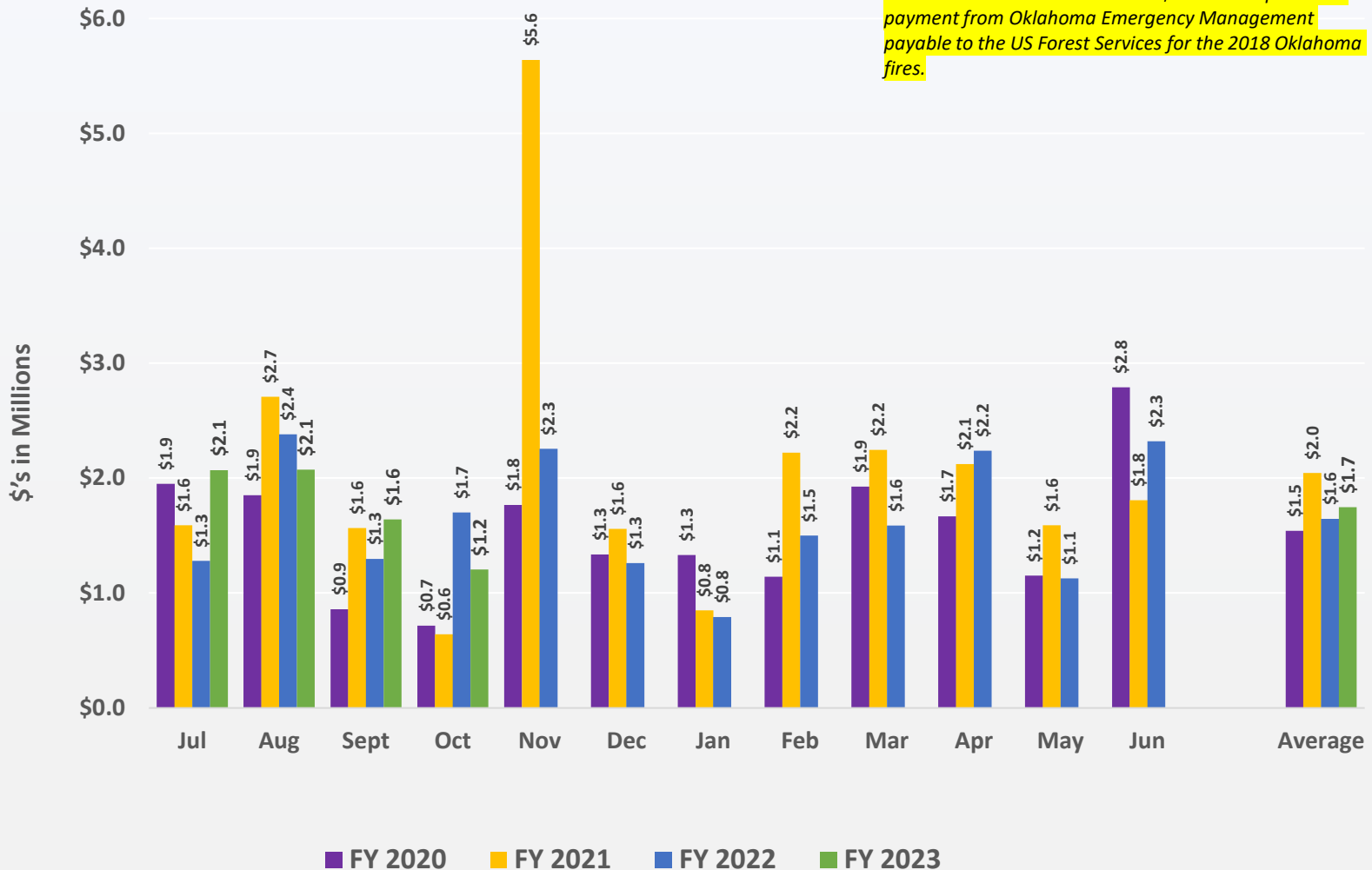
# Total Revenues, Expenses, Transfers In & Out

## July – October 2022





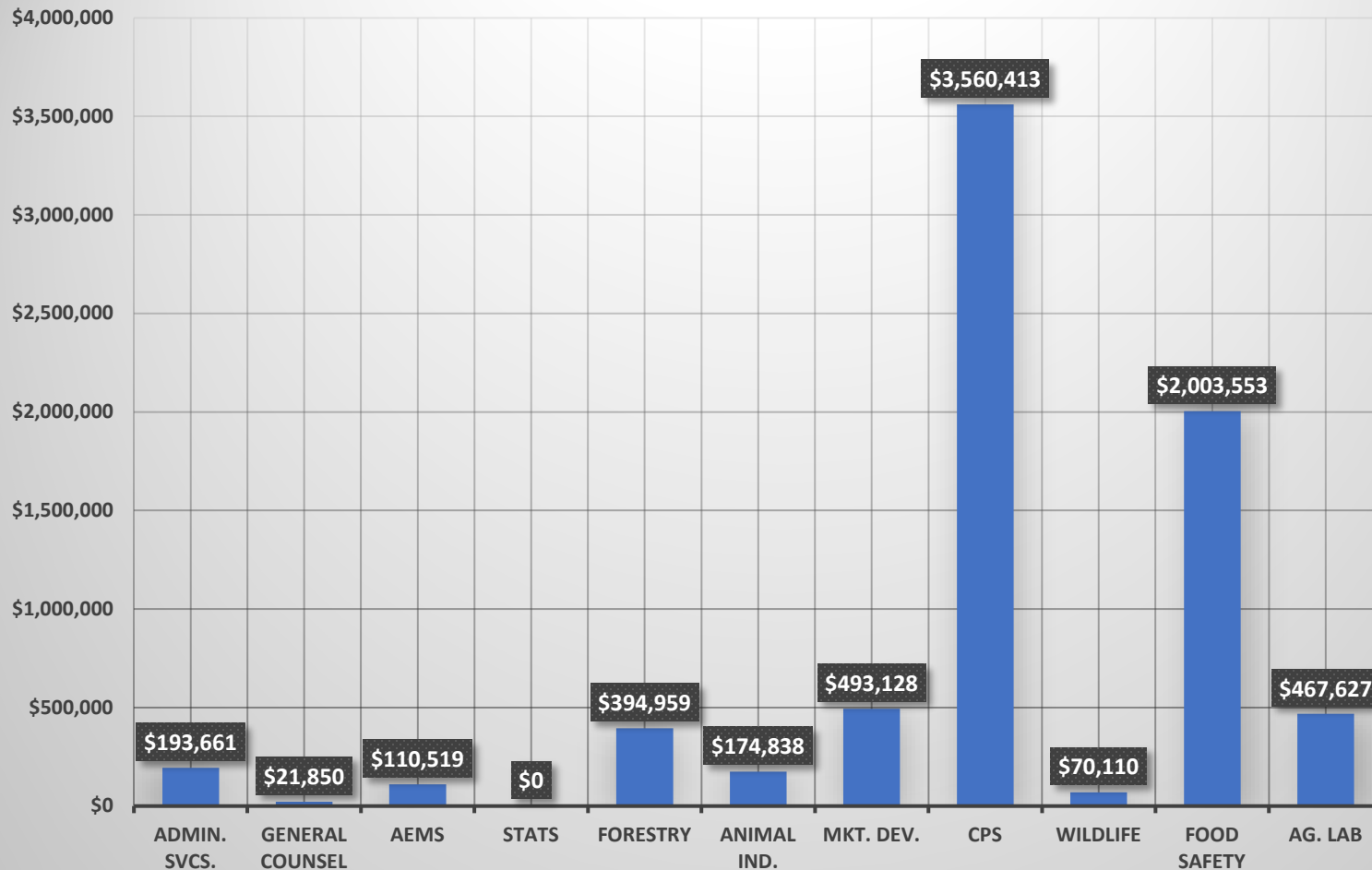
# Total Revenue by Month July 2019 – October 2022



## Revenue By Division October 2022

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY		
PROGRAM REVENUE SUMMARY		
10/31/2022		
Division	October 2022 Revenue	Fiscal Year to Date Thru 10/31/2022 Revenue
Admin. Svcs.	49,928	193,661
General Counsel	3,000	21,850
AEMS	72,144	110,519
Stats	-	-
Forestry	306,418	394,959
Animal Ind.	15,711	174,838
Mkt. Dev.	1,701	493,128
CPS	418,164	3,560,413
Wildlife	21,310	70,110
Food Safety	198,154	2,003,553
Ag. Lab	128,141	467,627
Other (Transfers out of Clearing Account)	(34,950)	(567,284)
<b>DIVISION TOTAL</b> (see division receipts graph below)	<b>1,179,721</b>	<b>6,923,374</b>
Commodity Storage Indemnity	24,000	60,705
Appropriations	3,095,517	17,701,101
<b>AGENCY TOTAL</b>	<b>4,299,238</b>	<b>24,685,180</b>

## Revenue By Division July – October 2022



■ Fiscal Year to Date Thru 10/31/2022  
Revenue

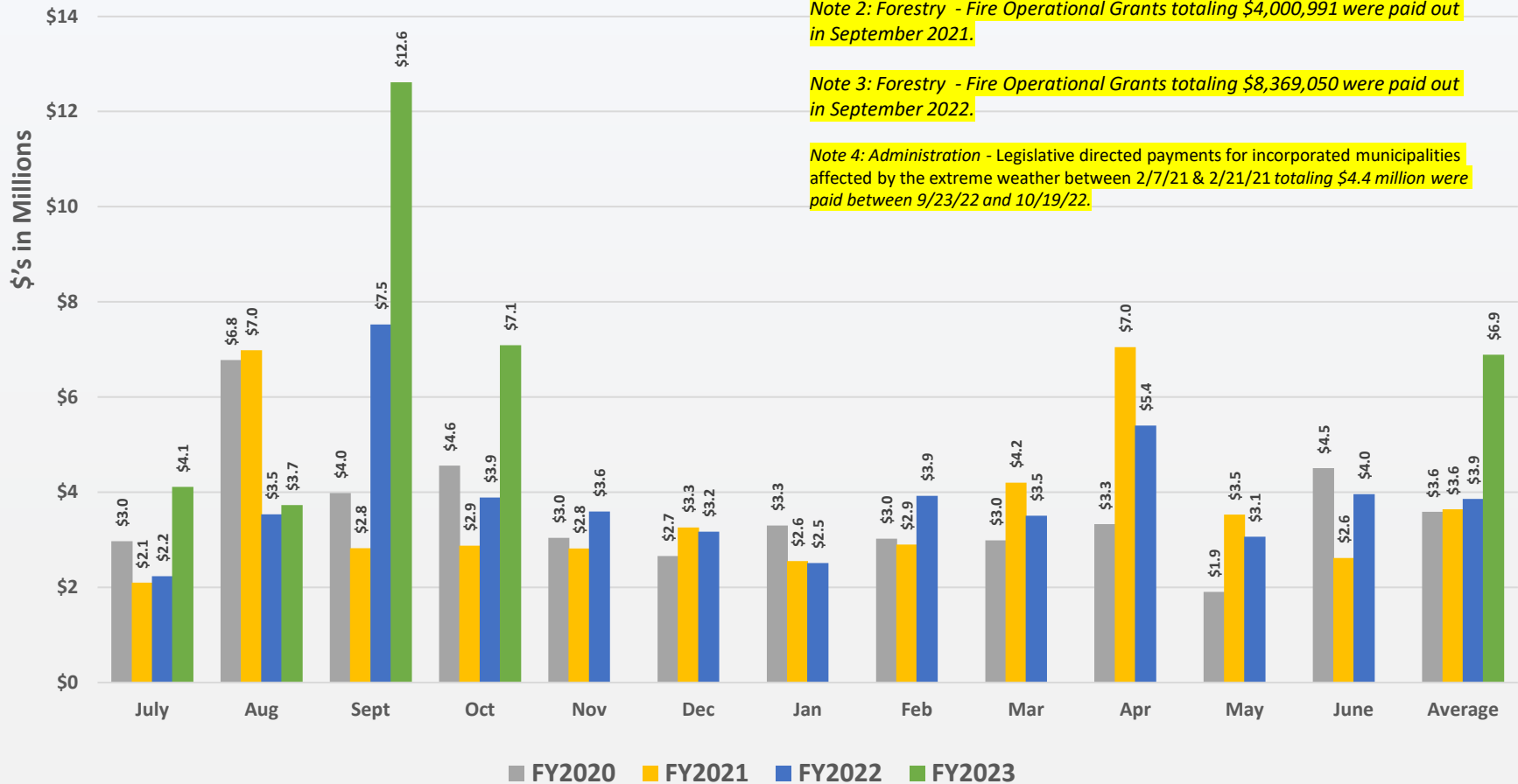
*Note 1: The above graph does not include clearing fund transfers that offset the revenue shown here by \$567,284.*

# Administrative Services - Finance

- Revenues (excluding appropriations) for July thru October 2022 were \$6.98 million.
- This was an increase of \$327,056 from July – October 2021 and was primarily due to the timing of payments received.



# Total Expenses by Month July 2019 – October 2022



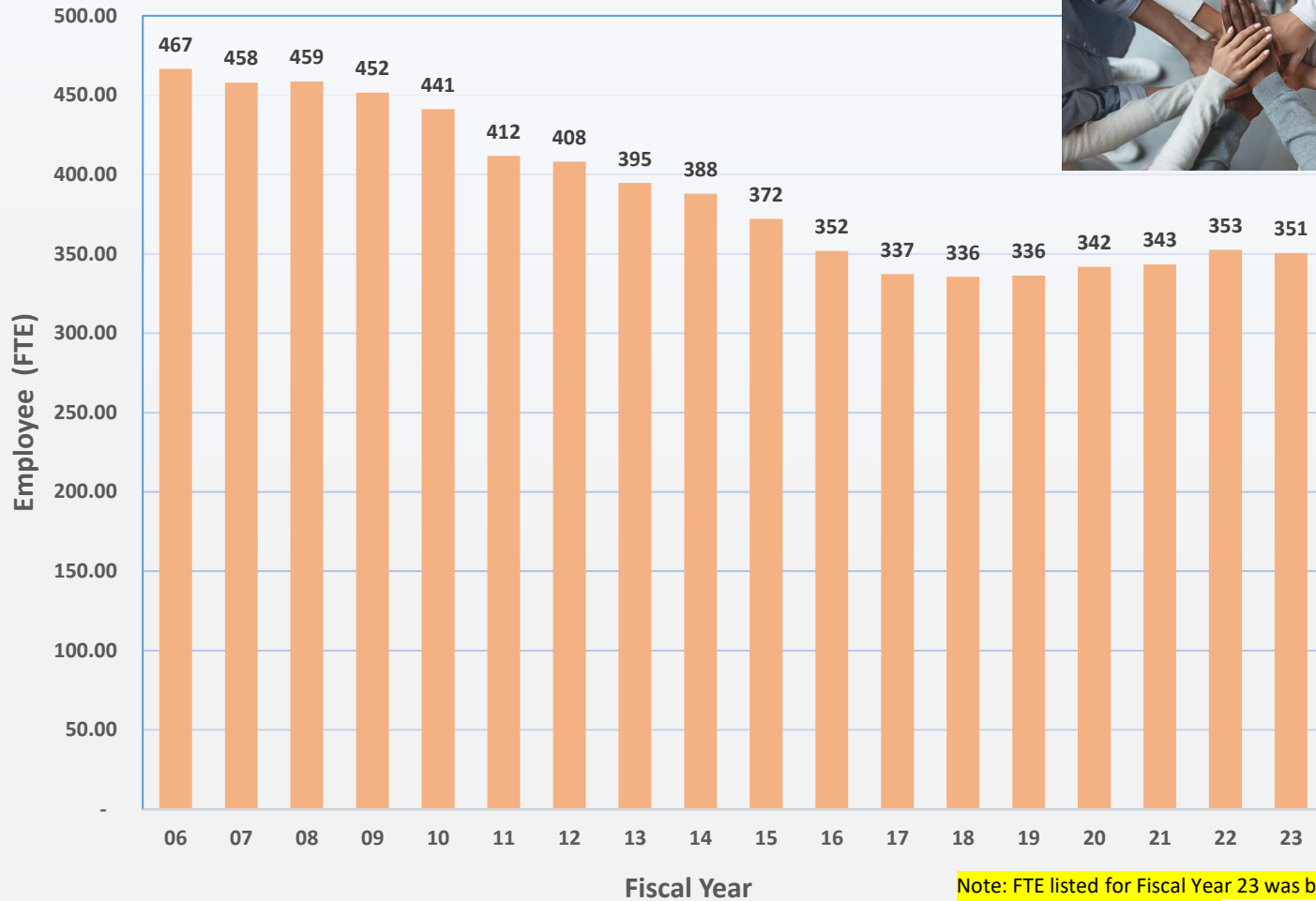
# Administrative Services - Finance

- The expenses for July – October 2022 were \$27.5 million
  - This is an increase of \$10.4 million compared to the prior year and was due to the following:
    - Increase in legislative directed payments for fiscal year 2023
      - Fire Operational Grants
        - \$8.4 million paid out to Oklahoma fire stations
        - This was an increase of \$4.4 million from the prior year.
      - Payments to incorporated municipalities affected by extreme weather events during February 2021
        - \$4.4 million paid out in September/October 2022
    - Timing of payments to OSU

## FY 2023 Total Expenses by Month with Budget Year



# Employee FTE Totals Fiscal Year FY 2006 – FY 2023

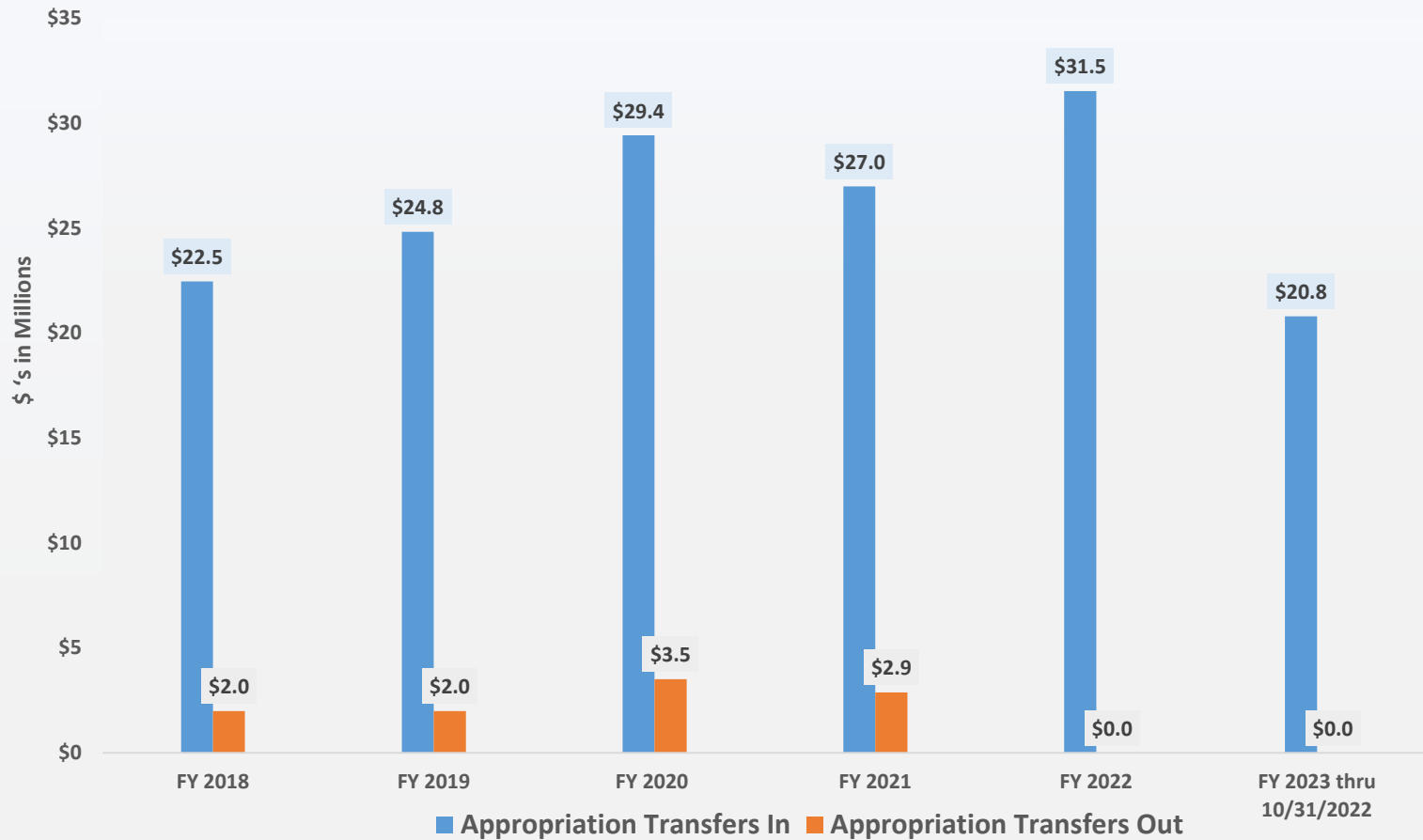


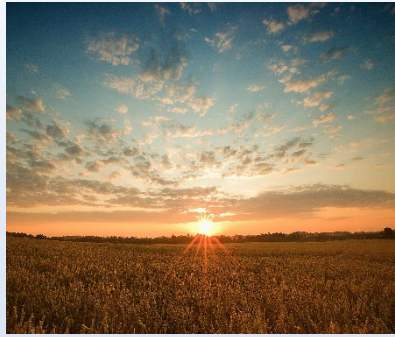
Note: FTE listed for Fiscal Year 23 was based on the FTE as of 10/31/2022.



# Appropriations FY 2018 - thru October 2022

*Note 1: Legislative directed payments to OSU are processed quarterly from operating expense accounts for fiscal year 2022 & 2023.*





## Administrative Services – Commodity Storage Indemnity

Commodity Storage Indemnity			
Investment Report			
As of October 31, 2022			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,241,495.97
<u>FY-2023 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest		\$23,999.80	\$60,704.87
Reinsurance			-
ODAFF Support Services			-
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	\$23,999.80	\$60,704.87

**Oklahoma Department of Agriculture, Food & Forestry**
**Monthly Budget Report - Budget Year 2023**
**As of October 31, 2022**
**Fiscal Year 2023 Annual Budget to Actuals for Budget Year 2023 thru October 31, 2022**

<b>Object Code</b>	<b>Account Description</b>	<b>Annual Budget</b>	<b>Expenditures</b>	<b>Encumbrances &amp; Pre Encumbrances</b>	<b>Available Budget</b>
511	Salary Expense	18,874,528	4,582,090	20,131,720	(5,839,283)
512	Insur.Prem-Hlth-Life,etc	5,973,536	1,366,425	240,957	4,366,154
513	FICA-Retirement Contributions	4,735,708	1,081,891	14,338	3,639,480
515	Professional Services	3,100,583	451,839	1,625,088	1,023,656
519	Inter/Intra Agy Pmt-Pers Svcs	30,000	1,553	23,707	4,740
521	Travel - Reimbursements	328,702	53,412	-	275,290
522	Travel - Agency Direct Pmts	365,898	91,354	-	274,544
531	Misc. Administrative Expenses	1,178,520	201,784	312,746	663,989
532	Rent Expense	679,033	152,863	411,269	114,901
533	Maintenance & Repair Expense	1,408,060	301,411	397,606	709,043
534	Specialized Sup & Mat.Expense	1,585,410	359,755	611,757	613,898
535	Production,Safety,Security Exp	198,956	16,262	850	181,845
536	General Operating Expenses	286,710	41,196	-	245,514
537	Shop Expense	575,246	90,320	150,168	334,758
541	Office Furniture & Equipment	3,082,652	134,626	429,711	2,518,315
542	Library Equipment-Resources	932	-	-	932
543	Lease Purchases	1,703,720	709,165	989,143	5,412
544	Livestock-Poultry	-	10,053	-	(10,053)
553	Refunds,Idemnities,Restitution	20,000	-	-	20,000
554	Program Reimb,Litigation Costs	4,815,453	8,969,417	1,930,665	(6,084,628)
555	Pmts-Local Gov't,Non-Profits	15,953,116	4,508,223	6,427,527	5,017,367
559	Assistance Pymts to Agencies	8,248,687	-	3,594,000	4,654,687
564	Merchandise For Resale	140,000	-	-	140,000
601	AFP Encumbrances	-	-	1,713,932	(1,713,932)
810	Req Only	-	-	467,762	(467,762)
	<b>Operating Totals</b>	<b>73,285,450</b>	<b>23,123,638</b>	<b>39,472,947</b>	<b>10,688,865</b>

**Oklahoma Department of Agriculture, Food & Forestry**
**Monthly Budget Report - Budget Year 2023**
**As of October 31, 2022**
**Fiscal Year 2023 Annual Budget to Actuals for Budget Year 2023 thru October 31, 2022**

<b>Class Funding</b>	<b>Class Fund Description</b>	<b>Annual Budget</b>	<b>Expenditures</b>	<b>Encumbrances &amp; Pre Encumbrances</b>	<b>Available Budget</b>
19201	GRF - Duties	-	-	-	-
19211	Carryover	683,679	-	-	683,679
19301	GRF - Duties	37,146,198	6,062,769	24,035,160	7,048,269
20500	Rural Fire Defense Eqp Rev Fd	140,000	-	40,500	99,500
21000	Agriculture Revolving Fund	22,481,728	8,087,800	12,705,986	1,687,942
22500	Enhancemnt & Diversificatn Fnd	150,000	11,167	29,833	109,000
23000	Okla Pet Overpopulation Fund	13,000	10,000	3,000	-
23500	Animal Friendly Revolving Fund	13,000	-	13,000	-
24000	Unwanted Pesticide Disp Fund	350,000	-	350,000	-
24500	Rural Fire Revolving Fund	800,000	6,650	413,844	379,506
25600	Ok Viticulture Enology Revl Fd	350,000	18,000	12,750	319,250
26200	Poultry Grading Revolving Fund	1,049,479	248,029	653,148	148,302
28500	Milk & Milk Prod Inspec Rev Fd	379,817	78,325	237,901	63,590
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	-	-	100,000
42000	Specialty Crop Federal Funds	690,000	84,789	618,604	(13,393)
43000	Farm and Ranch Stress Alliance	500,000	121,664	359,221	19,116
57604	Duties	8,414,550	8,394,445	-	20,105
	<b>Totals</b>	<b>73,285,451</b>	<b>23,123,638</b>	<b>39,472,947</b>	<b>10,688,866</b>

**DECEMBER 2022 BOARD REPORT**  
**AGRICULTURE LABORATORY SERVICES**  
**(October 2022 Activities)**

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

General Chemistry audit is near completion by the QA and Technical Managers. Items under review included:

- Previous year's audit
- SOP review
- Document Control
- FY22 sample data review
- Management review
- Review of instrument and equipment logs
- Review of employee knowledge of laboratory methods and SOPs

Conducted the Audit Review meeting of the Oklahoma Bureau of Standards (OBS). Topics discussed included:

- Follow-up audit is to be scheduled for a later date.
- Less than ten findings were discovered during this portion of the audit.
- It should be noted OBS staff did a terrific job of managing their high-volume workload.

