

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

Wednesday, April 24, 2024  
10:00 a.m.

2800 N Lincoln Blvd  
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of March 13, 2024.
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 – Lee Benson

7. Consideration and Proposed Action on Purchases/Contracts

8. Consider, take action, and vote for approval, disapproval, or to continue for later consideration, the use in Oklahoma of “KAPUT” Feral Swine Bait.
  - A. Summary of proposal by Consumer Protection Services Director Kenny Naylor.
  - B. Opportunity for comment by members of the public.

Public comment will be limited to this item only.

Speakers will sign in before the meeting and be taken in the order in which they sign in.

Speakers will be limited to 2 minutes per person.

Questions will not be taken by the Board.

9. Consideration and Proposed Action on Cases Resolved by Stipulations

**Agricultural Environmental Management Services**

**Jason E. Allen, 500 Ruby Hill Road, Haworth, Oklahoma**

**Paul Blood, 51413 S. 727 Road, Colcord, Oklahoma**

**Billy Chenhall Jr., 16825 W. 53<sup>rd</sup>. St. S., Boynton, Oklahoma**

**Navada Jeffries, P. O. Box 143, Jay, Oklahoma**

**David Reynolds, 477488 State HWY 101, Muldrow, Oklahoma**

**Bryor Tatum, 7925 E. 151 Road, Calvin, Oklahoma**

**Charles Michael Traylor, 16670 Stonewall Road, Prairie Grove, Arkansas**

**Consumer Protection Services**

**Kevin Andrews, 1251 County Road 1420, Byars, Oklahoma**

**Bison Coop Assn, 105 S. First, Bison, Oklahoma**

**Brandley Pest Control, 711 Cedar Ave., Yukon, Oklahoma**

**John Chandler, 12019 S. 250<sup>th</sup> W. Ave., Sapulpa, Oklahoma**

**Famers Coop Mill & Elevator Assn., P. O. Box 547 Mountain View, Oklahoma**

**Family Dollar, 911 E. Broadway Avenue, Enid, Oklahoma**

**Family Dollar/Dollar Tree, 208 S. Broadway, Marlow, Oklahoma**

**Landmark Outdoor Services, LLC, 10901 E. 11<sup>th</sup> Street, Tulsa, Oklahoma**

**Landmark Outdoor Services, LLC, 10901 E. 11<sup>th</sup> Street, Tulsa, Oklahoma**

**SESACO Corp. 600 Congress Ave. 14-FL, Austin, Texas**

**Town & Country Pest Turf & Termite, LLC, P. O. Box 1207, Ardmore, Oklahoma**

\*\*Possible Executive Session (if approved by the required number of members present):

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

10. Consideration and Proposed Action on Cases Resolved by Consent Order

**Consumer Protection Services**

**Advantech Pest Services, LLC, 317 W. Cedar, Durant, Oklahoma**

**Murray Pest Control, LLC, 2102 S. Main Street, Stillwater, Oklahoma**

**Murray Pest Control, LLC, 2102 S. Main Street, Stillwater, Oklahoma**

**Priscilla Santana, 2219 Main Avenue, Goldsby, Oklahoma**

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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.”

11. Consideration and Proposed Action on Cases Resolved by Final Order

**Consumer Protection Services**

**CHS, P. O. Box 669, Hinton, Oklahoma**

**World Fresh International MKT, 10700 S. Penn. Ave., Oklahoma City, Oklahoma**

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12. Next Board meeting scheduled for **Thursday, June 6, 2024**, at Oklahoma City.

13. Old Business

14. 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.

15. Adjournment

*\*Members of the Board and staff from ODAFF may join for a tour of ODAFF’s lab facilities. Board Members, staff, and the public may discuss program issues during tour; no votes or action will be taken during the tour.*

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

Oklahoma City, Oklahoma  
March 13, 2024

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., March 13, 2024, in Oklahoma City. Written notice of this meeting was filed with the Secretary of State. A notice was posted at the Agriculture Building 24 hours prior to the meeting setting forth thereon the date, time, place and agenda for the meeting and an agenda was posted on the agency website.

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

Others Present: Michaela Lembeck, Executive Secretary  
JanLee Rowlett, Deputy Commissioner  
Dan Ridings, Director, Administrative Services  
Wade Krivanek, Director, Laboratory Services  
Kenny Naylor, Director, Consumer Protection Services  
Andy James, Forestry Services  
Troy Marshall, Director, Agricultural Statistics  
Dr. Rod Hall, Director, Animal Industries  
Teena Gunter, Director, Agricultural Environmental  
Management Services & Office of General Counsel  
Tommy Stephens, Food Safety  
Justin Cooper, Director, Wildlife Services  
Meriruth Cohenour, Director, Market Development  
Lee Benson, Public Information Officer  
Tom Crawford, Oklahoma Department of Health

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

A motion was made by Mr. Burtrum, seconded by Mr. Bolen, to approve the minutes of the regular meeting of January 25, 2024, as presented.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Burtrum, to approve the following purchases/contracts as submitted.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Burtrum, to approve the Proposed Action on Cases Resolved by Stipulations as submitted.

**Agricultural Environmental Management Services**

**Linda & Cecil Archey, 11043 Duboise Road, Cameron, Oklahoma**

**Michael Archey, 27906 Archey Drive, Cameron, Oklahoma**

**Anne-Marie Burrows, 1946 Bailey Road, Broken Bow, Oklahoma**

**Dal Mung, 30663 Prairiebell Road, Keota, Oklahoma**

**Byron Sherman, 525 Sherman Lane, Noel, Missouri**

**Robert Sherman, 619 Sherman Lane, Noel, Missouri**

**Tun & Niang Lun Tuang, 26150 Conser Landing, Heavener, Oklahoma**

**Kane Webb, P. O. Box 52, Watson, Oklahoma**

**Devin Welch, 130 McFarland Road, Eagletown, Oklahoma**

**Consumer Protection Services**

**Baer Enterprises, LLC, 1629 Fourth Ave. S.E., Ste #138, Decatur, Alabama**

**Presto-X, LLC, 7720 N. Robinson Ave., Ste B7, Oklahoma City, Oklahoma**

**Sonja Torres, 228 N. K Street, El Reno, Oklahoma**

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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Burtrum, to approve the Proposed Action on Cases Resolved by Consent Order as submitted.

**Consumer Protection Services**

**Garber Coop, 102 E. Railroad, Garber, Oklahoma**

**Deterding Aerial, 701 W. Cedar Dr. Public Airport W. Hanger, Pond Creek, Oklahoma**

**Security Pest Control, Inc., 10323 E. 50<sup>th</sup> St., Tulsa, Oklahoma**

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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

There is no old business presented for the Board to take action upon. Mr. Bolen moved, Mr. Cook seconded, that the meeting be adjourned at 11:49 a.m.

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

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

# MARCH 13, 2024 BOARD MEETING

## PURCHASES/CONTRACTS

### ADMINISTRATIVE SERVICES

**FY24 - \$700,000.00–Agency Vehicle Purchase** - Purchase of new agency vehicles. These vehicles are needed to replace aging fleet vehicles. Replacement of these vehicles are critical to the agency mission and if not replaced may put the employee and public at greater risk.

**FY24 – \$15,000.00** - The Lookout Kitchen Catering-Sequoiah State Park – food – Women’s Leadership Summit

**FY24 - \$58,988.00 – AV Installation** – Professional installation and electric services for wireless presentation and conferencing systems for the Oklahoma Dept of Agriculture, Food and Forestry. We will install these devices within the Board Room, Executive Offices, Admin Offices, and the Atrium. These upgrades will allow for seamless conferencing and audio-visual presentations within these areas, without this purchase we will continue to use outdated technology to conduct presentations within these venues.

**FY24 - \$29,474.48 – Network Connections** - This project is in conjunction with the renovation and cable installations of the newly purchased modular furniture for Admin, Market Development, and Office of General Counsel which will allow us to interface between the modular furniture and our IT infrastructure, this also ties into the AV installation that we are doing with the Admin Offices, Board Room, Executive Offices and Atrium. Without this purchase, we would be unable to connect to the newly acquired modular equipment and AV equipment.

### AGRICULTURAL ENVIRONMENTAL MANAGEMENT SERVICES

#### **FY25 A request of \$48,276**

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

#### **FY25 A request of \$108,540.00**

The AEMS Division has a continue grant from the Exchange Network (EN) to expand our e-Reporting for our programs. AEMS has contracted with Ideagen to develop a program to modernize our operations this is the continuation of the contract. Our inability to complete this project will cause the division to not fill the grant requirements.

#### **FY25 A request to continue agreement with Tulsa Metropolitan Utility Authority (TUMA)**

To employ two (2) Oklahoma Department of Agriculture, Food and Forestry (ODAFF) Environmental Program Specialists with the experience, training, and qualifications prescribed by State or federal law or rules and regulations to prepare NMPs designed to properly manage poultry waste at agricultural operations and to protect water quality in the Eucha-Spavinaw Watershed. Failure to continue the agreement will prevent Tulsa and ODAFF to fulfill the courts mandate on lawsuit.

## **ANIMAL INDUSTRY SERVICES**

**CONTRACTS: These are cooperative agreements where we perform work or purchase equipment for which USDA reimburses us.**

US Swine Health Improvement Program FY 24-25 - \$31,028.80

The purpose of this agreement is to support the OSA Coordinator and the Assistant Coordinator to conduct outreach to the swine industry in Oklahoma to encourage enrollment and certification within the US SHIP. We would like to purchase outreach materials that can be used at swine exhibitions, producer meetings, and youth activities.

Umbrella Cooperative Agreement FY 24-25 - \$423,006.00

The purpose of this agreement is to conduct Animal Health National Surveillance and Response activities that will provide specific information to the recipient, APHIS, and other interested parties for various commodities under this Umbrella Agreement.

ADT Cooperative Agreement FY 24-25 - \$253,080.00

The purpose of this agreement is to conduct Animal Disease Traceability activities that will provide specific information to the recipient, APHIS, and other interested parties for Animal Health Technical Services (AHTS) Programs.

ADT Supplemental Cooperative Agreement FY 24 - \$24,718.00

The supplemental funding will be used to purchase 9-AWR300 wands with cases and 9-XRS2i EID Stick Readers to distribute to Veterinarians across Oklahoma for traceability purposes.

## **FORESTRY SERVICES**

FY 24- \$767,202.40

Firefighting resources Forestry Services would like to order as soon as possible to deploy to the Catesby Fire in Ellis County. These resources include personnel, equipment and aircraft needed to address containment/control needs of the Catesby Fire in advance of extreme fire weather anticipated on Saturday through Monday. This fire has received a FEMA Fire Management Assistance Grant and the cost of these resources may be reimbursed up to 75% if we have met the FEMA Floor Cost Threshold for this event. This is the cost of the resources for a ten-day deployment. This expenditure would be covered by the FY 24 special appropriation for wildland firefighting expenses.

FY24- \$49,000

Emergency purchase for aerial wildfire detection due to increased fire activity and significant fire weather impacting Oklahoma. High to extreme fire danger across the state required increased aerial which has exhausted the \$49,900 budgeted for this purpose. In the last week, we have seen a spike in fire activity within our eastern Oklahoma Protection Areas resulting in 146 fires burning over 23,000 acres. Without the emergency purchase OFS will not be able to provide adequate aerial fire detection to minimize the potential for loss of life, property, and natural resources. It is critical we establish funding for our aerial detection program to allow our Protection Areas to fly when fire weather conditions are adverse, and the fire environment is receptive to large fire growth. The requested amount will ensure we have detection capabilities through the remainder of our spring fire season.

FY 24 \$20,000- Utility Vehicle

Purchase one 4WD utility vehicle for Forest Regeneration Center for hauling conservation seedlings and soil material to and from fields and shipping building. Forestry staff are currently moving these materials by hand which is labor-intensive and time-consuming. Justification: Without the purchase of

a UTV, material will need to be moved manually which may impact the schedule of delivery of conservation seedlings to landowners.

**FY 24 \$10,000- New Well**

Purchase and install new well for Central and Western office of the Forest Regeneration Center and Community Fire in Goldsby. The existing well has collapsed and is beyond repair. The well is not functioning, and it is not producing water. Temporarily, water has been re-directed from an irrigation well on site to provide water for the office bathrooms and kitchen. Justification: Without the installation of a new well, the office will solely depend on the nursery's field irrigation system used for conservation seedlings. This is non-potable water and unsafe for human consumption and will continue to put a strain on our current irrigation intended for the nursery's valuable seedling crop.

**FY 24 \$45,000- Seedling Cooler**

Purchase portable cooler for conservation seedlings for Forest Regeneration Center. This will allow seedlings that have been processed to be stored in a temperature-controlled space until customers are able to pick them up. This will help ensure that the survivability of the seedlings. Justification: Without purchasing this seedling cooler, the seedlings may not survive before the customer is able to pick them up.

**LABORATORY SERVICES**

**FY24 - \$14,351.00 – Battery**

Purchase of a 36 Volt Battery for the Forklift located the Bureau of Standards.

**FY24 – \$104,409.28 - Various Laboratory Equipment cost will be shared with Administrative Services and the Laboratory Service Division. (Pre-approval request attached).**

- Flask scrubber Glassware Washer – Dishwasher
- Low Temperature Refrigerated Incubator
- Benchtop Laboratory pH Meter
- Nitrogen Generator
- Hydrogen Generator
- Hot Plates (2)
- Single Sample Cryoscopy
- Seal BD50 Block Digestion System
- Real Time PCR Calibration Kit I
- Real Time PCR Calibration Kit 2
- Instrument Verification Plates

Justification: If various equipment was not purchased to replace existing out dated equipment, testing would be delayed or cease in certain areas of the Laboratory.

**MARKET DEVELOPMENT**

**FY2024 – Contract with Cheri Long - Farm to School Grant contractor – funded entirely by Farm to School Formula Grant - \$10,000.00**

**FY2024 – Contract with Lisa Griffin - Farm to School Grant contractor – funded entirely by Farm to School Formula Grant - \$10,000.00**

**FY2024 – Contract with Sheri Glazier - Farm to School Grant contractor – funded entirely by Farm to School Formula Grant - \$10,000.00**

FY2024 – Contract with Bill Harris - Farm to School Grant contractor – funded entirely by Farm to School Formula Grant - \$10,000.00

FY2024 – Farm to School – printing – Tastefully Harvest cookbook and posters – funded entirely by Farm to School Formula Grant - \$11,200.00

FY2024 – Ag in the Classroom – agriculture shaped pencils - \$7,330.00

**OFFICE OF GENERAL COUNSEL**

Contract for an OGC Administrative Law Judge for FY 2025, effective 07/1/2024 - 6/30/2025. The Contract not to exceed \$10,000 to perform services as a Hearing Officer/Administrative Law Judge (ALJ) in cases assigned, in accordance with a signed agreement on file with the Oklahoma Department of Agriculture Food, and Forestry. The vendor will perform services at an hourly rate of \$125.00/hour.

**WILDLIFE SERVICES**

\$7,500 – ODAFF Wildlife Services is requesting approval for the cooperative agreement with the Pauls Valley regarding the control and removal of nuisance birds. As well as the removal of white tail deer that is causing a potential threat to aircraft and human health and safety. This will reduce the threat of animal/aircraft interactions at the Pauls Valley Regional Airport.

\$18,000 ODAFF Wildlife Services is requesting approval to purchase two ATVs. These ATVs will allow the wildlife specialist to move trapping equipment into remote locations unable to be accessed with a traditional vehicle, additionally they will be used to survey land looking for wildlife damage more efficiently.

Not approving of this purchase will mean we continue operating in a less efficient way. Currently, traps are moved manually into remote locations increasing the risk of injury to the employee and surveying for wildlife damage by foot decreases productivity. This way of operation is less efficient and costs the agency more dollars due to longer and fewer visits daily.

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

## **April 24, 2024, Board Report**

### **Administrative Services**

# Administrative Services



- First floor renovations are almost complete.
- Please come see the remodeled area if you have time.
- Plan to start working on the fiscal year 2025 budget in late April.

# Administrative Services

## Renovation Before & After Pictures



# Administrative Services

## Renovation Before & After Pictures



# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES FEBRUARY 2024



INVESTIGATIONS	FEBRUARY	YTD	FYTD
LIVESTOCK	5	9	19
FIRE	2	4	7
PROPERTY	4	7	19
TIMBER		0	1
AGENCY ASSISTS ODAFF	1	1	2
AGENCY ASSISTS EXTERNAL		0	6
OTHER	1	2	12
<b>TOTAL INVESTIGATIONS OPENED</b>	<b>13</b>	<b>23</b>	<b>66</b>
CLOSED PENDING ADDITIONAL INFORMATION	5	5	17
NO CRIME	3	3	16
NO PROSECUTION		0	0
CLOSED - ASSIST CASE	1	1	8
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	4	5	14
REFERRED FOR ADMINISTRATIVE ACTION		0	0
<b>INVESTIGATIONS COMPLETED</b>	<b>13</b>	<b>14</b>	<b>55</b>
COUNTS FILED	5	9	14
VALUE OF LOSSES - ALL CRIMES	\$57,075	\$170,185	\$767,855
RECOVERED LOSSES - ALL CRIMES	\$88,000	\$130,600	\$985,850
NUMBER OF CATTLE REPORTED STOLEN	4	55	261
NUMBER OF CATTLE RECOVERED	2	12	77



# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES

March 2024



INVESTIGATIONS	MARCH	YTD	FYTD
LIVESTOCK	3	12	22
FIRE	3	7	10
PROPERTY	1	8	20
TIMBER		0	1
AGENCY ASSISTS		1	2
AGENCY ASSISTS		0	6
OTHER	1	3	13
<b>TOTAL INVESTIGATIONS OPENED</b>	<b>8</b>	<b>31</b>	<b>74</b>
CLOSED PENDING ADDITIONAL INFORMATION		5	17
NO CRIME	2	5	18
NO PROSECUTION		0	0
CLOSED - ASSIST CASE		1	8
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		5	14
REFERRED FOR ADMINISTRATIVE ACTION		0	0
<b>TOTAL INVESTIGATIONS COMPLETED</b>	<b>2</b>	<b>16</b>	<b>57</b>
COUNTS FILED	0	9	14
VALUE OF LOSSES - ALL CRIMES	\$51,500	\$221,685	\$819,355
RECOVERED LOSSES - ALL CRIMES	\$4,000	\$134,600	\$989,850
NUMBER OF CATTLE REPORTED STOLEN	14	69	275
NUMBER OF CATTLE RECOVERED	8	20	85





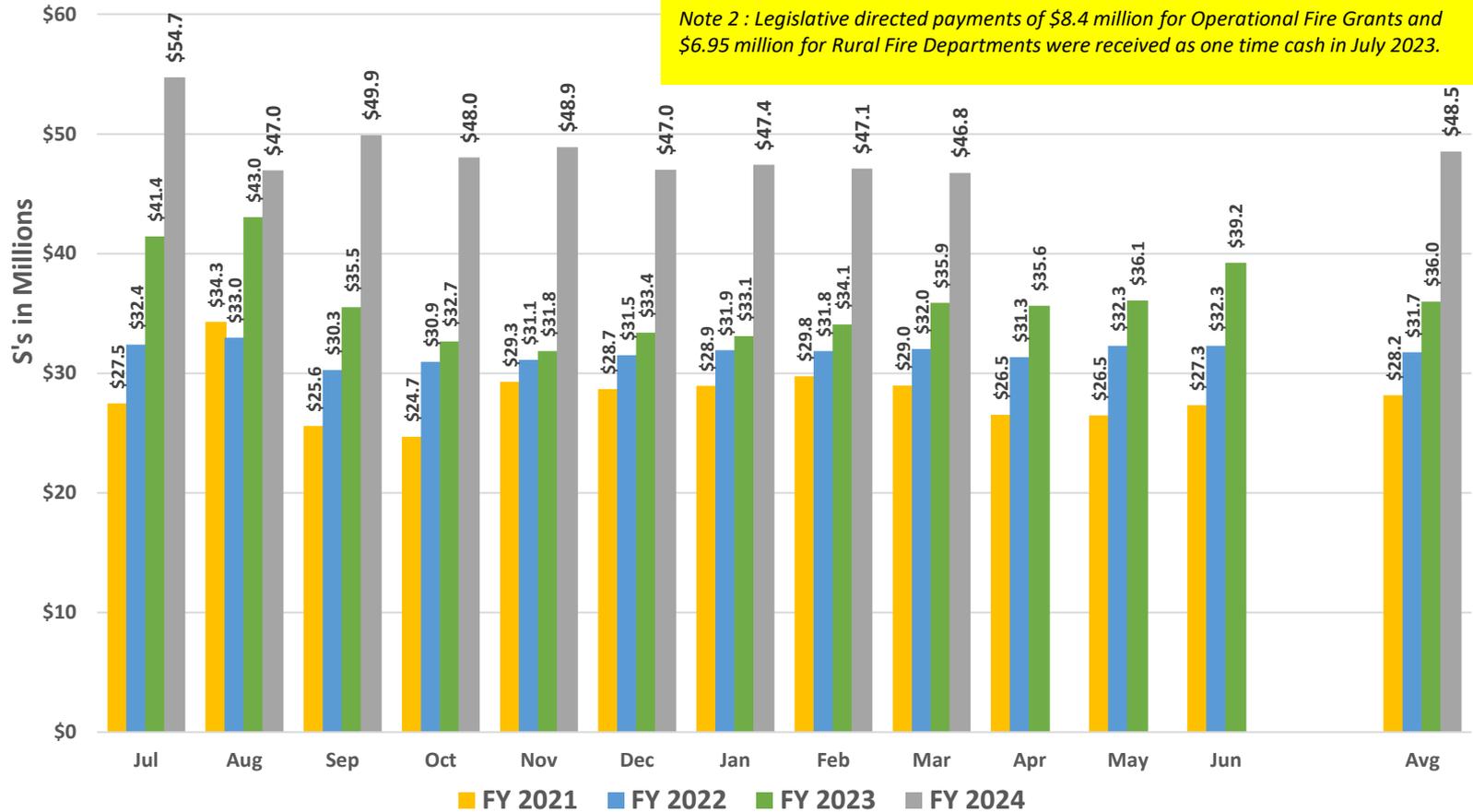
# Available Cash at Month End

## Months Ending: July 2020 – March 2024

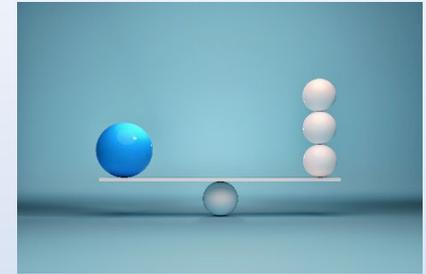
per Allotment Budget & Available Cash Report Fiscal Year 2021-2024

*Note 1: The amounts shown here include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,595,338 as of 3/31/2024.*

*Note 2: Legislative directed payments of \$8.4 million for Operational Fire Grants and \$6.95 million for Rural Fire Departments were received as one time cash in July 2023.*

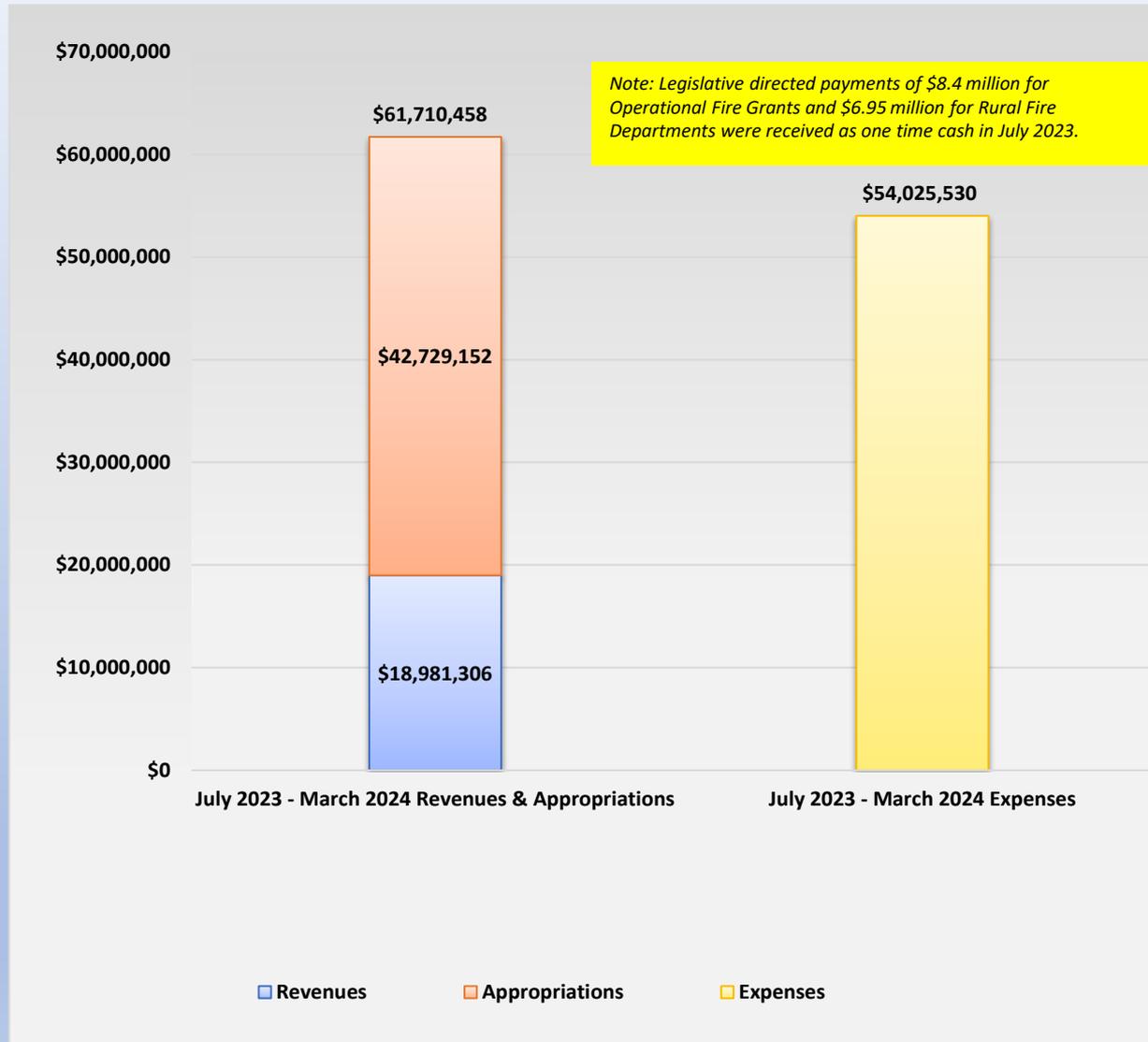


# Administrative Services - Finance



- Cash balance as of 3/31/2024 was \$46.8 million compared to \$35.9 million as of 3/31/2023
  - Increase of \$10.9 million from the prior year and is primarily attributed to the following:
    - \$7.4 million increase in appropriated cash for increases in legislative directed payments includes funding for:
      - Rural fire departments for the replacement of equipment and gear burned during fires
      - Rural fire coordinators
    - Increase in revenues

# Total Revenues, Appropriations and Expenses July 2023 – March 2024





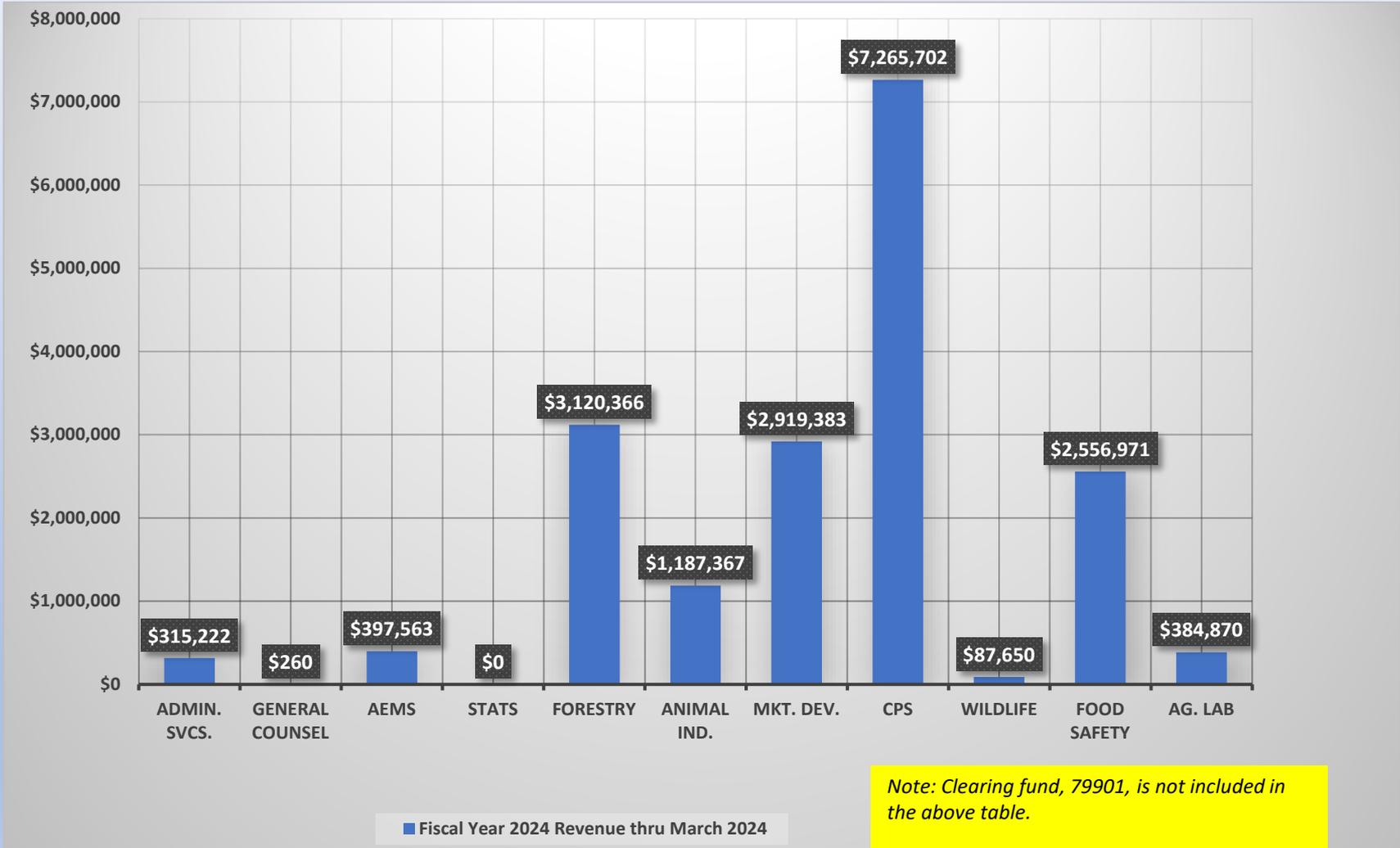
### Revenue Summary by Division July 2023 - March 2024