QA Section is assisting in data validation/approval for the General Chemistry and Pesticide Sections.

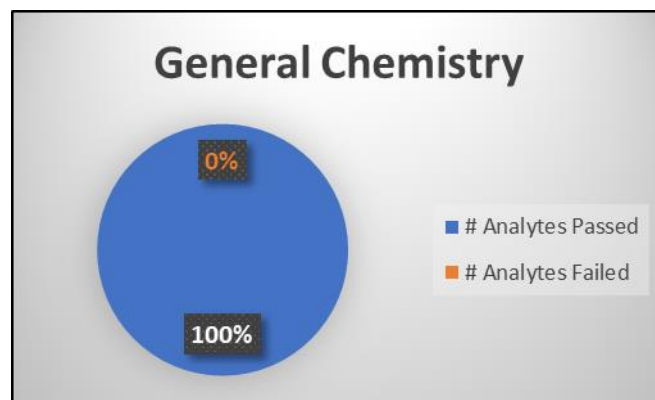
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**PT Results**

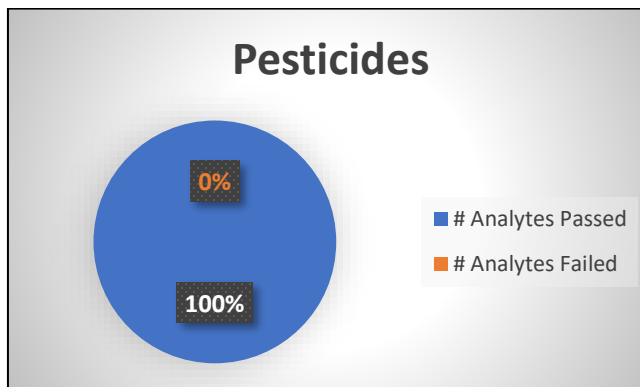
The routine distribution of quality control samples to respective sections of the Laboratory continued. Collection and submission of data to the respective study groups for statistical analysis was conducted.

PT results for October 2022:

General Chemistry	
# Analytes Results Received	17
# Analytes Passed	17
# Analytes Failed	0



Pesticides	
# Analytes Results Received	4
# Analytes Passed	4
# Analytes Failed	0

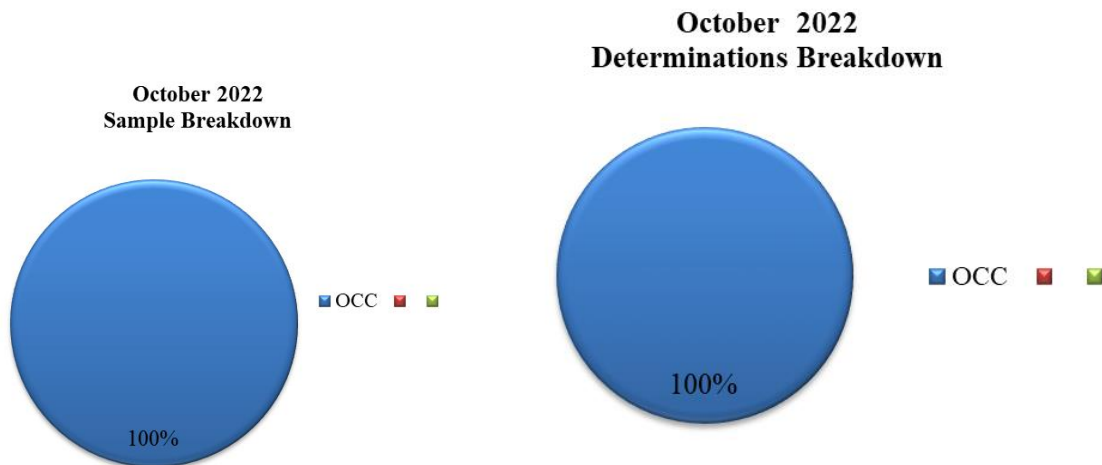


**INORGANIC SECTION:** (Elena Lyon, Environmental/Chemical Laboratory Scientist IV)

In October of 2022 the Inorganic Chemistry Section completed 95 samples consisting of 1018 determinations, with the following breakdown:

**October 2022 Inorganic Breakdown**

Customer	Samples	Determinations
OCC	95	1018
<b>Total</b>	95	1018

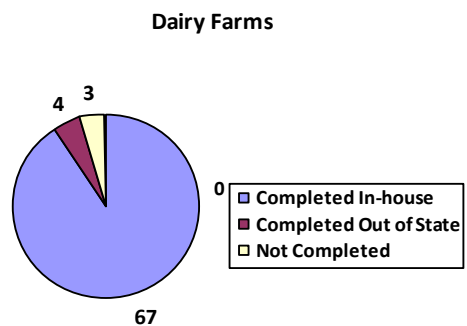
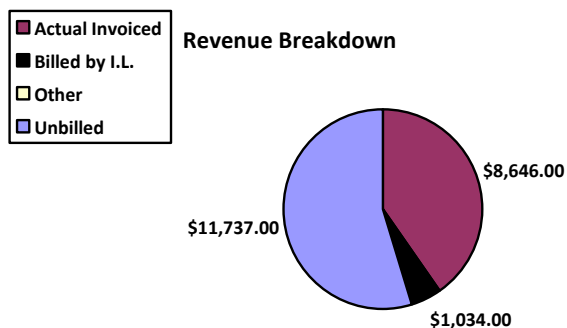
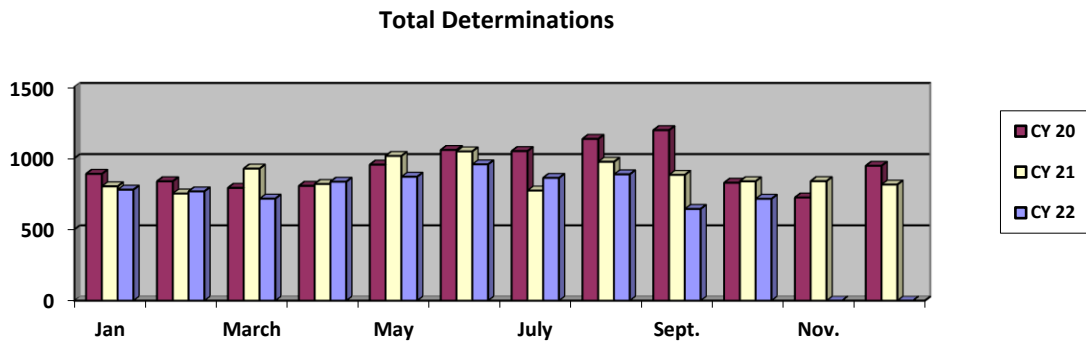


**DAIRY/FOOD SAFETY SECTION:** (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of October was a typical testing month for the Section. Three dairies were not tested and one dairy is currently dry. Another dairy went out of business for a total of sixteen this calendar year.

There has not been any additional work on the autoclave. The Section was notified that there is a six to eight week delay on shipping of the new autoclave and completion could be into calendar year 2023.

The Section was able to isolate Salmonella from a meat sample related to a Health Department investigation. The isolates have been confirmed with serotyping.



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

Total numbers for the Seed Section were on average with years past. Records for October show the Section received 176 seed samples. Most of the sample load resulted from official regulatory work sent in by CPS inspectors. Crops tested consisted primarily of wheat, tall fescue, annual ryegrass and other fall turf blends as well as weed infested checks on feed.

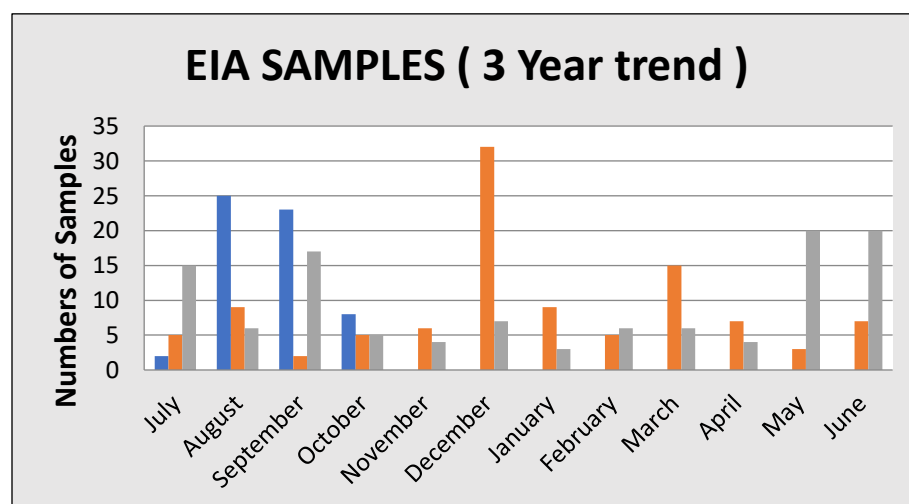
Service testing for the certified seed program slowed down significantly as most growers have completed the processing of their inventories for this year. Reports from certified wheat growers indicate that overall quality was better than expected considering the harsh conditions that much of the crop was subjected to before harvest.

There were no quality violations discovered during the month.

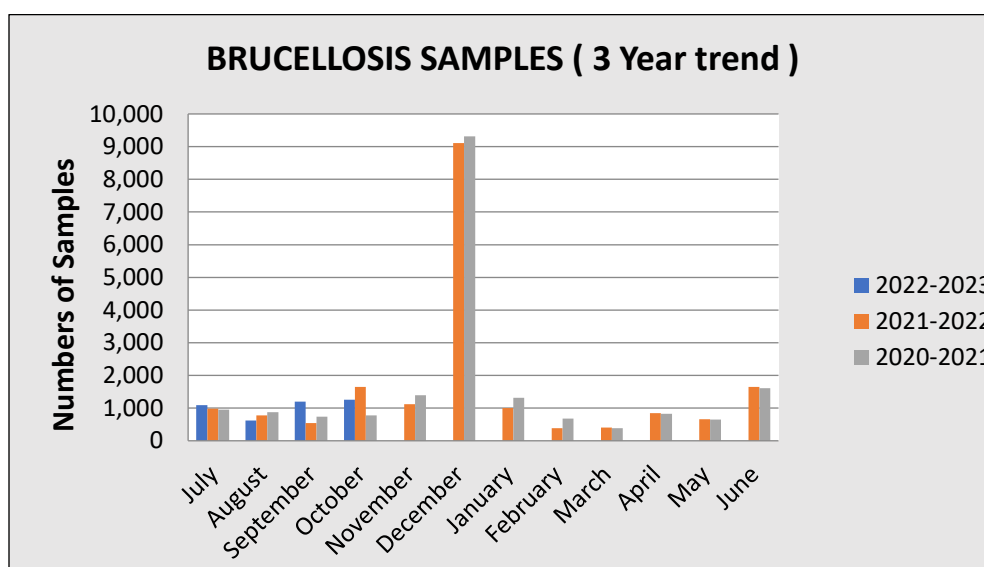
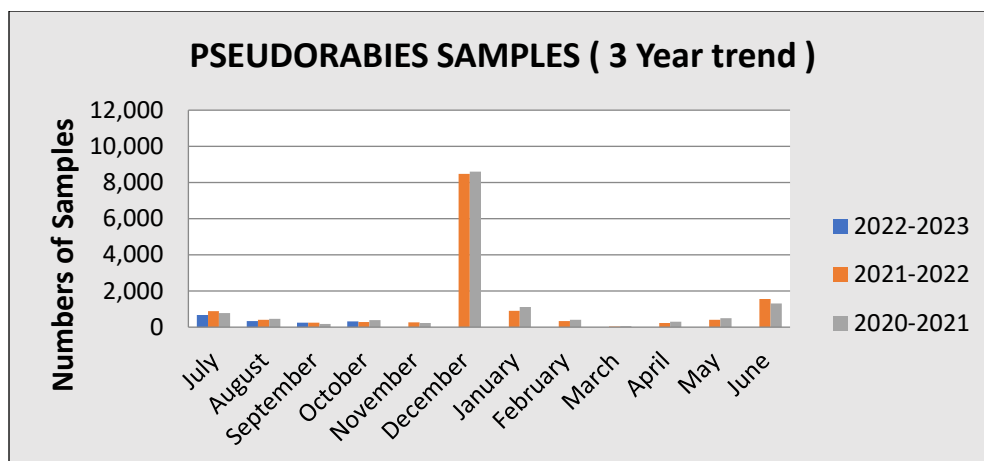
**SEROLOGY SECTION:** (Pete Bourns, Laboratory Scientist IV)

October

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2022	1252	325	8
2021	1646	291	5
2020	778	380	5







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

October was a decent month for the Section. There was an increase in samples and the Section transitioned from testing Feed, Fertilizer and Limes to focusing mainly on the Feed rush. The Section was not able to finish all official fertilizer samples by October 31<sup>st</sup> but they were finished on November 4<sup>th</sup>. If the current trend in sample receiving continues we should be back up to total determinations of around 1000/month by the end of November.

The Section has continued to transition more responsibilities to our new employees. With the promotion of Winifred Zajac-McConaghy to a level II chemist we have increased our ability to be more self-sufficient and adjust workflow without having to draw resources from the administration offices. We have also continued our efforts to get all Section staff cross trained on as many analyses as possible.

Turnaround times remain down and within our goals. The Section has managed to hit our internal target of having the first sample run within a week of receiving it for most analyses.

Overview of Section numbers for the month of October:

	Feed	Fertilizer	Lime	Total
<b>Samples Received</b>	155	44	15	214
<b>Samples Completed</b>	103	43	18	148
<b>Determinations</b>	454	108	119	681
<b>Violations</b>	46	13	5	64
<b>Violation %</b>	10.13%	12.04%	4.20%	10.51%

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

The faulty nitrogen generator has been repaired and both LC-QQQ instruments are up and running. The Section received the new GC-FID (SCION) and installation/training is in progress. This instrument will be used to perform the residue analysis. Section staff continued the usual routine work.

**Pesticide Section samples completed:**

The Section completed 48 samples this month. 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	10	20	148	78
Residue Soil	22	24	38	53
Residue Swab	2	2	2	39
Proficiency Test	2	2	2	17
IFA Soil	2	2	12	47
Concentrate	2	4	5	29

Average Residue  
Turnaround Time: 59 days

Average Formulation  
Turnaround Time: 47 days

Totals		
# of Samples	# of Tests	# of Determinations
48	69	224

**Samples the Section received by month:**

The Section received 39 samples this month. Majority of the samples received are for residue analysis (see Fig A).

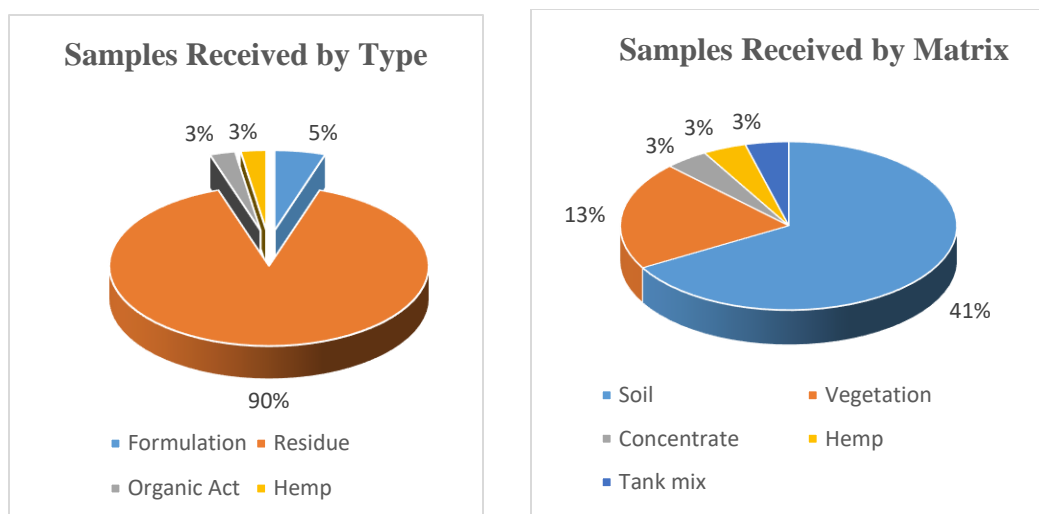


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

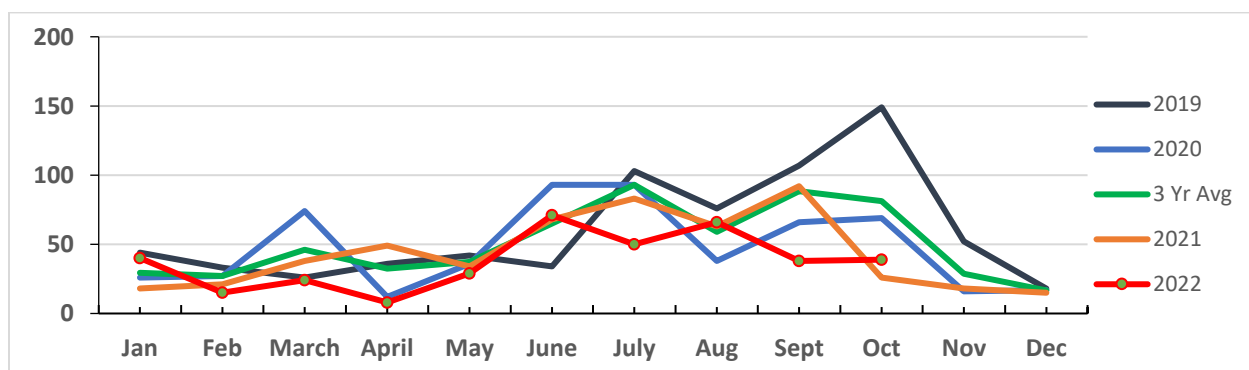


Fig B. Graph showing the number of samples received by the Section each month.

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

This month, the Section completed 224 determinations with most of the determinations on residue vegetation samples.

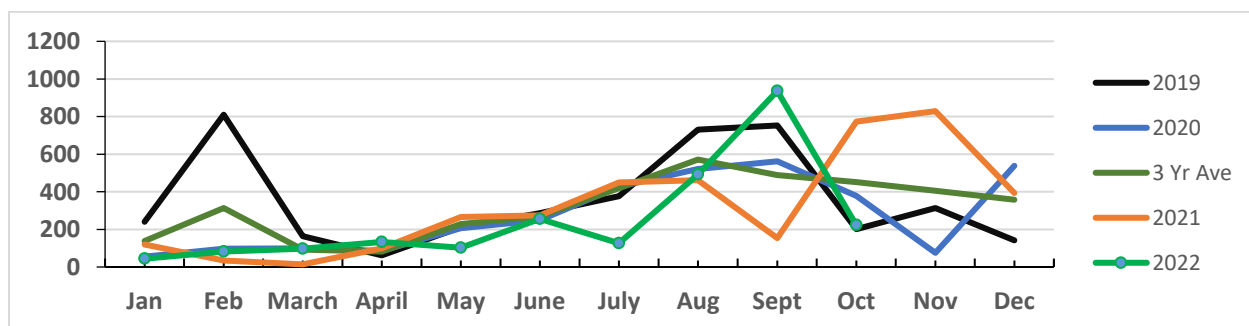


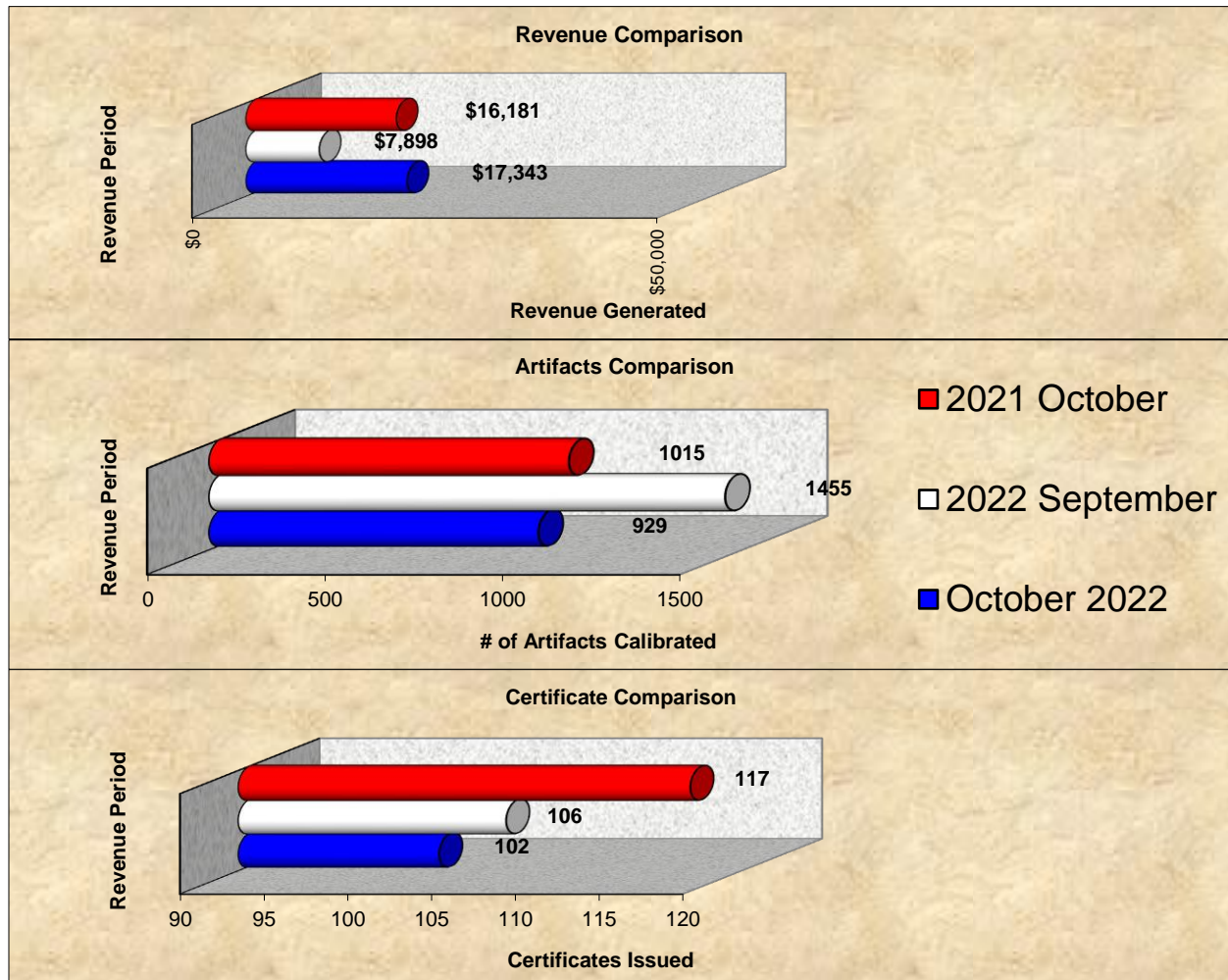
Fig C. Graph showing the number of determinations completed each month.