Division	March 2024 Revenue	Fiscal Year 2024 Revenue thru March 2024
Admin. Svcs.	2,411	315,222
General Counsel	260	260
AEMS	63,893	397,563
Stats	-	-
Forestry	655,237	3,120,366
Animal Ind.	372,792	1,187,367
Mkt. Dev.	1,179,591	2,919,383
CPS	350,958	7,265,702
Wildlife	-	87,650
Food Safety	175,233	2,556,971
Ag. Lab	48,454	384,870
<b>Division Total</b> (see division receipts graph on next slide)	<b>2,848,828</b>	<b>18,235,353</b>
Commodity Storage Indemnity	35,837	296,096
Appropriations	2,995,017	42,729,152
<b>Agency Total</b>	<b>5,879,683</b>	<b>61,260,601</b>

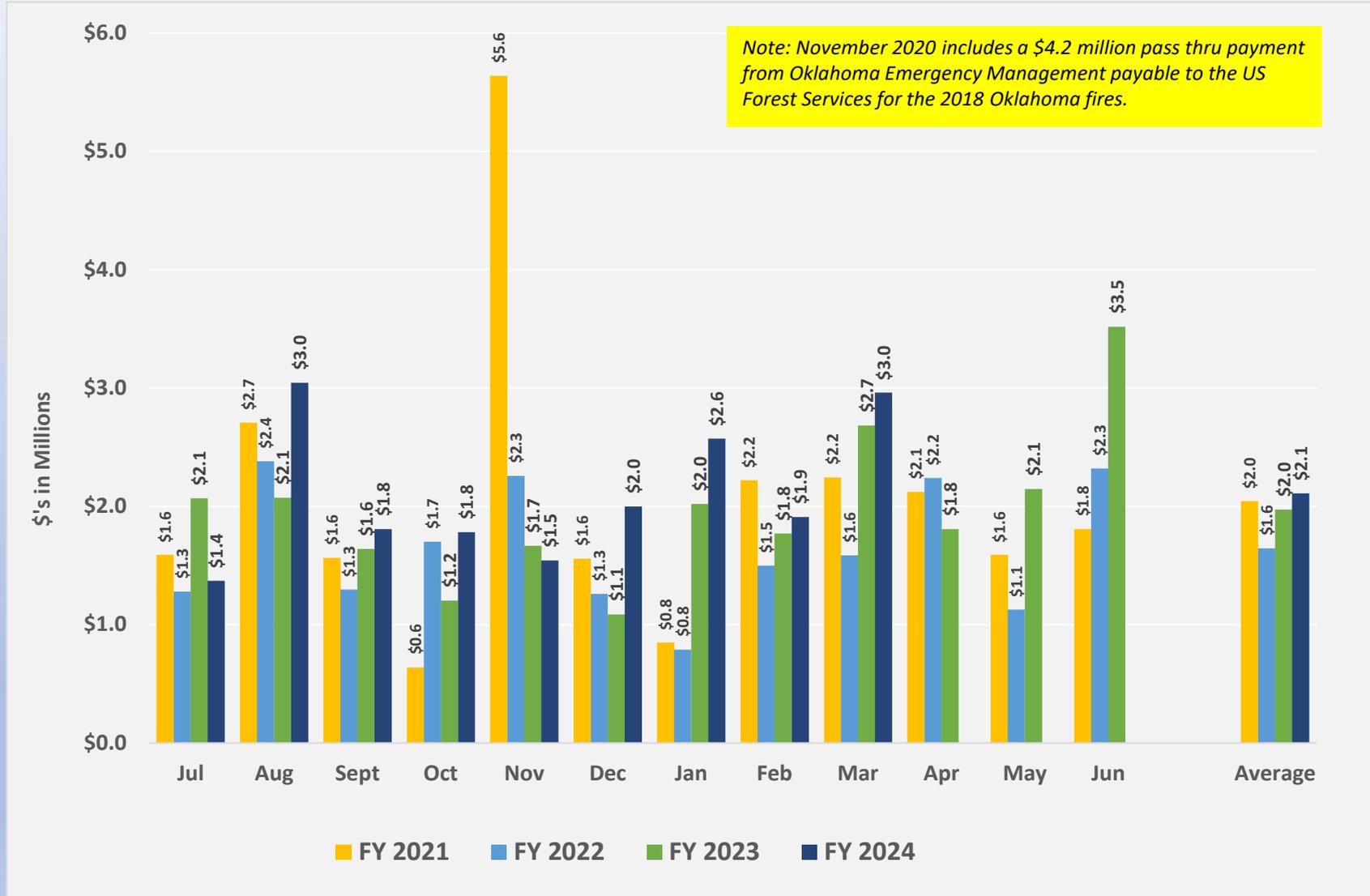
*Note: Clearing fund, 79901, is not included in the above table.*



# Revenue By Division July 2023 – March 2024



# Total Revenue by Month July 2020 – March 2024

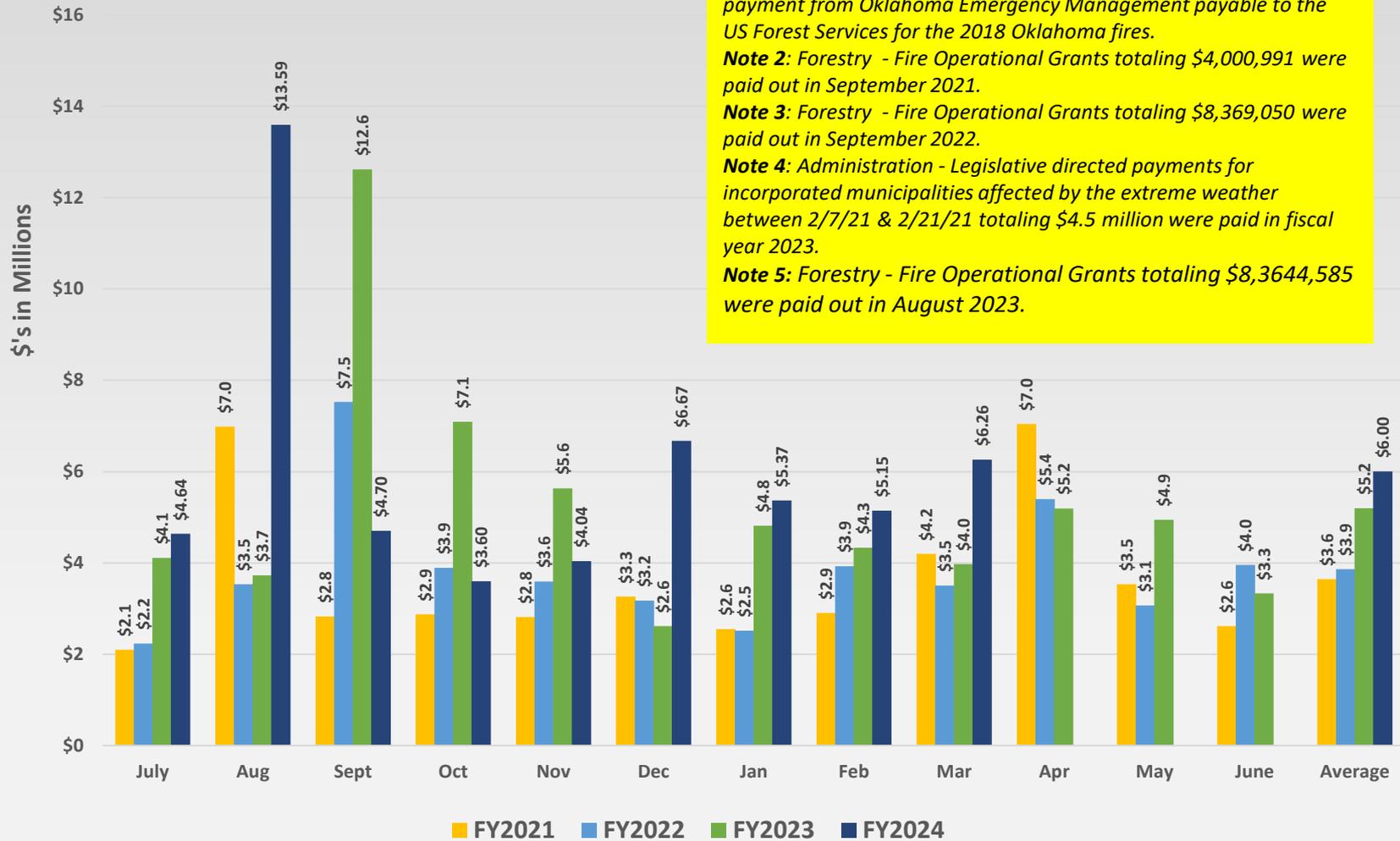


# Administrative Services - Finance

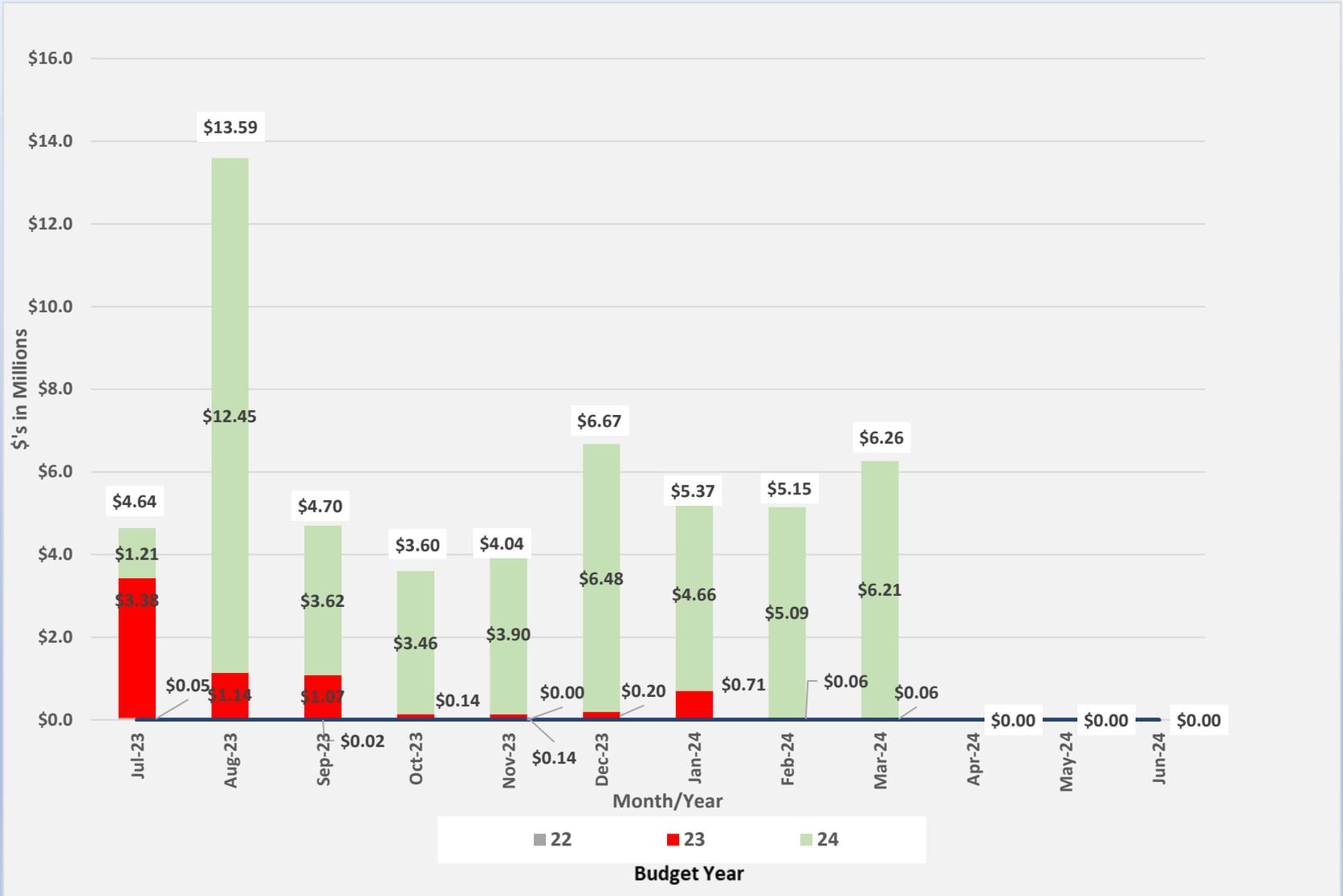
- Revenues (excluding appropriations) for fiscal year 2024 thru March 2024 were \$18.9 million
- Revenues for the same period last fiscal year were \$16.2 million
  - This is an increase of approximately \$2.7 million and is primarily due to:
    - An increase in federal reimbursements
    - Timing of payments received



# Total Expenses by Month July 2020 – March 2024



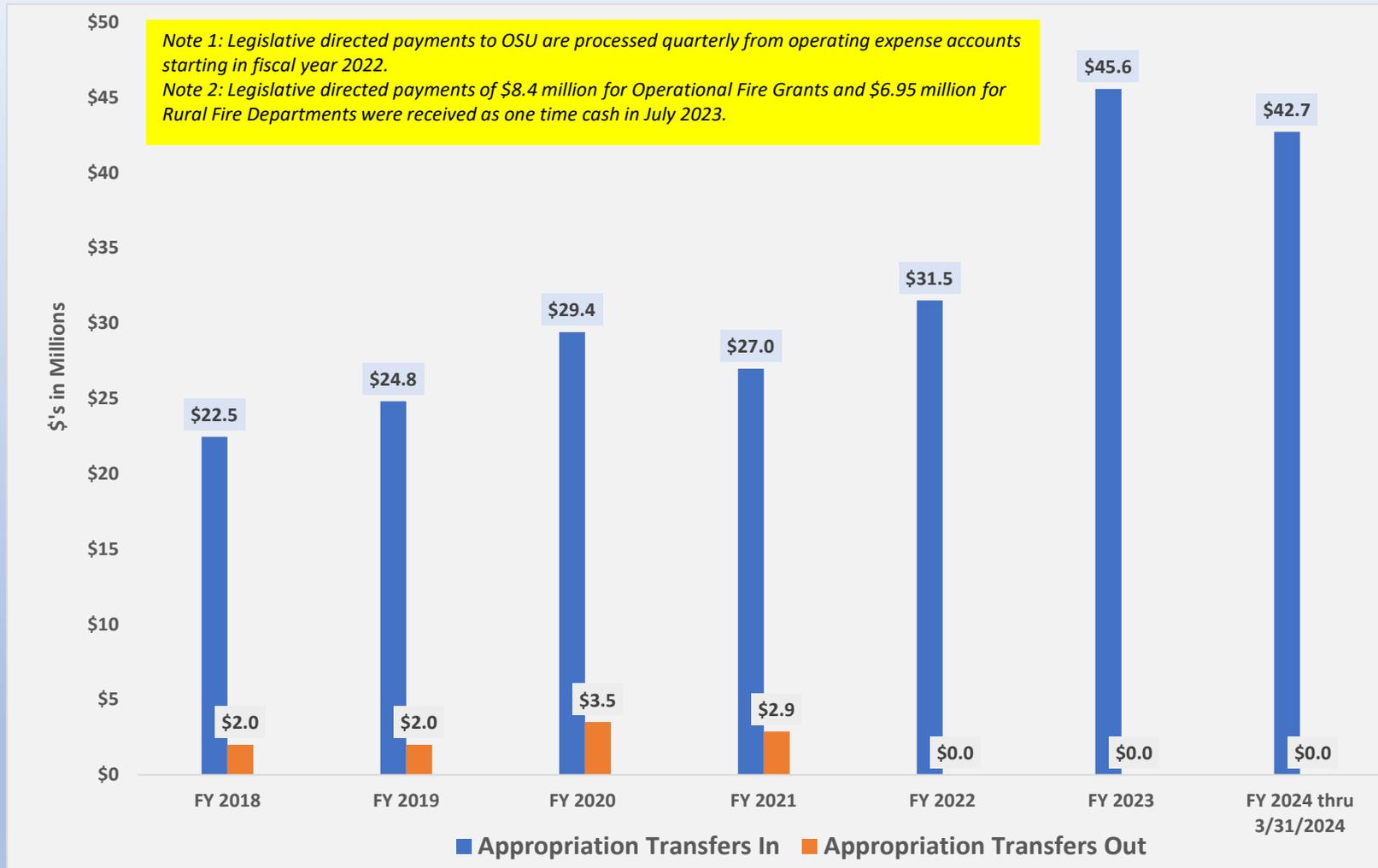
## FY 2024 Total Expenses by Month with Budget Year



# Administrative Services - Finance

- Total expenses for fiscal year 2024 thru March 2024 were \$54 million compared to \$48.9 million for the same period last fiscal year
- This was an increase of \$5.1 million and is primarily attributed to:
  - The timing of legislative directed payments
  - Increased labor costs

# Appropriations FY 2018 thru March 2024





## Commodity Storage Indemnity Investment Report

As of March 31, 2024			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,595,338
<u>FY-2024 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest Revenue		35,837	296,096
Reinsurance		-	-
ODAFF Support Services		-	(50,000)
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	35,837	246,096
		=====	=====

Oklahoma Department of Agriculture, Food & Forestry

Monthly Budget Report - Budget Year 2024

As of March 31, 2024



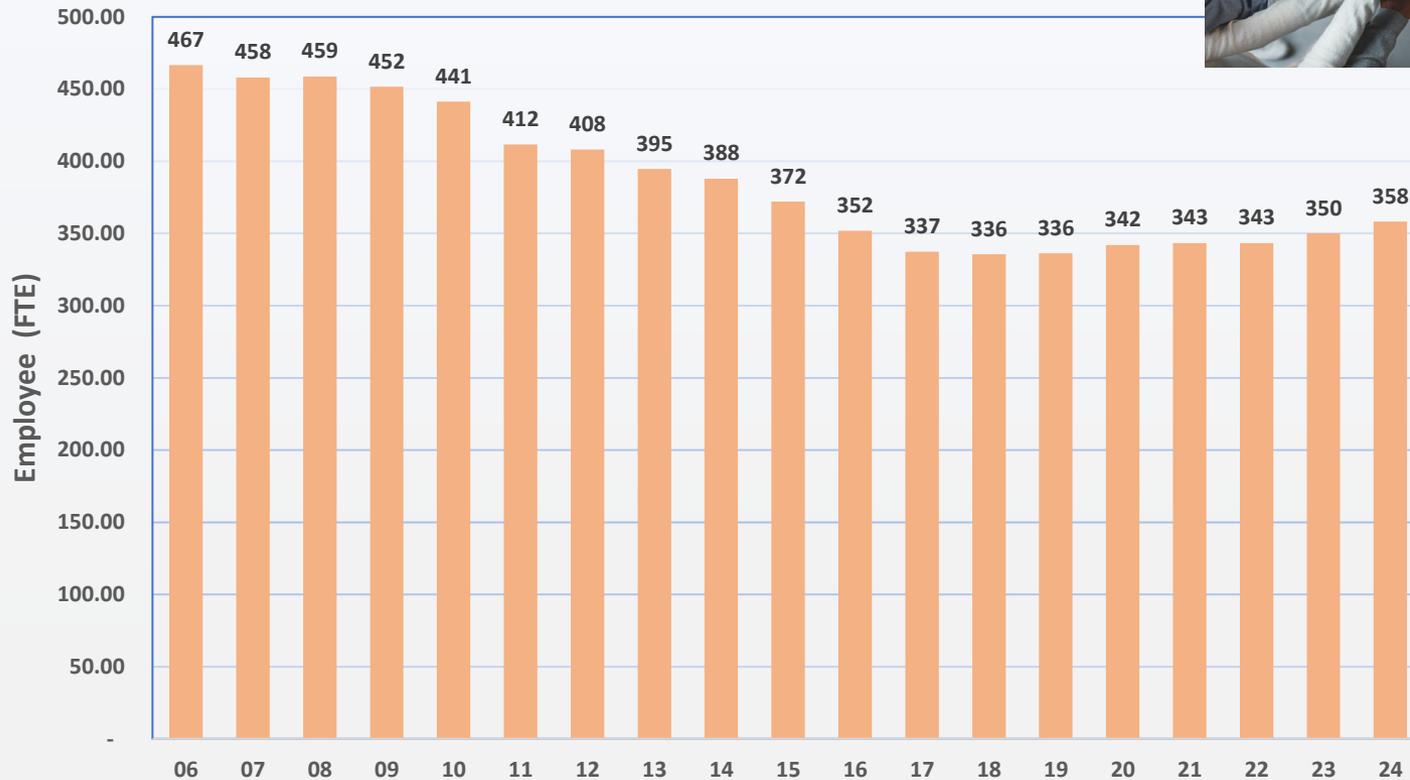
Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2024 thru March 31, 2024

Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	22,868,950	15,466,285	11,528,389	(4,125,724)
512	Insur.Prem-Hlth-Life,etc	5,558,363	3,674,129	131,395	1,752,840
513	FICA-Retirement Contributions	5,597,514	3,629,809	1	1,967,704
515	Professional Services	3,181,160	1,315,223	2,756,823	(890,886)
519	Inter/Intra Agy Pmt-Pers Svcs	30,000	23,948	10,609	(4,557)
521	Travel - Reimbursements	521,030	155,558	-	365,472
522	Travel - Agency Direct Pmts	498,363	266,884	-	231,479
531	Misc. Administrative Expenses	1,355,557	674,033	192,627	488,897
532	Rent Expense	690,348	398,816	355,637	(64,105)
533	Maintenance & Repair Expense	1,987,084	794,194	80,555	1,112,335
534	Specialized Sup & Mat.Expense	1,585,302	659,863	439,485	485,954
535	Production,Safety,Security Exp	216,525	97,144	-	119,381
536	General Operating Expenses	316,154	84,548	-	231,606
537	Shop Expense	584,517	354,147	43,754	186,616
541	Office Furniture & Equipment	4,398,758	1,229,465	1,366,832	1,802,461
542	Library Equipment-Resources	982	371	-	611
543	Lease Purchases	1,697,171	1,270,979	426,192	0
552	Scholar.,Tuition,Incentive Pmt	340	860	-	(520)
554	Program Reimb,Litigation Costs	18,521,725	12,131,243	4,114,826	2,275,656
555	Pmts-Local Gov't,Non-Profits	12,189,156	2,944,686	403,615	8,840,855
559	Assistance Pymts to Agencies	3,594,000	1,591,784	1,966,148	36,068
561	Loans,Taxes,Other Disbursements	650	-	-	650
564	Merchandise For Resale	150,150	-	150,000	150
601	AFP Encumbrances	-	-	1,543,144	(1,543,144)
810	Req Only	-	-	762,040	(762,040)
	<b>Operating Totals</b>	<b>85,543,799</b>	<b>46,763,969</b>	<b>26,272,073</b>	<b>12,507,757</b>

**Oklahoma Department of Agriculture, Food & Forestry**
**Monthly Budget Report - Budget Year 2024**
**As of March 31, 2024**
**Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2024 thru March 31, 2024**

<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>
19401	GRF- Duties	35,940,203	25,811,819	8,179,608	1,948,776
20500	Rural Fire Defense Eqp Rev Fd	199,449	-	150,692	48,757
21000	Agriculture Revolving Fund	26,307,994	8,161,995	14,713,250	3,432,749
22500	Enhancement & Diversificatn Fnd	250,000	106,226	135,512	8,262
23000	Okla Pet Overpopulation Fund	35,000	35,000	-	-
23500	Animal Friendly Revolving Fund	35,000	15,000	20,000	-
24000	Unwanted Pesticide Disp Fund	350,000	98,299	251,702	-
24500	Rural Fire Revolving Fund	94,550	44,731	16,491	33,329
25500	Ag. Evidence Law Enforce Fund	4,000	-	-	4,000
25600	Ok Viticulture Enology Revl Fd	439,275	148,809	166,221	124,245
26200	Poultry Grading Revolving Fund	1,154,297	834,041	264,601	55,655
28500	Milk & Milk Prod Inspec Rev Fd	471,032	235,721	198,371	36,940
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	19,614	19,229	61,156
42000	Specialty Crop Federal Funds	1,140,000	348,054	748,718	43,228
43000	Farm and Ranch Stress Alliance	225,000	16,586	89,292	119,121
43100	Marketing's Farm to School	100,000	-	-	100,000
43500	Local Food for Schools Co-op	2,900,000	1,884,843	1,011,302	3,855
57901	Duties	15,773,999	9,003,232	307,083	6,463,684
	<b>Totals</b>	<b>85,543,799</b>	<b>46,763,969</b>	<b>26,272,073</b>	<b>12,507,757</b>

# Employee FTE Totals Fiscal Year FY 2006 – FY 2024



**Note 1:** FTE listed for fiscal year 23 was based on the FTE from August 15, 2022 thru June 30, 2023 as the Workday HR system was implemented on August 15, 2022.

**Note 2:** FTE listed for fiscal year 24 was based on the FTE for July 2023 – March 2024.

Fiscal Year

**APRIL 2024 BOARD REPORT  
 AGRICULTURE LABORATORY SERVICES  
 (February 2024 Activities)**

**QUALITY MANAGEMENT SECTION:** (Daniel Tripp, QA Manager)

Work Instructions for the Food and Dairy Section were approved for the following instruments; Bentley Somacount FC – Somatic Cell Counter, Charm NovaLUM - Phosphatase Testing and the Media Dispenser.

The QA Manager has two findings remaining from the 2023 Food and Dairy Audit Action Plan to complete. Once completed any outdated/obsolete documents from the Food and Dairy Lab active folder will be deleted.

The QA Manager has ordered NIST traceable timers for the Section to use in an official capacity for testing and will perform timer verification checks once a year as part of the yearly equipment checks. The timers will be compared against a calibrated stopwatch tied to a NIST standard.

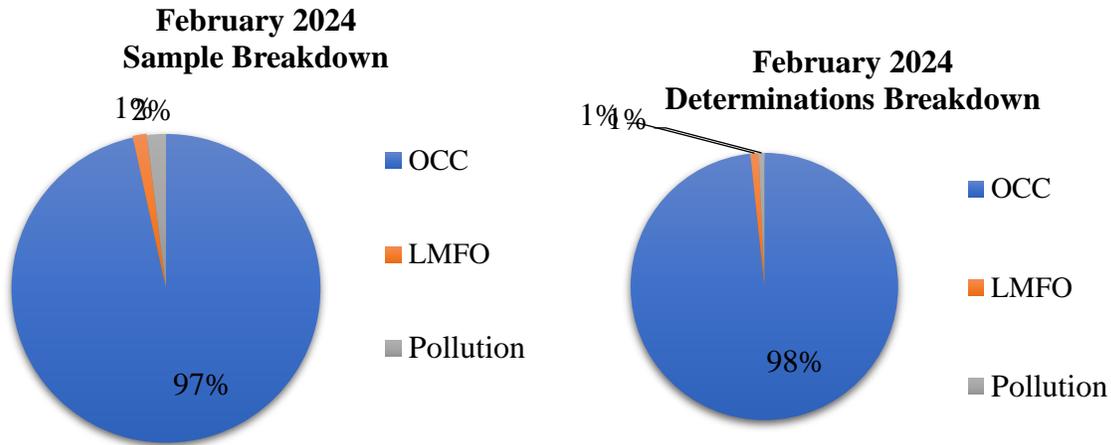
**PT Results**

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.

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

The Section completed 203 samples consisting of 1794 determinations, with the following breakdown:

OCC	196	1764
LMFO	3	18
Pollution Service	4	12
<b>Total</b>	<b>203</b>	<b>1794</b>



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

The month of February was a typical testing month for the Section. Three dairies were not tested, and two dairies closed. There are currently sixty-three dairies with ten dairies closing in 2024.

The Section was notified that there was a positive Antibiotic sample from an Oklahoma dairy detected at the Hiland plant in Fayetteville, AR. The plant is certified for traceback to the producer and the load was discarded.

The Section was approved through the AFDO grant to purchase a new analytical balance. This one will replace an older balance that is no longer as accurate as the Section needs.

The FDA has released dates for the milk program training and the Southwest Regional Seminar. The seminar will be held in Golden, Colorado April 22<sup>nd</sup> - 26<sup>th</sup>, 2024. The LEO training course is scheduled in Alameda, California in May 2024 and The Laboratory Examination of Dairy Products training class is tentatively scheduled in September 2024, in Alameda as well. At least one of our Section staff members will be attending the training classes and two staff members for the seminar.

**SEED SECTION:** (Tori Gillispie, Agriculture Services Administrator I and Wade Krivanek, State Seed Program Administrator)

The Board of Directors for the Oklahoma Crop Improvement Association (OCIA) and Oklahoma Genetics Inc. (OGI) held their annual meeting at the Embassy Suites Hotel in Oklahoma City on February 14th – 15th. Speakers from Oklahoma State University gave updates from the Department of Plant & Soil Sciences, the OSU Ag Research and from the Peanut and Small Grains Research Unit. Dr. Brett Carver spoke about forging chains to give wheat quality some freedom. Special guest James Butler, Oklahoma State University standout sprinter and 1980 U.S. Olympic trials winner of the 200-meter and the inspiration for the wheat variety Butler's Gold, was also in attendance.

Officials from OCIA reported that the certified wheat crops throughout the state are in much better shape than this time last year. However, still reporting the presence of cheat and other weed species in certified wheat.

There was an increase in the number of samples received for testing in February. A total number of 179 samples were received. Most crops being tested consisted of hybrid sorghum, field corn, soybean, spring turf and native grasses. There were no seed law violations discovered during February.

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

February was a good month for the Section. We were able to continue our trend of clearing out samples and exceed all our targets for samples and determinations for the year. Three-fourths of the way through the fiscal year we have received 2198 samples and completed 10,550 determinations.

The Section completed the bid evaluation for the new Near Infrared Scanner for feeds which should reduce some testing time and allow us to focus on samples that are not within standards. The Section plans to hire a new chemist. Adding an additional staff member should give us the ability to complete more testing, shorten turnaround time as well as complete validations and approvals.

The Section is transitioning out of the feed rush to start up the fertilizer season. By mid-March we will likely be primarily focused on fertilizers with minimal feed testing. Preventative maintenance visits are planned for the coming months to preserve the performance of our equipment.

Our turnaround time is currently at 19.31 days still exceeding our 18-day target. We are still having longer than ideal turnaround time on ICP packet approval but hopefully with the addition

of the new chemist we will have the man power to shorten those turn arounds.

Overview of Section numbers for the month:

	<b>Feed</b>	<b>Fertilizer</b>	<b>Lime</b>	<b>Total</b>
<b>Samples Received</b>	192	48	4	244
<b>Samples Completed</b>	270	15	3	288
<b>Determinations</b>	1438	36	21	1496
<b>Violations</b>	127	3	2	132
<b>Violation %</b>	8.83%	8.33%	9.52%	8.82%

**PESTICIDE SECTION:** (David Smith, Environmental/Chemical Laboratory Scientist IV)

The new GC-FID (Scion) has been successfully serviced under warranty and is again fully operational. The Section Supervisor was able to make two older Agilent GC-FID units operational and are now able to run samples simultaneously. This will allow the backlog of Formulation work to be caught up quickly.

**Pesticide Section samples completed:**

In the month of February, the Section completed 17 samples. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT). The average TAT for this month is 65 days.

	<b>Number of samples</b>	<b>Test</b>	<b>Det.</b>	<b>Average TAT (days)</b>
Residue Vegetation	2	4	20	46
Residue Soil	-	-	-	-
Residue Water	1	2	16	21
Organic Act	-	-	-	-
Residue, Other	-	-	-	-
Concentrate	11	21	14	78
Tank Mix	1	2	3	107
Hemp	1	1	1	7

Average Residue Turnaround Time: 36 days

Average Formulation Turnaround Time: 77 days

Average Hemp Turnaround Time: 7 days

<b>Totals</b>		
<b># of Samples</b>	<b># of Tests</b>	<b># of Determinations</b>
17	31	55

**Samples the Section received by month:**

The Section received 42 samples this month. Most of the samples received are for Formulation Analysis (see Fig A).

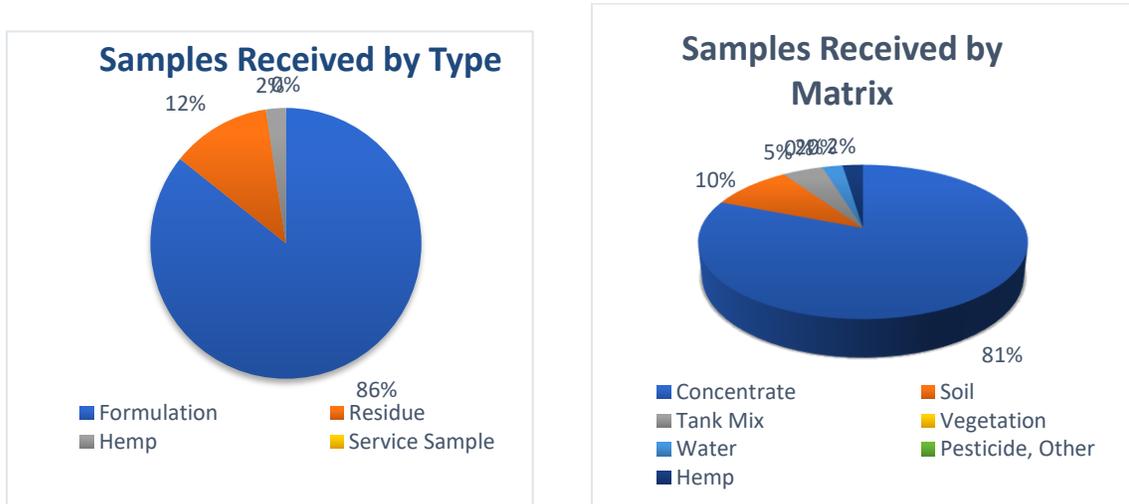


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

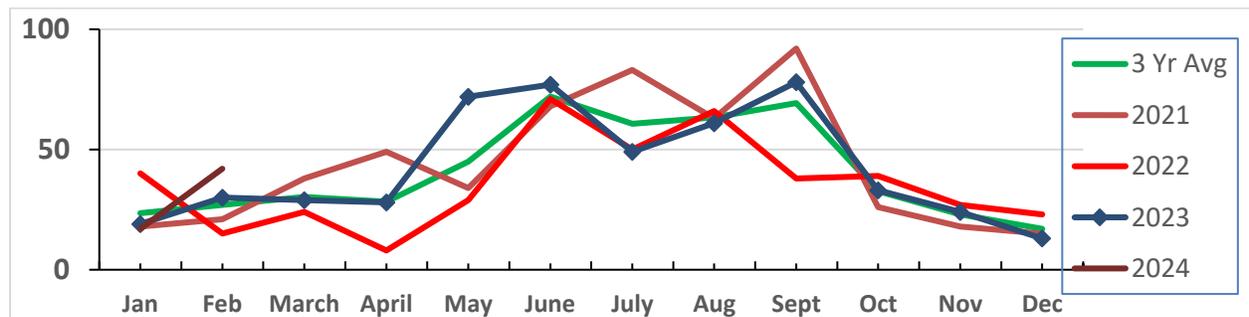


Fig B. Graph showing the number of samples received by the Section each month.

**Determinations the Section completed by month:**

This month, the Section completed 55 determinations with most of the determinations done on residue vegetation samples.

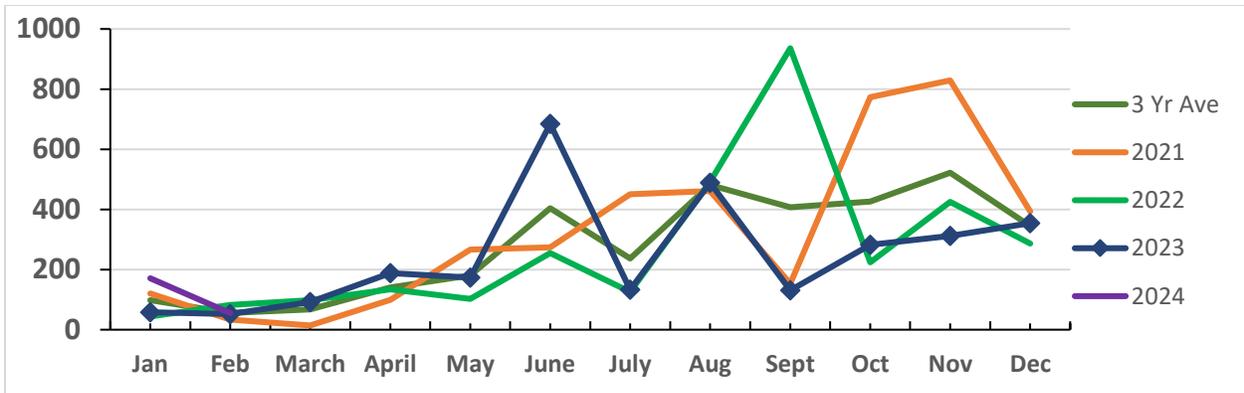


Fig C. Graph showing the number of determinations completed each month.

**OKLAHOMA BUREAU OF STANDARDS:** (William Krivanek, Metrologist II)

The following is a workload summary for the Oklahoma Bureau of Standards from February 1<sup>st</sup> to February 29<sup>th</sup>.

During the month of February, the Oklahoma Bureau of Standards' workload brought in more revenue than recent months. This is great, as the Bureau expects to be receiving more work in the coming months. The Bureau has made a lot of progress in obtaining accreditation and recognition, as submissions have been sent to the National Institute of Technology (NIST) for review. Once the Bureau receives feedback from NIST, we will be able to make any necessary corrections, and resubmit documentation if needed in order to achieve approval. William Krivanek and Termelia Hogg will be traveling to Gaithersburg, Maryland April 7<sup>th</sup> through April 13<sup>th</sup> to attend NIST's volume seminar.



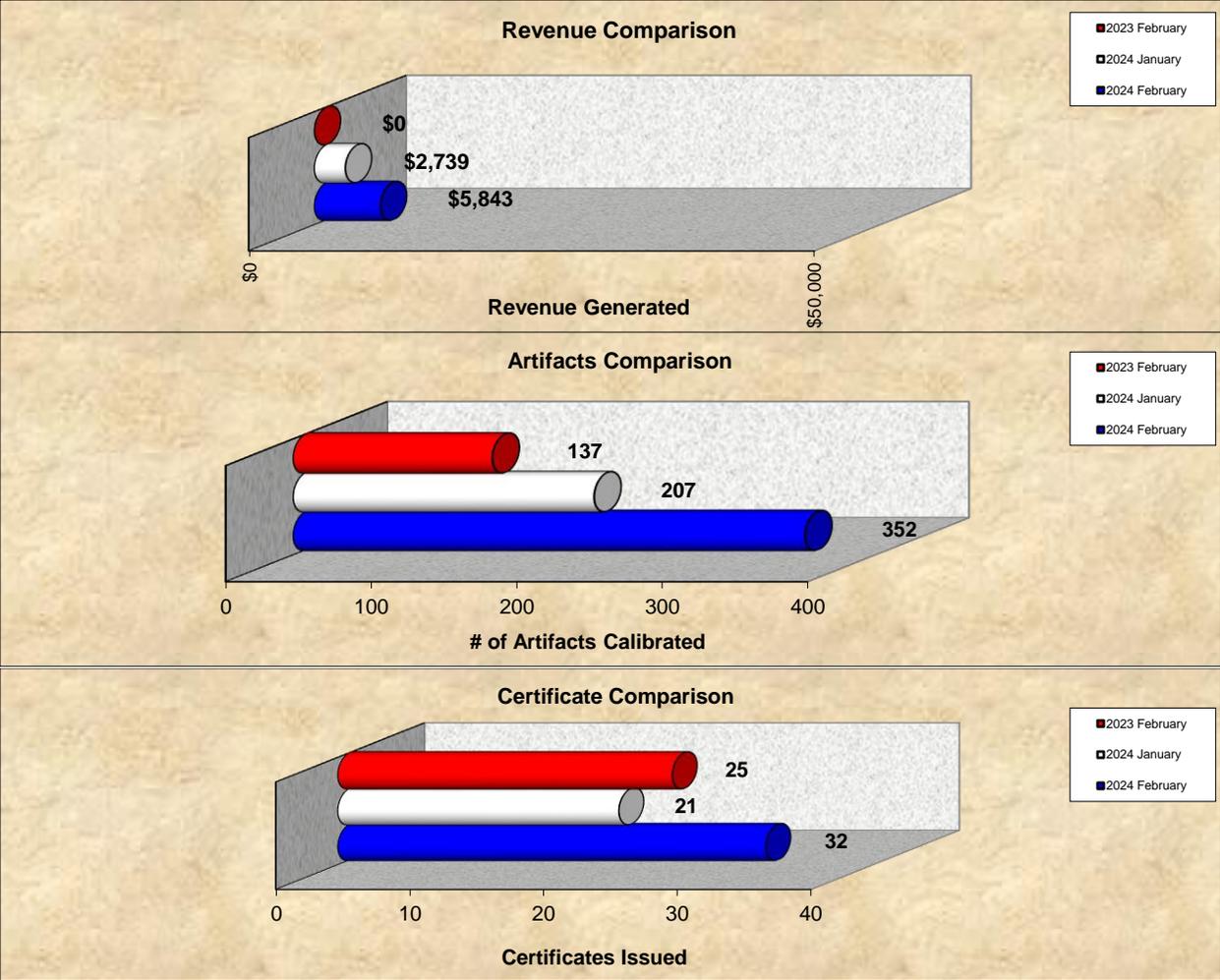
Pictured: This is a set of 25-pound weights that were calibrated for Consumer Protection Services (CPS).



Pictured above: This is a 1000-pound weight that is being shipped to a customer.

<b>Month</b>	<b>#</b>	<b>Fees</b>	<b>% of Fees</b>	<b># Standards</b>	<b>% of Standards</b>
Out-of-State Customers	0	\$0.00	0.00%	0	0.00%
In-State Customers	5	\$5,843.00	100.00%	352	100.00%
Totals	5	\$5,843.00	100.00%	352	100.00%

<b>Echelon</b>	<b>Total Fees not Charged</b>	<b># Working Days Lead Time to Next Available Date for Calibration</b>
Mass I / II	\$0.00	0
Mass III	\$420.00	0
Volume	\$0.00	0



Respectfully Submitted,

Wade Krivanek  
 Laboratory Director  
 Laboratory Services Division

**BOARD REPORT  
 AGRICULTURAL LABORATORY SERVICES  
 FEBRUARY 2024 ACTIVITIES**

FEED SAMPLES	270
FEED DETERMINATIONS	1438
POSSIBLE VIOLATIONS	127
FERTILIZER SAMPLES	15
FERTILIZER DETERMINATIONS	36
POSSIBLE VIOLATIONS	3
LIME SAMPLES	3
LIME DETERMINATIONS	21
POSSIBLE VIOLATIONS	2
PESTICIDE SAMPLES	17
PESTICIDE DETERMINATIONS	55
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	203
DETERMINATIONS	1794
SEED SAMPLES	179
SEED DETERMINATIONS	189
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	32
NUMBER OF STANDARDS CALIBRATED	352
FEE CHARGES	\$5,843.00
DAIRY SAMPLES	263
DAIRY DETERMINATIONS	604
POSSIBLE VIOLATIONS	19
<b>TOTAL SAMPLES</b>	<b>982</b>
<b>TOTAL DETERMINATIONS</b>	<b>4489</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>151</b>



# OKLAHOMA FORESTRY SERVICES BOARD REPORT

*Serving Oklahomans by conserving, enhancing, and protecting our forest and natural resources for present and future generations.*

*Forestry Services' 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.*

**Activity from February 24, 2024 thru April 5, 2024**

## FIRE MANAGEMENT

### WILDFIRE ACTIVITY & OUTLOOK EXECUTIVE SUMMARY

In the last report, Oklahoma Forestry Services highlighted the fact that fire activity in January 2024 was likely the least number of wildfires and acres burned in Agency's near 100-year history. Since then, wildfire activity has significantly increased with a number of fires resulting in significant impact to the lives and livelihoods of Oklahomans across this state. While OFS has taken opportunity to continue driving forward with hazardous fuels mitigation initiatives, the spike in wildfire activity has precluded some of our goals to-date due emergency response.

#### **OFS Wildland Fire Activity Year-to-Date**

*(Fires under OFS Command & OFS Assistance):*

- 481 Wildfires burning 207,969.1 Acres
  - 75 fires met Large Fire reporting criteria (300+ acres burning in grass; 100+ acres burning in timber)
- 50 Prescribed Fires treating 17,677 acres

#### *Summary of Wildfire Causes Year-to-Date*

*(Fires under OFS Command):*

- |                           |                             |
|---------------------------|-----------------------------|
| • Incendiary              | 242 Fires / 147,037.5 Acres |
| • Escaped Control Burn    | 46 Fires / 10,316.9 Acres   |
| • Escaped Debris Burn     | 30 Fires / 318.9 Acres      |
| • Equipment               | 14 Fires / 708.5 Acres      |
| • Escaped Prescribed Fire | 9 Fires / 9,151.9 Acres     |
| • Electrical              | 7 Fires / 32,996.2 Acres    |
| • Other                   | 2 Fires / 281 Acres         |
| • Campfire                | 1 Fire / 4 Acres            |
| • Children                | 1 Fire / 1 Acre             |
| • Lightning               | 1 Fire / 181 Acres          |
| • Railroad                | 1 Fire / 74.7 Acres         |

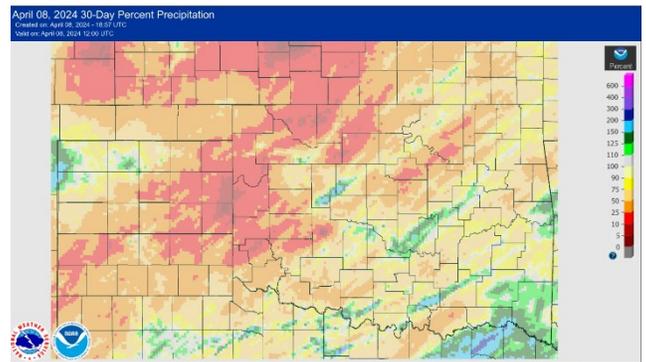
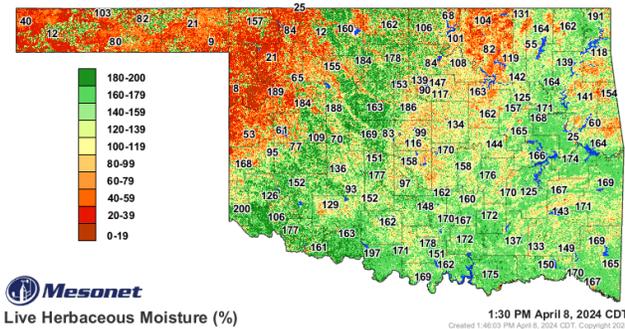
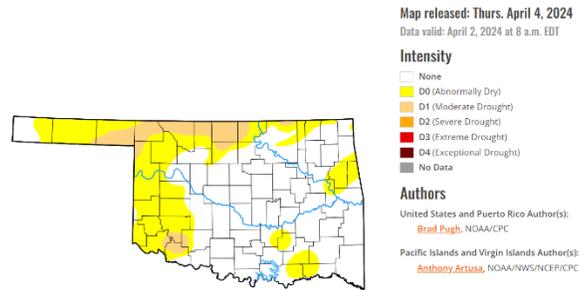


During the month of January, OFS responded to sixteen wildfires while in February wildfire occurrence increased to an average of six wildfires per day and again increasing to nine per day in March. That trend has continued into the early part of April noting that the month of March is typically the climatological peak of the dormant fire season. Nonetheless, wildfire responses remain lower than average overall. Recurring rainfall in some areas of the state has invigorated herbaceous green-up and progression in leaf development. Wildland fuels across the northern counties and areas of western Oklahoma remain primarily dormant and available posing continued risk. Weather patterns are expected to become more frequently unsettled and moisture laden by mid-April. Near-term precipitation products do lean toward a slightly above-normal probability providing a glimmer of optimism. However, drought indices in the northwestern counties have intensified on top of above-normal fuel loading. Building dryness overall is stalling green-up of herbaceous fuels and composite fuel dryness in the heavily loaded fuels. This dryness will continue to support active fire behavior

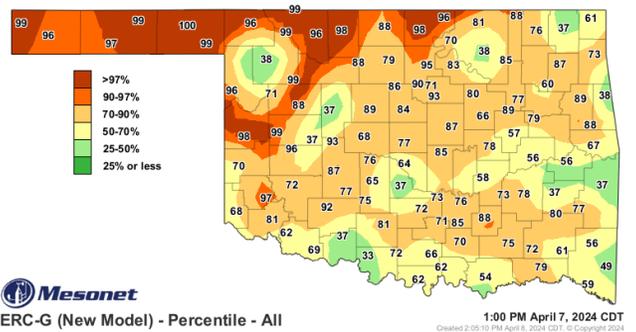
especially in CRP lands and ungrazed wildlands where haying has been absent. Furthermore, longer range indicators are not overly favorable for reducing overall fire danger concern looking into the summer months. Key to this concern is the transition from El Nino to La Nina where a warmer/drier trend is the typical expectation.

In the last month, drought indices have expanded spatially and intensified in western Oklahoma while easing concern in eastern Oklahoma. Moderate drought classification has been persistent in southwestern Oklahoma. However, the notable intensification has occurred in the northern tier of counties from Beaver County to Kay County. With this drought development, soil moisture is declining and exacerbated as plants begin to draw moisture pushing for green-up.

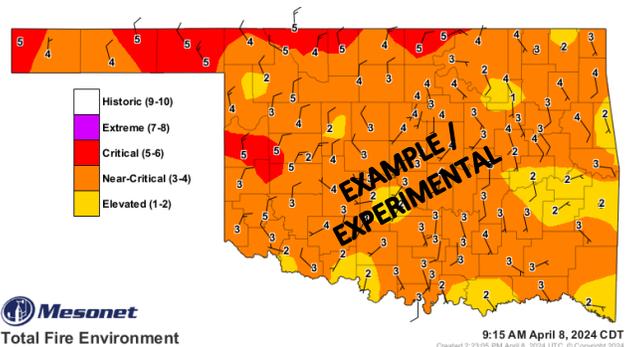
The Live Herbaceous Moisture map (below left) provides a very good depiction of where Oklahoma stands with regard to breaking dormancy and transition toward herbaceous green-up. The typical progression that begins in the southeast and gradually transitions to northwest initiated early this year with recurrent rainfall, good soil moisture and warmer than average temperatures. The transition from dormancy to growing conditions has stalled with realized precipitation falling well below average for the last 30 days (lower right). Without frequent rounds of wetting precipitation, green up in the herbaceous fuels will initiate and then tail off perpetuating above normal fire danger concern.



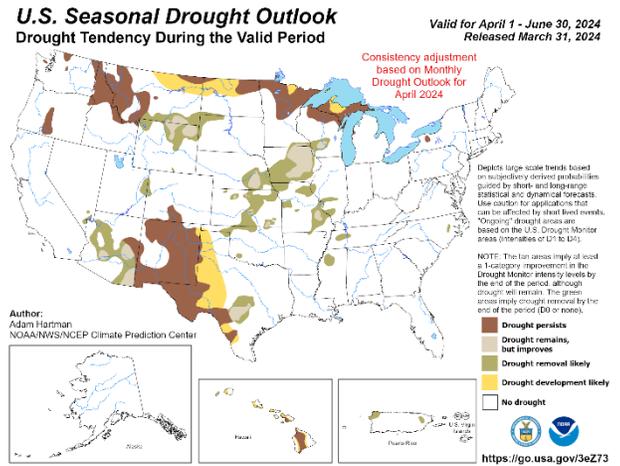
OFS has partnered with the Oklahoma Mesonet to develop additional map products to fully capture the fire environment to facilitate effective communication with local fire departments and cooperators. One of the products being developed is a ranked Energy Release Component (ERC). This product provides a percentile ranking related to the available energy (BTU) per unit area (square foot) within the flaming front at the head of a fire. The ERC is considered a composite fuel moisture index as it reflects the contribution of all live and dead fuels to potential fire intensity. This product also indicates the level of concern that OFS has communicated regarding northwestern Oklahoma.



Additionally, OFS and National Weather Service are working with the Oklahoma Mesonet to develop a few other meaningful products including predicted Red Flag Threat Index (RFTI) and a graphical Fire Environment Index. Both products are designed to efficiently communicate fire danger potential with a rating on a scale of 1 through 10 (10 being Historic conditions). These are intended to be decision support guiding potential resource mobilization and firefighter awareness.



As was mentioned previously, precipitation potential is expected to increase in the near-term forecast products with improvements in the current drought status expected. While this hopeful news is welcomed, concern remains in place until transition to growing season improves. Longer range products do prompt concern for the late-summer months as the El Nino cycle transitions to La Nina. Late summer La Nina leads to a warmer/drier expectation during a period where already hot and dry weather is expected. OFS will be closely monitoring fuels conditions and fire activity leading into this period to prepare for potential wildfire response that challenges local firefighting resources outside of the OFS Protection Area.



## FUELS MITIGATION

Oklahoma Forestry Services continues to press forward with resource management work targeted at mitigating hazardous wildland fuels utilizing prescribed fire and mechanical treatment. Recently the National Prescribed Fire Training Center partnered with Oklahoma Forestry Services to train individuals from around the country on effectively planning and implementing prescribed fire. While the students benefited from training, OFS temporarily expanded the number of resources available to execute burn plans at no cost to the agency. One of the highlighted burns this year was conducted at Lake Thunderbird State Park taking advantage of an opportunity to couple prescribed burning with mechanical treatment to enhance the resiliency of the ecosystem. Additionally, focused work continues at Turner Falls Park and now another project starting on the southeastern side of Tinker Air Force Base. All this work is generating revenue through effective use of interagency agreements and grant opportunities.

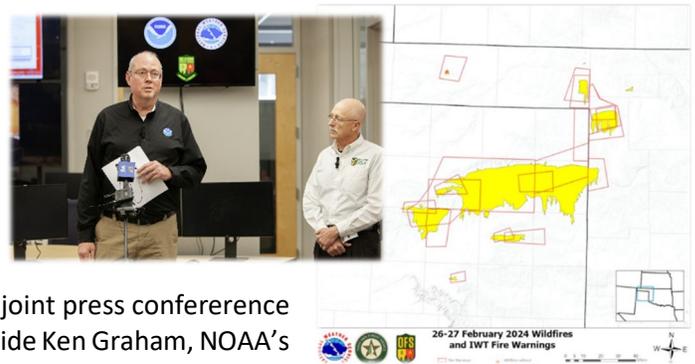


Wildfire Mitigation Crews are two weeks into mitigation work following a lengthy delay due to meeting schedules and approvals with OKC Utility Authority. OFS continues to await notification on awarded funding for our State Fire Capacity Grant (SFC) application submitted in January. The Gilcrease Museum project totals \$274K and consists of fuel mastication, prescribed fire, and chemical mitigation work.

OFS will visit with the City of Claremore to discuss a potential mitigation project near Rogers State University. Another site visit is planned this month with Roger Mills County on some of their identified mitigation projects. Aaron Williams and Eric Ashlock presented at the Oklahoma Emergency Management Association conference in Durant in early March and received positive feedback on the OFS mitigation program.

## FIRE WARNING INNOVATION

Oklahoma Forestry Services is leading the way in the United States for innovating the advancement of Fire Warnings during emerging or ongoing wildfire incidents through unique partnerships with the National Weather Service and neighboring state forestry agencies. This work has challenged convention and spurred changes in the National Weather Services' policies regarding wildfire detection and warning. A joint press conference was held in February where State Forester, Mark Goeller alongside Ken Graham, NOAA's Director of National Weather Service announced the innovative work that is spreading



across the country following development in Oklahoma. Ten days following this announcement, a Southern Plains Wildfire Outbreak occurred burning 1.4 million acres in Oklahoma and Texas. During the course of this event, several fire warnings were issued that have been credited as life saving notifications.

Despite having no staff dedicated to predictive services, Oklahoma Forestry Services personnel have leveraged expert understanding of the Oklahoma fire environment with interagency/inter-disciplinary partners to forge some of the most innovative wildfire prediction products in the country through the Southern Great Plains Wildfire Outbreak Group. This work generates products that are utilized to communicate situation awareness for local, state and federal incident responders while also boosting public awareness on the scale and scope of wildfire severity.

## **COMMUNITY OUTREACH AND COMMUNICATIONS**

### ***FORESTRY EDUCATION***

On February 24<sup>th</sup>, Education Coordinator Tony Pascall hosted a program planning meeting for Oklahoma Project Learning Tree at the Arcadia Lake Conservation Education Area in Edmond. PLT facilitators and Steering Committee members took part in setting goals and action steps for the program for the next year.

On February 27<sup>th</sup>, Tony co-lead a presentation at the Oklahoma Association of Conservation Districts with the education team from the Conservation Commission on how to teach about climate. Twenty-five district representatives were trained on best practices for teaching about this important topic with their constituents.

On February 29<sup>th</sup>, Tony and Forester Evan Long staffed a booth at a Career Fair held for 8<sup>th</sup> and 9<sup>th</sup> graders at the Expo Center in Tulsa. Over 3,000 students were present and learned about possible careers in Forestry in the state, and what training and education is necessary.

On March 1<sup>st</sup>, Tony went to Insect Adventure in Stillwater to lead the Oklahoma Association for Environmental Education (OKAEE) board meeting. The board consists of formal and nonformal environmental educators working to expand the opportunities for outdoor and environmental education in the state. This meeting was set up to begin restructuring the organization to allow for more active engagement and resource sharing among its members.



On March 2<sup>nd</sup>, Tony staffed a booth at the Traditional Ecological Knowledge (TEK) Fest at the First Americans Museum in Oklahoma City. Approximately 300 people learned about the importance of forests and how we can learn about the past using tree rings.



On March 14<sup>th</sup>, Tony attended a Society of American Foresters meeting at OSU to talk about summer camp and promote students signing up as camp counselors.

On March 18<sup>th</sup>, Tony lead lessons on forestry, invasive species, and nature appreciation for 70 Girl Scouts during their STEAM Break event at Camp Trivera.

On March 19<sup>th</sup>, Tony led a lesson on Campfire Safety for a group of 15 kids in the American Heritage Girls program in Oklahoma City. These students learned how to collect firewood and safely start a campfire.

On March 23<sup>rd</sup>, Tony taught a Project Learning Tree workshop for 20 early childhood educators in Tahlequah. These teachers will now have the “Trees & Me” guide and the tools they need to teach their students about forests and their environment.

On March 27<sup>th</sup>, Tony taught a PLT workshop for 6 students in a graduate class at OU. The class is called “Outdoor Education” and Tony taught about environmental education tools for Pre-K-8<sup>th</sup> grade. These educators are highly engaged, and now have the tools to teach more effectively about our forest.

## COMMUNICATIONS

### Social Media

Due to fire response and Incident Management Team activity, the Division saw tremendous success reaching its audience through both traditional news media and social media channels from 2/27-3/25. Facebook messaging reached 333.7K feeds for an increase month over month of 249%. There were 20K Content Interactions

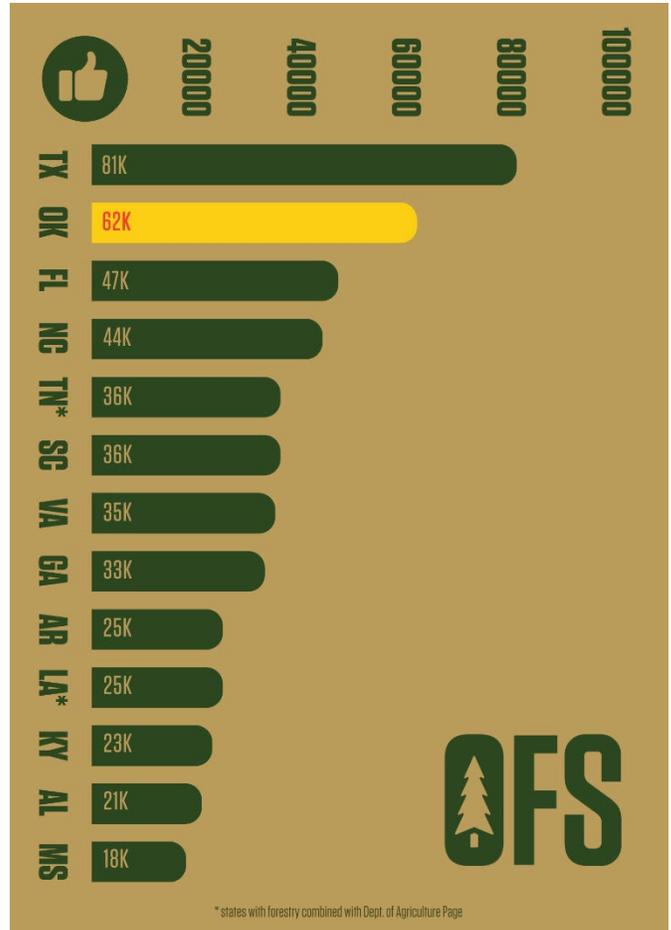


(“likes” or other reactions, saves, comments, shares, and replies) for an increase of 329%. All of this was organic as OFS has no boosted content.