**OKLAHOMA BUREAU OF STANDARDS:** (Amanda Kramer, Metrologist III)

The following is a workload summary for the Oklahoma Bureau of Standards from October 1<sup>st</sup> through 31<sup>st</sup>.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	6	\$9,461	55%	180	19%
In-State Customers	12	\$7882	45%	749	81
Totals	18	\$17,343	100%	929	100%

Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
\$4,725	Mass I / II 22
Fees not Charged ODAFF CPS	Mass III 8
\$2,925	Volume 8



Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Wade Krivanek". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wade Krivanek  
Laboratory Director  
Laboratory Services Division

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

FEED SAMPLES	155
FEED DETERMINATIONS	454
POSSIBLE VIOLATIONS	46
 FERTILIZER SAMPLES	 44
FERTILIZER DETERMINATIONS	108
POSSIBLE VIOLATIONS	13
 LIME SAMPLES	 15
LIME DETERMINATIONS	119
POSSIBLE VIOLATIONS	5
 PESTICIDE SAMPLES	 48
PESTICIDE DETERMINATIONS	224
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 95
DETERMINATIONS	1018
 STATE-FEDERAL VET. LAB. SAMPLES	 1585
STATE-FEDERAL VET. LAB. DETERMINATIONS	1852
NUMBER POSITIVES	0
 SEED SAMPLES	 208
SEED DETERMINATIONS	213
POSSIBLE VIOLATIONS	0
 BUREAU OF STANDARDS CERTIFICATES	 102
NUMBER OF STANDARDS CALIBRATED	929
FEE CHARGES	\$17,343.00
 DAIRY SAMPLES	 311
DAIRY DETERMINATIONS	715
POSSIBLE VIOLATIONS	3
 <b>TOTAL SAMPLES</b>	 <b>2563</b>
<b>TOTAL DETERMINATIONS</b>	<b>5632</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>67</b>



# OKLAHOMA FORESTRY SERVICES BOARD REPORT

*Division Activities from October 19, 2022 – November 18, 2022*

Serving people by conserving, enhancing, and protecting our lands and forest resources. Our board report is formatted to reflect the priorities of the National Cohesive Wildland Fire Management Strategy, which include Resilient Landscapes, Fire Adapted communities, and Wildfire Response.

## RESILIENT LANDSCAPES

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

#### Program Highlights

**State Capitol Tree Preservation** - On September 26<sup>th</sup> Mark Bays and Riley Coy met with construction crews at the Oklahoma State Capitol to discuss tree preservation while installing security bollards around the capitol perimeter.



**Urban & Community Forestry Conference** - On October 19<sup>th</sup> OFS co-hosted the Annual Urban & Community Forestry Conference with the Oklahoma Urban & Community Forestry Council. Close to 70 people were in attendance at the Hilton Garden Inn in Edmond.







**T.R.A.Q. Training** - On October 20-22 a Tree Risk Assessment Qualification course was offered to 19 students at Will Rogers Gardens in OKC. This was offered as part of the OCFC Conference.

**Master Gardener's Training** - On October 7th Mark Bays and Education Coordinator Tony Pascall participated in the 2022 State Master Gardeners Conference at Rogers State University in Claremore. Over 200 Master Gardeners from across the state were in attendance. Tony manned an educational booth throughout the day and Mark provided a talk during one of the breakout sessions on the topic of the proper selection of trees and the many environmental and human health benefits trees in communities provide.



**Oklahoma City Survivor Tree** - Mark Bays was honored to present a talk and have discussion about the significance and history of the Survivor Tree history at the Yukon Garden Club meeting on October 10th and at the Oklahoma County Master Gardner's Graduation Ceremony on October 14<sup>th</sup> in Oklahoma City.



**Chandler Walkthrough** - On October 22<sup>nd</sup> Riley Coy Met with 22 children in Chandler to lead a walk through the forest to educate the children of Chandler about forestry and careers within forestry.

**Hurricane Ian Urban Forestry Strike Team Deployment** - On October 23<sup>rd</sup>-30<sup>th</sup> Riley Coy led an Urban Forest Strike Team deployment to Naples, FL in response to Hurricane Ian. 4 teams of 2 examined over 8000 trees and collected data on 1,157 trees for the community. That data will be presented to FEMA for emergency reimbursement for clean-up efforts. The data dashboard is at this [link](#).



**St. Martins Tree Health Concerns** - Mark Bays met with representative of St. Martins Garden Homes in Oklahoma City on November 1<sup>st</sup> to discuss ongoing health concerns of several trees within the community. A large Callery pear and smaller multi-trunk maple and had significant decline and damage and both were recommended for removal. Additional trees were found to only have superficial damage and could be remedied with proper pruning.



**Upcoming Events** - Riley and Mark Bays will be traveling to Seattle, WA November 14<sup>th</sup>-18<sup>th</sup> to attend the National Arbor Day's Annual Partners Conference and attend the national state/federal U&CF Coordinators meeting. Recent federal funding of \$1.5 billion for the national urban & community forestry program will be much of the discussion during the meeting.

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

FRC Staff engaged in seedling cultural treatments, root-pruning pine at the nursery during the last monty. Pruning the "tap" root approximately 5.5 to 6.0 inches below the soil will encourage the seedling to increase more lateral roots above the pruned area. This treatment will increase seedling survival after planting because of the increased root mass. Lateral pruning will also be conducted between the drill rows along with top pruning to ensure seedlings are uniform for tree planters. The latter conifer treatments will occur at different times after root pruning.

The nursery is beginning to collect native seed for 2023's crop. The nursery collects many native oak species, black walnut, persimmon, rough leaf dogwood, sweetgum, and many more from now until the first of November.

The OFS Online Store began taking orders on October 3<sup>rd</sup>. The nursery assists customers interested in purchasing seedlings to continue or begin their management plan. Customers typically purchase seedlings for reforestation, erosion control, wildlife, and water quality. The nursery also has available for rent tree planters and landscaping plastic rolling equipment. Typically, OFS will continue to receive calls and orders through the end of March. Customers call and place seedling orders, then prepare the area(s) to plant the seedlings grown at the nursery, then the nursery will begin shipping customer orders from December-March. Thanks to Keith Merckx for assisting the nursery with our website and orders.

## **COMMUNITY OUTREACH AND COMMUNICATIONS**

### ***FORESTRY EDUCATION***

On October 6<sup>th</sup>, Education Coordinator Tony Pascall, GIS specialist Chris Mask, and Information Representative Keith Merckx traveled to Mark Twain Elementary School in Duncan to host a Fire Prevention Program featuring Smokey Bear for 150 elementary aged children.





On October 7<sup>th</sup>, Tony joined Forester Mark Bays for a Master Gardener's event in Claremore. Tony hosted an informational booth on urban tree care for over 300 attendees.

On October 8<sup>th</sup>, Foresters Riley Coy and Dieter Rudolph joined Tony at the Science Museum of Oklahoma for their Fall Festival. They reached over 100 people with a leaf rubbing activity and information about autumn leaves.

From October 11<sup>th</sup> to 15<sup>th</sup>, Tony attended the North American Association of Environmental Educators in Tucson, AZ. There he attended sessions about the best ways to reach students and improve the forestry education program for the State of Oklahoma. He was also able to network with forestry and other environmental educators from around the country to collaborate.

On October 20<sup>th</sup>, Tony and Forester Evan Long hosted an "anatomy of a tree" lesson for 15 homeschool students in Tulsa.

On November 3<sup>rd</sup>, Tony taught about dendrochronology for about 100 students at the Earl Harris elementary school STEAM night.

On November 5<sup>th</sup>, Tony trained 6 early Pre-K teachers and non-formal educators on Project Learning Tree's "Trees & Me" curriculum. These educators will now have the resources to teach about the forest in their own classes.

On November 5<sup>th</sup>, Riley and Chris ran a GIS activity at Girl Scout Camp Trivera for their "Geekapalooza" event. Approximately 450 kids and their families learned the value of data mapping for making decisions.

On November 9<sup>th</sup>, Tony facilitated a virtual Project Learning Tree activity about Environmental Justice for the annual PLT Nebraska facilitator's training. Twenty-five educators attended the event and will be able to use this activity with their own students.

On November 10<sup>th</sup>, Tony and Dieter went to Perkins-Tryon middle school to facilitate a "Green Jobs" program for 30 students in 6-8 grades. These students learned about many different jobs in the forestry sector.



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

The presented the Beavers Bend Folk Festival & Craft Show, November 11<sup>th</sup>-13<sup>th</sup>.

Upcoming monthly First Saturday programs include Christmas at the Cabin on December 3, the First Day Hike on New Year's Day, and the Valentine's Craft Day and Market on February 4<sup>th</sup>.

### **COMMUNICATIONS**

Information Representative Keith Merckx worked with Fire Staff to proactively notify Bartlesville residents of fire fuels mitigation efforts. Advance awareness and division transparency fosters better acceptance of work to thin vegetation because area landowners/homeowners feel they have more of a stake in the process. The effort was presented as a story to the news media, and they responded with stories from the Bartlesville Examiner-Enterprise as well as KTUL-TV and

KOTV-TV in Tulsa. The process will be fine tuned to raise additional awareness as mitigation efforts begin to take shape around the state.

Keith is working with GIS Specialist Chris Mask and Fire Staff in a broad effort to raise awareness of fire safety efforts for cabin owners and renters in the Beavers Bend/Hochatown area. Details are still in the works but the process will include steps owners can take to best protect cabins from wildfire as well as steps renters can quickly and easily take in the event a fire is approaching.

Keith successfully completed *National Incident Management System (NIMS) ICS-300 Intermediate Incident Command System for Expanding Incidents* and *ICS-400 Advanced Incident Command System for Expanding Incidents* training developed by the FEMA Emergency Management Institute and presented by Oklahoma Office of Homeland Security (OKOHS) in partnership with OSU Fire Service Training. He previously was certified by FEMA EMI for Basic Public Information Officer and is in the application process for Advanced PIO training to be conducted in February.

## PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

### NORTHEAST AREA

#### FOREST PROTECTION HIGHLIGHTS

From October 1<sup>st</sup> through November 4<sup>th</sup>, the Northeast Area had 33 fires for 512 acres in the protection Area.

The following Fire Prevention Programs were presented:

- 
- October 19th – Peavine School. Presenters: Roger Wilhite, Dave Jones, & Kasandra Roberts
  - October 24th – Sallisaw Head Start. Presenters: Isaac Merchant & Cliff Eppler
  - October 25th – Cave Springs. Presenters: Isaac Merchant, Roger Wilhite, & Matt Waldrop
  - November 3rd – Adventure Head Start in Tahlequah. Presenters: Cole Hix, Tony Hadley, Dustin Ryals, & Matt Waldrop



## **FOREST MANAGEMENT/PROGRAM HIGHLIGHTS**

Evan Long had six site visits with landowners to look at issues such as tree health, ID, and management concerns, from which he prepared two Stewardship Plans. He assisted 4 more landowners with these concerns by phone or email. Evan and Connie both attended the Urban Forestry Conference in Edmond, OK on October 19<sup>th</sup>.

Connie had three site visits for forest health and stewardship planning, from which she prepared one Management Plan. She assisted 3 more landowners with these concerns by phone or email. Connie prepared and gave presentations at three Conservation Field Days for 265 children (Nowata Elementary and Union Elementary in Nowata County; Vinita Fairgrounds in Craig County). Connie also participated in the Bug Flight on October 11<sup>th</sup> and 12<sup>th</sup>.

## **NE AREA ONGOING ISSUES & UPCOMING EVENTS**

Dakota Green will be completing First Aid training and Evan Long will be completing Defensive Driving training this week.

Forest Ranger I Position open in the Colcord Unit, candidates have been screened and interviews scheduled for Nov. 30<sup>th</sup>

## **WILDFIRE RESPONSE**

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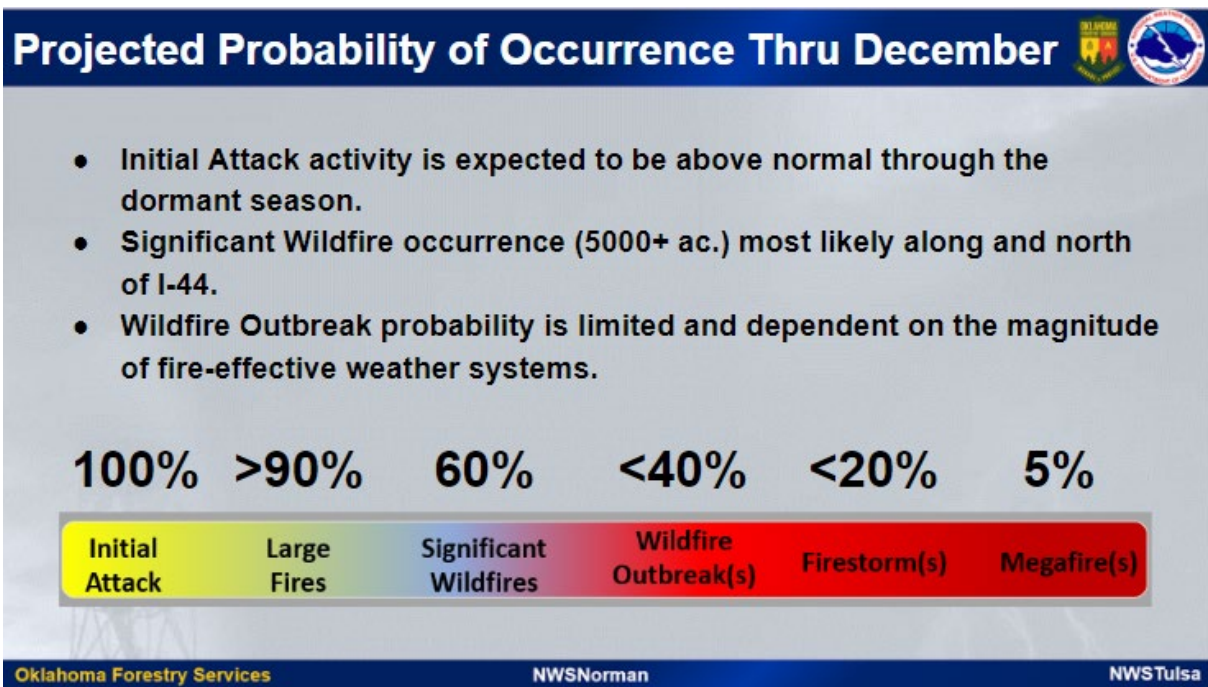
### **Wildfire Activity & Outlook Executive Summary:**

A few active weather systems have passed through Oklahoma delivering much needed moisture to a large portion of the state although the Panhandle counties have largely missed the opportunities with all but eastern Beaver County registering 35-72 consecutive days with less than 0.25" of rainfall. Unfortunately, a handful of tornadoes accompanied that active weather period resulting in significant damage in areas of southeastern Oklahoma including the loss of one life. While the rainfall has been beneficial and prompted a noticeable downturn in both fire occurrence and severity, the underlying drought remains in place. The current, year-to-date departure from normal rainfall across Oklahoma is -7.15" with some locations expressing a ten-inch deficit. The Drought Monitor has reflected a bit of improvement with recent rains. Nonetheless, Exceptional Drought (D4) indices remain in place for 22.4% of Oklahoma concentrated on south-central/southeastern Oklahoma and along the OK/KS border. And 100% of the state remains in drought classification.

The near-term outlooks (through the end of November) strongly favor below-normal temperature and return to below-normal precipitation which is in line with the general expectation while in La Niña conditions. As fall winds down and the meteorological winter season approaches, Oklahoma will enter the driest months on average with drought firmly in place and herbaceous fuels pushed into full dormancy (especially the dominant warm-season species). Rangeland fuel loading is generally considered to be somewhat below normal, although fuel assessments are ongoing. Assessment of the fire environment points to the expectation of above-normal wildfire occurrence during the dormant season and severity will be dependent upon the following triggers:

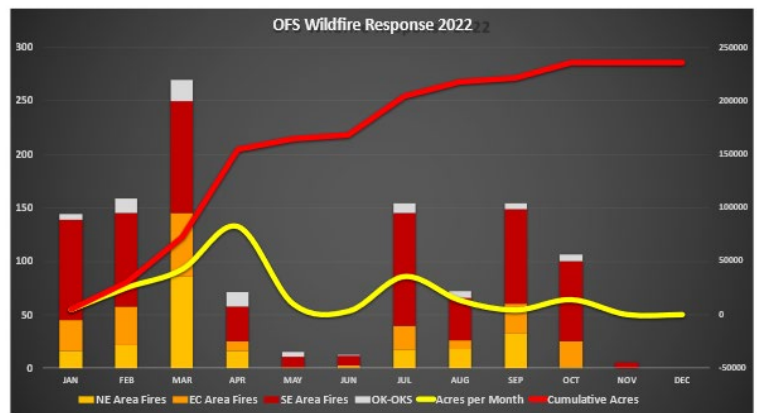
- $\geq$  5 days since wetting rain.
- Critical fine-dead fuel moisture (3% West/5% East).
- Period of accelerated drying.
- Frequency of fire-effective weather patterns.
- $\geq$  15° positive temperature anomaly.
- Energy Release component  $>75^{\text{th}}$  percentile.





### Wildfire Response:

As of November 10, 2022, OFS has been dispatched to 1,244 wildfire incidents that have burned 236,049 acres. Prescribed fire activity has been paused with the persistent wildfire occurrence, and with the recent break in activity many OFS firefighters are consuming hard-earned compensatory time earned through a grueling season or working to repair equipment. To date in 2022, 37 Prescribed Fires have been successfully conducted treating 9,370 acres achieving both resource management and hazardous fuels mitigation objectives.



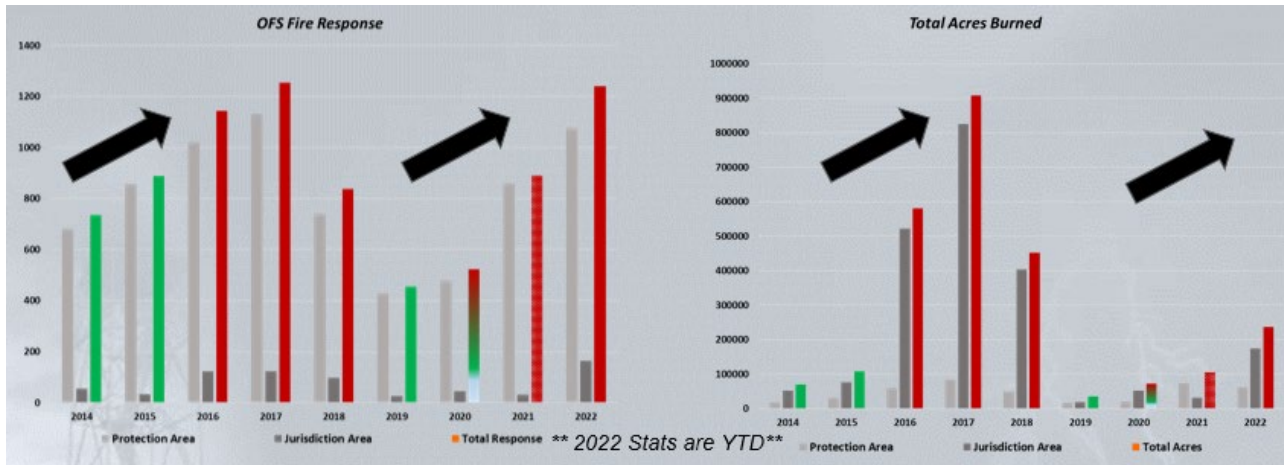
With reference to ongoing equipment repair, it is projected that the OFS repair budget allocation for this fiscal year will be exhausted prior to the peak of the dormant fire season. As testament to that projection, only 61% of the OFS firefighting equipment was available for service on October 23, 2022 due to breakdowns and repair requirements rendering a mix of dozers, transports and fire engines out of service. The current downturn in fire activity is providing some time for repair noting that supply-chain issues are problematic.

### La Niña...

The El Niño-Southern Oscillation (ENSO) is a recurring climate pattern involving changes in the temperature of waters in the central and eastern tropical Pacific Ocean. On periods ranging from about three to seven years, the surface waters across a large swath of the tropical Pacific Ocean warm or cool by anywhere from 1°C to 3°C, compared to normal. This oscillating warming and cooling pattern, referred to as the ENSO cycle, directly affects rainfall distribution in the tropics and can have a strong influence on weather across the United States and other parts of the world. El Niño and La Niña are the extreme phases of the ENSO cycle; between these two phases is a third phase called ENSO-neutral.

El Niño is a warming of the ocean surface, and the climate pattern influence does not particularly favor one influential pattern over another in Oklahoma during the winter months. La Niña, on the other hand, does present a worrisome, wildfire-favoring climate pattern. Cooling of the tropical Pacific Ocean surface encourages a generally drier expectation across Oklahoma and a statistically significant probability for both above-normal wildfire occurrence and above-normal

fire severity. In the graphic below, both OFS response and the acres burned during those responses are evaluated over the last nine years. 1.7 times the average number of fires occur during La Niña conditions, and most notably 7 times the average number of acres are burned. Statistically, this translates to an expectation that a 10-acre fire will likely burn 70-acres. However in reality 90%+ of the fires are held below that 70-acre expectation. The majority of the acres burned (and associated wildfire impacts including civilian/responder casualties, structure losses and infrastructure impacts) occur on a much smaller subset of significant fires that consume thousands of acres in a single burning period.



El Niño  
La Niña

#### STATE FORESTER ACTIVITIES from 1 September 2022 to 18 November 2022:

- Attended a virtual meeting with US Congressman Frank Lucas' office regarding wildfire response procedures and funding opportunities
- Attended two meetings of the National Incident Commander's Incident Management Remote Roundtable
- Attended two First Tuesday Meetings with OFS Staff
- Attended weekly Director's Meetings
- Participated in two virtual meetings as the Southern States representative to the USFS Community Wildfire Defense Grant Program Development Committee
- Attended the September Meeting of the Rural Fire Coordinators
- Attended a meeting with the Oklahoma Emergency Management Hazard Mitigation personnel to discuss the re-write of the wildfire section of the Oklahoma Hazard Mitigation Plan
- Attended the September and October Board of Agriculture Meetings
- Attended a virtual meeting with Erin Robinson to discuss federal grants and the OFS budget
- Attended a meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Committee
- Attended a meeting of the Southern Research Station Committee
- Attended the National Association of State Foresters Annual Meeting in Skamania, WA
- Attended two virtual meetings with Conservation Fund leadership to discuss the land purchase for the first State Forest
- Attended a meeting with OFS and Oklahoma Mesonet to discuss product needs
- Virtually attended three meetings of the S-520 Advanced Incident Management Steering Committee Call
- Attended the Oklahoma Forestry Association Annual Awards Banquet in Idabel
- Attended the National Association of State Foresters' Executive Committee Meeting held at Lake Tahoe.
- Attended the State Supplier's Expo in Oklahoma City
- Attended the quarterly meeting of the All Hazards Incident Management Team Oversight Committee

- Conducted a presentation on Incident Organization to the National Volunteer Fire Council with over 100 in attendance.
- Met with Oklahoma State Firefighter's Association leadership to discuss Rural Fire issues
- Virtually attended the Northern Rockies Coordinating Group's Fall Meeting
- Virtually attended a meeting with the National Association of State Foresters Executive Committee
- Provided the welcome address and opening for the Oklahoma Emergency Management Fall Workshop
- Provided a "State of the State Forestry" address to the Annual Meeting of the Ouachita Chapter of the Society of American Foresters
- Attended the Southern Group of State Foresters' Winter Meeting in Biloxi, MS
- Virtually attended the Southern Research Station Committee October monthly call

Respectfully submitted,

Mark E. Goeller  
State Forester/Director  
Oklahoma Forestry Services





OKLAHOMA

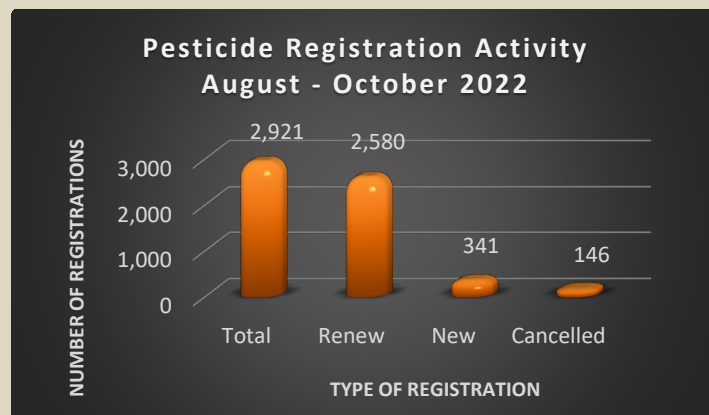
## CONSUMER PROTECTION SERVICES DIVISION

### DECEMBER 7, 2022 BOARD MEETING REPORT FOR SEPTEMBER/OCTOBER 2022

#### PESTICIDE SECTION

##### Pesticide Registration Activity

Pesticide registrations for September 1<sup>st</sup> to November 14<sup>th</sup> in 2022 are presented in the following chart. A total of 2921 products were registered, of the products registered 2580 were renewals and 341 were new. There were 146 products cancelled.