Interestingly, the post with the highest reach (88,100) had nothing to do with fire. It was a post regarding Emerald Ash Borer traps being placed on trees in Oklahoma. This post nearly doubled the reach of the next two closest posts, which were fire-related, and the one after that which was a post to inform followers that Forestry Youth Camp registration is open.

Over the 28-day period, OFS gained 1.6K Facebook followers for an increase of 550.2% over the previous period. The number of OFS Facebook followers surpassed 62,000 (and is now quickly approaching 63K). For comparison, OFS has the second-largest Facebook following in the Southern Group of State Foresters, behind only Texas which has a state population ten times larger than Oklahoma and ahead of Florida (22.6M), North Carolina (10.8M), and Tennessee (7.1M). The only SGSF states with populations smaller than Oklahoma are Arkansas (9th of 13) and Mississippi (13th of 13).

The posts garnering the largest number of “likes and reactions” as well as “shares” tend to be fire-related posts. Posts with the most comments tend to be tree-related (e.g. Seedling Sale, Wrap Your Trees, Big Tree Sunday). Posts with the greatest overall “Reach” are a mix of all OFS content – which is the intent.



### Southern Group of State Foresters

Information Representative Keith Merckx attended the SGSF Communications Committee winter meeting at Jekyll Island, GA on March 19<sup>th</sup> and 20<sup>th</sup>. The Committee voted to send to the State Foresters a plan to hold summer meetings directly after the main SGSF Annual Meeting to best provide members with updates on Annual Meeting proceedings. If approved, Committee Liaisons present at the meetings will attend in-person while liaisons and other members not present at the Annual Meeting may attend virtually if they so choose.

### Eclipse Messaging

Keith assisted Education Coordinator Tony Pascall in his fire safety messaging for the 2024 Eclipse event in southeast Oklahoma. In preparation for the push, Keith used Tony’s guidelines to craft a printed Campfire Safety graphic as well as stickers bearing the likeness of Smokey Bear to help drive home his message: **Only You can Prevent Wildfires!**

Keith also coordinated with other PIOs on messaging for Incident Management efforts at the state agency level. This culminated in a multi-agency news event with Governor Stitt in the Blue Room at the State Capitol during which agency leadership outlined their agency efforts vis-à-vis preparation for and plans during the days-long event in southeast Oklahoma/Hochatown/Beavers Bend State Park. OFS wildfire prevention efforts were [highlighted by local news media](#).





### Hochatown Project

The OFS “Safe Stay OK” ad with the dedicated QR code debuted in the Beavers Bend Cabin Country publication *Attractions* which is offered for availability in each privately owned cabin as well as in all state park lodging.



**OKLAHOMA FORESTRY SERVICES AND RURAL FIRE STATISTICS**

FISCAL YEAR 24 (7/1/23-3/13/24)  
 OFS - 520 FIRES @ 195,462 ACRES  
 FD - 62 FIRES @ 3,914 ACRES  
**TOTAL - 582 FIRES @ 199,376 ACRES**

CALENDAR YEAR 24 (1/1/24-3/13/24)  
 OFS - 266 FIRES @ 182,958 ACRES  
 FD - 55 FIRES @ 3,722 ACRES  
**TOTAL - 321 FIRES @ 186,680 ACRES**

**10** OKLAHOMA HAS RANKED AMONG THE TOP 10 STATES FOR ACRES BURNED IN 7 OF THE LAST 10 YEARS

**OFS BUDGET \$35,850,310**

- 18.7 MILLION RURAL FIRE FUNDING
- 10.9 MILLION SALARIES/BENEFITS
- 4.34 MILLION FEDERAL GRANTS
- 1.7 MILLION WILDFIRE RESPONSE
- 160-THOUSAND OPS & MAINTENANCE
- 0 STATE-FUNDED EQUIPMENT

**OFS FIREFIGHTING COSTS, SO FAR, FOR FISCAL YEAR 2024:**

**\$1,241,719**



SINCE 1/1/24, 20 RURAL FIRE DEPARTMENTS HAVE REPORTED WILDFIRE COSTS OF APPROX. **\$836,892**

TOTAL REPORTED WILDFIRE COSTS FOR FY24: **\$2,078,820**

FORESTRY.OK.GOV

### Oklahoma Legislative Efforts

Keith had the opportunity to craft a “One Sheet” for presentation to state lawmakers showcasing the myriad benefits of a healthy state forestry division as well as highlighting some of the needs. This was used by division leadership as they attended committee meetings and paid visits to legislators for one-on-one meetings.

# TREE SEEDLING SALE

Do you want to maintain and protect our natural environment and replace our natural resources?

- Buy conservation seedlings from Oklahoma Forestry Services. The seedlings may be used for:
- Rural Conservation Plantings
  - Windbreaks
  - Erosion Control
  - Water Quality
  - Mine Reclamation
  - Livestock Protection
  - Reforestation
  - Wildlife Habitat
  - Natural Environmental Areas
  - Living Snow Fences

April 11 - 1 pm to 5 pm  
**Cotton County USDA Service Center**  
 705 W Missouri Avenue  
 Walters

Species for sale include hardwoods such as Shumard oak, black walnut, black locust, sycamore, and lacebark elm along with evergreens like loblolly pine, ponderosa pine, and rocky mountain juniper.



## Seedling Road Show

Keith worked with Forest Tree Improvement Center/State Nursery manager Justin Jones to market Truck Seedling Sales held around Oklahoma in cities such as Pauls Valley, Woodward, Guymon, Enid, Pawhuska. These were accompanied by news releases to local newspapers. These materials have been targeted to local and area residents who wanted to purchase smaller numbers of seedlings without traveling the distance to the state nursery in Goldsby.

## Western Oklahoma Fires

Keith served as Incident Command Staff Information Officer on the western Oklahoma wildfires that started in late February and burned into the first weeks of March. This involved intensive interaction and coordination with Command Staff, Incident Management Team members, and OFS firefighting assets in the field. [We fielded daily calls from local, regional, and national media outlets.](#) Presently the Executive Review for the incident is in process for presentation at the After Action Review.



## FOREST MANAGEMENT

### FOREST INVENTORY & ANALYSIS

The FIA program had several unique projects in the last few weeks. In addition to their regular work of measuring forest health and volume across the state, the FIA team had the opportunity to help the Forest Regeneration and Forest Tree Improvement programs. The FIA team measured the volume, growth form, and disease resistance of 2000 potential next-generation loblolly trees to pick the best genetics for breeding programs outside of Idabel (see photos 1 and 2).

Just two weeks later, the FIA crew assisted the Forest Regeneration crew by pulling 60,000 seedlings for sale to private landowners and other state agencies (see photo 3). When they were not working on a special project, the FIA crew continued to measure forest health, wildfire fuel load, and the sustainability of Oklahoma's forests across the entire state.



## URBAN AND COMMUNITY FORESTRY

### Story of the Survivor Tree

On March 4<sup>th</sup> Mark Bays was a presenter at the monthly luncheon of Academy of Senior Professionals at Southern Nazarene University. He told the tragic story of the April 19<sup>th</sup>, 1995, Oklahoma City bombing and how the care for the Survivor Tree continues today.

### Oklahoma Arbor Week

Mark Bays presented the Tree City USA and Tree Line Utility recognition material to the Edmond City Council on March 25<sup>th</sup>. This was their 25<sup>th</sup> consecutive year to receive this recognition. Mark commented that he had presented each one of these for the past 25 years except during COVID and a total of six mayors have continued moving their program forward and Edmond is a state and national model for urban & community forestry management.

## Oklahoma City Beautiful Arbor Day

Mark Bays represented OFS at the Arbor Day celebration hosted by Oklahoma City Beautiful March 30<sup>th</sup>. He staffed a booth, handed out loblolly pine seedlings and material on proper planting and care of trees.

## Grants Training

February 26<sup>th</sup> – March 1<sup>st</sup>, Riley Coy and Ashley Johnson attended the Federal Grants Training in Decatur, Georgia to better understand 2CFR 200, the mechanism through which federal grants are awarded. This will enable OFS to distribute pass thru dollars to communities across Oklahoma.



Finally, on March 4<sup>th</sup>, Riley and Mark visited the Governor's Mansion to examine and discuss future management of the Survivor Tree on the grounds with the ground crew at the Oklahoma State Capitol Complex.

## Pollinators and Plums

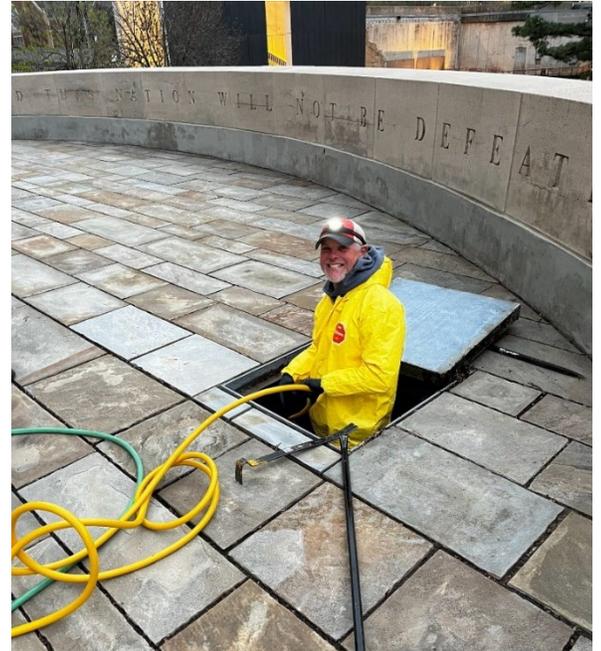
Riley and Mark examined the native pollinator garden at the DEQ Headquarters in Downtown OKC to assess and make recommendations on the trees on site.

Riley Coy, Elizabeth Bland-Corbishley, Mark Bays, and Tony Pascall hosted the Oklahoma Arbor Day Celebration at the Oklahoma History Center. There were 70 representatives from Tree City USA communities, Tree Line USA, and Tree Campus USA in attendance to celebrate Arbor Day and be recognized for their dedication to emphasizing their urban tree canopies across the state. We planted a large, native Mexican plum tree on the History Center grounds to celebrate.



## Sharing Expertise

Riley Coy sat on a panel at UCO to discuss Urban Forestry with members of the UCO Faculty, the citizens of Edmond, and students at UCO. Attendees learned how they can improve their respective communities through tree planting and maintenance. On April 2<sup>nd</sup>, Mark and Riley supervised the fertilization of the Survivor Tree at the Oklahoma City National Memorial. New construction nearby adds potential risks to the health of the tree requiring additional precautions to be taken. Zach Mitchel with Professional Tree Care administered the chemicals with donated equipment.



## PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

### NORTHEAST AREA

#### Forest Protection Highlights

From February 23<sup>rd</sup> through April 4<sup>th</sup>, the Northeast Area had 125 fires that burned 11,257 acres in the Protection Area. Northeast Area firefighters also assisted with western Oklahoma fire severity staffing through this time. The NE Area conducted an additional work capacity test on March 7<sup>th</sup>. Six OFS employees and 12 Tulsa Fire Department employees participated.



## Prescribed Fire

The Northeast Area completed six Cross Boundary prescribed fires during this time frame that treated 1,323 acres.

Adair County – Cross Boundary – 320ac.  
Adair County – Cross Boundary – 100ac.  
Adair County – Cross Boundary – 25ac.  
Adair County – Cross Boundary – 81ac.  
Adair County – Cross Boundary – 667ac.  
Adair County – Cross Boundary – 130ac.



## Forest Management/Program Highlights

Ryan Pope started as the Tahlequah Service Forester on February 26<sup>th</sup>. Ryan has started working on several properties. The NE Area has hired a Forester, Harris Grober, for the Sallisaw office; his start date is set for June 17<sup>th</sup>. The NE Area administered the NE Area FFA District Forestry competition on April 4<sup>th</sup>. Two schools attended the contest with ten students participating.

Connie Robinson, Jay District Forester, assisted six landowners via phone/email, and visited three landowners at their properties. Robinson wrote two burn plans for individuals in Delaware county totaling 177 acres and wrote a Forest Stewardship Plan addressing management on 120 acres for a landowner in Delaware County. There were many events these past months that Robinson helped with, such as: Tulsa Aspire Career Fair, Tulsa Sustainable Living Fair, and 4-H Event at Quapaw. Aaron Black, OFS's Water Quality Forester, visited with Connie discussing prescribed burn fire lines and wildfire control lines in her area.

## Administrative

Kaley Helton completed several webinars focusing on purchasing. On March 13<sup>th</sup>, the first webinar was focused on facilitating more open communication on areas of opportunity and innovation for Central Purchasing. The next webinar was completed on March 21<sup>st</sup> and was a part of a series of webinars "CP Listens Sessions". The last webinar was completed on April 2<sup>nd</sup>, and it was primarily focusing on the new software "Celonis". Each of these webinars will count for one continuing education unit towards her Certified Procurement Officer training.

Craig Longshore, Kaley Helton, and Leon Macon conducted more interviews for the NE Area Forest Fire Control Officer and are in the process of filling the position. Jake Johnson's first day was February 26<sup>th</sup>, joining OFS as a Forest Ranger in the Proctor unit.

## Ongoing Issues/Upcoming Events

Cherokee Nation Safety Fair – April 26<sup>th</sup>  
Muskogee Touch-A-Truck Smokey Event - June 1<sup>st</sup>

## EAST CENTRAL AREA

### Forest Protection Highlights

Since the last report, EC has suppressed 43 fires that burned a total of 9,529 acres (average fire size of 221.6 acres). Twenty-eight (28) structures were saved at a total value of \$2,121,500. One secondary structure was lost prior to OFS arrival valued at \$10,000.



Multiple EC Area rangers provided suppression response in western Oklahoma on the Marsh, Sand Creek, Catesby, Slapout, 149, Cooper WMA, Persimmon Creek, 28 Road, North Beaver, 620, and Cimarron Bluffs fires.



### Prescribed Fire

EC Area rangers completed ten private landowner prescribed burns for a total of 1,854 acres treated. EC Area also constructed fire lines on three additional properties in preparation for Rx fire activities. Five (5) prescribed burn plans were completed on a total of 843 acres.



**Forest Management/Program Highlights**



## Administrative

As of this writing, EC Area has filled the Whitesboro Ranger I position with Jordan Mings. Jordan is a lifelong resident of the area and will begin his first day of work on April 8<sup>th</sup>. EC still has one vacancy posted, the Talihina Forester I position. A couple of applicants were interviewed but the search continues. Applications are still currently being accepted.

OSU students will give their Capstone final presentations to the landowners and faculty on Wednesday, May 1<sup>st</sup> at 2:30 pm at OSU Ag Hall. Landowners have the option of attending in person or via a Zoom call.

## Safety/Training Highlights

EC will host RT-130, Wildland Fire Safety Training Annual Refresher (WFSTAR) the second week of April for the area Rangers and other fire personnel. The intent of RT-130 is to focus line-going personnel on operations and decision-making issues related to fire line safety to recognize and mitigate risk, maintain safe and effective practices, and reduce accidents and near-misses.

Preparations for the Arkansas River Valley Wildland Fire Academy in May are underway, with multiple OFS personnel enrolled in courses. As mentioned in the last board report, several employees are also slated to help instruct some of the courses being offered to fire personnel from various agencies.



## Ongoing Issues/Upcoming Events

Continuing to fill vacancies, new employee training, and fire equipment rehab will be our most pressing issues as we begin our transition from Oklahoma Spring fire season into summer out-of-state fire response.



## **SOUTHEAST AREA**

### **Forest Protection Highlights**

Protection Area Fires: In March the SE Area had six fires that burned 281 acres; 0 structures lost; 1 structure saved. Burn Notices – the SE Area approved 66 burning notices in March.

New hire Blayne Hardaway attended new hire orientation in OKC/HQ on March 11<sup>th</sup>.

Western Oklahoma Fire Assignments included: Tony Macon, Rodney Lovitt, Steve Painter, Pat Wayman, Don Cook, Jimmy Morris, Woodrow Wilson, Mark Webb, Billy Reeves, Tyler Hyatt, Sonny Johnson, Terron Gee, Steve Painter, Bryden Walker, Oley Walker, Tony Macon, Josh Bates, Derik Gee and Blayne Hardaway. Rangers performed initial attack and mop up on the Catesby Fire and Smokehouse Creek (Oklahoma) Fire as well as pre-positioning at various locations. Tama Lester assisted in the Finance Section for the 2024 OKS Fire Support.

SE Area received two new transports: one at Honobia Unit and one at Antlers Unit.



### **Forest Management/Program Highlights**

Will Phifer had twelve landowner assists in March. Tyler Hyatt had seven landowner contacts in March with various landowners to plan and conduct site visits for timber management and prescribed fire. Jacob Lewis had ten landowner contacts in March with various landowners to plan and conduct site visits for timber management, health and prescribed fire.

### **Prescribed Fire**

Prescribed burns completed in March: Russell Boles, 40 acres; Meller Ranch, 22 acres.

### **Safety/Training Highlights**

Tony Macon attended Pushmataha County Fire Chief's Meeting in March.

### **Administrative**

Antler's district had the following safety meetings: Dangers of working around powerlines and downed powerlines.

## Upcoming Events

Hochatown mapping ongoing. Retaining wall project at Antlers shop. Refresher courses for all employees. Assist local resources with Eclipse 2024 as well as HQ staff with educational programs.

### STATE FORESTER ACTIVITIES from 24 February 2024 thru 5 April 2024

- Attended three scheduled Director's Meetings
- Participated in the February and March Southern Group of State Foresters' Fire Management Chiefs Conference Calls.
- Virtually attended a planning meeting for the *S-520 Advanced Incident Management Courses* in Tucson, AZ (Goeller serves as a Subject Matter Expert/Cadre/Steering Committee member).
- Virtually attended the February National Association of State Foresters All-Member Policy Meeting.
- Served as Agency Administrator for the Oklahoma Forestry Services Wildfire Response for the February/March wildfires.
- Visited the Catesby Fire in Ellis County.
- Conducted numerous television and print news interviews regarding Oklahoma's wildfire outbreak.
- Met with OMES staff regarding a possible acquisition of the land where Forestry Services' Antlers District Office is located.
- Virtually attended two three meetings of the National Wildfire Coordinating Group's Incident Management Team Course Steering Committee (IMTCSC). The intent of this meeting was to continue content development and review of the new *Introduction to Incident Management Teams* course, a new national-level training course. Goeller serves as the National Association of State Foresters (NASF) Southern Region representative to this Committee.
- Reviewed and provided input into the *Introduction to Incident Management Teams* course.
- Attended six meetings of the Oklahoma Fire Council at the State Capitol Building.
- Attended a 2024 Eclipse Planning Meeting at the State Emergency Operations Center.
- Attended Governor Stitt's 2024 Eclipse Press Conference.
- Presented information regarding wildfire occurrence to the Senate Rural Caucus.
- Attended the ODAFF Director's Retreat.
- Participated in a conference call with the US Forest Service Community Wildfire Defense Grant Workgroup.
- Attended a tree planting event at the Oklahoma History Center with Oklahoma's Tree City USA, Tree Campus USA, and Tree Utilities USA.
- Attended a meeting with Representatives West and Smith at the State Capitol regarding Rural Fire Department training issues.
- Participated in a State Fire Capacity/Volunteer Fire Capacity Allocation Formula Workgroup with the US Forest Service and other National Association of State Foresters' regional representatives.
- Attended the NW Oklahoma County Wildland Task Force Annual Meeting in Cherokee, OK.
- Virtually attended the Southern Region Cohesive Strategy Teams Meeting.
- Virtually attended the National Association of State Foresters Wildland Fire Committee Monthly Meeting.



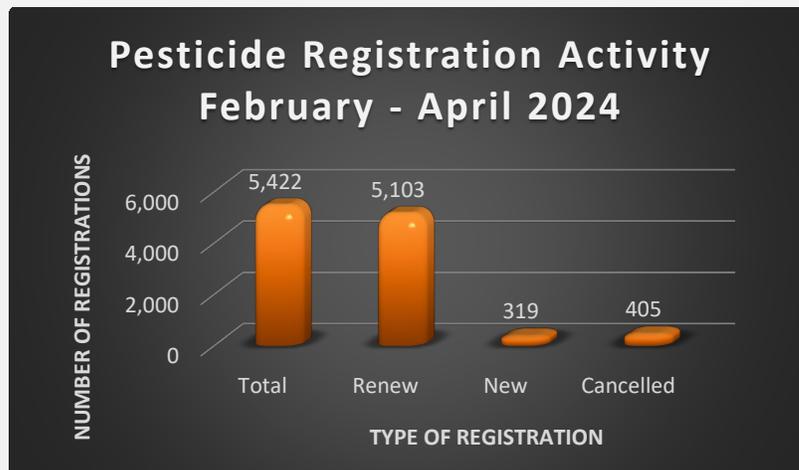
## CONSUMER PROTECTION SERVICES DIVISION

### APRIL 24, 2024 BOARD MEETING REPORT FOR JANUARY/FEBRUARY/ MARCH 2024

#### PESTICIDE SECTION

##### Pesticide Registration Activity

Pesticide registrations for February 1<sup>st</sup> to April 5<sup>th</sup> in 2024 are presented in the following chart. A total of 5422 products were registered, of the products registered 5103 were renewals and 319 were new. There were 405 products cancelled.



##### Pesticide Samples

Pesticide samples taken February - March 2024 are presented in the following chart. A total of 38 Residue, 4 Tank Mix, 41 Concentration, and 13 Documentary samples were taken.

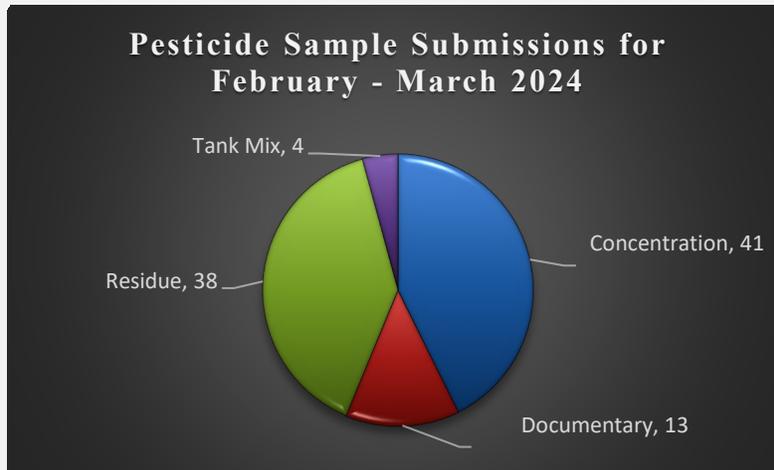


Table 1. Inspection Count for February-March 2023\*

Inspection Type	Number of Inspections		
	February	March	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	37	33	70
Pesticide Applicator Facility	30	30	60
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	13	6	19
Container Containment Inspection	0	0	0
Producer Establishment	2	0	2
Use	90	105	195
Termite	1	0	1
Wood	0	0	0
Pre-treat	1	4	5
Drift Investigation	0	0	0
Pesticide Label	3180	2001	5181
Worker Protection	0	0	0
<b>Total</b>	<b>3354</b>	<b>2179</b>	<b>5533</b>

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

Along with the above inspections CPS inspectors also took 30 nonagricultural use samples, 3 nonagricultural follow up samples, 33 marketplace samples, 14 producer establishment samples and 16 agricultural use samples for a total of 96 samples.

#### Pesticide Producer Establishments

CPS is currently working with Ideagen to move all pesticide producer establishment licensing to their system. The goal is to issue renewals through Ideagen for the 2024 renewal season, which begins June 1<sup>st</sup>.

#### License Renewals

Approximately 1,984 (+51) company licenses have been renewed out of 2,400 company licenses that expired.

### Private Applicator Renewals

Approximately 2,121 (+124) private applicators have renewed out of 7,400 licenses that expired.

### Pesticide Complaints

PESTICIDE COMPLAINTS	February 29, 2024 – April 4, 2024			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	7	5	3	5
MUSK THISTLE:	2	0	0	0
PMR CASES:	16	3	11	3
CASES REFERRED TO OGC:	14			

## **ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION**

### *Hemp Program*

There are currently 48 licensed hemp growers (98,038 registered sq ft. And 5,129 registered acres) and 40 licensed hemp processors. CPS is currently conducting audits on hemp processors to assure compliance with record keeping and other applicable laws.

### *Plant Protection Program*

#### Phytosanitary Certificates

Federal phytosanitary certificates Issued from February 1, 2023 – March 31, 2024

Commercial value of shipment \$1,250 or more:  
36 Federal phytosanitary certificates issued @ \$106.00 each

Commercial value of shipment less than \$1,250:  
5 Federal phytosanitary Certificates issued @ \$61.00 each

Federal Phytosanitary Certificates (February 1, 2024 - March 31, 2024)			
Country	Product	Quantity	Phytos Issued
Brazil	Miscanthus Seed	1 Tote	1
Brazil	Sesame Seed	1475 Totes	1
Cambodia	Black Walnut Logs	69 Logs	2
Canada	Chrysanthemum cuttings	30 Cuttings	1
China	Barrelclover Seed	35 G	1
China	Miscanthus Seed	40 Totes	2
France	Barrelclover Seed	6 G	1
Indonesia	Miscanthus Seed	20 Totes	1
Japan	Agave Plants	25 Plants	1
Japan	Mixed Seed	1,850 Lbs	1
Mexico	Sesame Seed	688,006 Lbs	17
Republic of Korea	Sesame Seed	40,006 Kg	2
Thailand	Miscanthus Seed	80 Totes	4
Turkey	Sesame Seed	701 Totes	2
Vietnam	Black Walnut Logs	46 Logs	1
United Arab Emira	Mixed Seed	20,000 Lbs	1
United Kingdom	Barrelclover Seed	3 G	1
Vietnam	Ash Logs	34 Logs	1
		<b>Total:</b>	<b>41</b>

Companies applying for federal phytosanitary certificates

Baillie Lumber	4
Bluebonnet Feeds	2
Enterprise	2
International Ingredient	8
King's Mums LLC	1
Oklahoma State University	3
Seeds 'N Snacks	1
Sesaco	19
Tobin Newcomb	1

State phytosanitary certificates Issued from February 1, 2024 – March 31, 2024  
70 phytosanitary certificates for 5,590 plants



## Boxwood Blight Training

Kaci Hubbell, Nursery Program Administrator, along with CPS inspectors Rusty Patzack, Richie London, John Nunnery, and Andrew Keathley participated in a Boxwood Blight Symposium meeting in January to learn about Boxwood Blight from the National Plant Diagnostic Network.



Figure 1: Boxwood Blight Training in VA

Kaci also attended an Interstate Shipping Meeting focused on Boxwood Blight in mid-March in Charlottesville, VA. This meeting took place at a large Boxwood producer that has implemented measures against Boxwood Blight.

## SANC Audit

Kaci Hubbell, Nursery Program Administrator, and CPS Inspectors John Nunnery, and Rusty Patzack visited Greenleaf Nursery to perform their annual SANC (Systems Approach to Nursery Certification) audit on March 5, 2024. The audit reviewed Greenleaf’s systems and processes such as watering, media-mixing, container production, propagation, training, and documentation. SANC is a program through the National Plant Board that encourages nurseries to use a systems approach to combat plant pests and diseases.

## **AGRICULTURE RESOURCE SECTION**

### Feed Program

#### Program Performance

During this reporting period there were a total of 97 official feed samples analyzed, with 503 feed determinations made from these samples. These determinations resulted in the issuance of 28 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 violation includes Zinc, Calcium, Crude Fiber, Crude Fat, Vitamin A, Copper, Phosphorus, Salt, and Potassium. Nineteen stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Six stop sales were issued for products deficient in Vitamin A. Four stop sales were issued for products deficient in Salt. Three stop sales were issued for products deficient in Crude Fat. Two stop sales were issued for products deficient in Copper. One stop sale was issued for a product deficient in Zinc. One stop sale was issued for a product deficient in Crude Protein. One stop sale was issued for a product deficient in Calcium. One stop sale was issued for a product with excessive Crude Fiber.

The following tables show a two-month comparison of label violations and stop sale orders issued by the Department for feed products that did not meet their guaranteed analysis.

**Table 1. Feed Notice of Label Violation Summary February 2024 - March 2024**

Nutritional Guarantee	Number of Label Violations		
	March <sup>1</sup>	February <sup>2</sup>	Two Month Total
Crude Protein	9	8	21
Non-protein Nitrogen	0	0	0
Crude Fat	2	4	13
Crude Fiber	2	1	5
Calcium	3	5	9
Phosphorus	1	2	3
Salt	1	1	1
Magnesium	0	0	0
Potassium	1	1	1
Copper	2	1	2
Manganese	0	0	0
Zinc	5	3	8
Vitamin A	2	6	11
Methionine	0	0	0
<b>Total</b>	<b>28</b>	<b>32</b>	<b>74</b>

<sup>1</sup> 97 feed samples analyzed with 503 determinations; <sup>2</sup> 267 feed samples analyzed with 1438 determinations

**Table 2. Feed Stop Sale Summary February 2024 - March 2024**

Nutritional Guarantee	Number of Stop Sales		
	March <sup>1</sup>	February <sup>2</sup>	Two Month Total
Crude Protein	1	4	5
Non-protein Nitrogen	0	0	0
Crude Fat	3	9	12
Crude Fiber	1	0	1
Calcium	1	2	3
Phosphorus	0	1	1
Salt	4	3	7
Magnesium	0	0	0
Potassium	0	0	0
Copper	2	3	5
Zinc	1	0	1
Vitamin A	6	8	14
Medicated Feed	0	0	0
<b>Total</b>	<b>19</b>	<b>30</b>	<b>49</b>

<sup>1</sup> 97 feed samples analyzed with 503 determinations; <sup>2</sup> 267 feed samples analyzed with 1438 determinations

### Weights & Measures Program

The large capacity scale technicians tested a total of 74 vehicle scales and 90 ranch scales in March with 9 vehicle scales and 13 ranch scales being rejected. The ranch scale testing season has come to an end, and we will now concentrate on checking vehicle scales at Coops and grain elevators prior to the start of wheat harvest.

CPS inspectors checked a total of 2266 small scales and 70 platform scales, 30 of the scales were rejected. There were 49 random pack inspections and 173 standard pack inspections conducted that resulted in 29 companies receiving letters of warning and 1 company receiving a Stop Sale.

Additionally, 169 price verification inspections were conducted at various retailers that resulted in 3 companies receiving letters of warning.

Four scale companies received a letter of warning for not properly servicing scales. Three businesses received letters of warning for using an improper 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 February 15<sup>th</sup> through March 31<sup>st</sup>, 2024.

Sample Type	Number	Deficiency Penalty/SS
Fertilizer	144	10
Lime	9	1

Investigation Type	Number
Dry Bulk Fertilizer Storage Facility	12
Liquid Bulk Fertilizer Storage Facility	16
NH <sub>3</sub> Nurse Tank Inspections	33 (766 Total Tanks)
NH <sub>3</sub> Storage Tank Inspections	18 (36 Total Tanks)

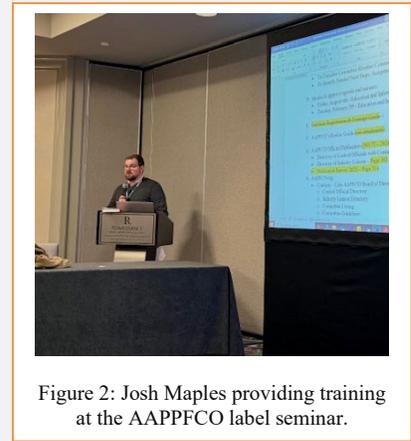
### 2024 AAPFCO Winter Annual Meeting

Joshua Maples, Fertilizer Program Administrator, attended the 2024 Association of American Plant Food Control Officials (AAPFCO) Winter Annual Meeting in Mobile, Alabama from February 17<sup>th</sup> – 21<sup>st</sup>. Josh represents Oklahoma at AAPFCO and is currently serving on their leadership Board, Chair for the Education and Information committee, vice-chair for the ag lime and labeling committees for the model documents group, committee member on numerous committees, and is active in participating in discussions throughout this organization. He was acting chair of and led the meeting for the Education and Information committee, whose purpose is *“To promote the role of AAPFCO as a source of uniformity in plant food regulations, labels, and definitions. To develop and disseminate information and educational materials to help ensure the safe and effective use of fertilizers, beneficial substances, and soil amending products in agricultural and consumer applications.”* He oversees the AAPFCO labeling guide, as well as the AAPFCO inspector manual. The purpose of AAPFCO is to help achieve regulatory uniformity through state regulations, as well as provide regulatory control officials and industry a chance to interact and discuss the implementation of regulatory decisions. The winter annual meeting had 25 states present, including Canada and they were represented by a total of 57 control officials, with 108 industry liaisons in attendance as well.

A new addition to this meeting was the AAPFCO Labeling Seminar, where the discussion and training were co-led by Nick Young from California and Joshua Maples from Oklahoma. The training and discussion focused on and highlighted the AAPFCO labeling guide. AAPFCO’s mission highlights the benefits of involvement and inclusion from the state regulatory programs to better maintain uniformity across the states regarding the regulation of the fertilizer industry.

### Beneficial Substances

On February 19<sup>th</sup>, at the Association of American Plant Food Control Officials (AAPFCO) Winter Annual Conference, AAPFCO state membership voted unanimously to approve the “Uniform Beneficial Substances Bill”. This uniform model bill formally defines the terms “plant biostimulants” and “beneficial substances”, as well as introduces a standardized label format, across the United States for these products. This is the result of years of work by AAPFCO and TFI to provide stakeholders, regulators, and product users a uniform format across all states and Canada. AAPFCO, NASDA, and The Fertilizer Institute did a joint press release after the Uniform Beneficial Substances Bill and definitions were passed.



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



Kenny M. Naylor



**OKLAHOMA**  
**Agriculture, Food  
and Forestry**

Oklahoma Department of Agriculture, Food and Forestry  
Animal Industry Services Board Report  
April 24, 2024  
Activities February 24, 2024 – April 5, 2024

**Animal Disease Traceability:**

We continue to distribute the free RFID tags to interested veterinarians and producers. During this time, we shipped 10,900 tags to nine veterinarians and six producers. We distributed three RFID readers to livestock market veterinarians.

We've had nine new account requests for our no cost electronic CVI to make a total of 229 registered users.

We have been assisting Investigative Services with cattle theft investigations by reviewing official identification records in USAHerds to determine if movement has occurred.

On March 5, Dr. Gorczyca and I participated in an AgEnterprise overview presentation. AgEnterprise, a modernized version of USAHerds, will replace USAHerds in the upcoming future. We have secured partial funding from the Oklahoma Office of Homeland Security to transition from USAHerds to AgEnterprise by the end of the year. We will begin the planning process soon on customizing AgEnterprise for our needs.

**Aquaculture:**

During this period, we have finished the aquaculture license renewals. We currently have 15 licensed facilities.

We sent a letter of warning to an individual who exported live shrimp to Hawaii. This individual is not currently licensed to propagate or distribute aquatic species.

We received information concerning the National Oceanic and Atmospheric Administration's (NOAA) Sea Grant, which will provide opportunities for training and research opportunities for state aquaculture programs and aquaculture producers. We have signed up to receive notifications as these opportunities become available.

**Biologics:**

During this time, we are finalizing biological product renewals.

We registered a novel biological product, *Paenibacillus larvae* bacterin for honeybees. This oral vaccine for queen honeybees helps protect the honeybee larvae from *paenibacillus larvae*, the causative agent of American foulbrood. This disease is an economically devastating disease for the apiary industry and having a vaccine to protect against this disease will ensure healthy bee colonies will be available to continue to pollinate critical crops.

We approved a field study request for Merck to conduct a vaccine study in Oklahoma.

**Cattle Programs:**

On March 13 we began hearing news of an emerging disease in the Texas high plains that was affecting dairy cattle. Older cows in mid lactation were going off feed, their milk production was dropping, their milk was thick and yellowish colored. On March 25 it was confirmed that some of the cows were infected with the same virus that has been causing Highly Pathogenic Avian Influenza in wild birds and domestic poultry for the past two years. I called our larger dairies and discovered that two of them had similar episodes in February, but their cows had recovered. A third dairy was experiencing symptoms when I called. We have worked to communicate with our dairies and agriculture stakeholders about the disease and how to prevent it. It is not known if the HPAI virus is the primary cause of the illness, or if it is only part of the syndrome.

We attended many virtual meetings with various regulatory and industry groups to discuss the syndrome and get the most current updates.

**Brucellosis:**

The only remaining reservoir of *B abortus* in the U.S. is in elk and bison in the Greater Yellowstone Park area.

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) in cattle, which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. *B suis* can, and does, infect cattle occasionally.

Two of our Brucellosis Certified Free herds were recertified.

**Johne's Disease:**

For this reporting period we received reports from nine new positive premises which compares with an average of eight for the same period during the last nine years. We received three reports from premises previously identified as positive, which is more than the average of two for the same period in years past. Year to date numbers are very similar except for sheep reports which have increased significantly.

Specifically, these sheep are Painted Desert Sheep. There were positive reports in multiple high genetic merit purebred flocks in multiple states that all trace to a common source flock. Two flocks in Oklahoma have received animals from the source flock. One of these Oklahoma flocks has a prevalence rate in excess of 50%. Painted Desert Sheep main value is their horns as trophy mounts.

Management of animals that are raised for their horn value generally means that food is provided on the ground. This allows the food to become contaminated with feces which the animals then eat. This type of management is usually true for all species that are produced for horns.

We also received a positive report from OADDL of an owner from a neighboring state who happened to be a veterinarian. We forwarded the report appropriately, but the



**Emergency Management:**

Oklahoma is participating in a US SHIP traceability pilot project. The goal of the project is to utilize AgView or RABapp to see if either database is suitable for capturing swine movement in real time. Traceability is one of the main pillars of the US SHIP program and being able to access movement data is critical during a disease response. We have also been asked to participate in a US SHIP feral swine working group to update Secure Pork Supply plan recommendations for mitigating feral swine contact for swine with outdoor access.

On March 12-15, Marissa McLaughlin, Kyle Jarvis, Justin McConaughy, and Dr. Gorczyca attended All-Hazard Incident Management Team training in Omaha, NE.

On February 28, the AIS team participated in Secure Sheep and Wool Supply planning train the trainer webinar.

On March 4, Dr. Gorczyca provided a presentation to the Oklahoma Animal Control Officer Association over emergency small animal sheltering

On February 29, Dr. Gorczyca participated in an AgView User working group meeting.

On April 4, AIS participated in a foamer demonstration provided by Knight Fire Specialists, LLC., in Oklahoma City. We have been communicating with Knight Fire concerning foaming equipment that is used for oilfield fire suppression and how it can be utilized for depopulation of poultry and swine during a FAD outbreak.

**Equine Programs:**

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

There haven't been any reported cases of Piroplasmosis in Oklahoma. However, a horse that passed through an Oklahoma sale and was subsequently sold to a Texas owner was diagnosed with Piroplasmosis upon arrival in Texas. No other horses in Oklahoma were found to have been exposed to this particular horse.

There was no unusual activity in the Equine Programs during this time.

**Farmed Cervidae Programs:**

It is renewal season for our farmed cervidae program and Dana Call is processing renewal applications, herd inventories and scheduling facility inspections. There has been a back log of cervid tuberculosis tests pending from NVSL due to a supply shortage. We are working with our producers and veterinarians to assure them it will not disrupt their herd status.

Cervidae imports have increased during this reporting period to accommodate a large herd relocation from Canada to Oklahoma. Fraser Farms owners Hamish and Andrew Fraser of New Zealand have established a breeding facility in Holdenville and have been incrementally moving their entire herd from Quebec Canada to their Holdenville farm.

Dana Call had the privilege of visiting Fraser Farms on March 22, along with two high school interns working with Dana and Austyn Fuss over their spring break. The facility is exceptional, and their focus will be on continuing to increase and refine their proprietary genetic lines for Red Deer and Elk. The Fraser Family enterprise known as Venator, will also be adding a premier hunting lodge in the same area. Venator is taking reservations for their projected 2025 opening.

On February 26 Secretary Arthur and I met with a group of legislators and cervid industry members to discuss a bill to increase the CWD resistance in Oklahoma's native deer population.

**Feral Swine:**

It is renewal season for the feral swine facilities. AIS will process renewals over the next several weeks. We have begun assigning annual facility inspections.

There have been no feral swine complaints during this period.

Dana Call has been corresponding with Kelly Registration Services regarding ongoing issues with the swine hunter license portal. There have been instances where the swine hunter is unable to advance to the payment portal due to an error message stating that the license has been deleted. On March 13, Dana, Kirsten from Kelly Registration Services and David from IT had a virtual meeting in which Dana was able to share her computer screen and demonstrate her workflow of processing swine hunter licenses to assist in the troubleshooting of this issue. After discussions, edits were made to the correspondence the swine hunter receives redirecting them contact the program manager for further assistance and resolution. It remains unclear how the licenses became deleted. Due to the increased volume of calls regarding feral swine programs, Austyn Fuss and Marissa McLaughlin were given access to the Kelly Registration Services portals for the feral swine licenses so they can assist as needed.

**Foreign Animal Disease:**

There was one FAD investigation during this time. It was a horse with symptoms consistent with Vesicular Stomatitis from Harper County. Samples were collected and sent to NVSL. The tests were negative.

**Livestock Market Audits:**

During this period, staff issued a new livestock market license to Mr. Ken Russ, the former operator of Overbrook Stockyards. He has completed all necessary paperwork and began operations at Ken Russ' Hobart Stockyards. The state's newest market has a weekly cattle sale on Wednesdays as well as a goat and sheep sale conducted on the first Saturday of each month.

In addition to the one new market, the former Mountain View livestock market owner informed this division that he's bought a facility in Braman, Oklahoma that once housed a livestock market. Mr. Smith has requested the necessary paperwork to begin preparations for reopening that shuttered barn.

This period also allowed for the completion of several custodial account reviews, with one resulting in a letter of warning for a shortage in the account. No other issues were found in the additional reviews.

Livestock Auction Market Activities

Auction market licenses issued	0
Auction market licenses pending	0
Market custodial audits completed	6
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	1*
Special Audits (Market Development)	0
*letter of warning for custodial account shortage	

**Outreach:**

On March 8 Dr. Gorczyca-Southerland and I participated in a meeting with OYE personnel, swine veterinarians, and others to discuss plans for the swine shows at OYE.

On March 13 we hosted a meeting with ODAFF and USDA veterinarians to bring everyone up to date on investigations and activities.

On March 29 I was interviewed by Anna Pope of KOSU radio about the emerging disease in dairy cattle.

On April 3 I was interviewed by Bob Sands from Radio Network News about the emerging disease in dairy cattle.

**Poultry Programs:**

There have been 13 sick or dead birds submitted for our sick bird/dead bird program since last report and a total of 34 since January 1<sup>st</sup>.

The quarantines on the backyard flocks that were diagnosed with HPAI last fall have been released. We continue to respond to sick bird calls with testing of suspect birds.

The ongoing 2022 incursion of Highly Pathogenic Avian Influenza has affected domestic flocks in 48 states with the death or depopulation of over 80 million birds. Since the beginning of 2024 24 states have had positive birds/flocks with 55 HPAI confirmed domestic poultry detections. This is the largest foreign animal disease incursion in US history. We continue to stress the importance of biosecurity in both commercial and backyard flocks through outreach such as emails, social media, and county extension officers. With the waterfowl migrating north, there is potential to see more cases this spring.

We received a complaint about a person having too many poultry on a premises with a lot of sick birds. One of our inspectors visited the premises and determined that the person was not violating any of our rules.

### **Public Health**

We're working with the State Public Health Veterinarian to enhance their knowledge of animal cases of diseases that affect humans so they can contact the owners to educate them.

### **Rabies in Livestock:**

There were no cases of rabies in livestock during this time.

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

There were no significant activities in this program during this time.

### **Swine Programs:**

I continue to be part of two working groups composed of swine industry representatives, USDA veterinarians, and State Animal Health Officials to plan a response strategy to African Swine Fever.

AIS continues to participate in a Secure Food Supply working group comprised of other state agents who are monitoring, approving and assisting producers with their secure food supply plan. The group has expanded to include several other states and provides a platform for discussion and training.

On March 25 Dana Call attended a virtual seminar outlining the proposed movement framework in the event of a foot and mouth disease outbreak. The discussion included guidelines for permitted movement, high risk movements, herd vaccination as a means to prevent the spread of FMD, herd immunity and incubation periods. Facilities would undergo a risk assessment to determine the viability of moving animals during an outbreak.

As a part of our Secure Pork Supply Plan (SPS) Program, AIS was able to work with swine producers who met the criteria for the SPS and were granted expedited entry into OYE. These producers developed their secure pork supply plan, registered their premises, and documented their swine movement on the AgView platform. We hope to expand this opportunity to other producers exhibiting at OYE next year.

Dana Call completed the annual Pseudorabies testing report for Oklahoma on April 4. The report was sent to the USDA. The test counts for transitional exhibition swine were higher this year compared to last year, with over 20,000 transitional swine tests performed.

Dana Call and Marissa McLaughlin are teaming up to begin the process of validating and cross-referencing swine producer premises in an effort to assure that these premises are accurately entered into USA Herds, EMRS and eventually AgView and RabApp.

Dr. Gorczyca-Southerland and Dana Call continue working with commercial and backyard producers to encourage them to become members of US SHIP.

*Miscellaneous:*

On February 28 I helped judge the Ag Youth Council team presentations.

On March 1 I attended the ODAFF Directors Retreat.

We received notice from USDA that due to budgetary issues the funding we receive from them in cooperative agreements for the time April 1 through March 31, 2025, will drop 11%, from \$676,000 to \$602,000.

On March 18, Dana Call and Austyn Fuss began a mentoring program with two students from Harding Charter Preparatory High School. They assisted with the check in at the Oklahoma Youth Expo and were able to learn the process of checking health certificates and animal identification requirements for show entry as well as seeing a variety of livestock. The students also learned about animal disease traceability, secure food supply plans and other administrative activities in AIS and ODAFF.

During this time, the Payne County Sheriff's Office requested assistance with evaluation of multiple reports of animal abuse/neglect at a supposed animal rescue facility. Dr. Stone found multiple problems in need of corrective changes that exceeded the available resources.

Dr. Stone and the Payne County Sheriff were able to get the owner to agree to allow a local accredited veterinarian to develop a plan of action and that the owner was to stay in compliance or actions would be taken. The plan included removal of critical animals, reduce the total number of animals to a specified maximum capacity within 8 days and penning animals into appropriate groups and providing appropriate veterinary care.

A local accredited veterinarian did develop a plan for reduction, care, and maximum limits with additional plans for medical care. The maximum number was set at approximately 35% of the animals on site on day of investigation.

Respectfully,

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

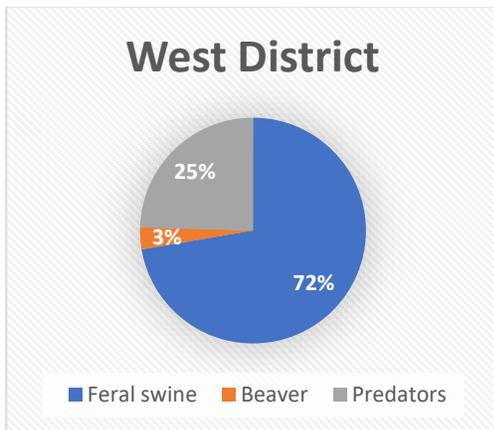
Rod Hall, DVM

Oklahoma Department of Agriculture, Food, and Forestry  
Wildlife Services Division  
Board Report for March 2024 Activities

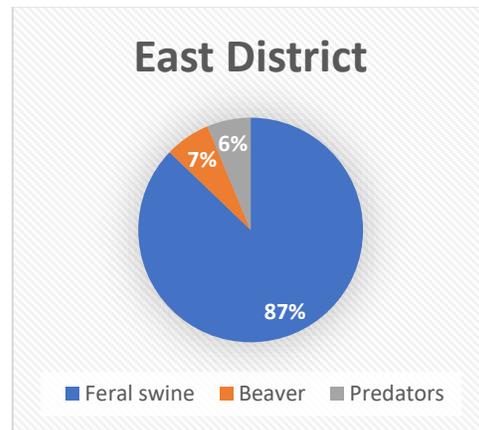
**Introduction**

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 567 properties with an estimated 1,075,218 acres of land under agreement. Additionally, WS helped 1,533 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 \$491,194 during this period. Beaver damages accounted for losses totaling \$125,490. Predation, primarily coyotes and black vultures, were responsible for a number of damage requests, largely to livestock, with losses totaling \$66,862. Feral swine damages accounted for losses totaling \$298,092, while other species of wildlife were responsible for \$750 in damages to property, agriculture, and livestock.

**Providing Wildlife Services**



*Figure 1: Species Removed in West District by percentage during March 2024*



*Figure 2: Species Removed in the East District by percentage during March 2024*

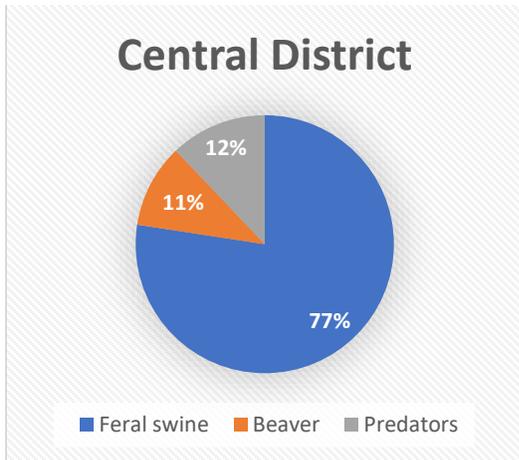


Figure 4: Species Removed in the Central District by percentage during March 2024

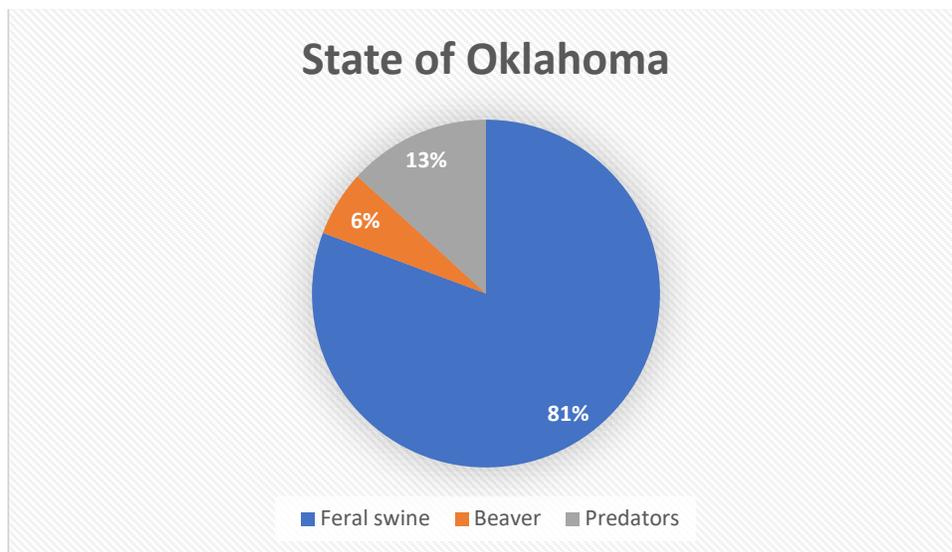


Figure 5: Species Removed in the State by percentage during March 2024

**Predator Damage Management**

**Logan County** landowner called WS with reports of coyotes chewing the tail off a calf. A WS Specialist met with the landowner and verified that coyotes had caused the damage. Devices were set on the property and seven coyotes were removed. Work is ongoing currently and there have been no more losses.

**Carter County** rancher contacted WS about coyotes depredate calves. WS responded to the call and verified that the coyotes were the cause of the depredation with \$3000 of damages. Devices were set and six coyotes were removed from the property with efforts continuing.

**Garvin County** rancher contacted WS with reports of coyotes depredate his sheep. WS responded to the call and verified coyotes were responsible for \$2500 in losses of sheep. Devices were set and three coyotes were removed with control efforts still going.

### **Feral Swine Damage Management**

**Johnston County** landowner contacted WS about feral swine rooting in their pastures and hayfields. A WS Specialist responded to the call and verified the damage estimated at \$2,500. A live trap was placed on the property and eighteen feral swine have been removed from property with work still going.

**Pawnee County** landowner contacted a WS about feral swine destroying a pasture near cattle feeding area with a concern of disease transmission from the feral swine feeding nearby and in the cattle hay. A WS Specialist responded and verified the damage at \$100. The landowner had seen the feral swine and knew the size of the group. A trap was set, and twenty-two feral swine were caught two days later.

**Noble County** landowner contacted WS reporting feral swine and seeing signs of damage in a wheat field. A WS Specialist responded and verified the damage estimated to be six acres of wheat at \$1000. The Specialist used traps to remove sixteen feral swine from the property with efforts continuing.

**Murray County** farmer contacted WS with feral swine rooting up hay fields. WS responded to the call and verified feral swine were the cause of the damage. A feral swine trap was set, and twenty-six feral swine have been captured.

**Atoka County** cattle producer called WS for assistance with feral swine, reporting rooting damage to his cattle pastures. The damage was verified, and five acres of rooting damage was



estimated at \$5,000. After pre-baiting, a remote camera trap was placed, and eighteen feral swine were removed. This project is still being monitored and the owner was advised about environmental changes that could help to deter future feral swine issues.

Rooting Damage in Atoka County by Feral Swine.

**Hughes County** producer called WS for assistance with feral swine. The owner reported rooting damage to his cattle pastures. The damage was verified and estimated at \$3,600. After pre-baiting, a remote camera trap was placed, and thirty feral swine have been removed. This project is still being monitored.

**Haskell County** rancher called WS for assistance with feral swine. The owner reported rooting damage to his cattle pastures. The damage was verified and estimated at \$2,000. After pre-baiting, a remote camera trap was placed on the property. Seven feral swine have been removed to alleviate the damages and this project is still being monitored.

**Nowata County** rancher called WS for assistance with feral swine rooted an estimated eight acres of his cattle pasture. The damage was verified and estimated at \$8,500. After pre-baiting, a remote camera trap was placed, and thirty-two feral swine have been removed to date. This project is still being monitored. The owner was advised about barrier fences that could help with future feral swine issues.

**Rogers County** producer called WS for assistance with feral swine damaging fifteen acres of wheat. The damage was verified and estimated at \$3,500. The WS helicopter and ground crew were available, and an aerial hunt took forty-eight feral swine. This property is still being monitored and the owner was advised on barrier fences that could help to deter future feral swine issues.

### **Beaver Damage Management**

**Jefferson County** landowner contracted WS about beavers cutting down trees in their front yard. A WS Specialist met with the landowner and verified the damage. Devices were set and one beaver has been removed. WS informed the landowner about wrapping trees with mesh wire to prevent further damage. Estimated damage of tree replacement and debris cleanup was \$1000.

**Lincoln County** landowner contacted WS for assistance with beavers responsible for damage to a pond dam. A WS Specialist responded and verified the damage at \$500. Three beavers were removed from the pond and damage management efforts continue.

**Kingfisher County** landowner called WS with reports of beavers damming up the creek on his property, flooding his pasture. A WS Specialist met with him and verified it was beavers causing the damage. Devices were set on the property and two beavers were removed. The dam has been broken and no longer working. The estimated cost for heavy equipment to tear out three dams was \$2500.

**McCurtain County** property owner called WS for assistance with a beaver causing flooding damage on his property. A beaver dam and the resulting flooding issue was verified, and damage was estimated at \$1,000. The dam was removed to alleviate the flooding and conibear traps were placed on the property. Three beavers have been removed and this project is still being monitored.

**Le Flore County** Commissioner called WS for assistance with beavers causing damages to the county roads in his district. The beaver activity was verified at two locations and the damages to the roadway was estimated at \$5,000. Conibear traps, foot-hold traps and snares were placed at the locations. Thirteen beavers have been removed and this project is still being monitored.

**Okmulgee County** producer called WS for assistance with beavers reporting that beavers had dammed-up his ponds overflow, causing flooding issues to his cattle pasture. The beaver activity was verified and flooding damage to the ten acres of pasture was estimated at \$1,000. Conibear traps were placed, and seven beavers have been removed. This project is still being monitored.

**Special Projects**

**Garvin County** - The City of Paul's Valley contacted WS with reports of cormorants getting in the main water pump and causing damage to the pump with an estimated cost to repair the damages at \$5000 each incident. WS responded to the call and verified cormorants were causing the damage and was able to remove eighty-five birds. Control efforts are still ongoing no further damage has been reported.

**Sequoyah National Wildlife Refuge** contacted WS to continue the feral swine removal project on the refuge. This was in addition to the aerial operation conducted in December. The United States Fish and Wildlife Service (USFWS) provides cooperative funding for this project that is intended to remove invasive feral swine from the refuge. The timing of the aerial operations is planned to best protect ground nesting birds, and to benefit the spring planting farming operations that lease fields on the refuge property. During March 18-20<sup>th</sup> WS conducted a 2.5-day aerial operation on the refuge and 135 feral swine were removed. This project is still being monitored.

**Love County** landowner contacted WS with reports of coyote depredation of a calf. A WS Specialist met with the landowner and verified coyotes did not cause the damage to the calf. The WS Specialist determined the damage was caused by black vultures with estimated damages of \$600. The landowner then reported seeing coyotes attempting to depredate the calf. A WS Specialist set devices to catch coyotes and built a black vulture trap. One coyote and twenty black vultures have been taken from this property.

*Table 1: Beaver, Predator, and Feral Swine removal in Oklahoma by WS March 2024*

County	Beaver	Predators	Feral swine	District
Adair	3			E
Alfalfa				W
Atoka	6	15	68	E
Beaver		28		W
Beckham		10		W
Blaine				W
Bryan	14		100	E
Caddo				W
Canadian	4	4	14	C
Carter	7			C
Cherokee			35	E
Choctaw	13		21	E

Cimarron		6		W
Cleveland				C
Coal				C
Comanche		13		W
Cotton				W
Craig			310	E
Creek	2			E
Custer		9	26	W
Delaware			103	E
Dewey	3	1	6	W
Ellis		12	157	W
Garfield	16			C
Garvin				C
Grady	4	1	58	W
Grant	8			C
Greer		56	318	W
Harmon		14	60	W
Harper		24		W
Haskell	2		12	E
Hughes	4	11	30	E
Jackson		51	76	W
Jefferson	2			C
Johnston		2	108	C
Kay	2			C
Kingfisher	2	2		C
Kiowa		7		W
Latimer	12		4	E
Leflore	14		42	E
Lincoln	3			C
Logan		22	54	C
Love	10	35	94	C
Major	5		8	W
Marshall				C
Mayes			10	E
McClain		1		C
McCurtain	11			E
McIntosh	6		304	E
Murray			50	C
Muskogee			5	E
Noble			18	C
Nowata			181	E

Okfuskee	5	4	20	E
Oklahoma	3	2		C
Okmulgee	13		58	E
Osage			26	E
Ottawa	3		15	E
Pawnee			149	C
Payne				C
Pittsburg	5		7	E
Pontotoc		8		C
Pottawatomie	9			C
Pushmataha	4	87	32	E
Roger Mills	1		86	W
Rogers			48	E
Seminole	2		50	E
Sequoyah	3		144	E
Stephens	15	15	25	W
Texas		30		W
Tillman		7		W
Tulsa				E
Wagoner				E
Washington			53	E
Washita				W
Woods		11		W
Woodward	10	1		W
<b>TOTAL</b>	<b>226</b>	<b>489</b>	<b>2985</b>	

\*E -East, W - West, C - Central Districts

Respectfully submitted,

Justin Cooper  
Acting Division Director  
Wildlife Services Division

**March 2024 Activity Report  
for  
April 2024 Board Meeting  
Agricultural Statistics Division**

**General**

Rainfall totals in the **first week of March** in Oklahoma averaged 0.64 inches. According to the March 5th US Drought Monitor Report, drought conditions were rated 35 percent abnormally dry to exceptional drought, down 32 points from last year. Additionally, 4 percent of the state was in the moderate drought to exceptional drought categories, down 56 points from the previous year. Statewide, temperatures averaged in the upper 40's to upper 50's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals in the **second week of March** in Oklahoma averaged 0.37 inches. According to the March 12th US Drought Monitor Report, drought conditions were rated 45 percent abnormally dry to exceptional drought, down 21 points from last year. Additionally, 4 percent of the state was in the moderate drought to exceptional drought categories, down 55 points from the previous year. Statewide, temperatures averaged in the upper 50's to lower 60's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals in the **third week of March** in Oklahoma averaged 0.71 inches. According to the March 19th US Drought Monitor Report, drought conditions were rated 44 percent abnormally dry to exceptional drought, down 22 points from last year. Additionally, 4 percent of the state was in the moderate drought to exceptional drought categories, down 55 points from the previous year. Statewide, temperatures averaged in the lower to mid-50's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals in the **fourth week of March** in Oklahoma averaged 0.25 inches. According to the March 26th US Drought Monitor Report, drought conditions were rated 34 percent abnormally dry to exceptional drought, down 26 points from last year. Additionally, 9 percent of the state was in the moderate drought to exceptional drought categories, down 45 points from the previous year. Statewide, temperatures averaged in the mid to upper 50's. Topsoil and subsoil moisture conditions were rated adequate to short.