##### Pesticide Samples

Pesticide samples taken August-October 2022 are presented in the following chart. A total of 86 Residue, 27 Concentrate, 31 Documentary, 23 Pollution, and 5 Tank mix samples were taken.

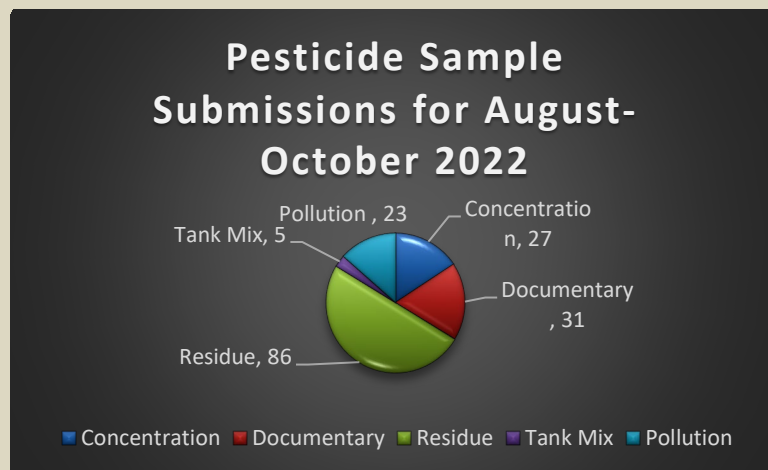


Table 1. Inspection Count for August-October 2022\*

Inspection Type	Number of Inspections			
	August	September	October	Three Month Total
Experimental Use Permit	0	0	0	0
Marketplace	54	8	30	92
Pesticide Applicator Facility	48	22	18	88
Pesticide Service Inspection	0	0	0	0
Restricted Use Pesticide Dealer	19	6	12	37
Container Containment Inspection	4	0	0	4
Producer Establishment	6	5	0	11
Use	106	67	63	236
Termite	0	0	0	0
Wood	0	0	0	0
Pre-treat	0	3	3	6
Drift Investigation	0	0	0	0
Pesticide Label	3115	772	2507	6394
Worker Protection	7	2	0	9
<b>Total</b>	<b>3359</b>	<b>885</b>	<b>2633</b>	<b>6877</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 pesticide inspectors also took 44 nonagricultural use samples, 85 agricultural use samples and 43 producer establishment samples for a total of 172 samples.

### Pesticide Testing & Updates

#### *Licensing & Certification*

Pesticide Applicator's License – renewals were sent out on November 1, 2022

- 2374 emails
- 124 paper

Service technician expiration reminders were sent via email on September 16, 2022 to all pesticide companies as a reminder to have their STs retest before the end of the year.

Service Techs with Companies: 3,170

Service Techs with Companies (not taken exam): 2,282

CA categories expiring this year; 1B – Ag Animal, 2 – Forest, & 8 – Public Health

CEU renewal letters were sent out in the end of October

- 47 emails
- 141 paper

#### *PSI Updates*

PSI has launched a new website specifically for the pesticide exams for ODAFF. The original website, [www.psiexams.com](http://www.psiexams.com), will relocate candidates to the new website or they can go to the new website at <https://test-takers.psiexams.com/okpest>

PSI has been notified of the increase in testing candidates due to all service technicians expiring at the end of 2022.

#### Pesticide Complaints

PESTICIDE COMPLAINTS	October 8, 2022 – November 15, 2022			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	7	5	12	5
MUSK THISTLE:	0			
PMR CASES:	10	0	0	0
CASES REFERRED TO OGC:	12			

#### **Environmental and Plant Protection Section**

##### Plant Protection Program

##### *Phytosanitary Certificates*

## Federal

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

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

4 Federal phytosanitary certificates issued @ \$106.00 each

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

10 Federal phytosanitary Certificates issued @ \$61.00 each

Federal Phytosanitary Certificates (October 1, 2022 - October 31, 2022)			
Country	Product	Quantity	Phytos Issued
Hungary	Barrelclover Seed	5 Grams	1
Japan	Agave Plants	91 plants	2
Mexico	Sesame Seed	346,763 lbs	8
Republic of Korea	Mung Beans	98,000 Kg	1
Spain	Barrelclover Seed	2 Grams	1
Thailand	Miscanthus Seed	20 Totes (20,000 Kg)	1

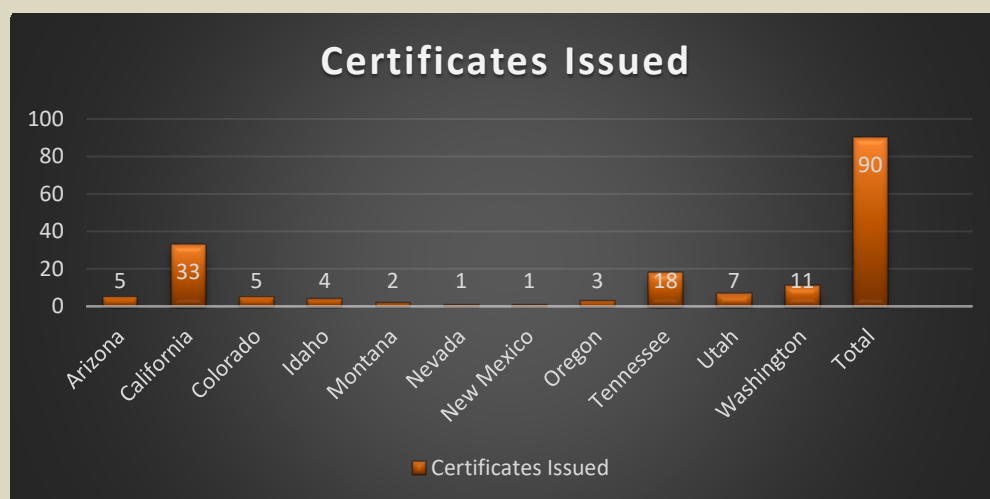
Companies applying for federal phytosanitary certificates:

Caudill Seed	1
International Ingredient:	1
OSU Biosciences:	2
Tobin Newcomb:	2
Sesaco	8

## State

State phytosanitary certificates Issued from October 1, 2022 – October 31, 2022

92 phytosanitary certificates for 3,150 plants



## 2023 Compliance Agreements

There are currently 34 companies that sign compliance agreements for out-of-state shipping. Below is an update on where we are in the process of issuing compliance agreements and shipping certificates for 2023:

Compliance agreements sent out to licensees:	27/34	79%
Left to do:	2 companies in process	
	3 agreements for Cotton Boll Weevil	
	2 agreements for Sweet Potato Weevil	

### *Sweet Potato Weevil/Guava Root-Knot Nematode Trapping*

We are currently in the process of trapping for Sweet Potato Weevil and Guava Root-Knot Nematode. This survey involves 1 inspector setting 11 traps across sweet potato fields in 3 counties. As we check traps for SPW, we are also taking field samples to test for Guava Root-Knot Nematode. These surveys will conclude later this month.



Figure 1: Trapping for Sweet Potato Weevil

### *Nursery Grower Licenses*

Original number of grower licenses expiring on September 30, 2022: (increased about 500 from the same time last year)	3,819
Number of grower licenses not renewed as of November 15, 2022:	1,912
Renewals accepted:	1,907

### Hemp

We are working on updating our Oklahoma State Hemp Plan to meet the standards of the USDA. It has been submitted to the USDA for approval and we are now editing our plan as specified by the UDSA. Harvest is smaller than in previous years. In December, Caroline will send out renewal emails to all currently licensed growers and processors.

### Apiary

Caroline Nelson, Apiary Program Administrator, spoke at the Oklahoma State Beekeepers Association Fall Conference meeting on October 29, 2022. She discussed how to register your hives, the Oklahoma Apiary Act, and answered questions from local beekeepers. Several new beekeepers have registered their hives because of that presentation. Caroline Nelson and Joe Rackley will also be presenting at an Education Expo in February.

She will discuss the Oklahoma Apiary Act, how to register hives, pesticide reporting, the 2023 USDA Honeybee Survey, etc.

## Environmental Program



Figure 2: Runoff Tailwater being sampled

On October 18<sup>th</sup> and 19<sup>th</sup> 2022, ODAFF performed routine tailwater sampling at five nurseries in northeast Oklahoma, including Greenleaf Nursery Company, Park Hill Plants, Park Hill Plants West, Northland Farms, and Sugar Tree Nursery. The tailwater samples were collected and analyzed for pesticide residues and nutrients in the pesticide and inorganic laboratories respectfully. An intake water sample was also collected when runoff water was observed at each nursery so that pesticide and nutrient loads can be determined. If pesticide

residues or nutrient elements are above established thresholds after subtracting the level from the intake water, nurseries will be notified to correct the situation immediately. A follow up sampling will be conducted by ODAFF to check for compliance.

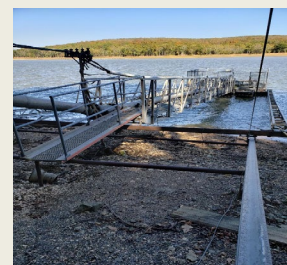


Figure 3: Intake water sample site

## **AGRICULTURE RESOURCE SECTION**

### **Feed Program**

#### Program Performance

During this reporting period there were a total of 100 official feed samples analyzed, with 432 feed determinations made from these samples. These determinations resulted in the issuance of 21 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violations include Crude Fat, Crude Fiber, Vitamin A, Phosphorus, Potassium, Calcium, Copper, and Zinc. Thirteen stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Five stop sales were issued for products deficient in Vitamin A. Two stop sales were issued for products excessive in Crude Fiber. Two stop sales were issued for products deficient in Calcium. Two stop sales were issued for products deficient in Crude Fat. One stop sale was issued for a product deficient in Crude Protein. One stop sale was issued for a product deficient in Salt.

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 October 2022- September 2022**

Nutritional Guarantee	Number of Label Violations		
	October <sup>1</sup>	September <sup>2</sup>	Two Month Total
Crude Protein	4	1	5
Non-protein Nitrogen	0	0	0
Crude Fat	3	2	5
Crude Fiber	3	3	6
Calcium	3	0	3
Phosphorus	3	1	4
Salt	0	1	1
Magnesium	0	0	0
Potassium	1	1	2
Copper	1	0	1
Iron	0	0	0
Zinc	1	0	1
Vitamin A	2	2	4
Medicated Feed	0	0	0
<b>Total</b>	<b>21</b>	<b>11</b>	<b>32</b>

<sup>1</sup> 100 feed samples analyzed with 432 determinations; <sup>2</sup> 87 feed samples analyzed with 442 determinations

**Table 2. Feed Stop Sale Summary October 2022- September 2022**

Nutritional Guarantee	Number of Stop Sales		
	October <sup>1</sup>	September <sup>2</sup>	Two Month Total
Crude Protein	1	1	2
Non-protein Nitrogen	0	0	0
Crude Fat	2	0	2
Crude Fiber	2	1	3
Calcium	2	0	2
Phosphorus	0	0	0
Salt	1	0	1
Manganese	0	0	0
Potassium	0	0	0
Copper	0	1	1
Zinc	0	0	0
Vitamin A	5	5	10
Medicated Feed	0	0	0
<b>Total</b>	<b>13</b>	<b>8</b>	<b>21</b>

<sup>1</sup> 100 feed samples analyzed with 432 determinations; <sup>2</sup> 87 feed samples analyzed with 442 determinations

## Weights and Measures Program

During this period the large capacity scale technicians tested 66 Vehicle scales and 10 scales were rejected.

CPS inspectors checked a total of 468 small scales and 14 platform scales, 17 of the scales were rejected. There were 43 random pack inspections and 86 standard pack inspections conducted that resulted in 23 companies receiving letters of warning and 2 company's receiving a Stop Sale. Additionally, 143 price verification inspections were conducted at various retailers that resulted in 26 companies receiving letters of warning.

A total of 6 scale companies received a letter of warning for not properly servicing scales and 2 dispensaries received a letter of warning for possessing a not approved scale.

## **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 October 1<sup>st</sup> to November 15<sup>th</sup>, 2022. To provide greater efficiency in sampling, all fertilizer and ag lime sampling will be halted to allow for more feed sampling until the beginning of February when fertilizer usage begins to increase.

Type of Sample	Number	Deficiency Penalties
Fertilizer	38	5 (1 Stop-Sales)
Lime	10	1 Notice of Deficiency


Type of Investigation	Number
Anhydrous Ammonia Nurse Tanks	0 (0 Tanks)
Anhydrous Ammonia Storage Tanks	0 (0 Tanks)
Dry Bulk Fertilizer Facility	48
Liquid Bulk Fertilizer Facility	32
Pre-Site Facility	0

On November 1, 2022 Fertilizer licenses were sent out for renewals with 84 license renewals being mailed and 1574 being emailed. Ag lime companies were also sent notices for renewing their ag lime vendor licenses with 11 license renewals being mailed and 70 being emailed. Two-hundred and thirty-two companies with registered soil amendment products were sent their first notices for the 949 renewable product registrations.



Program Administrator, Joshua Maples, had the opportunity to represent Oklahoma at the Association of American Plant Food Control Officials (AAPFCO) Administrator's Seminar on October 4-6, 2022. The focus of this seminar is to build rapport and comradery with fellow control officials, as well as to discuss states' emerging issues in a closed environment without industry presence. There were 28 control officials in attendance representing 17 states and Canada.

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  
December 7, 2022  
Activities October 1, 2022 – November 11, 2022

**Animal Disease Traceability:**

On October 1, I met with student members of the OSU CVM Student Chapter of the American Association of Bovine Practitioners at the Oklahoma National Stockyards to discuss animal disease traceability as it relates to the cattle industry.

On October 27, Dr. Gorczyca was interviewed by Caleb Shaw, an OU journalism student over the ODAFF ADT roadmap. Dr. Gorczyca explained the overall purpose of the roadmap and how it is being used to advance traceability within the state. Caleb is working on a project over livestock diseases and will reach out with additional questions as he finalizes his project.

On November 1-2, we successfully completed all 8 National Priority Traces that were conducted within the 2-day timeframe to complete our cooperative agreement tracing obligation.

During this timeframe, we assisted the Kansas Department of Agriculture's Investigative Services Division with a cattle theft investigation. Dr. Gorczyca was able to confirm livestock market movement for some of the official identification that was provided to assist the investigator in recovering the stolen cattle.

We continue to distribute the free RFID tags to interested veterinarians and producers. During this time, we shipped 11,380 tags to veterinarians and producers. We also have a limited number of RFID tag readers that are available for loan.

**Aquaculture:**

There was no significant activity in this program during this time.

**Biologics:**

During this time frame, we registered two new biological products. We also met with Newport Laboratories to discuss simplifying label submissions with autogenous request. They had requested to provide bulk labels that are approved by USDA CVB that are used for the autogenous vaccines. When the autogenous vaccine is developed the accompanying label must be approved by USDA CVB, however Newport cannot start that process until ODAFF approves the autogenous vaccine request. We approved forgoing the final label submission with the knowledge that the final product cannot be used if USDA CVB does not approve the label.

On Nov 1, Dr. Gorczyca approved the movement of a mare from Texas with pythiosis to receive medical treatment at White Oaks Veterinary Clinic, Edmond, OK utilizing SolidTech Animal Health's experimental *Pythium insidiosum* immunotherapeutic. This is the third equine that has been imported into Oklahoma for such treatment. The previous

two animals were successfully treated and returned to their home states. Allowing SolidTech to conduct these medical trials assists their efforts of full licensure for the product.

### **Cattle Programs:**

#### **Brucellosis:**

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.

Marissa McLaughlin has done a great job getting our Brucellosis Certified Herd Program up to date.

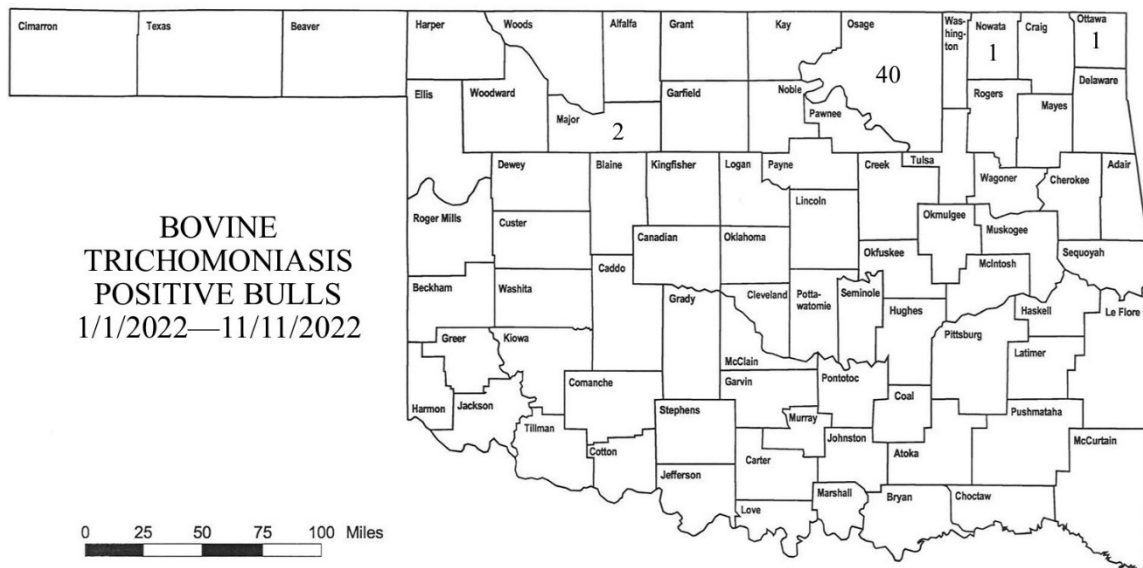
#### **Tuberculosis:**

We currently have no TB affected herds in Oklahoma.

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

#### **Trichomoniasis:**

During this period there were 2,038 Oklahoma bulls tested for Trichomoniasis with six positive individuals found. There were four from one ranch and two from another ranch, both in Osage County.



13,483 bulls tested / 44 positive = 0.33% 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:**

For the current reporting period we have received 10 positive reports representing four new premises and the year-to-date reports are 79 positive reports with 61 new positive premises. The year-to-date numbers compare to 80 positives with 55 new premises in 2021.

#### **Emergency Management:**

On October 13 and November 10, Dr. Gorczyca hosted the Multistate Partnership (MSP) for Security in Agriculture monthly calls.

On November 8, Dr. Gorczyca participated in a call with KS, CO, IN, and MO to discuss the development of an emergency permitting system to be used with USAHerds.

On November 9, Dr. Gorczyca provided a presentation over the MSP to the Critical Infrastructure Partnership Advisory Council Food & Ag Sector Fall Meeting.

During this timeframe, Dr. Gorczyca was selected as a reviewer for the submitted NADPRP grant proposals.

#### **Equine Programs:**

There are no reported cases or quarantines for CEM in Oklahoma

There are no new or current EIA cases or traces in Oklahoma.

There are no known Piroplasmosis cases or traces in Oklahoma.

We have seen an increase in the number of rabies cases in equine in 2022. Historically we see one case a year and so far in 2022 we have had 3 confirmed cases. Dr. Ruby presented the Oklahoma cases on the National Equine Conference call for November. We continue to push out messaging to alert the public of the importance of vaccinating horses against rabies.

There have been 6 confirmed cases of West Nile Virus in horses in October. All the affected horses have been unvaccinated.

On October 25 Secretary Arthur and I participated in a virtual meeting with ASPCA Director of Equine Welfare Tom Persechino and some of his team. He gave an update on their "Right Horse" program that has been going in Oklahoma for about two years and their plans for the future.

On October 26 Dr. Stone called on a horse dealer following a report of selling horses without a current negative EIA test. The report was confirmed as true. A letter of warning is being issued to the dealer.

**Farmed Cervidae Programs:**

We continue to be vigilant in monitoring new cases of chronic wasting disease in the US and Canada. To date, no new findings have occurred as a result of the CWD positive deer found near the Oklahoma border to Texas in September.

On November the 10, Dana Call and Dr. Gorczyca-Southerland attended a virtual training for the USDA CWD Herd Certification Program.

**Feral Swine:**

We have seen an increase in feral swine hunting licenses and feral swine transport licenses. This is likely due to cooler temperatures and increased movement of feral swine.

**Foreign Animal Disease:**

During this time, we had 12 FAD investigations. One cow from Wagoner County and one cow from Delaware County had vesicular lesions. One sheep from McClain County had lesions around the lips and mouth and some feet lesions. Thankfully, all three cases were not foreign animal diseases. The other nine investigations were poultry. Three of those were confirmed to be Highly Pathogenic Avian Influenza and are described below. The other six were diagnosed as other poultry diseases.

We had 3 confirmed cases of Highly Pathogenic Avian Influenza in backyard flocks in Oklahoma between October 11<sup>th</sup> and October 20<sup>th</sup>. The flocks were in Tulsa County, Creek County, and Cleveland County. All three flocks were a mix of domestic poultry and domestic waterfowl that had access to ponds on the premises where wild waterfowl were known to visit. Since wild waterfowl are the highest risk source for carrying the virus, this commingling allowed the virus to be transmitted to the domestic birds. In all three cases the owners reported sudden death in multiple birds and in the second confirmed case, all the chickens were dead when we responded within 24 hours of the positive test result. In order to keep the virus from spreading, the flocks were depopulated, and the birds were disposed of by incineration. The owners did receive indemnity through USDA for the birds that had to be euthanized. A 10 km surveillance zone was established around all three premises and remained in place for 14 days. During that time, we contacted known flock owners in that area to ensure their flocks were not experiencing any illness that could be consistent with avian influenza. The three premises will remain quarantined until they have completed a 120-day fallow period. We continue to monitor these premises to make sure they have not repopulated with new poultry or waterfowl.

HPAI continues to spread across the United States. It is the largest foreign animal disease incursion in US history. There are 46 affected states with a total of 619 confirmed cases. Most of these cases are considered point source meaning the virus was introduced by a wild bird. There have been few cases where the virus has been proven to be spread from one location to another as was the case in the 2015 incursion. Cases are known to increase when migratory birds are actively moving from nesting grounds to overwintering grounds. We hope to see a decrease in cases as we get into winter months but

anticipate another increase around February and continue through the spring as the migration begins again. This strain of virus is continuing to circulate in Europe and Asia where it has been active since 2020 which leads us to believe we could be dealing with this virus for several years in the US.

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, staff issued a livestock market license Laramie Thoroughman of Wilson, Oklahoma. Mr. Thoroughman's Flying the Coop Auction has satisfied all bonding and licensing requirements for ODAFF as well as USDA and plans to have a bimonthly sheep and goat sale on the second and fourth Friday. The state's newest auction market currently hosts a chicken auction on the first and third Friday each month as well. Although no other market applications were received this month, packets were requested by a couple of individuals interested in sale barn ownership. This period also allowed for a market orientation as well as several custodial account reviews.

#### **Livestock Auction Market Activities**

Auction market licenses issued	1
Auction market licenses pending	0
Market custodial audits completed	6
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

#### **Outreach:**

September 29 – October 9 the Tulsa State Fair was held. AIS field and office staff were present at the gates to make sure that exhibitors had proper testing and traceability documentation to come onto the fair grounds.

October 7 – 12 Drs. Gorczyca-Southerland, Ruby, and I attended the United States Animal Health Association Conference in Minneapolis, MN. This is an intense meeting between State Animal Health Officials, USDA personnel, and industry individuals and organizations. This is the forum that most new regulatory policies come from so it's important for us to have a presence to represent Oklahoma and our industry.

On October 13 I was interviewed by OSU Ag Communications and Animal Science major Elizabeth Hokit about feral swine and the regulatory programs we manage in our attempt to control them.

On October 13 we participated in a virtual meeting with Oklahoma Department of Wildlife Conservation to discuss outreach and education to the public and hunters about

HPAI and caution them about ways to prevent bringing the virus home to their backyard poultry.

On October 19 I gave a presentation to the OSU College of Veterinary Medicine Emergency Response elective titled “The State Veterinarian’s Role in Emergency Response”.

On October 20 We hosted two Town Hall meetings to discuss Highly Pathogenic Avian Influenza. One meeting was aimed more at OSU Extension Educators and Ag Groups and the other was aimed more at backyard poultry producers. The goal was to emphasize the need for extreme biosecurity to prevent HPAI in domestic poultry and to help producers understand how to implement the biosecurity.

On October 31, Dr. Stone and USDA Epidemiologist Dr. Jill Duel presented instruction to Dr. Lionel Dawson’s 3<sup>rd</sup> year veterinary students for proper Tuberculosis testing protocol. They discussed Johne’s disease and other mycobacteria and cross reactions with TB. A wet lab was held at the OSU Vet Med Ranch on November 1 and 4 where students had the opportunity to properly test a group of cattle.