**Small Grains:** In Central Oklahoma crop conditions were rated as mostly good with no major insect or disease pressures reported. Winter wheat jointing reached 45 percent, up 13 points from the previous year and up 7 points from normal. Rye jointing reached 25 percent, up 10 points from the previous year but unchanged from normal. Oats jointing reached 20 percent, down 11 points from the previous year but up 4 points from normal.

**Pasture and Livestock:** Livestock conditions were rated as mostly good with haying and supplementation slowing down due to spring pasture green up. Pasture and range condition was rated at 79 percent good to fair. Livestock condition was rated at 89 percent fair to good.

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

<b>Survey</b>	<b>Enumerated by:</b>	<b>Survey Dates</b>
March Ag Survey	DCC	2/29 –3/13
March Hogs and Pigs	DCC	2/29 –3/13
Cotton Ginnings	DCC	3/1 –3/5
Cattle on Feed	DCC	3/1 –3/8
Grain Prices	DCC	3/4 –3/11
NFI Slaughter	DCC	3/6 –3/8
NACS	DCC	3/11-5/31
Cattle on Feed	DCC	4/3 –4/10
Grain Prices	DCC	4/5 –4/12
Cash Rents	DCC	4/17-6/22
Irrigation Water Management	DCC	4/22-5/13

**Statistics:** On March 28, 2024, the Prospective Plantings report was released. Highlights include:

Oklahoma Upland cotton is expected at 500 thousand acres, up 19 percent from last year.

Growers intend to plant 400 thousand acres of corn, up 3 percent from last year.

Producers intend to plant 300 thousand acres of sorghum this year, down 27 percent from last year.

Oklahoma canola Planted acreage at 22 thousand acres up 733 percent from last year.

Soybean growers intend to plant 550 thousand acres, is up 20 percent from last year.

Planted acreage for peanuts is at 15 thousand acres, down 6 percent from 2023.

An estimated 3.7 million acres will be harvested for dry hay this year, down 9 percent from last year.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 53.

**Releases for March:**

Crop Production  
 Crop and Livestock Price Reactions  
 Cattle on Feed  
 Hogs and Pigs  
 Grain Stocks  
 Prospective Plantings  
 Agricultural Prices

**Relating Dates:**

March 1, 2024  
 2023 Crop Year  
 March 1, 2024  
 March 1, 2024  
 March 1, 2024  
 March 1, 2024  
 March 15, 2024

**Release Dates**

March 8, 2024  
 March 11, 2024  
 March 22, 2024  
 March 28, 2024  
 March 28, 2024  
 March 28, 2024  
 March 28, 2024

**Releases for April:**

Crop Production  
 Cattle on Feed  
 Meat Animal PDI  
 Poultry Production & Value  
 Agricultural Prices

**Relating Dates:**

April 1, 2024  
 April 1, 2024  
 2022-2023 Production Year  
 2022-2023 Production Year  
 April 15, 2024

**Release Dates**

April 11, 2024  
 April 19, 2024  
 April 23, 2024  
 April 23, 2024  
 April 30, 2024

**Meetings and Events:**

ODAFF Director's Retreat  
 Lincoln County CCD  
 State Emergency Board Meeting  
 Crop Progress Meet & Greet  
 OLAC Monthly Board Meeting  
 AYC Session 6  
 Lincoln County CCD  
 OK Wheat Commission Meeting  
 Bridge the Gap Conference  
 OKC Economic Roundtable  
 AISES Science Fair  
 AYC Session 7  
 AFR Day at Capitol  
 SPR NASDA Supervisor Meeting  
 Ag Day at Capitol  
 Eastern OK Ag Tradeshow  
 27<sup>th</sup> Annual Tribal Environmental Summit  
 Producer Workshop

**Date:**

March 1, 2024  
 March 4, 2024  
 March 5, 2024  
 March 6, 2024  
 March 12, 2024  
 March 25, 2024  
 April 1, 2024  
 April 1, 2024  
 April 2-3, 2024  
 April 3, 2024  
 April 6, 2024  
 April 8, 2024  
 April 9, 2024  
 April 10, 2024  
 April 16, 2024  
 April 17, 2024  
 April 18-19, 2024  
 April 30, 2024

**Location:**

Edmond, OK  
 Chandler, OK  
 Stillwater, OK  
 Virtual  
 Virtual  
 OKC, OK  
 Chandler, OK  
 OKC, OK  
 OKC, OK  
 OKC, OK  
 Stillwater, OK  
 OKC, OK  
 OKC, OK  
 OKC, OK  
 Virtual  
 OKC, OK  
 Poteau, OK  
 Tulsa, OK  
 Vinita, OK

Respectfully Submitted,

Troy Marshall

# MARKET DEVELOPMENT SERVICES

*April 24, 2024*

**Report to the State Board of Agriculture**

## AG IN THE CLASSROOM

### AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 126
- Total Number of Pre-service Teachers Impacted: 18
- Total Number of Extension Educators Impacted: 0
- Total Number of Students Directly Impacted by Coordinators: 4,198
- Total Number of Resources Given: 2,016
- Total Number of Teachers/PreService Teachers Resources Given to: 102
- Total Number of PreK-12th Grade Students Resources Given to: 1,670

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

- The AITC monthly email is delivered to 17,351 accounts.
- The AITC Facebook page now has 9,793 followers.
- The AITC Twitter page now has 578 followers.
- Oklahoma AITC Instagram account now has 811 followers.
- Oklahoma AITC Pinterest account now has 225 followers.
- The AITC YouTube channel now has 9,602 views.

### Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
5 teachers - Pre-K through 3rd grade	Oaks Academy in Moore	Nutrition Poster Activity; Pumpkin Catapults	Barn full of resources for each teacher
18 Preservice teachers	Rogers State University in Claremore	Activities including Potatoes	Barn full of resources for each preservice teacher
15 Teachers	Stillwater	“Chips and Salsa at Mexico Joes” was sponsored by the Payne County Farm Bureau - gave an overview of AITC	Variety of resources given to each attendee

### Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
50 High School Students - recognized 4 Contest Winners	Duncan High School	Oklahoma AITC Art and Photography Contest Winner Presentation - Overall High School Poster Winner, 9th Grade 2nd place winner; 11th grade 1st place	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations

		winner; and 12th grade 1st place winner	
400 Elementary students - recognized 6 contest winners	Lindsay Elementary	Oklahoma AITC Art and Photography Contest Winner Presentation - Elementary Overall Poster winner; 3rd grade 1st place winner; 3rd grade 2nd place winner; 4th grade 1st place winner; 5th grade 1st place winner; 5th grade 3rd place winner	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations
800 Elementary Students (2nd-5th grade)	Newcastle Elementary	Ag Day rotations during specials: Butter making; Fruit and vegetable freeze tag; and Livestock term matching	Teachers were all given 2 packs of tear sheets (strawberry and dairy); either an Ag Mag, Ag on Rt 66, or Red Dirt Symbols; and a Soil, Plants, and Animals, Oh My
250 Elementary Students	Grove Elementary Ag Day in Shawnee	Ag Day rotation - Betsy the cow and butter making	Elementary Dairy Tear sheets; Early Childhood Dairy Tear sheets; Beef or Dairy Reader
370 4th and 5th grade students	Tulsa Public Schools - Farm to School Ag Day	Chickens and Ag Trivia Wheel	Chicken Tear Sheets; Soil, Plants, and Animals Oh My for 24 teachers
30 High School students - presented to 6 contest winners	Stillwater High School	Oklahoma AITC Art and Photography Contest Winner Presentation - 11th grade 2nd place poster winner; 11th grade 3rd place poster winner; Overall Photography Winner; Photography 1st place; Photography 2nd place; Photography 3rd place	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations
10 Elementary Students and adults	Stuart Elementary	Oklahoma AITC Art and Photography Contest Winner Presentation - 2 contest winners	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations
350 Elementary Students and numerous adults	Morrison Elementary	Oklahoma AITC Art and Photography Contest Winner Presentation - 2 contest winners	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations
50 students - presented to contest winner	Stillwater Middle School	Oklahoma AITC Art and Photography Contest Winner Presentation - 1 contest winner	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations
250 students	Central Tech Student STEM Day booth	Careers in Agriculture	Career Readers
270 students - presented to contest winner	Vinita Elementary	Oklahoma AITC Art and Photography Contest Winner Presentation - 2 contest winners	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations
8 students - presented to contest winner	Nowata Elementary	Oklahoma AITC Art and Photography Contest Winner Presentation - 1 contest winner	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations

450 Elementary Students	Milwood Elementary Ag Day	What's in your Picnic Basket?	N/A
400 students - presented to 2 contest winners	Fairview Elementary	Oklahoma AITC Art and Photography Contest Winner Presentation - 2 contest winners	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations
10 students and/or adults - presented to contest winner	Stillwater High School	Oklahoma AITC Art and Photography Contest Winner Presentation - 1 contest winner	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations
500 Elementary School students	Lindsay Elementary	Career on Wheels and Wings Day - Betsy the Cow - talked about Dairy and being a Dairy Farmer	N/A

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

Locations where Resources are Mailed or Delivered	
Bartlesville Elementary	Ginger Riemer
Oklahoma Cattlewomen	Owasso Elementary
Stillwater High School	Oklahoma City Public Schools

### Ag in the Classroom- Other Events

Event	Highlights
National Ag in the Classroom Leadership Summit	Oklahoma Ag in the Classroom Coordinators attended the NAITCO Leadership Summit in Dallas at the end of March. Coordinators attended NAITCO business meetings, workshops, the southern region meeting, and even led a workshop over our State Summer Road Trip and State Summer Conference.
Oklahoma Agricultural Leadership Program	Emily Ague is a member of OALP Class XXI. During March, the class visited Pennsylvania and Washington D.C. for their seminar.
Presented Spring Oklahoma AITC Pork Council Grants	Zoe Barnard—Synder-  <b>The Nutritional Value and Affordability of Pork</b>  The purpose of my project is to teach my students about the health benefits of pork. My students will also learn about how economical it is compared to other meat. Finally, I plan to teach my students how to prepare various healthy dishes with pork. \$410

Sharon Banks -Empire

**Plant, Eat, and Draw Your Food!**

This project will allow students to gain an understanding of agriculture through activities that lead them from preparing soil for planting all the way to harvesting and eating what they have grown. To round out the project, students will express their learning in artistic activities that showcase what they have learned about agriculture. \$500

Jeanie Spears-Gore

**(Gore) Pirates Love Pigs**

My project is to add a station about pigs to our Elementary Ag Day to inform students about the importance of pigs. We will share facts with Pre-K through 5th grade students including the accurate names of different pigs, what pigs eat, different breeds of pigs, and what products are produced from pigs or pig byproducts. By purchasing nonfiction books about pigs that can be read in each classroom the week before our Ag Day to share facts about pigs with them. Then by also purchasing fiction books about pigs will help so that students will want to pick out books that have pigs as characters to read about after learning about pigs. \$500

Kimberly Schooler -Norman-Truman Elementary

**Learning High On The Hog!**

Students will be Learning High on the Hog with these interactive lessons that integrate learning about the pig industry to their daily lives and other curriculum learning. My elementary school is in an urban/suburban area and most students as well as their families have little to no understanding of what agriculture is or how it impacts their daily lives. Through this unit students will develop an understanding of the pork industry, by-products of pork, and the importance of our piggy friends while utilizing science, social studies, math, and reading skills. Students will be as eager and happy as a pig rolling in the mud to learn about the link between themselves and pig agriculture.

Lisa Nicholson-

**Chick Embryo Project-Mayes County OSU Extension**

I have recently transferred from Tulsa to Mayes County. After visiting with elementary teachers at several local schools I realized there is a need for a chick embryo program. Many students do not understand where their food comes from and how important agriculture is to their everyday lives. I plan to use the Ag in the Classroom lesson "Hatching Science with Classroom Chicks" to introduce students to the life cycle of a baby chick, and how poultry is an important food source. I plan to do this by providing the classroom with an incubator and 12 fertilized eggs. Through this program, students will be introduced to the importance of agriculture from the security and convience of their classroom \$500

Kim Murray-Canton

**This Little Pig**

The 2nd and 5th grade classes will be working together to complete a 3-week unit on Pigs/Swine. Our goal in completing this Unit is to give awareness to the importance of

	<p>swine in agricultural products and to teach the basic needs of pigs and learning different breeds of pigs. Students will also be introduced to new vocabulary, compare/contrast skills, math measurements, and stem. 2nd and 5th grade students will work together as partners allowing them to work on skills such as; cooperation, empathy, and respect. \$500</p>
<p>Gore Elementary Teacher Lunch</p>	<p>Fed Gore Elementary School teachers (30 total) lunch with the Oklahoma Farm Bureau Women's committee for bringing the most teachers to the 2023 Oklahoma AITC State Summer Conference</p>

**A FEW CONTEST WINNERS:**



**Oklahoma Ag in the Classroom and Farm to School at Tulsa Public Schools Ag Day**



## **AGRITOURISM**

### **Agritourism - Site Visits**

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Oklahoma Tulips	Harrah	Horticulture, U-Pick	Delivered OK Grown Stickers

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

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Billingsley Blooms	Lucien	Horticulture, U-Pick	Site visit, added into the program
KC Ranch	Pawhuska		Site visit, talked about potential activities at the ranch, will visit again in fall
Dogwood Blooms	Ardmore	Horticulture, U-Pick	Site visit, added into the program
Fleecy Friends	Boynton	Fiber, Teachable Moments	Site visit, not quite ready for agritourism, will visit again this summer
Downing Brewery	Locust Grove	Brewery	Site visit, added into the program and Craft Beer Trail

### **Social media**

#### Facebook

- 22,919 likes
- 25,583 followers

#### Instagram

- 2,741 followers

Posted 15 posts on Facebook & Instagram featuring u-pick tulips, u-pick strawberries, winemaker of the month, and upcoming spring agritourism activities in Oklahoma.

### **Agritourism - Other Activities**

- Farmer Market Apps: Downtown Tulsa Midweek Market, Rooted Harmony, Weatherford Farmers Market, Garden Hub and the Duncan Farmers Market, Rose District FM, Rowdy Stickhorse FM, Rowdy Stickhorse Hub, Lakeview Market, Edmond FM Midweek, Wheeler District FM, Talihina FM, Skiatook Indoor FM, McLoud FM Association, Stigler FM, Mangum FM, Friday Nights in the Park, Sapulpa Main Street Route 66 FM, Sunny Creek Trading Post Market, Blue Mountain Farm Hub, Eastside Fresh Market, Wellston FM, Shepherd's Cross Hub, Ottawa FM, Stillwater FM, Noble FM

#### Other Agritourism:

- High Plains Journal interview
- Sent March 2024 producer newsletter to 511 emails, 288 opened
- Speak to two OSU Ag Communications classes
- Talk to OSU Sustainable Tourism Class about agritourism in Oklahoma
- Attend Kickstart Route 66 Tour in Miami for Market Development
- Oklahoma State Univ. Craft Beer Forum – presented beer pairing/agritourism session

## ECONOMIC DEVELOPMENT

Activity	Action
2024 USDA Specialty Crop Block Grant.	ODAFF will be receiving \$542,948.82 from USDA to promote specialty crop production in Oklahoma. Deadline to submit applications to ODAFF was February 28 <sup>th</sup> with a total of thirteen (13) applications received. All applications have been emailed to an external selection committee to be scored and returned to ODAFF by April 10 <sup>th</sup> . The top-ranking proposals will be included in Oklahoma's State Plan that is to be submitted to USDA by May 2 <sup>nd</sup> .
Healthy Food Financing Program	The deadline to submit applications to be eligible for review during Q2 under ODAFF's HFFP was April 1 <sup>st</sup> . A total of three grant applications were received and will be considered at the next meeting of the selection committee.
Resilient Food Systems Infrastructure grant (RFSI)	Oklahoma will be receiving over \$6 million from USDA to help efforts to build resiliency in the middle of the supply chain and strengthen local and regional food systems through the Resilient Food Systems Infrastructure grant program. Thirty-six (36) applications were received for the Equipment Only portion of the grant and twenty-six applications were received for the larger Infrastructure grant. Two separate selection committees were put together to review and score the proposals and will choose which applications are included in Oklahoma's proposal which will be sent to USDA by May 23 <sup>rd</sup> .

## FARM TO SCHOOL

F2S Contact Meetings and Events	Highlights
Professional Development Training for Big Five Head Start Cooks/Cook Aides	Head Start Sites that attended Meeting: Clinton, Alva, Enid Park Place, Guymon, Laverne, Medford, Weatherford, Hennessey, Woodward, and Yukon.
Oklahoma Local Ag Summit	Set up booth
Potlikker and Farm to School Meeting: Malcolm Love: Producer in Wagoner, OK Danielle Corral: Consultant for Potlikker Capital Juan Escareño: Oklahoma Field Director for Potlikker Capital	Potlikker Capital is a farm community governed charitable integrated capital fund created to holistically serve BIPOC (Black, Indigenous, and people of color) farmers in America who operate at the intersection of racial and climate justice. Juan has around 30 Oklahoma producers who are interested in the Farm to School Program
Tulsa Farm to School Day Contact: Sonja Stolfa, RD/LD, Dietitian, Community Outreach for Tulsa Public Schools, Child Nutrition Department	Engaged with several 4 <sup>th</sup> and 5 <sup>th</sup> grade classes.  Students Reached: 180
Oakdale Public School STEAM Night	Booth and activities  Students Reached: 150

Julia Laughlin: Horticulture Educator Oklahoma County OSU Extension	Discussed ways to be involved with county master gardeners who work with school gardens
Broken Arrow School District Cafeteria Training	Broken Arrow Schools has recently started purchasing local foods and wanted all their cafeteria staff to learn more about the F2S program. All participants attended the training sessions: <ul style="list-style-type: none"> <li>• Food Safety/Knife Skills: Bill Harris</li> <li>• Child Nutrition: Sheri Glazier</li> <li>• Local Procurement and Farm to School Program: Lisa Griffin &amp; Alex Cox</li> </ul> Schools: 28 Attendees: 165

**F2S Formula Grant:**

Finalized hiring the following contractors:

- Sherri Glaizer: Nutritionist
- Bill Harris: Chef
- Lisa Griffin: Procurement Consultant
- Cheri Long: Gardening Consultant

**F2S Social Media:**

- Facebook has 1,000 followers
- Facebook Reach: 1.9K
  - Facebook Engagement: 157

Tulsa Farm to School Day:



## INTERNATIONAL

Activity	Action
Certificate of Free Sale	<ul style="list-style-type: none"> <li>• Lopez Foods-continuing to update all for 2024</li> <li>• Bama</li> </ul>
Food Export	<ul style="list-style-type: none"> <li>• Recruiting for the National Restaurant Show A Taste of the States Pavilion in May 18-21<sup>st</sup></li> <li>• Recruiting for the Food Show Plus! Food Show Taipai collecting info for their show booth and brochures</li> <li>• Following up with FTM to Columbia companies and collecting surveys</li> <li>• Attending the Spring Meeting in DC, this is the first time we have Midwest and Northeast for the spring meeting: this meeting we will review results from 2023 and look at strategy and set goals for 2024 as well as continue to give feedback for the 2025 UES due in June</li> <li>• Cooperators are excited to hear about the RAPP (Regional Agriculture Promotion Program) first tranche granted should be notified of award last week of May</li> </ul>
USLGE	<ul style="list-style-type: none"> <li>• Completed UES applications for 2025- we applied for 4 projects               <ol style="list-style-type: none"> <li>1. Small Ruminants inbound mission from Brazil in collaboration with MO and Smart Pro March</li> <li>2. Equine inbound mission from Brazil with NRHA and TX June</li> <li>3. Equine inbound mission from Brazil with NPHA and TX-Oct</li> <li>4. Cattle inbound from select markets as stipend for Congress timeframe will be a tour during the show Jan</li> </ol> </li> <li>• Completed Country reports for 2023</li> </ul>
GIT (Governor's International Team)/ODEC	<ul style="list-style-type: none"> <li>• Oklahoma World Trade Conference taking place this week April 9-11 in OKC and Tulsa</li> </ul>
Misc Meetings	<ul style="list-style-type: none"> <li>• MIO Coalition Meeting</li> <li>• MIO Expo and Food Export Visit- Our Food Export Liaison attended the Expo and was able to speak to multiple companies. Followed up with visits to Stryve and Fayman Esro (New MIO Members)</li> </ul>

## MADE IN OKLAHOMA COALITION

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

Type	\$ Spent and Information	Highlights
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 – 8 appearances Tulsa – 4 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV

Broadcast Campaign for March and April	OKC and Tulsa DMA's	MIO TV Commercials ran for the entirety of March and April to help support MIO month marketing efforts
MIO Month Interview with Radio OK Network – Reagan Caulk	Staff interviewed with Radio OK Network to discuss ways Oklahoman's can be supportive of MIO month all April long.	<a href="https://www.oklahomafarmreport.com/okfr/2024/04/08/celebrate-mio-month-by-showing-support-for-made-in-oklahoma-products/">https://www.oklahomafarmreport.com/okfr/2024/04/08/celebrate-mio-month-by-showing-support-for-made-in-oklahoma-products/</a>
Restaurants of the Month	Each month staff, along with Food Service Committee present the restaurant with their award and eat lunch as a group at their establishment.	February – The Pioneer Woman Mercantile, Pawhuska, OK  March – Theopolis, Shawnee, OK  April – Buffalo Wild Wings, 10 statewide locations
MIO Spring Recipe Guide	Members were able to participate in this guide for \$250. This is the third of three installments (winter, fall and spring). This guide will run from mid-March – June.	<a href="https://urldefense.com/v3/https://drive.google.com/file/d/1V-Vae4VDbWLhe9nqpvitRxyr7GIAezM/view?usp=drive_web;!!NZFi6Pppv9YRQw!ooRdnora73KMK-BoYtRjfkOuf-n7SB6ou15UpGDVhWwr3-fxaOaS1NHm2isNzc0X5rF-HQIISYWp3_6aGcbSzy8ae0II\$">https://urldefense.com/v3/https://drive.google.com/file/d/1V-Vae4VDbWLhe9nqpvitRxyr7GIAezM/view?usp=drive_web;!!NZFi6Pppv9YRQw!ooRdnora73KMK-BoYtRjfkOuf-n7SB6ou15UpGDVhWwr3-fxaOaS1NHm2isNzc0X5rF-HQIISYWp3_6aGcbSzy8ae0II\$</a>
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.
Edible OKC Full Page Ad	Full page MIO ad highlighting MIO month and encouraging folks to eat local all month long	<a href="https://www.dropbox.com/scl/fi/gase13fjtdc/b5imkgjpr/24-MIO-0148-EdibleOKC-V4-1-1.pdf?rlkey=noqxf831me2891hr9pv4ke8z6&amp;dl=0">https://www.dropbox.com/scl/fi/gase13fjtdc/b5imkgjpr/24-MIO-0148-EdibleOKC-V4-1-1-1.pdf?rlkey=noqxf831me2891hr9pv4ke8z6&amp;dl=0</a>
Shelby Report of the Southwest	Congratulatory Ad for Affiliated Foods being named Wholesaler of the Year	<a href="https://www.dropbox.com/scl/fi/484w1m7bczcfid3stmwq4/24-MIO-0285-ShelbyReportAd-1.pdf?rlkey=vc7e53ow1br7lsorcnl1s9fnq6&amp;dl=0">https://www.dropbox.com/scl/fi/484w1m7bczcfid3stmwq4/24-MIO-0285-ShelbyReportAd-1.pdf?rlkey=vc7e53ow1br7lsorcnl1s9fnq6&amp;dl=0</a>
MIO Monthly Newsletter		o 4000+ 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.	February – - Hot Link Waffle Sandwich - Bedre Dark Chocolate Cheesecake - Slow Cooker Bourbon Meatballs - Okie Breakfast Spread  March:  April: - Totchos - Grown-up Cherry Limeade

January Retailer of the Month	Williams Foods	Statewide locations
February Retailer of the Month	Homeland	Statwide locations

**Made in Oklahoma Coalition – Other Activities**

<b>Activity</b>	<b>Information</b>
Meeting with Buffalo Wild Wings Marketing Director - January 16 <sup>th</sup>	Staff and the MIO Marketing and Food Service Committee finalized the concept for the Made in Oklahoma branded bar areas for 10 Oklahoma Buffalo Wild Wings locations. We are working with Marketing Director Crystal Farnsworth to get approval to move forward and install these displays and signage in each location. They will be our April Restaurant of the Month.
MIO Expo & Legislative Reception - March 5 <sup>th</sup>	Staff and the Special Events committee worked to plan our annual MIO Expo and Legislative Reception events. These events are designed to facilitate business to business connections for our members. The Legislative Reception was very well attended with lots of positive feedback from attendees and legislators.
Restaurant of the Month Visit to Theopolis - March 13 <sup>th</sup>	Staff along with the Food Service committee and several Shawnee Mills employees and leadership met with the owner of Theopolis Social Club in Shawnee, OK to present their ROM award.
Oklahoma Night at the OKC Thunder - March 14 <sup>th</sup>	Staff worked with the Thunder activations team as well as Levy Restaurants to bring Oklahoma night to life with the OKC Thunder. As part of this promotion, MIO had a news feature from Channel 9 News highlighting our Court Cart. Additionally, the MIO logo was blasted throughout the arena for an in-game timeout promotion when the state song played. MIO shirts were handed out at the game and members staffed our table where we handed out MIO informational items.
Affiliated Foods Spring Show - Amarillo TX - March 20-21 <sup>st</sup>	Several MIO members attended the annual Affiliated Foods Trade Show in Amarillo TX. MIO offers free booth space to members to attend this show. The AFI warehouse services 9 states and is a huge opportunity for MIO members. As a result of this show 2 MIO members were able to meet with the CEO of AFI, Randy Arceneaux and make progress toward getting in the warehouse.
Presentation to Pawhuska Native American Micro-Enterprise Group - March 20 <sup>th</sup>	Staff was asked to speak to the 2024 cohort of the Native American Micro-Enterprise group in Pawhuska OK. Staff spoke about the MIO Coalition and Program as well as all services offered by Market Development.
MIO Membership Interviews - March 26 <sup>th</sup>	The MIO Board of Directors interviewed and onboarded several new members during the month of March. Those new members are: <ul style="list-style-type: none"> <li>- Queen City + Co - Muskogee, OK</li> <li>- Good Girl Chocolate - OKC, OK</li> <li>- Padiano’s Kitchen – Tulsa, OK</li> <li>- 4 Generations Organic Farm – Alva, OK</li> <li>- Esro Foods – Madill, OK</li> <li>- Woodworks Distilling Co. – OKC, OK</li> <li>- Topeca Coffee Roasters – Tulsa, OK</li> <li>- Monkey Salsa – Norman, OK</li> <li>- Savory Spice Shop – OKC, OK</li> </ul>
Senate Rural Caucus Breakfast - April 2 <sup>nd</sup>	Staff and several MIO board members met with the Senate Rural Caucus to provide them breakfast and a presentation about the MIO Coalition. There were about 15 rural caucus members present and there was great opportunity for discussion and questions about MIO and our impact on the state of OK.

MIO Onboarding meeting with BOK and Cox Convention Center - April 3 <sup>rd</sup>	Staff along with MIO Food Service Committee leadership met with several staff members for the BOK Center and Cox Convention Center in Tulsa, OK to discuss them becoming a certified MIO House. They are working on incorporating several local food and beverage concepts into the arena and convention center and are collaborating with MIO to bring them to life.
Rt. 66 Centennial Kick-off tour - Miami, OK - April 4 <sup>th</sup>	Staff along with Agritourism Coordinator, Whitney Wilkinson, represented ODAFF Market Development at the Route 66 Centennial Kick-off tour in Miami, OK. Staff discussed market development programs to event attendees and showcased the resources we can provide.
MIO April Membership Meeting - ODAFF, OKC - April 5 <sup>th</sup>	26 MIO members and associates joined the in-person MIO meeting at ODAFF and 30 members joined the meeting online. We discussed MIO month promotions and marketing opportunities available to MIO members to participate in throughout the month of April.