#### **Poultry Programs:**

Dr Ruby and I have been on weekly virtual meetings for the Poultry Health Advisory Committee to discuss the current HPAI situation in Arkansas, Missouri, and Oklahoma. The three states share a lot of the same poultry companies whose complexes cross state lines. This allows a coordinated response by keeping communication open and discussing response strategies.

Dr. Ruby attended a poultry wet lab that was offered during the Oklahoma State University College of Veterinary Medicine’s Fall conference. Dr. Dustan Clarke from University of Arkansas Extension and Dr. Ken Powell from Aviagen were the instructors for the lab. They went over how to necropsy a chicken and what common diseases would look like on gross evaluation. With the increasing number of backyard and hobby flocks, this was a great opportunity for the veterinarians who participated to learn how to identify abnormalities on necropsy and what diseases may be the cause of those changes.

#### **Public Health**

Dana Call has participated in the CDC Zoonosis and One Health Monthly Updates. Various presentations on zoonotic diseases and public health are discussed.

On November 2 Drs. Gorczyca-Southerland, Ruby, and I met virtually with Dr. LeMac’ Morris and Jolie Stone, State Public Health Veterinarian and State Epidemiologist from the Oklahoma State Department of Health. We discussed zoonotic diseases that both agencies deal with such as HPAI, Canine Brucellosis, and Rabies and the responsibilities of each agency.

**Rabies in Livestock:**

There was one new case of rabies reported in livestock. The positive case was in a heifer in Coal county. Thankfully, no people had to receive post exposure prophylaxis injections due to exposure.

**Sheep and Goat Programs:**

There was no significant activity during this time.

**Swine Programs:**

October 18-20 our field staff and Dr. Gorczyca checked in swine at the NSR Fall Classic show pig show and sale in Duncan. This is the largest show pig sale in the world and brings in swine from all over the United States.

During this time frame, Dr. Gorczyca submitted a supplemental cooperative agreement funding opportunity to USDA to assist the Official State Agency of the US Swine Health Improvement Program with operating costs to oversee the program in Oklahoma. Due to the number of enrolled swine premises in the US SHIP for Oklahoma, we also qualify for supplemental funding from Iowa State University for the same purpose. Dr. Gorczyca will submit a contract to receive \$15,000 from ISU.

On October 25, Dr. Gorczyca participated on an animal health panel for the OK Pork Council's OSU Pork Industry Group students. She provided an overview of regulatory veterinary medicine and discussed FAD preparedness for the swine industry.

October 4-6 Dr. Stone attended a swine depopulation exercise at the University of Nebraska that was hosted by the National Pork Council and Nebraska Department of Agriculture. This was an opportunity to evaluate mass depopulation by electrocution in preparation for response in the event of a disease incursion into the United States.

On November 1 AIS received a complaint that Validated/Qualified herd participants were illegally tagging and not testing swine from outside sources. An e-mail communication was sent out to all V/Q herd participants, informing them that this is illegal and if found to be true, loss of status would occur. The communication also included tips for maintaining compliance in the program. We will be mailing out 2023 renewal forms for our Validated and Qualified swine herds this month. We will include a resource page for herd owners to find information about US SHIP, African swine fever, Swine Influenza, biosecurity, and other relevant topics.

The program administrator continues to update SOPs for commercial swine commuter herds and organize recordkeeping practices for swine test charts to improve efficiency in traceability.

**Miscellaneous:**

On October 1 I received a call from the State Veterinarian in Nebraska asking for assistance in depopulating a large pheasant flock in Central Nebraska that was infected with Highly Pathogenic Avian Influenza. We assembled a team of Livestock Inspectors



Colt Broome, Clay Jack, Rob Pinkston, and USDA Animal ID Coordinator Bill Golightly. They transported our foam machine and ancillary equipment to the premises on Monday, October 3. They completed the depopulation the next day and demobilized late on October 5. We're always happy to help our neighbors when it's possible because we all have limited resources and we never know when we'll need their assistance.

On October 11-13 Dana Call completed the USDA Animal Health 101 course. This course covered reportable diseases of all animals, surveillance efforts to minimize disease transmission, foreign animal diseases and the variety of ways the USDA is involved in animal health in the US.

On October 20 Dr. Stone visited a feral swine hunting facility that purchased a Wildebeest through an exotic animal auction in Oklahoma. Wildebeest are known to be potential carriers of Malignant Catarrhal Fever. The owner was planning on selling the animal through a hunt. We have strict regulations for Wildebeest. We received confirmation that the Wildebeest was harvested on October 25<sup>th</sup>.

On October 26-27 I toured the Southwest quadrant of Oklahoma with the ODAFF Board of Agriculture and other Division Directors. It was an enjoyable trip, and we learned a lot about the cotton industry in Oklahoma.

I'm very proud of our AIS team. I believe this is the best group we've had in the 16 years I've been in Animal Industry. The three new members that we've added to our Office Staff in 2022 have really added to the team, so to hopefully show them our appreciation we took them to lunch on October 31.



Dr. G, Dana Call, Dr. Ruby, Marissa McLaughlin, Heather Schmidt, Austyn Fuss, Rhonda Keener, Sherrie Davis

On November 2 Dr. Ruby and I went to Stillwater to attend a meeting with College of Veterinary Medicine Dean Risco and a group of CVM alumni.

On November 9 ODAFF hosted a Fall Festival to raise funds for the Regional Food Bank. There was a chili cookoff, cornbread, Field's pecan pies, and a pumpkin decorating contest.



Standing: Austyn Fuss, Sherrie Davis, Dana Call - Kneeling: Heather Schmidt, Marissa McLaughlin, Rhonda Keener

Dr. Gorczyca-Southerland and I worked with interested veterinarians to determine what seven areas to nominate for the Veterinary Medical Loan Repayment Program for 2023, and we completed and submitted the nominations on November 14. We're hopeful that we can help several veterinarians receive \$75,000 grants over three years to help pay their student loans to work in food animal practice in rural Oklahoma.

Respectfully,

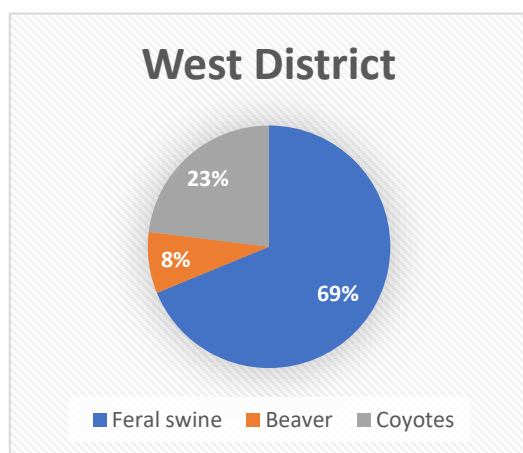
Rod Hall, DVM

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

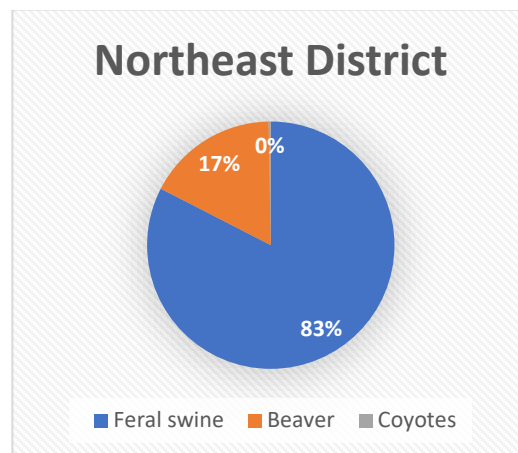
**Introduction**

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 443 properties with an estimated 743,853 acres of land under agreement. Additionally, WS helped 467 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 \$417,517 during this period. Beaver damages accounted for losses totaling \$127,900. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$29,277. Feral swine damages accounted for losses totaling \$238,144, while other species of wildlife were responsible for \$22,196 in damages to property, agriculture, and livestock.

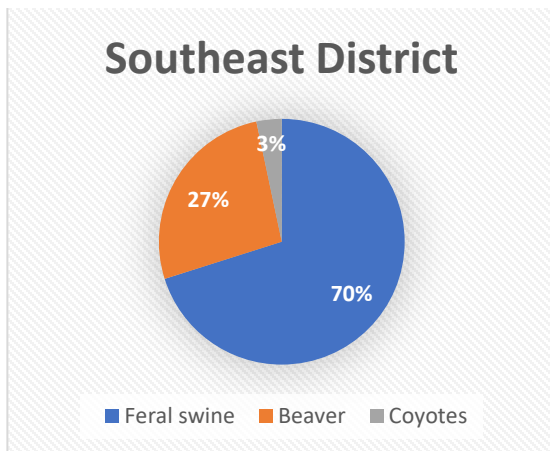
**Providing Wildlife Services**



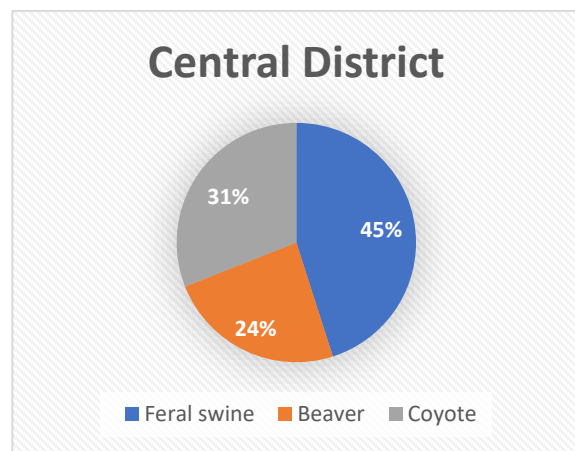
*Figure 1: Species Removed in West District by percentage during October 2022*



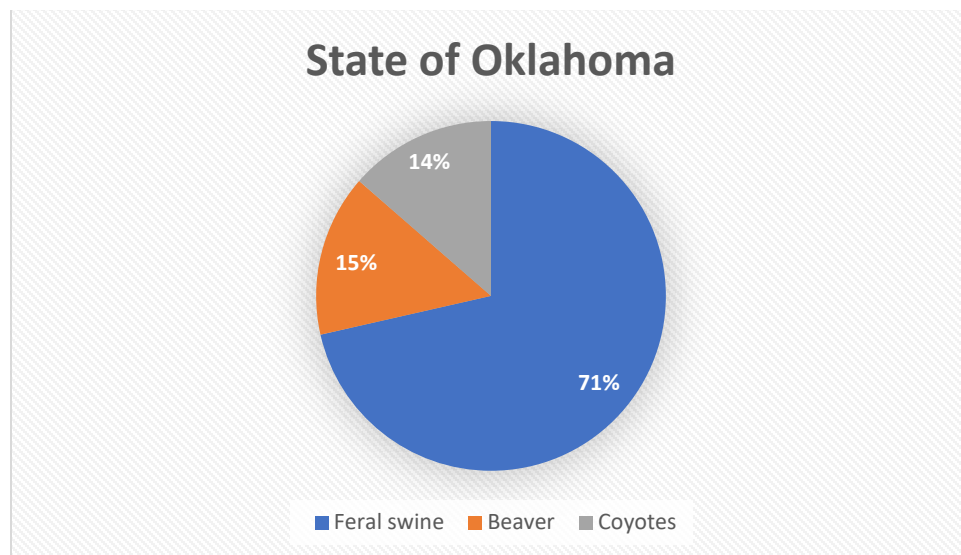
*Figure 2: Species Removed in the Northeast District by percentage during October 2022*



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



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



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

### **Coyote Damage Management**

**Texas County** livestock producer requested assistance with coyotes depredating on his lambs. The producer reported coyotes killed a lamb valued at \$171. The Wildlife Specialist assigned to Texas County responded to the request and examined the carcass and confirmed coyotes were responsible for the losses. The Specialist recommended non-lethal methods of carcass removal, night penning, shed lambing, and guarding animals to help reduce future lamb losses to coyotes. WS has removed five coyotes and control efforts are continuing at this time to further reduce predation losses from coyotes for the producer.



**Ellis County** landowner requested assistance with coyotes depredating on his calves. The producer reported coyotes were responsible for the loss of one calf valued \$881. The Wildlife Specialist assigned to Ellis County examined the carcasses and verified coyotes were responsible for the loss. Damage management efforts were successful in removing five coyotes from the property. Control efforts continue to help further reduce the threat to the cooperator's calves.

**Alfalfa County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported coyotes had killed two calves valued at \$1,700. The Wildlife Specialist assigned to Alfalfa County responded to the request and examined the carcasses, confirming coyotes were responsible for the loss of the one calf valued at \$881. The Specialist used foot-hold traps, snares, and calling/shooting to remove eight coyotes. Control efforts continue to prevent additional losses.

**Pittsburg County** rancher called WS for assistance with coyotes that he suspected were killing his new-born calves. The predation by the coyotes was confirmed by the WS Specialist and two confirmed calf losses were estimated to be valued at \$1,600. Neck snares and calling-shooting methods were used to capture and remove the coyotes from the calving pastures. Seven coyotes have been removed and this project is still being monitored to confirm the predation is resolved.

### **Feral Swine Damage Management**

**Jackson County** landowner contacted WS needing assistance with feral swine rooting in his pastures. The landowner estimated feral swine rooted up sixteen acres in two pastures with damages valued at \$2,000. The Wildlife Specialist assigned to Jackson County responded to the request and verified the damage. A live trap was used to remove twenty-seven 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.

**Greer County** landowner contacted WS needing assistance with feral swine damaging his milo field. The landowner estimated the feral swine damage to the fields at \$3,500. The Wildlife Specialist assigned to Greer County responded to the request and confirmed the damage. A live trap was used to remove fifty-two 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.

**Caddo County** farmer requested assistance with feral swine damage in his soybean fields. The farmer reported feral swine were responsible for damaging twenty acres of soybeans valued at \$10,000. The Wildlife Specialist assigned to Caddo County responded to the request and his field inspection verified feral swine were responsible for the damage to his fields. The Specialist used a live trap to remove forty-eight feral swine. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

**Dewey County** landowner contacted WS needing assistance with feral swine damaging his wheat fields. The landowner estimated the feral swine damage to the fields to be at \$1,000. The Wildlife Specialist assigned to Dewey County responded to the request and verified the damage. A live trap was used to remove thirty-five 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.

**Pawnee County** landowner requested assistance from WS regarding feral swine damages. The landowner reported feral swine had moved onto his property and had begun rooting in his wheatfield. A WS Specialist visited the property and verified feral swine were responsible for an estimated \$1,326 in damages. An electronic corral-type trap was used to remove several swine from the property and no further activity has been reported or observed. Work is complete at this time.

**McIntosh County** landowner contacted WS concerning feral swine damage to his pasture. WS inspected the property and confirmed eighty acres of damages estimated at \$30,000. An electronic corral-type trap was used to remove sixty-five feral swine from the property with no further activity being reported or observed. Work is complete at this time.

**Osage County** rancher contacted WS about the presence of feral swine on his property. The landowner stated he had seen approximately one acre of damage worth \$1,400 in a pasture. A WS Specialist responded to the call and confirmed the damage reported was from feral swine. A trail camera was used to identify a group of feral swine on the property and a live trap was placed on the property to remove the swine. Work is continuing at this time and the property owner was advised of environmental changes that could help prevent future problems.

**Washington County** landowner contacted WS requesting assistance with feral swine responsible for major damages to his soybean fields. A WS Specialist responded to the request and verified there was extensive damage to the soybean crop caused by the swine. A cellular activated and remote monitored trap was placed on the farm. The Specialist was able to catch the entire sounder of twenty-four feral swine in a single catch. The Specialist is still currently baiting the trap and other areas and monitoring the property for any other signs of feral swine in the area.

**Jefferson County** rancher called WS for assistance reporting feral swine were destroying his milo hay inside his barn. The WS Specialist was able to verify the feral swine were damaging the hay stored inside his barn. Ten bales were verified as damaged and estimated losses were \$1,200. After pre-baiting, a remote camera trap was placed and fifteen feral swine were removed. This project is still being monitored.

**Bryan County** rancher called WS for assistance with feral swine damaging his winter wheat fields. Damages to the wheat fields was verified and estimated to be \$3,000. After pre-baiting with corn, a remote camera trap was placed on the property. Two sounders of feral swine were removed over 14 days. A total of twenty-two feral swine were removed and this project is concluded.

**Johnston County** cooperator called WS for assistance with feral swine damaging his cattle pasture. Damages were verified and estimated to be at \$200. After pre-baiting with corn, a remote camera trap was placed and eleven feral swine were removed. With no further damages reported, this project has concluded. The owner was given technical advice about environmental changes he could make to his property that may possibly deter future feral swine problems.

**Seminole County** rancher called WS for assistance with feral swine. Damage to the ranchers' cattle pastures was verified and estimated to be \$2,000. After pre-baiting with corn, a remote camera trap was placed out and eleven feral swine were removed. This project is still being monitored.

### **Aerial Operations**

Aerial operations were conducted in ***Beckham and Roger Mills County in the Upper Red River Project*** in response to several farmers requesting assistance with feral swine damaging wheat fields and pastures. Damage in the area flown was estimated at \$10,500. To reduce feral swine damage in this area, the helicopter was utilized for 4.1 flying hours to remove one hundred and thirty-eight feral swine. This area will be closely monitored to determine if additional aerial operations are needed.

### **Beaver Damage Management**

***Grant County*** Road Commissioner contacted WS for assistance with beavers responsible for damming up the creek on one of his bridge culverts, causing the water to go over the road. The Commissioner estimated the damage to the road and bridge structure to be \$1,100. The Specialist for Grant County responded and verified beavers were responsible for damage. The Specialist was successful in removing the beavers from the creek to reduce any additional damages to road and bridge.

***Stephens County*** landowner contacted WS for assistance with beavers responsible for burrowing into his pond dam on his property. The landowner estimated the damage to the dam to be valued at \$2,500. The Specialist for Stephens County responded and verified beavers were responsible for damage. The Specialist was successful in removing four beavers from the pond to reduce any additional damage to the pond dam structure.

***Roger Mills County*** landowner contacted WS for assistance with beavers responsible for 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 responded and verified beavers were responsible for damage. Control measures used by the Specialist were successful in removing the beavers.

WS received a call from a cooperator in ***Canadian County*** that had beavers return to his pond. Body grip traps were set and firearms were utilized to remove nine beavers from the property. The beavers had burrowed their bank hole into his back yard causing the ground to collapse and ruined an invisible underground fence for dogs. Damage costs were estimated at \$7,500.

***Craig County*** Commissioner reported beavers were responsible for girdling several large trees and burrowing large holes into a pond's dam. A WS Specialist responded to the request and verified the damage reported. The Specialist was able to remove two beavers by shooting. Damage to the pond and trees was valued at \$10,500. The Commissioner was instructed about the use of fencing methods and environmental changes to help prevent future problems.

***Cherokee County*** landowner requested assistance with beavers that have just moved into his pond. A WS Specialist verified the presence of beavers and they were responsible for an estimated \$350 in damages. Body-grip traps were used to remove a pair of beavers from the drainage area and work is complete at this time.

***Muskogee County*** rancher requested assistance from WS about beavers that had moved into a pond on his property, due to a nearby creek drying up. The beavers had burrowed into the pond dam and were cutting down trees near the pond. A WS Troubleshooter visited the location and confirmed beavers were responsible for an estimated \$1000 in damages to the pond dam. Body-grip

traps were used to remove six beavers from the pond and no further damage has been reported. Work is complete at this time.

**Pushmataha County** cooperator called WS for assistance with beavers on his property. Damages included burrowing, flooding, and tree damages that were verified and estimated to be \$3,500. The Specialist removed one beaver dam by hand to alleviate the flooding and placed body-grip traps to capture the two beavers.

**McClain County** rancher called WS for assistance with beavers burrowing the owners' stock pond dam. Damages were verified and estimated at \$1,500. Bode-grip traps were placed to remove five beavers.

**Johnston County** landowner called WS for assistance when he discovered beaver damage to the trees along a creek on his property. The beaver damage to the trees was verified and estimated at \$500. Due to the depth of the water, night-shooting was selected as the best method to remove two beavers.

### **Special Projects**

A 94 year old **Tulsa County** resident called WS after she was unable to get assistance from animal control in the city. A skunk was coming onto her porch spraying as well as digging up her yard. After investigating the property, a den was located and WS set a cage trap to remove one skunk from the property. Work is complete at this time.

**Pontotoc County** municipal airport, in the city of Ada, called WS for assistance with whitetail deer. The airport employees reported the deer were often seen on the runways, where aircraft were arriving and departing. The deer activity on the runway was verified by the WS Specialist. By selecting safe areas to use firearms, three deer were removed to alleviate the risk of injury or aircraft damage due to wildlife on the runway. This project is still being monitored.

### **Information and Communication**

Several Northeast District WS employees staffed an exhibit for the Nowata County Conservation Day. The employees shared with 5th grade students the importance of the role that WS plays in providing assistance to Nowata County farmers and ranchers. The students were very interested in learning about the importance of WS to Oklahoma producers. The exhibit was a huge success and the employees were able to reach out to over 50 students and teachers.

*Table 1: Beaver, Coyote, and Feral Swine removal in Oklahoma by WS October 2022*

County	Beaver	Coyote	Feral swine	District
Adair				NE
Alfalfa				W
Atoka	2			SE
Beaver		45		W
Beckham	6	2	38	W



Blaine				W
Bryan	7		49	SE
Caddo		2	70	W
Canadian	9		27	C
Carter	1	1	5	SE
Cherokee				NE
Choctaw	5			SE
Cimarron		8		W
Cleveland		3		C
Coal				SE
Comanche			34	W
Cotton				W
Craig	2		36	NE
Creek	1		17	NE
Custer	6	6	45	W
Delaware				NE
Dewey		16	67	W
Ellis		41		W
Garfield		5		W
Garvin	1		30	SE
Grady				W
Grant				W
Greer			52	W
Harmon	3			W
Harper				W
Haskell	2		26	NE
Hughes				SE
Jackson		4	75	W
Jefferson			32	SE
Johnston	6		15	SE
Kay			6	NE
Kingfisher				W
Kiowa				W
Latimer	4			SE
Leflore			36	SE
Lincoln	18		25	NE
Logan	3	6	20	W
Love	4	1		SE
Major		2	32	W
Marshall				SE
Mayes				SE
McClain	17			SE

McCurtain				SE
McIntosh			9	NE
Murray	2	2		SE
Muskogee				NE
Noble			6	NE
Nowata	8		14	NE
Okfuskee			5	NE
Oklahoma	8	19	5	C
Okmulgee	3		2	NE
Osage		1	16	NE
Ottawa	2		13	NE
Pawnee			99	NE
Payne	3			NE
Pittsburg	12	4		SE
Pontotoc		1		SE
Pottawatomie				C
Pushmataha	5		12	SE
Roger Mills	10	4	25	W
Rogers				NE
Seminole	6		11	SE
Sequoyah				NE
Stephens	24	2		W
Texas		5		W
Tillman			5	W
Tulsa	4			NE
Wagoner	16			NE
Washington	3		24	NE
Washita	3	2		W
Woods		5		W
Woodward				W
<b>TOTAL</b>	<b>206</b>	<b>187</b>	<b>983</b>	

\*NE –Northeast, SE –Southeast, W – West, C - Central Districts

Respectfully submitted,

Scott Alls  
Division Director  
Wildlife Services Division

**October 2022 Activity Report  
for  
December 2022 Board Meeting  
  
Agricultural Statistics Division**

**General**

Rainfall totals in Oklahoma the **first week of October** averaged 0.11 of an inch. According to the October 4th US Drought Monitor Report, 100 percent of the state was experiencing moderate drought to exceptional drought, unchanged from the previous week. Statewide, temperatures averaged in the upper 60's. Topsoil and subsoil moisture conditions were rated mostly very short.

Rainfall totals in Oklahoma the **second week of October** averaged 0.63 of an inch. According to the October 11th US Drought Monitor Report, 100 percent of the state was experiencing moderate drought to exceptional drought, unchanged from the previous week. Statewide, temperatures averaged in the upper 60's. Topsoil and subsoil moisture conditions were rated mostly very short to short.

Trace amounts of rainfall the **third week of October** was reported last week. According to the October 18th US Drought Monitor Report, 100 percent of the state experienced moderate drought to exceptional drought, unchanged from the previous week. Statewide, temperatures averaged in the upper 50's. Topsoil and subsoil moisture conditions were rated mostly very short to short.

Rainfall totals in Oklahoma the **fourth week of October** averaged 2.19 inches. According to the October 25th US Drought Monitor Report, drought conditions were rated 100 percent abnormally dry to exceptional drought and moderate drought to exceptional drought categories, unchanged from the previous week. Statewide, temperatures averaged in the upper 50's. Topsoil and subsoil moisture conditions were rated mostly very short.

**Small Grains:** In the Central district, reporters indicated that winter wheat is continuing to be planted with very little reported as emerged. Statewide, winter wheat planted reached 84 percent, up 1 point from the previous year but down 1 point from normal. Winter wheat emerged reached 62 percent, down 4 points from the previous year and down 9 points from normal. Canola planted reached 75 percent, down 1 point from the previous year but up 2 points from normal. Canola emerged reached 21 percent. Rye planted reached 67 percent, down 9 points from the previous year and down 16 points from normal. Rye emerged reached 24 percent. Oats planted reached 45 percent, up 6 points from the previous year and up 3 points from normal.