### **MADE IN OKLAHOMA PROGRAM**

<b>Events</b>	<b>Date</b>	<b>Location</b>	<b>Details</b>
MIO Coalition Meeting	Feb. 23	Ada	Legacy Ranch grand opening – MIO Retailer
Okie Marketplace	March 20	Chandler	Met with owner of Okie Marketplace to discuss adding MIO products, promotions, events and trainings

**New Producers:**

Country Lane LLC	Pinkberry Norman	Emerge Collective Designs
Koko’s Organic Lemonade	Oak Creek Baskets	Bushyhead Botanicals
Gina’s Adventures in Quilting	Rustic Oak Metal Shop	Feel Good Soap by Jen
The Handmade House	Eva Cantrell Creations	Rezcreativity
Purple Mountain Soap	Arvesa LLC	Inspired by Life Jewelry and Crafts
Tulla Threads	Sew and Soar	Wood Monger Designs
Dunagan-Farms	Asinine Signs	Quail Hollow Flower Farm
Carrico’s Creative Corner	Sichelle’s Kreations	Pylsuvagn

**Events:**

- 2024 Tulsa Home and Garden Show – we had a section of 10 booths, but 23 Made in Oklahoma Program members participate in the show
- Upcoming:
  - April 16 – Ag Day at the Capitol
  - May 20 – Made in Oklahoma Showcase
  - June 1 – Wines of the West

**Other Made in Oklahoma Activities:**

- Planning for 2024 Made in Oklahoma Showcase
- Planning for 2024 MIO Store at Oklahoma State Fair
- Reviewed and edited Retailers list – adding more Retail locations to the program
- Working to link all new e-commerce products to producer profile pages
- Connected with several new retail locations, helping them obtain Made in Oklahoma products to sell in their stores

## VITICULTURE & ENOLOGY

### Viticulture & Enology - Site Visits

Producer	Location	Category	Highlights
On the LAMB	Stigler	Winery	Zach Lamb has added Highland cows as part of the agritourism draw.
OKLAS	Edmond	Conference	<p>Helped Whitney and Micaela organize and host the OKLAS conference. Spearheaded the farm to table dinner in Piedmont.</p> 
Vecinos	Yukon	Winery	Met with the owner of Vecinos (award winner at state fair 2023) to discuss her operation and how she manages to operate out of a farm hub.
Norman Wine Festival	Norman	Networking	Talked with OkeOzark, Sabatia, Native Spirits, B&G Meadery, Summerside, and Entwined Vines. Passport program is going well. Some producers say they're seeing an increase in traffic.
Put a Cork in It	OKC	Winery	Stopped by the stop on the OKC wine trail. Chatted with the owners about how to promote the trails inside their location. Later made them a sign that they can hang up.
OK Cider	OKC	Cidery	Checked to make sure their materials were in order. Checked off as a stop for the trails.
Clauren Ridge	Edmond	Winery	Double checked material availability. Checked off as stop for the trails.
American Solera	Edmond	Brewery	Checked off as stop for the OKC trails.
Backyard Winery	OKC	Winery	New winery. Visited to talk with owner and see potential for adding to the agritourism program.

Crystal Creek Winery	Durant	Winery	Met with owners for second time but first in depth time. Learned about their business, business goals, and checked on their wine trails. Took Callie with me to procure high quality photos.
OSU Craft Beer Forum	Stillwater	Conference	Led an Oklahoma Agritourism/MIO/beer pairing session with Whitney.
B&G Meadery	Stonewall	Meadery	Stopped by to check on the wine trails and get high quality photographs. Talked with Cassandra about picnic basket bundle ideas and expanding into on site cabins.

**Viticulture & Enology - Other Activities**

- Met with Steve Sneed of Sabatia to discuss how to further promote Chambourcin as a grape.
- Mailed out the first of hopefully many prizes for returned Wine Trails passports
- Started negotiations and planning for Spring/Summer wine trails passports marketing campaign
- Guest lectured for Sustainable Tourism at OSU

## MARKET NEWS SERVICES

February 22, 2024 – April 9, 2024

- **Grain Report:**

	February 22, 2024,	April 9, 2024	DIFFERENCE
<b>WHEAT: (bu)</b>	\$4.59-\$5.35	\$4.92-\$5.63	\$0.33 to \$0.28 Higher
<b>MILO: (bu)</b>	\$3.91-\$4.08	\$4.11-\$4.26	\$0.20 to \$0.18 Higher
<b>SOYBEANS: (bu)</b>	\$10.47-\$11.05	\$10.69-\$11.26	\$0.22 to \$0.21 Higher
<b>CORN: (bu)</b>	\$3.86-\$4.41	\$4.01-\$4.71	\$0.15 to \$0.30 Higher
<b>COTTON: (lb)</b>	87.46 cents	76.04 cents	\$11.42 Lower

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

### **FEEDER STEERS**

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

- (4-11-23) \$240.00-261.00 Wtd. Avg \$250.50
- (4-9-24) \$291.00-343.00 Wtd. Avg. \$317.00

### **HEIFERS**

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

- (4-11-23) \$210.00-232.00 Wtd. Avg \$221.00
- (4-9-24) \$256.00-287.00 Wtd. Avg. \$271.50

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 11,466 subscribers February 22, 2024, April 9, 2024 (**up from 132 subscribers last report**).

- **Voice Messaging System:**

- The market news voice messaging system during
- Monthly Total: February 22, 2024, April 9, 2024, **6,962 Accessed Times**
- Last Report January 5, 2024, February 22, 2024, **6,877 Accessed Times**
- Compared to Last Month: **Accessed Times-is UP 85 on Accessed times**

- **Oklahoma Agriculture Market News**

- **Facebook Page**
  - Likes/Followers 596
  - **UP 24 Likes/Followers**
  - People reached through pasted report: 1,300 people

- **Oklahoma Hay Directory**

- Hay Directory
  - **78 people are on the Oklahoma Hay Directory.**

- **Hay Report**

**This Month:** February 22, 2024, March 29, 2024, Hay Traded 12,731  
**Last Year** February 17, 2023, March 31, 2023 Hay Traded 8,050  
**UP 4,681 Bales Reported**

**OKLAHOMA HAY MARKET REPORT**  
**3-29-24**

**Receipts: 1,660 Last Reported: 3,022 Year Ago:860**

Compared to the last report: The demand and trade remain low. We are approaching the new crop hay season. With the new crop hay season around the corner, many cattle producers are trying to stretch the hay they have left. Due to the new crop and cattle producers stretching the hay, hay prices are beginning to lower. Producers are lowering prices to replace old hay with new hay.

**Trends:**

Alfalfa Large squares \$180-200 a ton  
 Alfalfa Rounds - No Trend Grinding hay - No Trend  
 Bermuda 5x6 rounds - \$60-\$90 a bale  
 Bermuda Large Squares - No Trend  
 Grass Hay 4x5-4x6 - \$50-\$60 a bale  
 Grass Hay 5x6 - \$60-\$70 a bale Rough  
 Grass Hay any size \$40-\$45 a bale

The Oklahoma Mesonet Drought Monitor shows we are at 0 percent in exceptional drought, 0 percent in an extreme drought, 0.19 percent in severe drought, 3.53 percent in moderate, 43.56 percent in abnormally dry conditions, and 56.44 percent that has no drought conditions.

\*\*\* The next report release will be on April 12th \*\*\*

**Central**

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		200.00		F.O.B

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	520	150.00	150.00	F.O.B

**North Central**

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	230	90.00	90.00	F.O.B

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	70	80.00	80.00	F.O.B

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		70.00		F.O.B

**Northeastern**

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	320	65.00	65.00	F.O.B

**Northwestern**

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	520	180.00	180.00	Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used

Ground		130.00		F.O.B
<b>Bermuda Grass:Fair/Good (Ask/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		120.00		Delivered
<b>Grass:Fair/Good (ASK/Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		80.00		Delivered

## Agricultural Environmental Management Services (AEMS) Division Activities

### General Activities

- AEMS Staff participated in the Water Research Advisory Board (WRAB) Winter Meeting.
- AEMS Staff participated in the Water Quality Standards Meeting.

### Complaints

	Received	Closed*
This Reporting Period	14	26
Total FY24	86	104

*\*These numbers include closing of older complaints.*

### Complaint Breakdown for this Reporting Period

Cattle:	4
Swine:	1
Poultry:	1
Misc Animal:	2
Other:	0
Animal Shelter:	5
Pet Breeder:	1

### Program Activities

A summary of the inspections, compliance and technical assistance conducted by the ODAFF AEMS Staff for this reporting period.

#### CAFO & LMFO ACTIVITIES

	Feb 21 – Mar 31	FY 24 Total
Complaint or Compliance Follow-ups	12	78
Annual Inspections	33	427
Technical Assistance with Contacts	31	168
Site Visit/Review – No contact made	28	76

#### POULTRY ACTIVITIES

	Feb 21 – Mar 31	FY 24 Total
Complaint or Compliance Follow-ups	2	68
Annual Inspections	191	585
Technical Assistance with Contacts	137	274
Site Visit/Review – No contact made	72	120
OSU Poultry Education Classes Attended	1	4

Eucha-Spavinaw CNMP Written	41	111
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**PET BREEDER & SHELTER ACTIVITIES**

	Feb 21 – Mar 31	FY 24 Total
Complaint or Compliance Follow-ups	11	89
Annual Inspections	8	181
Technical Assistance with Contacts	21	106
Close Outs	2	12

**AGPDES ACTIVITIES**

	Feb 21 – Mar 31	FY 24 Total
Complaint or Compliance Follow-ups	0	0
Site Inspections	0	15
Technical Assistance with Contacts	0	13

**COMPOSTING ACTIVITIES**

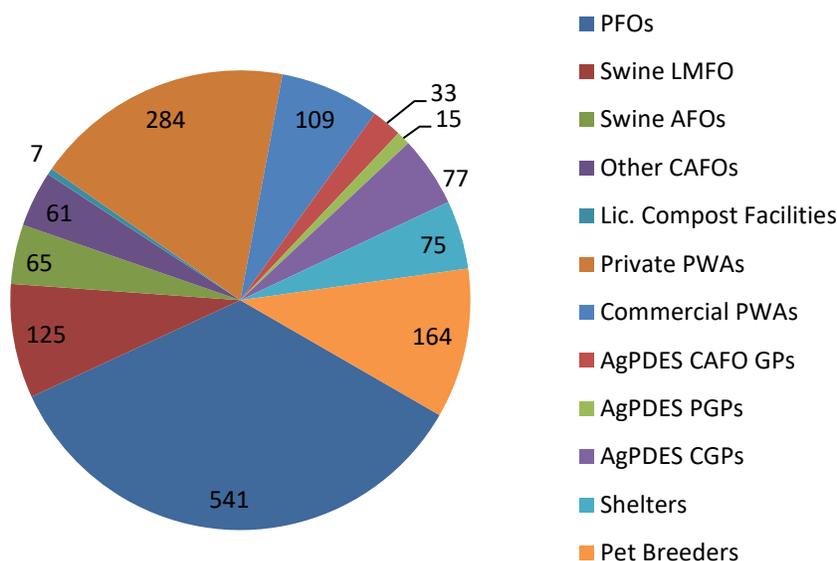
	Feb 21 – Mar 31	FY 24 Total
Complaint or Compliance Follow-ups	11	39
Site Inspections (all)	0	8
Technical Assistance with Contacts	2	22

**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: 1

**Active Licenses/Registrations/Certifications/Permits**

**Current FY24 AEMS Numbers**



Respectively,

  
 Teena G. Gunter  
 AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE  
 OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
 APRIL 2024 BOARD REPORT  
 REGARDING FEBRUARY 26, 2024 THROUGH APRIL 5, 2024 ACTIVITIES OF  
 THE OFFICE OF GENERAL COUNSEL**

**AMOUNT OF ADMINISTRATIVE FINES COLLECTED:**

Amount to Date (2024)	Amount of Fines for this Board Meeting
\$13,800	\$28,420
\$372,095	2023
\$207,400	2022
\$57,475	2021 Total (5/31-12/31/2021)

**CONTRACTS REVIEWED OR DRAFTED (37):**

Marketing: 17
CPS: 3
Forestry: 7
Admin: 3
Food Safety: 2
AEMS: 3
Animal Industry: 2

**ADMINISTRATIVE HEARING PROCEEDINGS:**

Total Number of Open Cases: 118
Total Number of New Cases: 58
Total Number of Cases Closed: 8
NOVs Sent: 71

**OTHER ACTIONS AND PROCEEDINGS:**

<p><i>Upton's Naturals Co v. Stitt and Arthur</i>, 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.</p> <p>Stitt v Drummond, Oklahoma County Case Number CV-2024-606: Lawsuit by Governor and certain Cabinet Secretaries against the Attorney General's Office regarding AG Opinion 2024-5. Motion for Partial Summary Judgement is filed and awaiting oral arguments on May 9, 2024</p>
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<i>Spring Creek Coalition v. ODAFF and Trong</i> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<i>Spring Creek Coalition v. ODAFF and Phan, et al.</i> , 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. Hearing had March 2, 2023. Supplement brief filed regarding Motion to Dismiss. Oral arguments held. Awaiting decision by the Court

**MEETINGS:**

Date	Activity
February 26, 2024	AEMS Legal
February 26, 2024	House Banking, Financial Services, and Pensions Committee
February 27, 2024	EPA WOTUS Rule
February 27, 2024	Directors
February 27, 2024	House Agriculture Committee
February 29, 2024	OGC Staff
February 29, 2024	AALA Webinar Climate and Carbon
February 29, 2024	AgPDES
March 1, 2024	Director’s Retreat
March 4, 2024	AEMS Legal
March 5, 2024	GALPS CLE
March 6, 2024	Intern Interviews
March 7, 2024	Directors
March 7, 2024	Intern Interview
March 8, 2024	OWRB Panhandle Citizen Group
March 11, 2024	AEMS Legal
March 11, 2024	Intern Interview
March 12, 2024	Commissioners of Land Office Audit Committee
March 13, 2024	State Board of Agriculture
March 13, 2024	Intern Interview
March 14, 2024	OBA Legislative Monitoring Committee
March 14, 2024	Docket
March 14, 2024	Commissioners of Land Office
March 15, 2024	Intern Interviews
March 15, 2024	OBA ELS CLE
March 18, 2024	Director’s Meeting
March 18, 2024	AEMS Legal
March 19, 2024	ODAFF Blood Drive
March 20, 2024	ODAFF AgPDES/EPA
March 25, 2024	Senate Agriculture
March 26, 2025	Director’s

March 26, 2024	OBA Day at the Capitol
March 27, 2024	Document Productivity 101-Adobe Acrobat
March 27, 2024	House Administrative Rules Committee
March 27, 2024	Senate Administrative Rules Committee
March 28, 2024	OGC Staff
March 28, 2024	AgPDES
April 1, 2024	AEMS Legal
April 1, 2024	Senate Agriculture Committee
April 2, 2024	House Agriculture Committee
April 2, 2024	GALPS
April 3, 2024	Director's
April 3, 2024	ODAFF Safety Committee
April 3, 2024	NALC Water's Uncertain Future
April 3, 2024	House Administrative Rules Committee
April 4, 2024	Intern Interview
April 5, 2024	Intern Interview
April 5, 2024	Johnston County

**RULE ACTIVITIES:**

<p><b>Chapter 10. Agricultural Products (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.</p>
<p><b>Chapter 15. Animal Industry (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.</p>
<p><b>Chapter 17. Water Quality (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.</p>
<p><b>Chapter 20. Forestry (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.</p>

<p><b>Chapter 30. Consumer Protection (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.</p>
<p><b>Chapter 37. Food Safety (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.</p>
<p><b>Chapter 40. Market Development (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.</p>
<p><b>Chapter 45. Water Quality Standards Implementation Plan (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.</p>
<p><b>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.</p>

**OPEN RECORDS REQUESTS (37):**

AEMS: 4
CPS: 9
AIS: 11
Pet Breeders: 3
Forestry: 9
Market Development: 1

**OTHER ACTIVITIES:**

Phone calls or emails with the public: 17
Assistance to industry: 3
Assistance to AEMS: 13
Assistance to CPS: 9

Assistance to Wildlife Services: 0
Assistance to Forestry: 13
Assistance to AIS: 5
Assistance to Admin: 10
Assistance to Market Development: 1
Assistance to other state agencies: 5
Assistance to federal agencies: 1
Assistance to Food Safety: 6
Assistance to NASS: 0
Assistance to Executive Office: 19
Assistance to Lab: 0
Assistance to Investigative Services: 4
Assistance to Legislature: 3
Assistance to Attorney General: 0
Assistance to Public Information: 5
Assistance to Governor: 6

Respectfully Submitted,



Teena G. Gunter  
General Counsel

# **FOOD SAFETY BOARD REPORT**

April 2024

# 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 1,402,148 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA shell egg grading on 52,870 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. A Child Nutrition Labeling Program Review was conducted under the USDA cooperative agreement at Dorada Foods in Ponca City. Routine egg quality inspections under the Oklahoma egg law were conducted.

## ORGANIC FOODS SECTION

Organic inspectors completed compliance and certification inspections at:

- Four organic crop producers
- One organic livestock producer
- Five organic processors
- 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 4 requests for organic crop applications, 1 request for an organic livestock application and 3 requests for organic processing applications.

# POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

## PRODUCE SAFETY SECTION

- Completed a produce farm inspection for the Produce Safety Rule
- Conducted outreach about the Produce Safety Rule at the Farmers Market Vendor Meeting
- Met with FDA state liaison
- Presented about the produce safety rule at the MCAFDO annual educational conference and met with neighboring state produce programs
- Completed incident command training
- Quarterly FDA monitoring call
- OSU taught a Produce Safety Alliance grower course to produce growers
- Regular conference calls with TX, LA, AR, NM, MO, MS

## HOMEMADE FOOD FREEDOM ACT

- Received 8 complaints on Homemade Food Freedom Act businesses.
- Meat compliance assisted with 6 complaints.
- OSU taught 1 Homemade Food Freedom Act class.

# OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

<b>Planned Compliance Reviews</b>	06
<b>Random Compliance Reviews</b>	196
<b>Person-to-Person Contacts</b>	82
<b>Special Investigations and/or Projects</b>	03
<b>Reports of Apparent Violations</b>	00
<b>Detentions</b>	00
<b>Consumer Complaints</b>	08
<b>Verbal Warnings Issued</b>	20
<b>Letters of Warning Issued</b>	00
<b>Samples Submitted to Lab for Analysis</b>	02
<b>Accident Investigations</b>	00
<b>Administrative Procedures Act (Pending)</b>	02
	(Enid Packing) (The Forum Group LLC)

The Oklahoma Highway Patrol notified Meat Inspection Compliance with zero (0) truck accidents in the month of March 2024.

See details below:

ACCIDENT LOCATION	ANIMAL PRODUCT	DISPOSITION
N/A	N/A	N/A

### Highlighted Activities

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

Leave: Ron- 0 hours

Wayne- 0 hours

Brad- 13 hours

# OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

## SLAUGHTER MEAT INSPECTION

<b>Number of Cattle</b>	2,120
<b>Total Beef Condemned (Beef heads &amp; livers)</b>	16,160 lbs (avg. H wt 20 lbs, avg. L wt 10 lbs)
<b>Number of Swine</b>	125
<b>Total Pork Condemned (Pork heads &amp; livers)</b>	1,174 lbs (avg. H wt 10 lbs, avg. L wt 2 lbs)
<b>Number of Sheep and Goats</b>	7,420
<b>Total Condemned</b>	0 lbs
<b>Number of Chickens</b>	0
<b>Number of Rabbits</b>	0
<b>Total Condemnations</b>	0 lbs
<b>Number of Buffalo</b>	33
<b>Total Condemnations</b>	580 lbs
<b>TOTAL MEAT INSPECTED</b>	1,106,539 lbs

<p><b><u>AVG. CARCASS WT</u></b> Beef 700 lbs, Pork 250 lbs, Sheep/Goat 100 lbs</p>	<p><b><u>AVG. SWINE HEAD/LIVER</u></b> Head 10 lbs / Liver 2 lbs</p>
<p><b><u>AVG. BEEF HEAD/LIVER</u></b> Head 20 lbs / Liver 10 lbs</p>	<p><b><u>AVG. LAMB/GOAT HEAD</u></b> Head 2 lbs</p>

## PROCESSED BOXED MEAT INSPECTED

<b>Processed Red Meat</b>	2,353,959 lbs
<b>Condemned on Reinspection</b>	0 lbs
<b>Poultry (Portions)</b>	592,198 lbs
<b>Condemned on Reinspection</b>	0 lbs
<b>Rabbit Meat</b>	0
<b>Condemned on Reinspection</b>	0 lbs
<b>Exotic Deer Meat</b>	0
<b>Condemned on Reinspection</b>	0 lbs
<b>TOTAL PROCESSED MEAT INSPECTED</b>	2,946,157 lbs

## MEAT SAMPLE ACTIVITY

25 Samples Submitted for Analysis	
25 Samples Analyzed	
25 Samples Negative Analysis	
0 (Heat) Samples Not Analyzed	
0 Samples Non-Compliant	

3/7– Dr. Hardage and Nick Prince interviewed/hired Laura Ritchie for an inspector position in the Southeast District.

# DAIRY SECTION

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

Additionally, Dairy Services conducted a dairy farm survey for DFA Central Council 59 (BTU 40-059) in Hollis. This farm survey will receive a passing score and Information regarding this survey will be available on FDA's Interstate Milk Shippers List website.

FDA Milk Specialist, Clinton George, conducted multiple FDA inspections at dairy farms in Northeast Oklahoma and at Hiland Dairy in Norman the week of March 25<sup>th</sup>. Most official work involved recertifying Scott Fisher as the State Sampling Surveillance Officer (SSO) and recertification work with Jayson Jones, State Rating Officer-Farms (SRO-F). While in town, FDA used this visit to complete training for a new FDA Milk Specialist.

Dairy staff was advised about an unknown dairy outbreak that has been affecting milk production in Texas, New Mexico, Kansas, and parts of Oklahoma. The outbreak is thought to be related to the Avian Influenza. Under the direction of the State Veterinarian, Dairy staff have implemented additional bio-security protocols when visiting dairy farms throughout the state. This information is being shared with our producers and they are encouraged to contact the State Veterinarian if their herds show symptoms. It should be noted that milk from sick cows is routinely separated and discarded. Also, pasteurization deactivates viruses and pathogens. Milk from affected herds does not pose a health risk to the public if it has been pasteurized. Consuming pasteurized dairy products is always recommended.

Dairy services hired a new dairy inspector, Quint Lockwood, that started March 11, 2024.

Sincerely,



Scott Yates

Director of Food Safety

## Communications

Compiled 4/11/24

### Social Media Highlights

**Wildfire Stories – March 11 & 13** | Many producers were impacted by the wildfires that spread rapidly across NW Oklahoma in late February. We shared the stories of two Ellis County producers -- Dale Moore and Cliff Moyer. Both men suffered livestock loss and property damage.

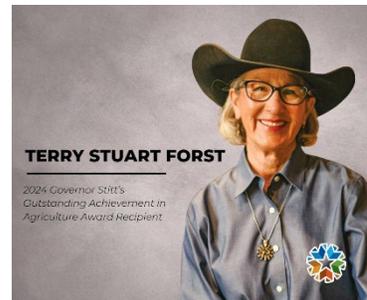
It was good to learn that so many people in Oklahoma and outside of Oklahoma were ready and willing to assist those producers, as well as many others in need.



**OYE Legislative Showmanship – March 21** | More than 130 legislators participated in the OYE Legislative Showmanship back in March. Sec. Arthur provided play-by-play of the festivities as the legislators paired with a 4H or FFA member to show barrows, lambs, goats, and steers.

**Terry Stuart Forst to Ag HoF – March 22** | Sec. Arthur was proud to announce Ms. Terry Stuart Forst as the recipient of the 2024 Governor Stitt's Outstanding Achievement in Agriculture Award in mid-March.

As a lifelong agriculture producer and industry leader, Forst will become the first female inducted into the Oklahoma Agriculture Hall of Fame.



**Showcasing National Ag Leaders – March** | Many national ag leaders call Oklahoma home, and we are proud to highlight those making a difference in the agriculture industry! This is Angie Meyer of Okarche who serves as a Board Member for the Cattlemen's Beef Board.

## **Social Media Impact**

### **Facebook**

*22,410 followers (up 281 since last period)*

*Since March 13, 2024:*

-Posts and content reached 104,343 users (up 54% from last period)

### **Instagram**

*3,587 followers*

*Since March 13, 2024:*

-Posts and content reached 3,672 users (up 18% from last period)

-81 new Instagram users have followed the account

## **News & Notes**

***Young Ag Achievers Podcast*** | Three new episodes have been released since the last Board Meeting. We are up to 7 total episodes as of April 11.

***ODAFF Helps With OYE Skillathon*** | We received a healthy amount of engagement on the Skillathon posts. The top 5 winners in three separate divisions were awarded \$10K in scholarship dollars.

***Ag Youth Council Tours NWS in Norman*** | The Ag Youth Council spent their March session at the National Weather Service in Norman, the Norman Farm Market, and the OFS Forest Regeneration Center in Goldsby.

***April is MIO Month*** | A posted video of Sec. Arthur celebrating the beginning of MIO Month received several shares on social media.

# APRIL 24, 2024 BOARD MEETING

## PURCHASES/CONTRACTS

### ADMINISTRATION

**FY24 - \$28,400** - Oklahoma State Auditor – Audit will be conducted to determine whether the agency’s internal controls provide reasonable assurance that revenues, expenditures (miscellaneous and payrolls) and inventory were accurately reported in the accounting records and financial operations complied with applicable finance-related state laws and regulations. This audit is mandatory.

**FY25 – OMES Central Printing - \$7,000**

**FY25- Presort Mail Services - \$7,000**

**FY25- ImageNet Consulting – \$13,000**

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

**FY25 - Compsource - Rural Firefighters Workers Compensation - \$171,300**

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

**FY25 - Rural Fire Pension Fund - \$92,000**

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

**FY25 AT&T Wireless - \$70,000.00**

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

**FY25 Comdata Inc. - \$1,500,000**

This purchase is for agency fuel and maintenance of the fleet. Each agency vehicle is issued a credit card for fuel and maintenance purposes which are tracked on a monthly basis. If not

approved, the agency will become less efficient and greatly reduce agency response times and agency deliverables. This expense is vital to ensure agency operations

**FY25 Agency Workers Comp Insurance premium - \$340,000**

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

**FY25 Onsite Security Guard Services (Prosecur Security) - \$70,000**

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

**FY25 Bank of America – Credit Card charges - \$30,000**

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

**FY25 Federal Express - \$65,000**

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

**FY25 Petroleum Traders (Bulk Fuel) - \$95,000**

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

**FY25 National Association of State Departments of Agriculture (NASDA) - \$17,000**

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

**FY25 Oklahoma Capital Improvement Authority – Bond Payments - \$1,706,470**

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

**FY25 Oklahoma Employment Security Commission – Unemployment benefits - \$32,000**

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

**FY25 Oklahoma Public Employees Retirement System – Retirees unused sick leave \$100,000**

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

**FY25 Oklahoma Management Enterprise Services (OMES) – Risk Management- \$120,000**

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

**FY25 Oklahoma Management Enterprises Services (OMES) FICA Savings \$30,000**

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

**FY25 Oklahoma Management Enterprises Services (OMES) - Facility Services - \$365,505.72**

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

**FY25 Oklahoma Management Enterprises Services (OMES) – Information Technology - \$650,000**

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

**FY25 Oklahoma Management Enterprises Services (OMES) – OPM - \$26,000**

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

**FY25 Pitney Bowes – Mail Machine Lease - \$20,000**

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

**FY25 Oklahoma Turnpike Authority – Pikepass - \$21,000**

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

**FY25 United State Postal Services (Postage) - \$90,000**

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

**FY25 Xerox - \$78,500**

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

**FY25 Galt Temporary Services - \$150,000**

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

**FY25 BancFirst - \$17,900**

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

**FY25 Oklahoma Governor's Office - \$37,500**

This MOU will provide shared office space, furniture, and salaries for OG staff for its office in Washington D.C. with the support of funds provided by ODAFF. ODAFF will receive access and use of the facilities, subject to availability, and support from the staff in Washington D.C.

**FY25 Oklahoma Management Enterprise Services (OMES) Fleet Management (AVL services) \$100,000**

This purchase is required per Governor Stitt's executive order 2020-04, that all state agencies are mandated to install "Automatic Vehicle Locator (AVL)" equipment on all state-owned vehicles. This directive will be achieved through a "shared services agreement" with OMES Fleet Management.

**FY25 SHI – Adobe Subscription Services - \$13,000**

Purchase of the Adobe subscription services. The agency will purchase (5) Creative Cloud licenses for Enterprise All Apps. We also purchase of (68) licenses of Acrobat Pro DC for enterprise for agency staff and one Adobe Captivate license for ODAFF staff for a 12-month period.

**FY25 \$6,000 – Asset Panda –** Renewal of subscription agency inventory software system. This system will allow for easy asset tracking. It is a cloud-based technology that offers complete flexibility to manage assets for our agency. The software offers a mobile application for users and customizable content creation. This system will replace an outdated Microsoft Database, the system will allow for migration of those assets into this new cloud-based program.

**FY24 \$250,000 –** Requesting an additional \$250,000 to our original request of \$700,000 which was approved at the March 2024 Board meeting. This increase is needed as we had to replace

one vehicle due to a failed transmission that was not initially targeted for replacement. We have also identified other high mileage vehicles that need to be replaced and dealerships which have vehicles that are available for order and purchase. Replacement of these vehicles are critical to the agency mission and if not replaced may put the employee and public at greater risk.

**FY24 – New Computers & Monitors - \$68,950**

Purchase of nine (9) Dell Pro Wireless Keyboard & Mouse - KM5221W, one (1) Dell 27 Monitor - P2725H, one (1) Dell 27 Video Conferencing Mon-P2724DEB, fourteen (14) Dell 24 Monitor - P2425H, fourteen (14) Dell 24 Video Conferencing Mon-P2424HEB, nine (9) SI# BJ6X02 OptiPlex Small Form Factor (7010), twenty-five (25) SI# BJ6X06 Mobile Precision 3580, nine (9) SI# BJ6X06 Dell Latitude 7440, five (5) SI# BJ6X06 Dell Latitude 7450, one (1) SI# BJ6X06 Dell Latitude 5430 Rugged, two (2) Inspiron 16 2-in-1, needed for the remaining ODAFF CPU refresh. This phase includes Market Development, Animal Industries, Admin, Forestry. If this refresh is not done we will continue to use aging CPU's which are failing at an alarmingly high rate. Without this purchase, this would hamper our ability to fulfill our ODAFF statutory mission efficiently.

**CONSUMER PROTECTION SERVICES**

**FY2025 South Dakota Agricultural Laboratories testing fees for pesticide samples and feed samples - \$9,800.00**

**FY2025 OSU laboratory testing fees for soil and water samples related to environmental pollution investigations - \$9,800.00**

**FY2025 Oklahoma State University Soil Fertility Research --\$450,000.00**

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

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

**FY2025 Unwanted Pesticide Disposal Program --\$350,000.00**

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

for unwanted pesticide disposal in fiscal year 2024 is \$350,000.00.

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

**FY2025 Oklahoma State University Pesticide Program Contract Approval --\$130,000.00**

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

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

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

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

**FY2025 Kelly Registration System (KRS)—maintenance, ACH reimbursement and inspection program fees--\$88,000.00**

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

maintenance fee.

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

**FY2025 GIS Programing with Oklahoma University --\$43,125.00**

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

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

**FY2025 Verizon Wireless --\$25,000.00**

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

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

**FY2025 OSU Plant Disease and Insect Diagnostic Lab (PDIDL) --\$ 25,000.00**

This is for payment to the PDIDL lab for processing of plant pest and disease samples. This can include reoccurring pests such as red imported fire ant or new pests such as vascular streak dieback in redbud. Sampling events may be funded by an USDA APHIS cooperative agreement but not all samples are funded.

The nursery will be unable to ship any plants or ODAFF will have to pay the costs of sample analysis.