**Row Crops:** Corn harvested reached 92 percent, up 1 point from the previous year and up 5 points from normal. Sorghum harvested reached 64 percent, up 1 point from the previous year and up 2 points from normal. Soybeans dropping leaves reached 90 percent, up 2 points from the previous year and up 6 points from normal. In the South Central district, reporters indicated that all soybeans will be harvested soon. Statewide, soybeans harvested reached 50 percent, up 3 points from the previous year and up 8 points from normal. Peanuts mature reached 95 percent, up 3 points from the previous year and up 3 points from normal. Peanuts harvested reached 59

percent, up 16 points from the previous year and up 5 points from normal. Cotton harvested reached 29 percent, down 1 point from the previous year but unchanged from normal.

**Hay:** The fifth cutting of alfalfa hay reached 50 percent, up 9 points from the previous year and up 22 points from normal. The fourth cutting of other hay reached 45 percent, up 31 points from the previous year and up 33 points from normal.

**Pasture and Livestock:** Pasture and range condition was rated at 80 percent very poor to poor. Livestock condition was rated at 73 percent fair to poor.

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

Survey	Enumerated by:	Survey Dates
CA Dept Irrigation Survey	DCC	9/15 – 10/14
Pecan AP	DCC	9/28 – 10/4
October Ag Yield	DCC	9/29 – 10/5
Ag Labor	DCC	10/19 – 11/4
November Ag Yield	DCC	10/29 – 11/4
Row Crop CAPS	DCC	11/1 – 1/18
Cotton Ginnings	DCC	11/1 – 11/2
Cotton Ginnings	DCC	11/15 -11/16

**Statistics:** On November 9, 2022, the November Crop Production report was published. Highlights include:

Oklahoma Upland cotton production is forecast at 210 thousand bales, 70 percent lower than 2021. Yield averaged 325 pounds per acre, compared with 756 pounds last year. Acreage harvested, at 310 thousand acres, is down 30 percent from last year.

Oklahoma corn production is forecast at 37.2 million bushels, down 16 percent from the previous year. Statewide yields averaged 122 bushels per acre, 28.0 bushels lower than 2021. Acres harvested for grain, at 305 thousand, is up 3 percent from last year.

Oklahoma sorghum production is forecast at 9.36 million bushels, down 54 percent from last year. Yield averaged 26.0 bushels per acre, down 28.0 bushels from the previous year. Acres harvested, at 360 thousand acres, is 5 percent lower than 2021.

Oklahoma soybean production is forecast at 8.93 million bushels, down 27 percent from last year. Yield is expected to average 17.0 bushels per acre, compared with 23.0 bushels in 2021. Harvested acreage, at 525 thousand acres, is 2 percent lower than last year.

Oklahoma peanut production is forecast at 64.6 million pounds, 3 percent lower than last year. Yield is forecast at 3,800 pounds per acre, down 650 pounds from 2021. Harvested acres are up 13 percent from last year to 17.0 thousand acres.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 18.

**Releases for October:**

Crop Production  
Cattle on Feed  
National Conservation Practice Adoption  
Agricultural Prices

**Relating Dates:**

October 1, 2022  
October 1, 2022  
2021 Crop Year  
October 15, 2022

**Release Dates**

October 12, 2022  
October 21, 2022  
October 28, 2022  
October 31, 2022

**Releases for September:**

Crop Production  
Cattle on Feed  
Farm Labor  
Agricultural Prices

**Relating Dates:**

November 1, 2022  
November 1, 2022  
October/July 2022  
November 15, 2022

**Release Dates:**

November 9, 2022  
November 18, 2022  
November 23, 2022  
November 30, 2022

**Meetings and Events:**

RD Tribal Webinar  
Area 2 Conservation District Meeting  
AFR Central District Speech Contest  
Farmer Veterans Stakeholder Conference  
TECO Meeting  
AYC Session 3

**Date:**

October 31, 2022  
November 4, 2022  
November 7, 2022  
November 13-15, 2022  
November 15, 2022  
November 18, 2022

**Location:**

Virtual  
Stillwater, OK  
Tecumseh, OK  
Midwest City, OK  
Stroud, OK  
OKC, OK

Respectfully Submitted,



Troy Marshall

# MARKET DEVELOPMENT SERVICES

*December 7, 2022*

**Report to the State Board of Agriculture**

## **AG IN THE CLASSROOM**

### **AG IN THE CLASSROOM IMPACT**

- Total Number of Teachers/Administrators Impacted: 86
- Total Number of Pre-service Teachers Impacted: 12
- Total Number of Extension Educators Impacted: 2
- Total Number of Students Directly Impacted by Coordinators: 1,862
- Total Number of Resources Given: 1,281
- Total Number of Teachers/PreService Teachers Resources Given to: 66
- Total Number of PreK-12th Grade Students Resources Given to: 749

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

- The AITC website had 18,614 visits and 14,715 unique pageview visits.
- The AITC monthly email is delivered to 16,403 accounts.
- The AITC Facebook page now has 9,030 followers.
- The AITC Twitter page now has 587 followers.
- Oklahoma AITC Instagram account now has 663 followers.
- Oklahoma AITC Pinterest account now has 227 followers.
- The AITC YouTube channel now has 8,745 views.

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

<b>Number of Educators &amp; Grade Level(s)</b>	<b>Location</b>	<b>Lessons/Activities Used</b>	<b>Resources Given</b>
1 - Misty at Belfonte Schools	Zoom	AITC Website & Events	Sent her a box of resources for MS grade level after call
12 pre-service teachers	Oklahoma State University	Strawberry, pumpkin pie in a bag, parts of a plant we eat, christmas trees, turkey toss	Barn Full of resources for each pre-service teacher
40 Elementary & High School Teachers	Soybean Workshops	Visited with teachers about Ag in the Classroom	N/A (had previously sent resources to Ginger to pass out)

### Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
150 students (PK-5th grade)	Gore Ag Day	Agricultural Trivia Wheel	N/A
80 students (1st Grade)	Oakridge Elementary in Moore Public School District - Ag Day	The Purple Cow - learning about all colors of fruits and vegetables	N/A
78 Kindergarten students	Bryant Elementary Kindergarten Ag Day	Livestock Nutrition - teacher provided activity where students make simple rations and make their own snack bags	N/A
200 students PK-6th grade	Maysville Ag Day	Pumpkin Pie in a bag	N/A
250 students and adults	Oklahoma Stockyards Stampede	N/A	ABC Coloring Books and Tear Sheets
150 students and adults	Checotah Fall Fest	Betsy/Making Butter	N/A
50 students	OERB STEM Night - Weatherford High School	Popcorn Towers and Hopping Corn Experiment	Corn Tear Sheets, Oklahoma Ag Mags
80 students	TAP Woodward	Pumpkin Pie in a Bag/Nutrition and Oklahoma commodities	N/A
35 7th and 8th Grade students	Perkins-Tryon Career Class	Kahoot Game over Agricultural Careers at Oklahoma Department of Agriculture	Oklahoma Ag Mag
75 Second Graders	Ag Day at Oakridge Elementary Moore, OK	Agriculture is a CYCLE	Beads and leather string
300 students PreK-8	Ag Day @ Chouteau, OK	Bean is a Seed - Butter - and Ag Cycle	N/A
364 students 16 classes Middle School	Ag Day @ Sapulpa	Milk Relay - Does Chocolate Milk come from Brown Cows	Does Chocolate Milk Come from Brown Cows Tear Sheets
50 2nd graders	Perkins Tryon Introduce two teachers to AITC	Pumpkin Pie in a Bag	Tear Sheet Pumpkins

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

Locations where Resources are Mailed or Delivered	
John K. Hubbard Elementary	Pioneer Technology Center
Wayside Elementary School	Garfield Elementary School - Enid
Hayes Elementary	Velma-Alma Elementary
Perkins-Tryon Elementary - 2nd grade Teachers	Skiatook Farm Bureau
Melonie Androstic - Penn State Extension	Michigan Ag Teacher
Iowa Ag in the Classroom	Jackson County Extension

Jahn Pumpkin Farm	
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### Ag in the Classroom- Other Events

Event	Highlights
Read an Accurate Ag Book Week Bushel of Book Winner Presentations	Tushka – FCCLA Fairview Elementary Amber Bussey - Erick Elementary Glencoe 4-H
Pork Council Grants Awarded	Jaycie Duncan - Perkins-Tryon Elementary Keri Thompson - Bryant Elementary in Moore Cynthia Carlton - Central Jr. High in Moore Debra Wood - Orvis Risner in Edmond Lauren Young- Love County Extension Johnnie Keel - Truman Elementary in Norman
Farm Bureau Convention	Oklahoma AITC had a booth and had the opportunity to talk to 100 people about AITC. Passed out Ag Mags and bookmarks.

## AGRITOURISM

### Agritourism - Site Visits

Producer	Location	Category	Highlights
Jahn's Pumpkin Hill	Cyril	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Photoshoot at farm, visited with Mary about NAFDMA conference opportunity,
Beavers Bend Brewery	Hochatown	Brewery	Dropped off craft beer trail maps
Mountain Fork Brewery	Hochatown	Brewery	Dropped off craft beer trail maps
Girls Gone Wine	Hochatown	Winery	Dropped off wine trail maps
Fishtales Winery	Hochatown	Winery	Dropped off wine trail maps
Slick Chick Blooms	Slick	Horticulture	Finalized paperwork
Silver Bells Christmas Tree Farm	Tuttle	Christmas Tree, Pumpkin Patch	Dropped off Pumpkin tear sheets, took photos of farm
Tulsa Trails West	Tulsa	Pumpkin Picking, Teachable Moments	First time visit, discussed business plan, and potential opportunities
Prairie Land Ranch	El Reno	Country Stay	Site visit, removed from the agritourism program, no longer open to guests
Bill and Clara's Home & Ranch	El Reno	Country Stay	Site visit, checked in to see how things were going at the ranch
Stilt Tree House	Calumet	Country Stay, Trail Riding	Site visit, removed from the agritourism program, no longer open to guests
Cabin at the Canyon	Calumet	Country Stay, Trail Riding	Site visit, removed from the agritourism program, no longer open to guests
Sleeping Under the Stars	Calumet	Country Stay	Site visit, removed from the agritourism program, no longer open to guests



Happy Day Pumpkin Patch	Terral	Pumpkin Picking, Mazes, Teachable Moments	Dropped off pumpkin tear sheets, took photos of the farm
Horn Canna Farms	Alfalfa	Horticulture	Visited during Caddo County Ag tour
Faithful Family Farms	Adair	Pumpkin Picking, Mazes, Petting Farms, U-Pick, Horticulture, Teachable Moments	Dropped off pumpkin tear sheets, took photos of the farm
Lakeview Market	Yukon	Farmers Market, Farm-to-table, Pumpkin Picking, Mazes, Petting Farm, Teachable Moments	Dropped off farmers market bags
Hoffman Pecan Farm	Stillwater	Farm-to-table	Took ag youth council member by for a job shadow

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

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Cheryl Brown	Depew		Potential producer, thinking about agritourism, site visit to discuss potential opportunities
Big Ranch Cabin – Ken Egnor	Vinita	Country Stays	Site visit, officially added to the program, plans to add apple orchard,
Dunagan Farms	Guthrie	Farm-to-table	Site visit, officially added to the program, plans to add farm hub
Tea & Country Estate	Enid	Horticulture	Site visit, officially added to the program,

#### **Social media**

##### Facebook

- 22,306 likes
- 24,762 followers

##### Instagram

- 2,290 followers

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

- Phone consult/conversations with: Angus Martin with Better Day Farms, Shelia DeCarlo with Duncan Farm Hub – ABLE questions, Gary Eubanks with OCTA – OKLAS track,
- Email consultation with: The Cedar Gate,
- Zoom consults/meetings: Freestyle wine trail app promotion meeting, social media planning meeting with Drew,
- OKLAS:
  - Biweekly planning meetings
  - monthly stakeholder meetings
  - finalized potential session topics
  - created save the date document for social media
- Attended Central OLAC Workshop
- Live radio station interview with KBEL Idabel about agritourism opportunities
- Presented at McCurtain County Farm Bureau meeting about starting an agritourism operation

- Meeting at Oklahoma State with new viticulturalist, Aaron Essary, and Stacy Tomas with hospitality and tourism about Oklahoma wine industry and future plans to serve producers
- Presented to OSU hospitality and tourism class
- Sent out application form for producers to receive free handwashing stations through SCBG grant
- Interview with Southwest Farm Press who is writing a story about Oklahoma Agritourism
- Attended Caddo Kiowa Technology center ag tour: Triple S Farms (Hydro), SS Farms (Hydro), Krehbiel Farms (Hydro), Lasley Family Farms (Eakly), Farmers Coop Gin (Carnegie), Stockman Oklahoma Livestock (Apache)
- Beginning Farmers for Veterans speak at Lawton Veterans meeting
- Speak to two OSU Ag Communications classes
- Contact Christmas Tree Farms about opening date

## **ECONOMIC DEVELOPMENT**

Activity	Action
Agriculture Enhancement & Diversification Program	The selection committee for the Ag Enhancement & Diversification Program met on November 7 <sup>th</sup> to consider applications for loans and grants. The committee is recommending one (1) Veteran/Young Farmer grant and one (1) Ag Event grant be funded.
2022 SCBG application	USDA-AMS contacted ODAFF that the State Plan that was submitted for 2022 Specialty Crop Block Grant was approved for funding. The total award was for \$576,587.52 and will be used to fund 8 projects to promote the specialty crop industry in Oklahoma.
University of Tulsa SCBG meeting	SCBG grant coordinator conducted a meeting with the PI and grants management staff at the University of Tulsa on November 8 <sup>th</sup> to go over the contractual agreement for the 2022 Specialty Crop Block Grant along with the process and procedures for invoicing ODAFF for reimbursement of funds.
Oklahoma State University SCBG meeting	SCBG grant coordinator conducted a meeting with the PI and grants management staff within DASNR at Oklahoma State University on November 9 <sup>th</sup> to go over the contractual agreement for the 2022 Specialty Crop Block Grant along with the process and procedures for invoicing ODAFF for reimbursement of funds.
Review and approve SCBG invoices	SCBG grant coordinator approved 47 invoices for payment after reviewing receipts and purchases to make sure they were within the terms of the contractual agreement with ODAFF.
SCBG Annual and Final reports	Recipients of 2019, 2020 and 2021 Specialty Crop Block Grants were notified by email that their annual and final reports are due to ODAFF by December 1 <sup>st</sup> . ODAFF will compile the various reports into a single document for each years grant and submit to USDA by the end of December.

Veteran Ag Meeting	Spoke to individuals attending the Veteran Ag Meeting in Tulsa on October 27 <sup>th</sup> . Participants were informed of opportunities and services available to them at ODAFF. They were made aware of financial assistance programs to help them get started or expand their agricultural enterprise.
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## **FARM TO SCHOOL**

### Visits Made:

- Mooreland Elementary – School Garden Professional Development
- Guymon High School – School Garden Visit
- Red Bud Farm – Contest Presentation
- Scissortail Children’s School – School Garden Visit
- Oakridge Elementary – Ag Day
- Rainbow Fleet – School Garden activities with children
- Little Axe Elementary – School Garden Contest Presentation
- Oologah Lower Elementary – School Garden Visit – activities with K and 1<sup>st</sup>
- Stratford School Garden Visit/Meeting
- Early Childhood Education Pre-Service Teacher PD with AITC
- Better Day Farm Visit – North Tulsa

### New Contacts:

- Angus Martin, Sarah Swanson, Mark Feeley, Caleb Feeley – Better Day Farms

### Resource Requests

- 2 cookbooks, 2 posters

### Events

- Ag Day at Oakridge Elementary School – Moore
- ECE Pre-Service Training with F2S and AITC – OSU
- Red Bud Farm Contest Presentation
- Little Axe Elementary Contest Presentation

### Other Activities

- Hunger Free Oklahoma Webinar Series – Food Policy Oct. 11
- ODAFF Fall Festival – October 9 then Dry Run for FVC – Nov 13

### Active Partners

- Farm Bureau Women’s Leadership Team
- Hunger Free Oklahoma
- Dept. of Human Services (LFPA Cooperative Agreement)
- Healthy Schools Oklahoma
- ODAFF Food Safety
- Cooking for Kids – OSU
- Oklahoma Master Gardeners – Shelley Mitchell
- National Western Heritage Museum – Gretchen Jeans
- OK History Center – Sarah Dumas

## INTERNATIONAL

Activity	Action	Location
Certificate of Free Sale	<ul style="list-style-type: none"> <li>• Trevo</li> <li>• Lopez</li> <li>• QSM</li> </ul>	
Food Export	<ul style="list-style-type: none"> <li>• Kicked off PLMA Buyers Mission November 12-13<sup>th</sup>. Clements, Griffins Foods, and Kize all are exhibiting at the show.</li> <li>• Continuing recruitment for upcoming Focused Trade Mission to the Caribbean Feb 7-9<sup>th</sup></li> <li>• Completed selection committee for Food Export Travel and Hotel Coordinator</li> <li>• FAS has provided Food Export with 2023 Market Access Program (MAP) ceilings. I'm pleased to report that our allocation has increased tremendously over the last year. Please see the 2023 numbers below, plus a comparison to 2022:</li> </ul> <p>2023 New Funds:       \$10,672,776  2023 Carry  Over:       <u>\$1,206,979</u>  Program Ceiling:       \$11,879,755</p> <p>2022 Comparison: \$8,391,177 (increase of 21%)</p>	
USLGE	<ul style="list-style-type: none"> <li>• Cattlemen's Congress planning is underway. Dec 31-Jan 14<sup>th</sup></li> <li>• This will be the 2<sup>nd</sup> year for the International program and we plan to utilize USLGE to plan a focused trade mission in April time frame from some of the leads generated at Congress.</li> <li>• We are focusing on Mexico as a feature country at the event. This would include a theme for the International room around this throughout the event. This would be a timely event since the Mexico Consulate will be opening in OKC in 2023 and continuing with a Mexico focus for our follow up trade mission in April.</li> </ul>	
Trade Show Coordination	<ul style="list-style-type: none"> <li>• NASDA had rebranded their American Food Fair to A Taste of the States (ATOTS) and will be hosting again at the NRA show as well as the new SIAL America show in March.</li> <li>• As a part of ATOTS, Secured 4 booths for the NRA (National Restaurant Show) May 20-23 for an OK Pavilion. We will be recruiting companies to participate.</li> <li>• We will be monitoring the interest and attendance at the new SIAL show for future participation</li> </ul>	

Foreign Agriculture Service (FAS)	<ul style="list-style-type: none"> <li>Spotlight United Nations Framework Convention on Climate Change Conference of the Parties (COP27), from the UN Climate Change Conference in Egypt</li> </ul>	
GIT (Governor's International Team)/ODEC	<ul style="list-style-type: none"> <li>Governor's International Team Meeting: recap of Consul Summit and World Trade Event.</li> <li>Discussed 2023 budget and events</li> <li>Next Summit will</li> </ul>	
ODAFF Market Development Events	<ul style="list-style-type: none"> <li>Participated in the ODAFF Fall Festival</li> <li>MIO Monthly Meeting – presented NRA opportunity</li> <li>Hosted a Ag Youth Council Student for job shadow</li> </ul>	
Misc Meetings	<ul style="list-style-type: none"> <li>Margarita Man-overview of Food Export</li> <li>Presented MIO &amp; Food Export programs to the MIAP class at OSU</li> </ul>	

## **MADE IN OKLAHOMA COALITION**

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

<b>Type</b>	<b>\$ Spent and Information</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	\$6,750	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 – 10 appearances Tulsa – 4 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
FY23 Media Campaign Reporting	<a href="https://docs.google.com/spreadsheets/d/1HUhkBRVkJwZf6ZZvyyTPeUTBx4I1-lprDwzDgnPwM/edit#gid=378323568">https://docs.google.com/spreadsheets/d/1HUhkBRVkJwZf6ZZvyyTPeUTBx4I1-lprDwzDgnPwM/edit#gid=378323568</a>  October Report: <a href="https://www.dropbox.com/s/sltpna4tju23d8/MIO%20Social%20Media%20Report%20-%20September%202022%20%282%29.pdf?dl=0">https://www.dropbox.com/s/sltpna4tju23d8/MIO%20Social%20Media%20Report%20-%20September%202022%20%282%29.pdf?dl=0</a>	Here is a link to our original Google sheet workbook that we've been updating as the campaigns have evolved. You can toggle between all the logistical info for the co-op campaign such as the featured recipes per block, the annual media schedule, media budget, and the campaign spend tracker. It is a live link so it will be updated throughout the months as we continue our Co-Op campaigns
Restaurant of the Month	Each month staff, along with Food Service Committee present the restaurant with	<b>October</b> – Granny's Kitchen, Stillwater, MWC, Edmond

	their award and eat lunch as a group at their establishment.	<b>November</b> – Eddie’s, Edmond
Social Media Stats	Staff, and MIO media committee plan social content each month with our advertising agency, Krush Digital Marketing.	Twitter: 5,551 Instagram: 5,541 Facebook: 25,464 Pinterest: 2,359
Edible OKC Giveaways	\$100/giveaway	Each month MIO partners with Edible OKC to give away a \$100 gift card to our restaurant of the month.
MIO Monthly Newsletter		o 2400 distribution list
OK Living Partnership highlighting MIO Recipes	Highlights 2-3 MIO recipes per month - Free publication to electric coop members	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.	October – - Pumpkin Pecan Pancakes - Cheeseburger Sheet Pan Sliders - Cranberry Orange Bread November – - Homemade Green Bean Casserole - Ham Biscuits - Pecan Pie Truffles - Twice Baked Sweet Potatoes
October Retailer of the Month	FireLake Discount Foods	Shawnee, Tecumseh and McLoud
November Retailer of the Month	Jumbo Foods	3 Locations in Enid

#### **Made in Oklahoma Coalition – Other Activities**

<b>Activity</b>	<b>Information</b>
Guest Lecturer at OSU International Agriculture Class - October 19 <sup>th</sup>	Staff and International Marketing Coordinator Jamie Cummings spoke to Dr. Karl Rich’s MIAP class about Market Development, the MIO Coalition and the International Agriculture program at ODAFF.
Restaurant of the Month Visit to Granny’s Kitchen - October 19 <sup>th</sup>	Staff, MIO Food Service Committee Leadership and MIO members attended the restaurant of the month visit to Granny’s Kitchen in Stillwater, OK. It was a great opportunity for members to get together and discuss promotions as well as for us to recognize our restaurant partner for all their hard work.
MIO Booth at OKC Thunder Game (season opener) - October 23 <sup>rd</sup>	Staff and Colt Clark with Oklahoma’s Own Ozarka Water spent the evening representing MIO at a concourse booth at the OKC Thunder game vs. the Minnesota Timberwolves. The game was the season opener and we had great interactions with guests attending the game.
MIO Tik Tok How-to Class - October 25 <sup>th</sup>	The MIO Membership Education and Outreach Committee planned a continuing education learning seminar for MIO members to attend virtually. This class was 1 hour long and focused on how to best utilize the TikTok platform for their businesses.
Inside OSU Meeting - October 28 <sup>th</sup>	Staff, Andrea Graves with FAPC, and David Brooks with Shawnee Mills, met with the program director for Inside OSU to talk about doing a special MIO cooking segment on their show. It will be a holiday segment featuring a couple of great MIO holiday recipes.

MIO Membership Meeting - November 4 <sup>th</sup>	The MIO membership convened via zoom for the month of January. 44 members attended the meeting virtually.
MIO Shopper Sweepstakes and in-store Demo at Jumbo Foods in Enid November 11 <sup>th</sup>	Staff worked with the store owner for Jumbo Foods location to set up three shopper sweepstakes events, one at each of their locations. The event is being held before the Thanksgiving holiday to help folks get free groceries before the holiday.

## **MADE IN OKLAHOMA PROGRAM**

<b>Meetings/Events</b>	<b>Date</b>	<b>Location</b>	<b>Details</b>
Oklahoma Local Ag Collaborative	Oct.	Norman, OK	Gave a presentation to workshop attendees about the Made in Oklahoma Program
Stockyards Stampede	Oct. 15	Stockyards (OKC)	The Made in Oklahoma Market was held in conjunction with Stockyards Stampede. We had 11 companies participate and received excellent feedback, they really enjoyed this event.
Basic Training	Oct. 20	Stillwater	FAPC holds occasional Basic Training Workshops, teaching people how to turn a food product idea into a business. I give a presentation during training over benefits of Made in Oklahoma Program and how to join.
Oklahoma Christmas Show	Nov. 11-13	OKC	We had a Made in Oklahoma pavilion as part of the Oklahoma Christmas Show. This show is new to OKC but was VERY successful. 10 companies had booths in our pavilion, more of our members participated outside the pavilion and all are eager to participate again next year!
<b>Upcoming Event:</b>			
Cowboy Christmas	Dec. 3	Stockyards (OKC)	We will be having another Made in Oklahoma Market during Cowboy Christmas; we have 13 companies sign-up to participate so far.

**New Producers:** The following are all new companies who applied to be in the program during the state fairs, I reviewed and approved their applications, added them to the program and created their profile pages the end of October.

Silver and Stone by Angie	Clear Scraps	Cora Vinoti Wicks	Pawsitively Organic, LLC
Made by Megan	Anne's Rescue Art	Put A Cork In It	Vortex Alley Brewing LLC
Demeter's Bountiful Grove LLC	Soaplahoma	Cyndy's Papaya Vinaigrette, LLC	Apple Eye Millwork, LLC
Lavender Silk Farm	Amos Woodworks	Zeeswoodworking	Okie Mea Creations
Supernova Ranch	CHANDYCO	Black Cat Laser Products	Shimmer Shine and Bling
Keystone Farms	Tumbleweed Alley Hat Co	Bear Creek	BW Bramblett Art
The Wild Urban Farms LLC	Simpson Shirt Co	Daina Ramsey	Crooked Arrow Mercantile
Seaboard Foods	Reid Street Soap Co.	5 Acres Candle Co.	Magnolia Soap
Sawcut Candle Co.	Olivia's Tree	Emmy Designs	Skybrook Farm, LLC
Color Vault LLC	Indigo Moon Ceramics	Okie Scotty Coos	Dancing Skeleton Meadery
Summertime Anytime LLC	Butterfly Spirit Creations	5S Custom CNC Works	Sophie's – People Food for Pet's!
Smokey's Salsa	Frickin Lasers	Rockin Cave Farm	Cedar River LLC
Raining Grace Wood Designs	Blue River Valley Winery	Pinoy Piper Calls	The Open Range
Nunu's Mediterranean Inc	Turkey Spur Leather	405 Pottery Works	Cross Timbers Bison

Other Made in Oklahoma Activities:

- Created Holiday Gift Basket guide (online) – Producers offering a gift basket through the Holiday season can 'advertise' it through our website.
- Sent out information for additional events our members can participate in including Ole Country Christmas in Coyle, OK and the Payne County Flea Market in Stillwater, OK.
- Worked with new program members to create an e-commerce account on our webpage



## **MARKET NEWS SERVICES**

**October 11, 2022 - November 11, 2022**

- **Grain Report:**

	<b>October 11, 2022</b>	<b>November 11, 2022</b>	<b>DIFFERENCE</b>
<b>WHEAT: (bu)</b>	\$8.81-\$9.62	\$8.33-\$9.13	\$0.48 to \$0.49 Lower
<b>MILO: (bu)</b>	\$6.93-\$7.53	\$6.58-\$7.28	\$0.35 to \$0.25 Lower
<b>SOYBEANS: (bu)</b>	\$12.86-\$13.61	\$13.60-\$14.40	\$0.74 to \$0.79 Higher
<b>CORN: (bu)</b>	\$6.93-\$8.43	\$7.18-\$8.08	\$0.25 Higher to \$0.35 Lower
<b>COTTON: (lb)</b>	88.36 cents	85.95 cents	2.41 cents Lower

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

### **FEEDER STEERS**

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

- (11-09-21) \$151.00-172.00 Wtd. Avg \$161.50
- (11-08-22) \$170.00-210.00 Wtd. Avg. \$190.00

### **HEIFERS**

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

- (11-09-21) \$129.00-164.00 Wtd. Avg \$146.50
- (11-08-22) \$152.00-188.00 Wtd. Avg. \$170.00

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 10,067 subscribers  
October 11, 2022-November 11, 2022 (**up from 217 subscribers last report**).

- **Voice Messaging System:**

- The market news voice messaging system during
- Monthly Total: October 11, 2022-November 11, 2022 **6,163 Accessed Times**
- Compared to Last Month: September 11–October 11, 2022 **5,037 Accessed Times**
- Compared to Last Month: **Accessed Times-is UP 1,126 on accessed times**

- **Oklahoma Agriculture Market News**

- **Facebook Page**
  - Likes/Followers 374
  - **UP 12 Likes/Followers**

- People reached through pasted month: 910 people
- **Oklahoma Hay Directory**
  - Hay Directory
    - Currently have 31 producers that have hay
    - 4 producers sold out of hay this past month
- **Hay Report**

**This Month:** October 14, 2022 – November 11, 2022 Hay Traded 8,925  
**Last Year** October 14, 2021 – November 12, 2022 Hay Traded 4,395  
**UP 4,530 Bales Reported**

## OKLAHOMA HAY MARKET REPORT

11-11-22

**Receipts: 1,540 Last Reported: 2,570 Year Ago: 2,762**

Compared to the last report: Not much has changed. Hay volume continues to lower. We continue to see more hay coming into Oklahoma and being traded compared to trading our own Oklahoma hay crop. As we look at the Oklahoma Mesonet Drought Monitor we are at 22.3 percent in exceptional drought, 64.5 percent in an extreme drought, 88.7 percent in severe drought, 97.7 percent in moderate, and 100 percent in abnormally dry conditions.

### Central

#### Alfalfa: Supreme (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		245.00		F.O.B

#### Alfalfa: Supreme (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		225.00		F.O.B

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	76	250.00	250.00	Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	76	100.00 100.00		Delivered

### North Central

#### Bermuda Grass: Premium/Supreme (Trade/Per Bale)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	152	90.00	90.00	F.O.B

#### Bermuda Grass: Premium/Supreme (Trade/Per Bale)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Square	54	11.00	11.00	F.O.B

### Northeastern

#### Alfalfa: Supreme (Trade/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	190	280.00	280.00	Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	76	270.00	270.00	Delivered

#### Prairie/Meadow: Premium (Trade/Per Bale)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	272	80.00	80.00	Delivered

<b>Northwestern</b>				
<b>Alfalfa: Supreme (Ask/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		225.00		F.O.B
<b>Alfalfa: Premium (Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	204	250.00	250.00	Delivered
<b>Bermuda Grass: Supreme (Trade/Per Bale)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	114	225.00 225.00		Delivered
<b>Grass: Good (Trade/Per Bale)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	76	125.00 125.00		F.O.B
<b>Mixed Grass: Good/Premium (Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	114	150.00	150.00	F.O.B
<b>West</b>				
<b>Mixed Grass: Good/Premium (Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	136	95.00	95.00	Delivered

## AEMS Division Activities

- AEMS participated in multiple Illinois River Watershed working group calls.
- The AgPDES CAFO permit is in public comment for 30 days starting November 18, 2022. The remaining two AgPDES permits (Pesticide and Storm-water Construction) are still pending EPA review.
- The 106 End of Year Report draft is complete and will be submitted by November 30, 2022 to the Secretary of Energy and Environment. This year's report identifies 49 wells exceeding criteria.
- AEMS provided the EPA 319 report update to the Conservation Commission noting 255 storm-water construction permit authorizations issued since the inception of the program through October 2022.
- AEMS is working to fill all vacancies, with two being selected (starting in December); three currently posted; and one routed for approval for posting.

### AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 0
- Number of AgPDES PGP Authorizations this reporting period: 0
- Number of AgPDES CGP Authorizations this reporting period: 3

### 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:

7	Complaints received and investigated this reporting period.
1	Complaints closed this reporting period.
Complaints Received - Breakdown	
Cattle - 0	
Swine – 0	
Poultry- 0	
Misc. Animal - 1	
Other – 1	
Animal Shelter - 2	
Pet Breeder- 3	
52	Year-to-date complaints received in FY 23
15	Year-to-date complaints closed in FY 23
65	LMFO/CAFO inspections, plus technical assistance.
136	Poultry inspections and technical assistance.
10	Pet Breeders/Shelters inspections and technical assistance.

### CAFO and LMFO Activities - Month and Fiscal Year 2023

	Oct 3 - Oct 23 2022	FY 23 Total
Complaint or Compliance Follow-ups	7	19
Annual Inspections	51	206
Technical Assistance with Contacts	14	57
Site Visit/Review – No contact made	8	29

### Poultry Activities – Month and Fiscal Year 2023

	Oct 3 - Oct 23 2022	FY 23 Total
Complaint or Compliance Follow-ups	1	8
Annual Poultry Inspections	49	81
Poultry Technical Assistance	87	452
Site Visit/Review – No contact made	65	246
Eucha-Spavinaw CNMP Written	15	40

### Pet Breeders Activities – Month and Fiscal Year 2023

	Oct 3 - Oct 23 2022	FY 23 Total
Complaint or Compliance Follow-ups	9	57
Breeder/Shelter Technical Assistance provided w/owner/operator	21	111
Breeder/Shelter Annual Inspections	16	80
Breeder/shelter Close out	0	7

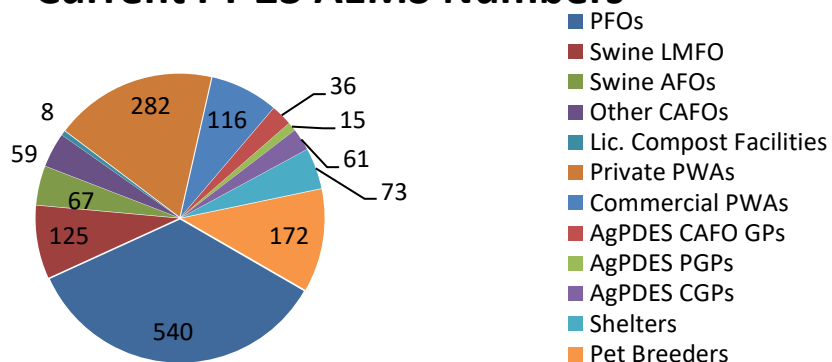
### AGPDES – Month and Fiscal Year 2023

	Oct 3 - Oct 23 2022	FY 23 Total
Complaint or Compliance Follow-ups	3	5
Site Inspections (Annual or Compliance follow-up)	5	13
Technical Assistance provided with owner /operator	6	34

### Composting Activities – Month and Fiscal Year 2023

	Oct 3 - Oct 23 2022	FY 23 Total
Complaint or Compliance Follow-ups	6	14
Site Inspections (Annual or Compliance follow-up)	4	14
Technical Assistance provided with owner /operator	1	10

### Current FY 23 AEMS Numbers



Respectively

*Teena G. Gunter*

Teena G. Gunter  
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE  
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
DECEMBER 2022 BOARD REPORT  
REGARDING OCTOBER 8, 2022 THROUGH NOVEMBER 13, 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>
\$199,000.00 (Default \$19,850)	\$8,400.00
\$57,475.00	2021 Total (5/31-12/31/2021)

**CONTRACTS REVIEWED OR DRAFTED (48):**

Marketing: 6
AEMS: 1
Forestry: 39
AIS: 1
Wildlife Services: 1

**ADMINISTRATIVE HEARING PROCEEDINGS:**

Total Number of Open Cases: 68
Total Number of New Cases: 36
Total Number of Cases Closed: 17
NOVs Sent: 59

**OTHER ACTIONS AND PROCEEDINGS:**

<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>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 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. Responded to Motion for Summary. Motion to Dismiss filed.
<b><i>Jason Smith v. ODAFF</i></b> , Human Capital Management Civil Service Division Case No. CSD-2022-2226: Petition filed. Response filed. Hearing scheduled for November 16, 2022.

### **MEETINGS:**

<b>Date</b>	<b>Activity</b>
October 11, 2022	State Suppliers Expo
October 11, 2022	Intern Interview
October 13, 2022	OGC Docket
October 13, 2022	Illinois River Technical Working Group
October 17, 2022	Emergency Drought Commission
October 19, 2022	National Ag Law Center-Drought and Crop Insurance
October 19, 2022	Collections
October 20, 2022	HPAI Industry Partners Town Hall
October 21, 2022	Workday Learning: Performance Review for State of Oklahoma Managers
October 24, 2022	OGC Staff
October 24, 2022	Ag/DEQ Water Quality
October 25, 2022	Director's Meeting
October 25, 2022	OMMA Lab
October 26, 2022	State Board of Agriculture
October 26, 2022	State Board of Agriculture SW Trip
October 26, 2022	State Board of Agriculture SW Trip
October 31, 2022	AEMS HQ
October 31, 2022	AgPDES Staff
November 1, 2022	OBA GALPS
November 1, 2022	Directors
November 2, 2022	OWRAP
November 3, 2022	OBA Women in Law Section

November 7, 2022	HCM Mediation
November 7, 2022	Job Shadow
November 7, 2022	NMP Work Group
November 7, 2022	Directors
November 10, 2022	HCM Prehearing conference
November 10, 2022	American Agricultural Law Association
November 11, 2022	American Agricultural Law Association
November 12, 2022	American Agricultural Law Association

### **RULE ACTIVITIES:**

<b>Chapter 17. Water Quality (Emergency FY 2023):</b> Emergency rules were adopted by the Board on September 15, 2022 and approved by the Governor on October 20, 2022. Emergency rule document was filed and rules became effective on October 20, 2022.
<b>Chapter 40. Market Development (Emergency FY 2023):</b> Emergency rules were adopted by the Board on July 27, 2022 and approved by the Governor on August 10, 2022. Emergency rule document was filed and rules became effective on August 10, 2022.
<b>Chapter 1. Administrative Operations (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 2. Fees (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 10. Agricultural Products (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 15. Animal Industry (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 17. Water Quality (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 20. Forestry (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.



<b>Chapter 30. Consumer Protection (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 37. Food Safety (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 40. Market Development (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 44. AgPDES (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 50. Aquaculture (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>OHRC</b>
<b>Chapter 1. Commission Powers and Jurisdiction (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 10. Racing Organization (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 15. Licensing (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 20. Racing Officials and Racing Personnel (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 25. Entries and Declarations (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

<b>Chapter 30. Claiming Races (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 35. General Conduct (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 50. Human Substance Abuse Testing (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 55. Fire Prevention and Security (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 65. Pari-Mutuel Wagering (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 70. Objections and Protests; Hearings and Appeals (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
<b>Chapter 75. Oklahoma-Bred Program (Permanent FY 2023):</b> Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

### **OPEN RECORDS REQUESTS (35):**

AEMS: 10
CPS: 5
AIS: 8
Forestry: 3
Pet Breeders: 7
Inv. Services: 2

### **OKLAHOMA HORSE RACING COMMISSION**

**Litigation: Alfredo Gomez and Cruz Villafranco v. OHRC,** Oklahoma County District Court Case No. CV-2020-430: Petition served. Response filed. Petitioners' Motion for Partial Summary Judgment responded to. Pending hearing.

<b>L: 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 hearing held. Further briefing ordered.
<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.
<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.
<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. Order filed. Motion to Reconsider filed. Hearing reset by the Court to August 19, 2022.
<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. (Trailing OHRC v. Heltzel)
<b>Litigation: Carlos Ruiz v. OHRC</b> , Oklahoma County District Court Case No. CV-2021-2591. Petition Served. Response filed. Record filed. Pending briefing.
<b>Litigation: Etniel Sanabria v. OHRC</b> Tulsa County District Court Case No. CV-2022-1899. Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held September 21, 2022. TRO DENIED. OHRC Response and Motion to Dismiss filed. Motion to Disqualify Judge filed and heard. Case reassigned. OHRC Motion to Dismiss sustained. Motion to Vacate Order of Dismissal filed by Plaintiff. OHRC Response filed. Pending hearing.
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 Petition for Injunction
Prepare response to brief in support of Petition for Appeal
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)
Consult with concerned constituents regarding HISA
Respond to open records requests

**OTHER ACTIVITIES:**

Phone calls or emails with the public: 23
Assistance to AEMS: 12
Assistance to CPS: 9
Assistance to Wildlife Services: 0
Assistance to Forestry: 5
Assistance to AIS:
Assistance to Admin: 3
Assistance to Market Development: 4
Assistance to other state or federal agencies: 3
Assistance to Food Safety: 12
Assistance to NASS: 0
Assistance to Executive Office: 9
Assistance to Lab: 5
Assistance to Investigative Services: 3
Assistance to Legislature: 0
Assistance to Attorney General: 3

Respectfully Submitted,



Teena G. Gunter  
General Counsel

## **FOOD SAFETY REPORT OCTOBER 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 2,036,182 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA Shell Egg grading on 38,560 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors provided USDA poultry grading services on poultry products being shipped from National Steak & Poultry Quality Meats in Owasso. ODAFF inspectors also provided USDA poultry grading services on poultry products being shipped from OK Foods in Muldrow & Heavener. Also; routine egg quality inspections under the Oklahoma egg law were conducted.

#### **Organic Foods Section**

Organic inspectors completed compliance and certification inspections at:

- Eight organic crop producers
- One organic livestock producer
- Two organic processors
- Collected three organic samples
- Eleven retail organic inspections
- The organic section had requests for 2,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States. The organic section had 3 requests for organic crop applications, 2 requests for organic processing applications and 1 request for an organic livestock application.

#### **Produce Safety Section**

- Contacted 12 farms to determine coverage/exemption under the Produce Safety Rule
- Shared information about the Produce Safety Rule and growing safe produce at the Veterans Ag Meeting in Edmond, Langston Aquaponics Workshop in Beggs, Oklahoma Local Agriculture Collaborative Regional Workshop in Norman, and OSU Pecan Field Day
- Participated in AFDO Produce Safety Committee
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Sent out an e-mail newsletter advertising upcoming Produce Safety Alliance classes

#### **Homemade Food Freedom Act**

- Received 5 complaints on the Homemade Food Freedom Act.
  - All containing meat and lacking labeling
- Sent 3 warning letters.
- Meat Compliance handled 4 complaints.
- Taught at one Homemade Food Freedom Act class with OSU.
- One more class is scheduled for this fall.
- Taught Health Department Sanitarians about the law at their state conference.

## Oklahoma Meat Inspection Services Investigations and Compliance Activities

Planned Compliance Reviews	10
Random Compliance Reviews	116
Person-to-Person Contacts	78
Special Investigations and/or Projects	05
Reports of Apparent Violations	03
Detentions	02
Consumer Complaints	06
Verbal Warnings Issued	07
Letters of Warning Issued	03
Samples Submitted to Lab for Analysis	00
Accident Investigations	03
Administrative Procedures Act	01

### The Oklahoma Highway Patrol notified Meat Inspection Compliance with two (2) truck accident in the month of September 2022

See details below:

ACCIDENT LOCATION	ANIMAL/PRODUCT	DISPOSITION
US I-40 near Shawnee, OK	987 cases (39,540 Lbs.) Beef Livers	All product was sent to OKC Landfill
US I-35 near Edmond, OK	478 cases (38,662 Lbs.) Assorted Primal Cuts	All product was sent back for reinspection
US-412 near Kansas, OK	Undetermined number of live chickens	All chickens were killed in the accident and taken to landfill

**Highlighted Activities:** During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out Three (3) Letter of Warning for Violations of the Oklahoma Meat/Poultry Inspection Act and/or State Statutes.

#### MEAT INSPECTION

<b>Number of Cattle</b>	<b>970</b>
<b>Total Beef Condemned</b>	<b>25,822 lbs</b>
<b>Number of Swine</b>	<b>332</b>
<b>Total Pork Condemned</b>	<b>1,973 lbs</b>
<b>Number of Sheep and Goats</b>	<b>93</b>
<b>Total Condemned</b>	<b>0 lbs</b>
<b>Number of Rabbits</b>	<b>0</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>622,371 lbs</b>

#### PROCESSED MEAT INSPECTED

<b>Processed Red Meat</b>	<b>1,178,284 lbs.</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Poultry (Portions)</b>	<b>131,932 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>1,310,216 lbs</b>

Meat Sample activity:

13 Samples Submitted for Analysis  
 13 Samples Analyzed  
 13 Samples Negative Analysis

0 Samples Not Analyzed  
 0 Samples Non-Compliant

October 10 -12

Scott Yates and Thomas Stephens attended USAHA State Directors meeting in Minneapolis.

### **DAIRY SECTION**

Dairy Services Director, Pete Echelle, is out on medical leave and recovering from hip-replacement surgery. We expect Pete back November 28<sup>th</sup>.

Dairy staff conducted routine inspections at dairy farms, dairy plants, performed equipment checks and collected farm and plant dairy samples throughout the state.

Dairy services approved an upgraded computer controller system and standardizer on a High Temperature Short-Time Pasteurizer at Hiland Dairy in Norman during the month of October.

Dairy services approved a new robotic dairy milking system for Joseph Strite in Fairland during the month of October.

There were no dairy farm or plant state surveys due during this board review period.

FDA Milk Specialist, Clinton George, conducted Dairy Farm Check Ratings with dairy staff at BTU's 40-030, 40-064, and 40-059 in southwestern Oklahoma between November 8-10. Each BTU is expected to receive a passing score, but results are still pending.

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Scott Yates  
Director of Food Safety



# Communications

Compiled 11/17/22

## Social Media Highlights

**ODAFF Board + Directors' Trip** | On October 26 – 27, Board of Agriculture members and Oklahoma Dept. of Agriculture, Food and Forestry directors hit the road southbound for a traveling board meeting.

Along the way, they visited with farming families, toured a sesame seed processing facility and a canna farm, witnessed firsthand how cotton is processed and marketed after harvest and ended the trip with a stop at Altus Air Force Base.

The southwestern area of Oklahoma plays a monumental role in the state's agricultural industry - thanks to all who hosted the group.



**Drought Relief Bill Signing** | On October 28, producers gathered in Mooreland, Oklahoma to celebrate the ceremonial signing of HB 2959 and HB 1006xx which allocate \$23 million to drought relief across the state.

Thanks to Governor Kevin Stitt and the legislature for their support of Oklahoma farmers and ranchers.

**Trip to Idabel** | Sec. Arthur and ODAFF staff travelled to Idabel, Oklahoma to survey the damage done by the tornado that tore through the area a week prior.

While in Idabel, the team visited with poultry farmers and spoke on KBEL, the local radio station, about where producers can find relief.

Though the community has been devastated by the disaster, they have shown admirable unity and generosity towards one another in the face of the crisis

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### ***Social Media Impact***

#### **Facebook**

21,125 total followers

This month:

- Posts and content have reached 41,181 unique Facebook users
- 117 new Facebook users have followed the account

#### **Instagram**

2,693 total followers

This month:

- Posts and page content have reached 2,880 unique Instagram users
- 41 new Instagram users have followed the account
- Most liked post in account history – 476 likes!

### ***Communications Projects***

**Welcome to Lee Benson, PIO |** Lee Benson recently joined ODAFF as the Public Information Officer. After more than a decade working in local TV news, Lee's excited to be a part of the ODAFF team. Although he's from Minnesota, Lee attended OU and graduated with a BA in journalism. He's eager to help ODAFF further promote Oklahoma's agriculture industry.

**ODAFF Fall Festival |** The Executive Office coordinated a Fall Festival for employees to fellowship and raise money for the Regional Food Bank of Oklahoma. Divisions competed against one another in a chili cook off and pumpkin decorating contest. Over 70 employees attended the lunch, and \$855.56 was raised for the Food Bank.

Misc. other projects have also been accomplished in October/November, including compiling the monthly newsletter, communicating recent updates regarding the Emergency Drought Commission, hosting the Session #3 of the Agriculture Youth Council, designing the ODAFF Christmas Card and making other plans for promoting agriculture's involvement in Christmas, writing letters to National FFA Winners and filming sendoff video for National FFA Officer Karstyn Cantrell.

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Respectfully submitted,

Audrey Ochsner  
Public Engagement Specialist

# DECEMBER 7, 2022 BOARD MEETING

## **PURCHASES/CONTRACTS**

### **Administrative Services**

#### **FY23 – Hard Drives and Additional Ram (Upgrading Components) - \$6,000.00**

Purchase of Solid State Hard Drives and Additional Ram to upgrade thirty (30) computers; this is in an efforts to update the current computers that are running slow. This a continuation of a previous project that is already underway and has been successful in extending the life of previous computers that were aging out.

#### **FY23 – Security Camera Upgrade - \$63,000.00**

This purchase is to upgrade the entire ODAFF security camera system infrastructure to IP video surveillance cameras. This will allow us to purchase Hanwha Techwin cameras, VMS Salient/Complete view software. This entails the replacement of (14) fixed analog cameras, (14) 2mp IP cameras, (2) Analog PTZ outdoor cameras, (2) IP PTZ Cameras, (5) 2mp indoor cameras, (1) Multisensor 360 degree camera, and (14) 5mp exterior bullet cameras all within the OMES state standard.

The current system is outdated, and many cameras do not function, and replacement parts have become a significant issue. Without this upgrade we will continue to use this outdated system which may be problematic in instances of a security breach as the current hardware and software is unreliable at times. We have recently had instances of vandalism to State property, we were unable to utilize on the security cameras that are currently in place to help in this matter.

### **Animal Industry Services**

A contract between Iowa State University and Oklahoma Department of Agriculture, Food and Forestry (ODAFF). We will receive \$15,000 from the USDA through ISU to support ODAFF as US Swine Health Improvement Plan (US SHIP) Official State Agency.

### **Food Safety Services**

#### **VWR – \$5,550.00**

Purchase 47CF Refrigerator for Dairy Lab. This is a double sliding door refrigerator to hold reagents and prepared media. With the increased volume of meat and dairy samples, we are having to share a walk-in refrigerator. This will be 100% reimbursed from the Dairy Grant for equipment.

### **Forestry Services**

FY23- \$200,000 - 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.

## **Market Development Services**

FY2023 – National Restaurant Association Show – booth rental – cost share basis for 3  
Made in Oklahoma companies - \$15,475.00

FY2023 – Veteran/Young Farmer Grant – Wyatt Catron - \$10,000.00

FY2023 – Agriculture Event Grant – Oklahoma Youth Expo – Ag Mechanics Wood &  
Tractor Division - \$6,000.00

FY2023 – Purchase of Oklahoma Grown Farmers Market bags for OK Grown Markets. -  
\$23,000.00

FY2023 – USDA has provided a Local Food for Schools (LFS) Grant to ODAFF with the  
objective of providing food assistance purchases of domestic local foods for distribution to  
schools. Effective: 11/1/22 - 4/30/24 - \$3,002,891.00.

Justification: This project is entirely funded by the USDA Agricultural Marketing Service Local  
Food for Schools Cooperative Agreement Program (LFS). With funding made available  
through [USDA's Commodity Credit Corporation](#), USDA will help states deal with the challenges  
of supply chain disruptions brought on by the pandemic. Through the LFS program, USDA will  
award funds to states for food assistance purchases of domestic local foods for distribution to  
schools. This program will strengthen the food system for schools by helping to build a fair,  
competitive, and resilient local food chain, and expand local and regional markets with an  
emphasis on purchasing from historically underserved producers and processors. 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 school districts throughout the state,  
but also runs the risk of not being awarded money from the USDA Agricultural Marketing  
Service in the future.

## **Wildlife Services**

\$158,000 - ODAFF Wildlife Services is requesting approval to purchase (3) 2022 Ford F150  
Crew Cab 4x4 truck and (1) Chevrolet C1500 Silverado 4x4 truck. These are replacements to  
the fleet of vehicles that have high mileage and will be used for field staff in completing their  
duties. Not approving will result in excessive vehicle repairs.

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

**APPROVAL OF CASES**

ON THIS 7<sup>th</sup> day of December 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 7<sup>th</sup> day of December 2022.

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Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**December 7, 2022**

**Cases Resolved by Stipulation**

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
4 Star Treatment Pest Control	OGC-21-589	CPS	\$400.00
Cedar Ridge Aviation, LLC	OGC-22-537	CPS	\$4,000.00
Blake Hall	OGC-22-508	CPS	\$750.00
Tony Kodesh	OGC-21-753	CPS	\$750.00
Lawn Pro Outdoor Service	OGC-22-275	CPS	\$500.00
Carolyn Leck	OGC-21-798	CPS	\$250.00
James Neal	OGC-21-776	CPS	\$500.00
Total Environment, Inc.	OGC-22-505	CPS	\$500.00
Tri-Rotor Crop Service	OGC-22-217	CPS	\$1,000.00

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. 4 STAR TREATMENT PEST CONTROL**

**Case File No. OGC-21-589**

**4 Star Treatment Pest Control**

**P.O. Box 3802**

**Bartlesville, OK 74006**

**Summary of Facts:** Company filed a false or misleading ODAFF-1 report

**Statute or Rule Violation:** O.A.C 35:30-17-100.

**Proposed Administrative Penalty:** The penalty was assessed at \$400

**Deviations:** Stipulation was signed and paid in full.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

**FILED**  
NOV 21 2022  
STATE BOARD OF AGRICULTURE

**Case No: OGC-21-589**



**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.**

**4 Star Treatment Pest Control  
P.O. Box 3802  
Bartlesville, OK 74006**

**RESPONDENT.**

**Case No: OGC-21-589**

**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 8<sup>th</sup> day of December 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, located at Bartlesville, 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 10<sup>th</sup> day of August 2021, the Consumer Protective Services Division of the Department conducted a consumer complaint investigation at 222 N. Pecan St. in Nowata, OK.

19. During this investigation it was found that you indicated on the ODAFF-I report that you found termite tubes (7A) at the residence. You noted the evidence of a previous treatment, but did not note that the tubes you found were from a previous infestation (7C). In section 10B (1b) your basis for recommending a remedial termite treatment is there was evidence of a previous infestation, and no visible evidence of an adequate treatment to address it.

20. While inspecting this property our inspectors observed the wooden beam in the basement that had the old termite tubes on it. Our inspectors noted the home has been previously treated as indicated by the drill holes in the porch, garage floor, and the stem wall adjacent to the garage. This home has had a previous infestation and a treatment that appears to have controlled the termites.

21. Our inspectors did not find any visible signs of live termites or recent termite activity at this residence.

22. In order to recommend a remedial termite treatment on an ODAFF-1 report you must find live termites or recent termite activity in the structure, and no evidence of an adequate treatment to address the termites.

23. An inaccurate ODAFF-1 report is a violation of the Oklahoma Combined Pesticide Law & Rules: O.A.C 35:30-17-100(a).

#### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, you are in violation of the Oklahoma Rules, specifically O.A.C 35:30-17-100 which states: "Any wood infestation report (WIR) issued that is not in compliance with these rules shall be inaccurate, misleading, or fraudulent."

#### **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 405-522-5997.

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 **Four Hundred Dollars (\$400.00)**.

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 26<sup>TH</sup> day of October, 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 26<sup>th</sup> day of October, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**4 Star Treatment Pest Control  
P.O. Box 3802  
Bartlesville, OK 74006**

*Brady Robison*  
Brady Robison



**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.

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

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. CEDAR RIDGE AVIATION LLC**

**Case File No. OGC-22-537**

**CEDAR RIDGE AVIATION LLC**

**P.O. Box 37**

**Knox City, TX 79529**

**Summary of Facts:** Off target drift complaint and un-licensed company operating in Oklahoma.

**Statute or Rule Violation:** 2 O.S. § 3-86 A (3); 2 O.S. § 3-86 A (15); 2 O.S. § 3-86 A (16)

**Proposed Administrative Penalty:** The penalty was assessed at \$4000

**Deviations:** Stipulation was signed and paid in full.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
OCT 21 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-22-537

CEDAR RIDGE AVIATION LLC  
P.O. Box 37  
Knox City, TX 79529


RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Thousand Dollars (\$4000.00) 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

*Olivia Johnson, Business Manager*  
\_\_\_\_\_  
Printed Name and Title:

Date: 10/18/22

**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. )**

**Case No: OGC-22-537**

**CEDAR RIDGE AVIATION LLC )  
P.O. Box 37 )  
Knox City, TX 79529 )**

**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 12<sup>th</sup> day of January 2023** 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 applications located at Knox City, Texas.

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 July 13, 2022, the Consumer Protection Services Division of the Department conducted a consumer drift complaint.

19. Our inspectors visited properties located in sections 3 & 4 of 1N-6E in Roff, OK. Your company performed an aerial application to the ranchland adjacent south in section 10-1N-6E.

20. According to your application records GrazonNext HL and Remedy were applied on July 2, 2022, during a 5-8 mph south wind.

21. A vegetative sample was taken from the trees on the complainant's property, and trace amounts of 2,4-D and Triclopyr were detected. A vegetative sample was taken from your application area, and 2,4-D and Triclopyr were detected.

22. According to our investigation your application resulted in an off-target movement/drift onto the complainant's property.

23. Additionally, your company is not licensed with ODAFF to perform commercial pesticide applications.

#### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, you are in violation of Oklahoma Statutes 2 O.S. § 3-86 A (3); 2 O.S. § 3-86 A (15); 2 O.S. § 3-86 A (16).

- 2 O.S. §3-86(A)(3) states: "(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."
- 2 O.S. §3-86(A)(15) states: "(15) 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."
- 2 O.S. 3-86(A)(16) states: "(16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or

identifications issued by the Board for the categories for which the persons are to be employed or supervised.”

### **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 405-522-5997.

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 Four Thousand Dollars (\$4000.00).

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 7<sup>TH</sup> day of October, 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 7<sup>th</sup> day of October, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CEDAR RIDGE AVIATION LLC  
P.O. Box 37  
Knox City, TX 79529**

  
\_\_\_\_\_  
Brady Robison

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

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. BLAKE HALL**

**Case File No. OGC-22-508**

**BLAKE HALL  
24736 E. 670 RD.  
WAGONER, OK 74467**

**Summary of Facts:** Off target drift complaint and un-licensed company operating in Oklahoma.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$750

**Deviations:** Stipulation was signed and paid in full.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

OCT 24 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

BLAKE HALL  
24736 E. 670 RD.  
WAGONER, OK 74467

RESPONDENT.

Case No: OGC-22-508

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

Blake L. Hall

Printed Name and Title:

Date: 10-21-22

**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.**

**BLAKE HALL )  
24736 E. 670 RD. )  
WAGONER, OK 74467 )**

**RESPONDENT.**

**Case No: OGC-22-508**

**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 12<sup>th</sup> day of January 2023** 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 Wagoner, 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 22<sup>nd</sup> day of June, 2022, the Consumer Protective Services Division of the Department conducted a consumer drift complaint investigation.

19. Our inspector visited a property located at 19705 E. 640 Rd. in Inola, OK, which is in the SE ¼ of section 27-19N-17E. This property is adjacent to the north of a pasture you sprayed on June 13, 2022.

20. Our inspector observed vegetation on the complainant's property that appeared to be showing herbicide effects.

21. According to your application records you applied Rifle-D and MSM 60 during a 13-mph south wind. A vegetative sample was taken from the complainant's property, and trace amounts

of 2,4-D and Dicamba were detected. A vegetative sample was taken from your application area, and 2,4-D, Dicamba, and Metsulfuron-Methyl were detected.

22. According to our investigation your application resulted in an off-target movement/drift onto the property north of your application area.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-86(A)(3) which states: “(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.”

### **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 Seven Hundred and Fifty Dollars (\$750.00).

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 21st day of October, 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 21st day of October 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

BLAKE HALL  
24736 E. 670 RD.  
WAGONER, OK 74467

*Brady Robison*  
\_\_\_\_\_  
Brady Robison

**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.

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

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. TONY KODESH**

**Case File No. OGC-21-753**

**TONY KODESH  
4800 CR 110  
RED ROCK, OK 74651**

**Summary of Facts:** Respondent failed to respond to ODAFF records request.

**Statute or Rule Violation:** 2 O.S. § 3-83 A; 2 O.S. § 3-86 A (5); O.A.C 35:30-17-21 (D).

**Proposed Administrative Penalty:** The penalty was assessed at \$500

**Deviations:** Stipulation was signed and paid in full.

**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.

TONY KODESH  
4800 CR 110  
RED ROCK, OK 74651

RESPONDENT.

Case No: OGC-21-753

**FILED**  
NOV 15 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:

Tony Kodesh  
Signature

Tony Kodesh  
Printed Name and Title:

Date: 11-7-22

Gina, This is your  
copy I put live  
check in the safe

TJD



**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.**

**TONY KODESH )  
4800 CR 110 )  
RED ROCK, OK 74651 )  
RESPONDENT. )**

**Case No: OGC-21-753**

**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 8<sup>th</sup> day of December 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 pesticide applications, located at Red Rock, 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 29<sup>th</sup> day of July 2021, the Consumer Protective Services Division of the Department consumer drift complaint.

19. On or about the 3<sup>rd</sup> day of August 2021 you were sent an official request for application records.

20. On September 16, 2021, you supplied incomplete application records via email, and were again instructed to provide application records.

21. As of the date of the November 9, 2021, Letter of Warning, you have not provided the records demanded by ODAFF.

22. ODAFF has you on file as being a current private applicator, and a certified applicator in the seed treatment category. As an applicator you are required to provide application records to ODAFF upon request.

23. Failure to provide application records when requested is a violation of the Oklahoma Combined Pesticide Law & Rules: 2 O.S. § 3-83 A; 2 O.S. § 3-86 A (5); O.A.C 35:30-17-21 (D).

#### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, you are in violations of Oklahoma Rules and Statute. Specifically, 2 O.S. § 3-83 (A); 2 O.S. § 3-86 (A)(5); O.A.C 35:30-17-21(d).

- **2 O.S. § 3-83(A):** “Every commercial and noncommercial applicator shall keep accurate records pertaining to pesticide activities, applications, and weed 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.”
- **2 O.S. §3-86(A)(5):** “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: 5. Failure or refusal to furnish the Board, upon request, true information regarding methods, pesticides, and safety measures used, work performed, or other information required by the Board, or for making any false statement or representation in the person's application for issuance or renewal of a permit.”

- **O.A.C. 35:30-17-21(d):** “(d) Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven (7) working days when requested by mail or in person shall be a violation of this section.”

#### **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 405-522-5997.
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 **Five Hundred Dollars (\$500.00)**.

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<sup>ST</sup> day of October 2022.

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

*Brady Robison*

Teena G. Qinter, 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 31<sup>st</sup> day of October 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

TONY KODESH  
4800 CR 110  
RED ROCK, OK 74651

  
\_\_\_\_\_  
Brady Robison

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

**COMPLAINANT,**

**v.**

**TONY KODESH  
4800 CR 110  
RED ROCK, OK 74651**

**RESPONDENT.**

**Case No: OGC-21-753**

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. LAWNPRO OUTDOOR SERVICES**

**Case File No. OGC-22-275**

**Lawnpro Outdoor Services**  
**7870 E. 126 St. S. Apt 312**  
**Bixby, ok 74008**

**Summary of Facts:** Company failed to have proper business license and license on vehicle.

**Statute or Rule Violation:** 2 O.S. § 3-86 A (1); 2 O.S. § 3-86 A (15)

**Proposed Administrative Penalty:** The penalty was assessed at \$500

**Deviations:** Stipulation was signed and paid in full.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
NOV 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-22-275

LAWNPRO OUTDOOR SERVICES  
7870 E. 126 ST. S. APT 312  
BIXBY, OK 74008

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

Latisha Counts-owner  
Printed Name and Title

Date 10/10/2022

**RECEIVED**

NOV 07 2022

OFFICE OF GENERAL COUNSEL  
OKLA. DEPT OF AGRICULTURE

Page 1 of 1

**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-22-275**

**LAWNPRO OUTDOOR SERVICES )  
7870 E. 126 ST. S. APT 312 )  
BIXBY, OK 74008 )**

**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 the 13<sup>th</sup> day of October, 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, located at Bixby, 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 19<sup>th</sup> day of April, 2022, the Consumer Protective Services Division of the Department conducted a routine inspection on your application of pesticides at 11907 S. 101<sup>st</sup> E. Ave. in Bixby.

19. Upon inspection our inspector discovered that you were applying pesticides without the proper licensing, specifically your company license was expired. Furthermore, your vehicle, a Ford F-150 was pulling a trailer with a tank on it that was being used to apply pesticide, and this vehicle did not have the proper markings on it. Both infractions are in violation of state statutes.

### **ALLEGED CONCLUSIONS OF LAW**

20. Based upon the application of the above law to the aforementioned facts, by operating without a valid ODAFF issued license, you are in violation of 2 O.S. §3-82(A)(1) which states:

- “A. LICENSE REQUIRED - 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.”

21. Furthermore, by having a vehicle that is not properly marked you are in violation of the Rules, specifically O.A.C. 35:30-17-15 which states: “All vehicles, including nurse tanks and self-propelled ground applicators, used by a commercial applicator during the conduct of business shall be identified by displaying the name and license number of the licensee. The display shall be on both sides of the vehicle in letters not less than two inches in height.”

### **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 2<sup>ND</sup> day of August, 2022.

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

*Brady Robison*

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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:

**LAWNPRO OUTDOOR SERVICES  
7870 E. 126 ST. S. APT 312  
BIXBY, OK 74008**

\_\_\_\_\_  
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.

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

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. CAROLYN LECK**

**Case File No. OGC-21-798**

**CAROLYN LECK  
814 S. DUANE AVE.  
EL RENO, OK 73036**

**Summary of Facts:** Respondent applied herbicide off label that resulted in unintended vegetation kill.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$250

**Deviations:** Stipulation was signed and paid in full.

**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.

CAROLYN LECK  
814 S. DUANE AVE.  
EL RENO, OK 73036

RESPONDENT.

Case No: OGC-21-798

**FILED**  
NOV 09 2022  
STATE BOARD OF AGRICULTURE

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:

Carolyn M. Leck  
Signature

Carolyn M. Leck, Retired  
Printed Name and Title:

Date: Nov 7, 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. )**

**Case No: OGC-21-798**

**CAROLYN LECK )  
814 S. DUANE AVE. )  
EL RENO, OK 73036 )**

**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 8<sup>th</sup> day of December 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 pesticide applications, located at El Reno, 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 August 9, 2021, the Consumer Protective Services Division of the Department consumer drift complaint investigation located at 818 S. Duane Ave. in El Reno, OK.

19. Our inspector observed the grass and ornamental plants along the property fence line showing herbicide effects. This fence line is the property divide between you and the complainant.

20. According to your application records you applied Hyvar XL IVM Herbicide along the fence line in June 2021.

21. vegetative sample was taken from the complainant's lawn, and 93.8 ppm of Bromacil was detected in the analysis. A vegetative sample was taken from your application area, and 380 ppm of Bromacil was detected in the analysis.

22. The Hyvar XL IVM Herbicide label advises to not apply the product near desirable trees or plants as injury or loss may occur.

23. According to our investigation your application affected the vegetation in the complainant's lawn.

24. Allowing a pesticide to drift off-target is a use inconsistent with the pesticide product label, and is a violation of the Oklahoma Combined Pesticide Law & Rules: 2 O.S. § 3-86 A (4).

#### **ALLEGED CONCLUSIONS OF LAW**

25. Based upon the application of the above law to the aforementioned facts, you are in violation of Oklahoma Statutes, specifically 2 O.S. §3-86(A)(4) which states:

- “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.”

### **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 **Two Hundred and Fifty Dollars (\$250.00)**.

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 31<sup>ST</sup> Day of October 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 31<sup>st</sup> day of October 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

CAROLYN LECK  
814 S. DUANE AVE.  
EL RENO, OK 73036

  
Brady Robison

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



**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. JAMES NEAL**

**Case File No. OGC-21-776**

**James Neal**  
**5600 Free Ferry Rd.**  
**Fort Smith, AR 72903**

**Summary of Facts:** Off label application. Applicator applied herbicide after cut-off for the season.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$500

**Deviations:** Stipulation was signed and paid in full.

**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.

James Neal  
5600 Free Ferry Rd.  
Fort Smith, AR 72903

RESPONDENT.

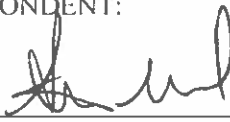
Case No: OGC-21-776

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

James Neal  
\_\_\_\_\_  
Printed Name and Title:

Date: 11/7/22

FILED  
NOV 10 2022  
STATE BOARD 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-21-776**

**James Neal )  
5600 Free Ferry Rd. )  
Fort Smith, AR 72903 )**

**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 8<sup>th</sup> day of December 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 applications, located at Fort Smith, Arkansas.

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 29<sup>th</sup> day of July 2021 the Consumer Protective Services Division of the Department conducted a consumer drift complaint.

19. ODAFF Inspectors investigated a complaint of Dicamba drift onto a non-tolerant soybean field in the SE ¼ of section 1-9N-25E. Our inspector noted cupping of the soybean leaves in this field.

20. According to your application records you applied Envy and Engenia to your soybean field on July 23, 2021.

21. The Engenia product label states that applications to soybeans cannot be made after June 30th of each year. Your July application was made after the June 30th cut-off date.

### **ALLEGED CONCLUSIONS OF LAW**

22. Based upon the application of the above law to the aforementioned facts, you are in violation of Oklahoma Statute 2 O.S. §3-86(A)(4) which states:

- “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.”

### **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 31<sup>ST</sup> day of October, 2022.

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

*Brady Robison*

Teena G. Guntter, 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 31<sup>st</sup> day of October 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**James Neal**  
**5600 Free Ferry Rd.**  
**Fort Smith, AR 72903**

*Brady Robison*  
Brady Robison

**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.

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

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. TOTAL ENVIRONMENT INC**

**Case File No. OGC-22-505**

**TOTAL ENVIRONMENT INC  
16301 N. ROCKWELL AVE.  
EDMOND, OK 73031**

**Summary of Facts:** Pesticide/herbicide application off-label. Applicator did not have proper PPE on and applied herbicide during daytime hours next to flowering plants off-label.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$500

**Deviations:** Stipulation was signed and paid in full.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
OCT 25 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

TOTAL ENVIRONMENT INC  
16301 N. ROCKWELL AVE.  
EDMOND, OK 73031

RESPONDENT.

Case No: OGC-22-505

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:

These came in today  
I have put the live  
checks in the safe

Thanks  
JCy

  
Signature

Manuel Hernandez  
Printed Name and Title:

VP Production

Date: 10-14-2022

**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.**

**Case No: OGC-22-505**

**TOTAL ENVIRONMENT INC )  
16301 N. ROCKWELL AVE. )  
EDMOND, OK 73031 )**

**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 12<sup>th</sup> of January, 2023** 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, located at Edmond, 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 July 2022, the Consumer Protection Services Division of the Department performed a use inspection.

19. Our inspector observed your applicator, Brock Crabtree, making an ornamental and turf application at 6912 NW Grand Blvd. in Nichols Hills, OK.

20. Our inspectors were informed that Strobe 2LFungicide and Mallet 2F T&O Insecticide were being applied.

21. Your applicator did not have on long sleeves as required on both product labels.

22. Additionally, Mallet 2F T&O Insecticide is a neonicotinoid pesticide that has pollinator protection application restrictions on the label. These restrictions do not allow the product to be



applied during daytime hours to areas where pollinators may be actively foraging or to flowering plants.

23. Your applicator was applying pesticides in a manner inconsistent with product labeling in violation of 2 O.S. §3-86(A)(4).

#### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, you are in violation of Oklahoma Statutes. Specifically, 2 O.S. §3-86(A)(4) which states:

- “(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.”

#### **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 405-522-5997.

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 Five Hundred Dollars (\$500.00).

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 13 day of October, 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 13 day of October, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

TOTAL ENVIRONMENT INC  
16301 N. ROCKWELL AVE.  
EDMOND, OK 73031

Brady Robison  
Brady Robison

**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.

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

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. TRI ROTO CROP SERVICES LLC**

**Case File No. OGC-22-517**

**TRI ROTO CROP SERVICES LLC  
9170 E. RD. 2  
ULYSSES, KS 67880**

**Summary of Facts:** Off target drift complaint and off-label application.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$1000

**Deviations:** Stipulation was signed and paid in full.

**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. )

TRI ROTO CROP SERVICES LLC )  
9170 E. RD. 2 )  
ULYSSES, KS 67880 )

RESPONDENT. )

Case No: OGC-22-517

**FILED**  
NOV 25 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Dollars (\$1000.00) 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:

*Larry Smith*  
Signature

*PRS*  
Printed Name and Title:

Date: *10-20-22*

*They came in today  
I have put the live  
checks in the safe*

*Thanks  
JG*



**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-22-517**

**TRI ROTO CROP SERVICES LLC )  
9170 E. RD. 2 )  
ULYSSES, KS 67880 )**

**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 12<sup>th</sup> day of January 2023** 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 applications, located at Ulysses, Kansas.

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 June 2022, the Consumer Protective Services Division of the Department conducted a consumer complaint investigation.

19. Our inspector visited a corn field located in the NE ¼ of section 27-1N-16E in Texas County, OK. Your company performed an aerial application to a fallow crop field adjacent to the south of this field.

20. According to your application records you applied a tank mix of Sterling Blue, Staredown, Atrazine 4L, and Zaltus SX on June 16, 2022, from 12:45 pm until 1:45 pm during a 10-mph south wind.

21. According to the Slapout Mesonet weather station the wind speeds were 7-15 mph during the time of your application.

22. Vegetative samples were taken from the complainant's corn field, and 2,4-D, Dicamba, Atrazine, and Fluroxypyr were detected in both samples. A vegetative sample was taken from your application area, and 2,4-D, Dicamba, Atrazine, and Fluroxypyr were also detected. The Dicamba, Atrazine, Fluroxypyr were some of the active ingredients in your tank mix.

23. According to our investigation your application is the source of the herbicides found on the complainant's property. Additionally, the Zaltus SX label states to not make applications in wind speeds that exceed 10 mph.

#### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, you are in violation 2 O.S. §3-86(A)(3) and 2 O.S. §3-86(A)(4).

25. 2 O.S. § 3-86(A)(4) states:

- “(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.”

26. 2 O.S. 3-86(A)(3) states: “(3) A person has operated in a negligent manner, thereby causing a pesticide to drift off-target.”

### **ATTORNEY CONFERENCES**

27. 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.

28. 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.

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 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.

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.

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

34. 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.

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DATED THIS 6<sup>TH</sup> day of October, 2022.

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

*Brady Robison*

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Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
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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 6<sup>th</sup> day of October, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

TRI ROTO CROP SERVICES LLC  
9170 E. RD. 2  
ULYSSES, KS 67880

  
\_\_\_\_\_  
Brady Robison