**FY2024 OSU Plant Disease and Insect Diagnostic Lab (PDIDL) --\$28,000.00**

A plant pest emergency occurred in December with the detection of Boxwood Blight in Boxwood. ODAFF spent January and February testing Boxwoods at the positive nursery for the disease to prevent the further spread of infected plant material. This request is to recover the sampling that has already occurred.

Infected boxwoods would be sold to the public all of which will die and also may spread to existing boxwoods which are very common in landscaping.

**Computers --\$13,600.00**

Updated computers are needed to replace existing computers for CPS office staff. CPS office

staff's computers are out of warranty and beginning to have issues. When their computers fail it causes down time while they get repaired or replaced.

Computers are essential for us to be able to complete our work. without them inspection, licensing, registrations, tonnage and complaint response time will be slowed. Additionally, communication with field staff and the public will be affected causing undo frustrations.

## **FORESTRY**

### **FY24: Class 8 Tractor - \$204,600 (SFA – Forest Action Plan)**

Purchase of one (1) Class 8 Truck Tractor. This tractor will be used to carry a John Deere 650P firefighting bulldozer. This is a mission critical piece of equipment that will respond to wildfires and all-hazard situations throughout the entire state. The transports will be replacing trucks that are undersized, has excessive mileage and require costly repairs. Funding for this purchase will come from the FY22 US Forest Service, State Fire Assistance – Forest Action Plan Grant. 100% of this purchase will be reimbursed.

### **FY24: Development of Leadership Training Course - \$7,500 (SFA Response)**

Contract with the Arkansas Division of Forestry to develop a staff ride based on the Civil War battle of Pea Ridge. The course will focus on leadership lessons of mission alignment, strategic/operational focus, effective communication, and prioritization. This course will be utilized for Forestry Service leadership as well as all ODAFF leadership to enhance job performance. Funding for this purchase will come from the FY22 US Forest Service, State Fire Assistance Grant. 100% of this purchase will be reimbursed.

### **FY24- \$60,000 – Replacement Vehicle Purchase**

ODAFF Forestry Services is requesting approval for the purchase of a truck cab and chassis to replace a Rural Fire Department's fire truck burned during fires. From the funds appropriated to the Oklahoma Department of Agriculture, Food, and Forestry in Enrolled House Bill No. 1004 of the 1<sup>st</sup> Extraordinary Session of the 59<sup>th</sup> Oklahoma Legislature, the sum of Six Million Nine Hundred Fifty Thousand Dollars (\$6,950,000.00) shall, under the direction of the Commissioner of Agriculture, be allocated to rural fire departments for replacement of equipment and gear burned during fires including truck chassis.

### **FY24- \$100,000.00 – Purchase Wet Hydrants**

ODAFF Forestry Services is requesting approval for the purchase of wet hydrants in the sum of One Hundred Thousand Dollars (\$100,000.00). From the funds appropriated to the Oklahoma Department of Agriculture, Food, and Forestry in Enrolled House Bill No. 1004 of the 1<sup>st</sup> Extraordinary Session of the 59<sup>th</sup> Oklahoma Legislature, the sum of One Hundred Thousand Dollars (\$100,000.00) shall, under the direction of the Commissioner of Agriculture, be allocated to rural fire coordinators to administer a wet hydrant program.

## **LABORATORY SERVICES**

### **FY24 - \$5,439.00 – Preventive Maintenance**

Purchase of a one-year preventive maintenance agreement for the ICP (Inductively Coupled Plasma Optical Emission Spectrometry Unit) in the Inorganic Section to ensure continuous and

consistent operation of the instrument and ensures the overall quality of the data being reported.

**FY24 - \$31,318.56 – Service Contract**

Renewal for one-year preventative maintenance agreement for the HPLC-MSMS Triple Quad 6470 in the Pesticide Section to ensure continuous and consistent operation of the instrument and improves overall quality of the data being reported.

**Justification:** Without a maintenance agreement the laboratory would not be able to verify the accuracy of the test results and the equipment could possibly fail rendering it unusable.

(To be purchased by Consumer Protection Service)

**FY24 - \$13,500.00 – Service Contract**

Purchase of a one-year service maintenance contract renewal for a dual HPLC System LC 1260 Infinity II dual system.

(To be purchased by Consumer Protection Service)

**FY24 – \$8,539.38 – Probe Calibration**

Purchase for recalibration of nine Thermistor Probes.

**FY25 - \$5,800.00 – DI Water and Maintenance**

Contract purchase of analytical grade water for laboratory testing and tank maintenance.

Contract effective 07/01/24 – 06/30/25.

**FY25 - \$7,800.00 – Dairy Farmers of America Inc.**

Contract to provide Somatic Cell Standards (SCC) for milk testing. Contract effective 07/01/024 – 06/30/25.

**MARKET DEVELOPMENT**

FY2024 – 32 hotel rooms x 2 days (at the state per diem rate) - Ag in the Classroom Teacher Road Trip - \$6,848.00

FY2024 – Agritourism Wine Trails Digital Advertising – funded entirely by the Viticulture and Enology Revolving Grant Fund - \$18,100.00

FY2024 – Made in Oklahoma bags & state fair bags - \$14,000.00

FY2025 – Agreement with Oklahoma Tourism and Recreation Department to promote the Agritourism industry through the development of consumer marketing campaigns. - \$35,000.00

Justification: The Agritourism program is entering a partnership with Oklahoma Tourism and Recreation Department (OTRD) as part of our marketing plan for FY2025. As a part of this partnership, Agritourism gets to use their existing marketing channels including free ads in their guides, website presence, travel show co-ops and brochure inventory, warehousing, and distribution. If this proposed expense is not approved, we will lose an opportunity to share in a campaign that gains exponentially more reach than we could obtain on our own. OTRD already has the channels set up and by not partnering we would be looking at well over \$100,000 to replace what they can give us in ad placement, website presence and Search Engine Optimization. We have evaluated the warehousing and postage costs; this alone would be over

\$50,000 in hard costs and does not include the advertising and marketing part of our agreement.

FY2025 – Contract with Freestyle, graphic design firm, to work with the Agritourism program in creating promotional and print items to further promote the program and help establish continuity with advertising and marketing pieces. - \$40,000.00

Justification: This is the graphic design firm that maintains the Agritourism brand while developing new print materials, refreshing website content, strategically updating social media channels and assisting with social and website analytics. It is the goal of the Agritourism Program to utilize all marketing channels to create a consistent brand awareness campaign and utilize social channels for seasonal promotions within the many categories of Agritourism. If this expense is not approved, there will be a negative impact on the ability of the Agritourism Program to promote and advertise the 350+ Agritourism venues in the state, resulting in an economic loss of those businesses and the local economy in those areas.

FY2025 – Agreement with Food Export Association of the Midwest USA (Food Export – Midwest) for membership to provide small and medium size food and agricultural companies' access to international markets through a variety of exporter programs and to increase volume and value of agricultural exports from the region in represents. - \$7,000.00

FY2025 – Contract with Oklahoma State University for Year 1 of 4 - Viticulture and Enologist Extension Specialist – Project funded entirely by the Viticulture and Enology Center Development Revolving Fund Grant - \$70,000.00

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

#### **OFFICE OF GENERAL COUNSEL**

**FY25 - \$48,450.77 for SHI-Granicus (GovQA Service)** – A continued statewide contract for an online system for the public to submit Open Records Requests which then allows the agency to easily and efficiently compile and redact the requested files. It also allows transfer of large files and provides the capability to invoice the requester according to Open Records Request requirements in the event the files or record sources are large. Without this contract, the agency will lose the online capability for the public to request these records and will put additional tracking and review efforts on the agency.

**FY 25 - \$5,184 for Thomson-Reuter Clear** – This is a continued service with Thomson-Reuter. The Clear service allows OGC access to current, legal addresses and other information regarding individuals in enforcement, background checks or other business matters with the agency.

Without having these services, investigative research and enforcement efforts would be slowed.

**FY 25 - \$21,060 for Thomson-Reuter Westlaw Precision** – This is a continued service, previously noted as Westlaw Classic, with Thomson-Reuter. Westlaw allows OGC the ability to quickly access and review Oklahoma, federal, and other states' case law and statutes thereby speeding up legal research efforts. Without having these services, investigative research and enforcement efforts would be slowed.

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

**APPROVAL OF CASES**

ON THIS 24<sup>th</sup> day of April 2024, 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 24<sup>th</sup> day of April 2024.

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Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A  
Board of Agriculture  
April 24, 2024**

**Consideration and Proposed Action on 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>
Jason E. Allen	OGC-23-1405	AEMS	\$100.00
Paul Blood	OGC-23-1409	AEMS	\$100.00
Billy Chenhall Jr.	OGC-24-182	AEMS	\$115.00
Navada Jeffries	OGC-23-1384	AEMS	\$100.00
David Reynolds	OGC-24-178	AEMS	\$115.00
Bryor Tatum	OGC-23-1391	AEMS	\$100.00
Charles Michael Traylor	OGC-24-181	AEMS	\$115.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Kevin Andrews	OGC-23-1468	CPS	\$1,000.00
Bison Coop Assn.	OGC-24-98	CPS	\$500.00
Brandley Pest Control	OGC-23-1461	CPS	\$2,500.00
John Chandler	OGC-23-1460	CPS	\$250.00
Farmers Coop Mill & Elevator Assn	OGC-24-190	CPS	\$1,500.00
Family Dollar	OGC-24-32	CPS	\$975.00
Family Dollar/Dollar Tree	OGC-24-59	CPS	\$600.00
Landmark Outdoor Services, LLC	OGC-24-99	CPS	\$500.00
Landmark Outdoor Services, LLC	OGC-24-64	CPS	\$600.00
SESACO Corp.	OGC-23-1466	CPS	\$5,000.00
Town & Country Pest Turf & Termite	OGC-23-1456	CPS	\$2,000.00

**Consideration and Proposed Action on Cases Resolved by Consent Order:**

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Advantech Pest Services, LLC	OGC-23-1491	CPS	\$1,500.00
Murray Pest Control, LLC	OGC-23-758	CPS	
	OGC-23-84	CPS	\$5,500.00
Priscilla Santana	OGC-24-48	CPS	\$3,000.00

**Consideration and Proposed Action on Cases Resolved by Default Final Order:**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
CHS	OGC-23-1454	CPS	\$2,000.00
World Fresh International Market	OGC-23-1478	CPS	\$250.00



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

**v. JASON E. ALLEN**

**Case File No. OGC-23-1405**

**Jason E. Allen  
500 Ruby Hill Rd  
Haworth, OK 74740**

**Summary of Facts:** Respondent failed to timely submit their FY 23 Poultry Waste Applicator Annual Report.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$100. Respondent stipulated and paid the penalty.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Wendi Morse





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, § 31 and Okla. Stat. Tit. 2 § 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 being a Poultry Waste Applicator in Oklahoma.

16. Pursuant to the Oklahoma Poultry Waste Applicators Certification Act, Okla. Stat. Tit. 2 § 10-9.16 *et seq.*, ODAFF has authority to regulate persons who are poultry waste applicators.

17. The Act at Okla. Stat. Tit. 2 § 10-9.18(A) states: "*Every certified poultry waste applicator shall file by September 1 of each year an annual report with the Oklahoma Department of Agriculture, Food, and Forestry regarding all poultry waste land-applied by such applicator for the period from July 1 of the previous year through June 30 of that year.*"

### **ALLEGATIONS OF FACT**

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

19. On or about September 28, 2023, the Agricultural Environmental Management Services ("AEMS") Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Applicator ("PWA") annual report.

20. Annual Reports are due each year by September 1.

21. The Warning was accompanied by a blank annual report for Respondent to submit along with a deadline of October 31, 2023.

22. Respondent failed to submit their PWA annual report for 2023.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.18(A) by failing to submit their Annual Reports.

### **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 Okla. Stat. Tit. 2 § 10-9.11(A)(1), any person violating the provisions of the Act may be punished by a fine not to exceed Two Hundred Dollars (\$200.00) per day of non-compliance.

### **PRAYER FOR RELIEF**

29. The Department is not seeking to remove any license or registration. In this case we are seeking a One Hundred Dollar (\$100.00) administrative penalty and **submission of the missing report.**

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

30. The Oklahoma Small Business Regulatory Flexibility Act, Okla. Stat. Tit. 75 § 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 Okla. Stat. Tit. 2 § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, Okla. Stat. Tit. 12 § 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 One Hundred Dollars (\$100.00).

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 **submit your missing report** and 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 28 day of December, 2023.

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

*Wendi Morse*

---

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA #33571\*  
Kiersten Hamill, OBA #33187  
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 18<sup>th</sup> day of Jan, 2024 a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

JASON E ALLEN  
500 RUBY HILL RD  
HAWORTH, OK 74740



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

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

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

**COMPLAINANT, )**

**v. )**

**Case No: OGC-23-1405**

**JASON E ALLEN )  
500 RUBY HILL RD )  
HAWORTH, OK 74740 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Dollars (\$100.00) 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. PAUL BLOOD**

**Case File No. OGC-23-1409**

**Paul Blood  
51413 S 727 Rd  
Colcord, OK 74338**

**Summary of Facts:** Respondent failed to timely submit their FY 23 Poultry Waste Applicator Annual Report.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$100. Respondent stipulated and paid the penalty.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT, )

v. )

PAUL BLOOD )  
51413 S 727 ROAD )  
COLCORD, OK 74338 )

RESPONDENT. )

Case No: OGC-23-1409

**FILED**  
MAR 18 2024  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Dollars (\$100.00) 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:

*Paul Blood*  
Signature

Paul Blood owner - spreader  
Printed Name and Title:

Date: 3-13-24

**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.** )

**PAUL BLOOD  
51413 S 727 ROAD  
COLCORD, OK 74338** )

**RESPONDENT.** )

**Case No: OGC-23-1409**

**FILED**  
**FEB 13 2024**  
**STATE BOARD OF AGRICULTURE**

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. March 14, 2024**, 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, § 31 and Okla. Stat. Tit. 2 § 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 being a Poultry Waste Applicator in Oklahoma.

16. Pursuant to the Oklahoma Poultry Waste Applicators Certification Act, Okla. Stat. Tit. 2 § 10-9.16 *et seq.*, ODAFF has authority to regulate persons who are poultry waste applicators.

17. The Act at Okla. Stat. Tit. 2 § 10-9.18(A) states: "*Every certified poultry waste applicator shall file by September 1 of each year an annual report with the Oklahoma Department of Agriculture, Food, and Forestry regarding all poultry waste land-applied by such applicator for the period from July 1 of the previous year through June 30 of that year.*"

## ALLEGATIONS OF FACT

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

19. On or about September 28, 2023, the Agricultural Environmental Management Services ("AEMS") Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Applicator ("PWA") annual report.

20. Annual Reports are due each year by September 1.

21. The Warning was accompanied by a blank annual report for Respondent to submit along with a deadline of October 31, 2023.

22. Respondent failed to submit their PWA annual report for 2023.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.18(A) by failing to submit their Annual Reports.

### **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 Okla. Stat. Tit. 2 § 10-9.11(A)(1), any person violating the provisions of the Act may be punished by a fine not to exceed Two Hundred Dollars (\$200.00) per day of non-compliance.

### **PRAYER FOR RELIEF**

29. The Department is not seeking to remove any license or registration. In this case we are seeking a One Hundred Dollar (\$100.00) administrative penalty and **submission of the missing report.**

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

30. The Oklahoma Small Business Regulatory Flexibility Act, Okla. Stat. Tit. 75 § 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 Okla. Stat. Tit. 2 § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, Okla. Stat. Tit. 12 § 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 One Hundred Dollars (\$100.00).

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 **submit your missing report** and 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 28 day of December, 2023.

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

*Wendi Morse*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Wendi Morse, OBA #33571\*

Kiersten Hamill, OBA #33187

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 Feb., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

PAUL BLOOD  
51413 S 727 ROAD  
COLCORD, OK 74338



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GINA BLAYLOCK

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

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

**COMPLAINANT,** )

v. )

**Case No: OGC-23-1409**

**PAUL BLOOD  
51413 S 727 ROAD  
COLCORD, OK 74338** )

**RESPONDENT.** )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Dollars (\$100.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. Billy Chenhall, Jr.**

**Case File No. OGC-24-182**

**Billy Chenhall, Jr.**  
**16825 W 53<sup>rd</sup> St. S.**  
**Boynton, OK 74422**

**Summary of Facts:** The Agriculture Environmental Management Services AEMS Division of the Department sent Respondent a renewal notice for the Poultry Waste Application (PWA) Certification. A second notice was sent via email. The Respondent failed to renew his PWA Certification and pay the renewal fee.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 10-9.17(E)(1) by failing to renew his commercial poultry waste applicator certificate and pay the renewal fee of Fifteen Dollars (\$15.00).

**Proposed Administrative Penalty:** The proposed penalty for this case was One Hundred Fifteen Dollars (\$115.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn



BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 12 2024  
STATE BOARD OF AGRICULTUR

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

COMPLAINANT, )

v. )

Case No: OGC-24-182

BILLY CHENHALL, JR. )  
16825 W 53<sup>RD</sup> ST. S. )  
BOYNTON, OKLAHOMA 74422 )

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. May 9, 2024, 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, § 31 and Okla. Stat. Tit. 2 § 2-4(16); accordingly, this is the proper forum to hear this matter.

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

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

16. Pursuant to the Poultry Waste Applicators Certification Act ("The Act"), Okla. Stat. Tit. 2 § 10-9.20, ODAFF has authority to regulate persons who are poultry waste applicators.

17. The Act at Okla. Stat. Tit. 2 § 10-9.17(E)(1) states: "*All commercial applicator certificates shall expire on the thirty-first day of December following their issuance or renewal, and may be renewed for the ensuing calendar year, without penalty, if a properly completed application is filed with the Board not later than the first day of January of each year. A registration fee of Fifteen Dollars (\$15.00) shall accompany every initial application for certification. A renewal fee of Fifteen Dollars (\$15.00) shall accompany every renewal application.*"

### **ALLEGATIONS OF FACT**

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

19. On or about October 7, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a renewal notice of the Poultry Waste Application (PWA) Certification.

20. On or about November 7, 2023, the AMES Division sent a second notice by email or mail.

21. On or about January 11, 2024, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Applicators Certification.

22. Each certification shall be accompanied by a nonrefundable renewal fee of Fifteen Dollars (\$15.00).

23. Respondent's certificate expired on December 31, 2023.

24. Respondent failed to submit their certification renewal and fee.

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

25. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.17(E)(1) by failing to submit their Poultry Waste Applicator certificate renewal.

#### **ATTORNEY CONFERENCES**

26. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at [Abigail.wilburn@ag.ok.gov](mailto:Abigail.wilburn@ag.ok.gov).

27. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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.

#### **PRAYER FOR RELIEF**

32. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case we are seeking a One Hundred Fifteen Dollar (\$115.00) administrative penalty and submittal of the certification if the Respondent plans to continue to engage in Poultry Waste Application.

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

33. The Oklahoma Small Business Regulatory Flexibility Act, Okla. Stat. Tit. 75 § 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 Okla. Stat. Tit. 2 § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, Okla. Stat. Tit. 12 § 719 *et seq.*

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Hundred Fifteen Dollar (\$115.00).

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 submit your certification renewal and 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 12TH day of March, 2024.

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

*Abigail Wilburn*

---

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA # 33571  
Kiersten Hamill, OBA #33187  
Abigail Wilburn, OBA #33641  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 13<sup>th</sup> day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**BILLY CHENHALL, JR.**  
**16825 W 53<sup>RD</sup> ST. S.**  
**BOYNTON, OKLAHOMA 74422**



---

GINA BLAYLOCK



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

**v. NAVADA JEFFRIES**

**Case File No. OGC-23-1384**

**Navada Jeffries  
PO Box 143  
Jay, OK 74346**

**Summary of Facts:** Respondent failed to timely submit their FY 23 Poultry Waste Applicator Annual Report.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$100. Respondent stipulated and paid the penalty.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Wendi Morse



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

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

**COMPLAINANT, )**

**v. )**

**NAVADA JEFFRIES )  
PO BOX 143 )  
JAY, OK 74346 )**

**RESPONDENT. )**

**FILED**  
JAN 23 2024  
STATE BOARD OF AGRICULTURE

Case No: OGC-23-1384

**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. **March 14, 2024**, 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, § 31 and Okla. Stat. Tit. 2 § 2-4(7); accordingly, this is the proper forum to hear this matter.

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

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

16. Pursuant to the Oklahoma Poultry Waste Applicators Certification Act, Okla. Stat. Tit. 2 § 10-9.16 *et seq.*, ODAFF has authority to regulate persons who are poultry waste applicators.

17. The Act at Okla. Stat. Tit. 2 § 10-9.18(A) states: "*Every certified poultry waste applicator shall file by September 1 of each year an annual report with the Oklahoma Department of Agriculture, Food, and Forestry regarding all poultry waste land-applied by such applicator for the period from July 1 of the previous year through June 30 of that year.*"

### **ALLEGATIONS OF FACT**

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

19. On or about September 28, 2023, the Agricultural Environmental Management Services ("AEMS") Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Applicator ("PWA") annual report.

20. Annual Reports are due each year by September 1.

21. The Warning was accompanied by a blank annual report for Respondent to submit along with a deadline of October 31, 2023.

22. Respondent failed to submit their PWA annual report for 2023.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.18(A) by failing to submit their Annual Reports.

### **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 Okla. Stat. Tit. 2 § 10-9.11(A)(1), any person violating the provisions of the Act may be punished by a fine not to exceed Two Hundred Dollars (\$200.00) per day of non-compliance.

### **PRAYER FOR RELIEF**

29. The Department is not seeking to remove any license or registration. In this case we are seeking a One Hundred Dollar (\$100.00) administrative penalty and **submission of the missing report.**

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

30. The Oklahoma Small Business Regulatory Flexibility Act, Okla. Stat. Tit. 75 § 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 Okla. Stat. Tit. 2 § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, Okla. Stat. Tit. 12 § 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 One Hundred Dollars (\$100.00).

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 **submit your missing report** and 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 28 day of December, 2023.

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

*Wendi Morse*

---

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA #33571\*  
Kiersten Hamill, OBA #33187  
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 23 day of Jan., 2021 a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

NAVADA JEFFRIES  
PO BOX 143  
JAY, OK 74346



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

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

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

**COMPLAINANT,** )

**v.** )

**NAVADA JEFFRIES  
PO BOX 143  
JAY, OK 74346** )

**RESPONDENT.** )

**Case No: OGC-23-1384**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Dollars (\$100.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. David K. Reynolds**

**Case File No. OGC-24-178**

**David K. Reynolds**  
**477488 State HWY 101**  
**Muldrow, OK 74948**

**Summary of Facts:** The Agriculture Environmental Management Services AEMS Division of the Department sent Respondent a renewal notice for the Poultry Waste Application (PWA) Certification. A second notice was sent via email. The Respondent failed to renew his PWA Certification and pay the renewal fee.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 10-9.17(E)(1) by failing to renew his commercial poultry waste applicator certificate and pay the renewal fee of Fifteen Dollars (\$15.00).

**Proposed Administrative Penalty:** The proposed penalty for this case was One Hundred Fifteen Dollars (\$115.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 27 2024  
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-24-178

DAVID K. REYNOLDS )  
477488 STATE HWY 101 )  
MULDROW, OKLAHOMA 74948 )  
RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Fifteen Dollar (\$115.00) 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.

*[Handwritten signature]*  
3-24-24

RESPONDENT:

*David K. Reynolds*  
Signature

*David Reynolds owner*  
Printed Name and Title:

Date: *3/22/24*



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, § 31 and Okla. Stat. Tit. 2 § 2-4(16); accordingly, this is the proper forum to hear this matter.

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

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

16. Pursuant to the Poultry Waste Applicators Certification Act (“The Act”), Okla. Stat. Tit. 2 § 10-9.20, ODAFF has authority to regulate persons who are poultry waste applicators.

17. The Act at Okla. Stat. Tit. 2 § 10-9.17(E)(1) states: *“All commercial applicator certificates shall expire on the thirty-first day of December following their issuance or renewal, and may be renewed for the ensuing calendar year, without penalty, if a properly completed application is filed with the Board not later than the first day of January of each year. A registration fee of Fifteen Dollars (\$15.00) shall accompany every initial application for certification. A renewal fee of Fifteen Dollars (\$15.00) shall accompany every renewal application.”*

### **ALLEGATIONS OF FACT**

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

19. On or about October 7, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a renewal notice of the Poultry Waste Application (PWA) Certification.

20. On or about November 7, 2023, the AMES Division sent a second notice by email or mail.
21. On or about January 11, 2024, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Applicators Certification.
22. Each certification shall be accompanied by a nonrefundable renewal fee of Fifteen Dollars (\$15.00).
23. Respondent's certificate expired on December 31, 2023.
24. Respondent failed to submit their certification renewal and fee.

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

25. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.17(E)(1) by failing to submit their Poultry Waste Applicator certificate renewal.

#### **ATTORNEY CONFERENCES**

26. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at [Abigail.wilburn@ag.ok.gov](mailto:Abigail.wilburn@ag.ok.gov).
27. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.
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.

#### **PRAYER FOR RELIEF**

32. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case we are seeking a One Hundred Fifteen Dollar (\$115.00) administrative penalty and submittal of the certification if the Respondent plans to continue to engage in Poultry Waste Application.

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

33. The Oklahoma Small Business Regulatory Flexibility Act, Okla. Stat. Tit. 75 § 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 Okla. Stat. Tit. 2 § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, Okla. Stat. Tit. 12 § 719 *et seq.*

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Hundred Fifteen Dollar (\$115.00).

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 submit your certification renewal and 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 12TH day of March, 2024.

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

*Abigail Wilburn*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Wendi Morse, OBA # 33571

Kiersten Hamill, OBA #33187

Abigail Wilburn, OBA #33641

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-6104

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 13 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DAVID K. REYNOLDS**  
**477488 STATE HWY 101**  
**MULDROW, OKLAHOMA 74948**



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



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

**v. BRYOR TATUM**

**Case File No. OGC-23-1391**

**Bryor Tatum  
7925 E 151 RD  
Calvin, OK 74531**

**Summary of Facts:** Respondent failed to timely submit their FY 23 Poultry Waste Applicator Annual Report.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$100. Respondent stipulated and paid the penalty.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Wendi Morse

OK # 150  
\$100.00

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

61829

THE OKLAHOMA DEPARTMENT OF )  
AGRICULTURE, FOOD, AND FORESTRY, )  
BY AND THROUGH THE )  
OFFICE OF GENERAL COUNSEL )  
 )  
COMPLAINANT, )  
v. )  
 )  
BRYOR TATUM )  
7925 E. 151 RD )  
CALVIN, OK 74531 )  
 )  
RESPONDENT. )

**FILED**  
MAR 04 2024  
STATE BOARD OF AGRICULTURE

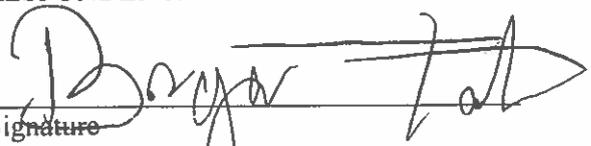
Case No: OGC-23-1391

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Dollars (\$100.00) 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

Bryor Tatum  
Printed Name and Title:

Date: 1/22/24

**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. )**

**BRYOR TATUM )  
7925 E 151 RD )  
CALVIN, OK 74531 )**

**RESPONDENT. )**

**FILED**  
JAN 18 2024  
STATE BOARD OF AGRICULTURE

**Case No: OGC-23-1391**

**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. March 14, 2024**, 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, § 31 and Okla. Stat. Tit. 2 § 2-4(7); accordingly, this is the proper forum to hear this matter.

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

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

16. Pursuant to the Oklahoma Poultry Waste Applicators Certification Act, Okla. Stat. Tit. 2 § 10-9.16 *et seq.*, ODAFF has authority to regulate persons who are poultry waste applicators.

17. The Act at Okla. Stat. Tit. 2 § 10-9.18(A) states: *"Every certified poultry waste applicator shall file by September 1 of each year an annual report with the Oklahoma Department of Agriculture, Food, and Forestry regarding all poultry waste land-applied by such applicator for the period from July 1 of the previous year through June 30 of that year."*

### **ALLEGATIONS OF FACT**

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

19. On or about September 28, 2023, the Agricultural Environmental Management Services ("AEMS") Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Applicator ("PWA") annual report.

20. Annual Reports are due each year by September 1.

21. The Warning was accompanied by a blank annual report for Respondent to submit along with a deadline of October 31, 2023.

22. Respondent failed to submit their PWA annual report for 2023.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.18(A) by failing to submit their Annual Reports.

### **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 Okla. Stat. Tit. 2 § 10-9.11(A)(1), any person violating the provisions of the Act may be punished by a fine not to exceed Two Hundred Dollars (\$200.00) per day of non-compliance.

### **PRAYER FOR RELIEF**

29. The Department is not seeking to remove any license or registration. In this case we are seeking a One Hundred Dollar (\$100.00) administrative penalty and **submission of the missing report.**

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

30. The Oklahoma Small Business Regulatory Flexibility Act, Okla. Stat. Tit. 75 § 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 Okla. Stat. Tit. 2 § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, Okla. Stat. Tit. 12 § 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 One Hundred Dollars (\$100.00).

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 **submit your missing report** and 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 28 day of December, 2023.

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

*Wendi Morse*

---

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA #33571\*  
Kiersten Hamill, OBA #33187  
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 18<sup>th</sup> day of Jan., 2024 a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

BRYOR TATUM  
7925 E. 151 RD  
CALVIN, OK 74531



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

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

**THE OKLAHOMA DEPARTMENT OF** )  
**AGRICULTURE, FOOD, AND FORESTRY,** )  
**BY AND THROUGH THE** )  
**OFFICE OF GENERAL COUNSEL** )  
 )  
**COMPLAINANT,** )  
v. )  
 )  
**BRYOR TATUM** )  
**7925 E. 151 RD** )  
**CALVIN, OK 74531** )  
 )  
**RESPONDENT.** )

**Case No: OGC-23-1391**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Dollars (\$100.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. Charles Michael Traylor**

**Case File No. OGC-24-181**

**Charles Michael Traylor**  
**16670 Stonewall Rd**  
**Prairie Grove, AR 72753**

**Summary of Facts:** The Agriculture Environmental Management Services AEMS Division of the Department sent Respondent a renewal notice for the Poultry Waste Application (PWA) Certification. A second notice was sent via email. The Respondent failed to renew his PWA Certification and pay the renewal fee.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 10-9.17(E)(1) by failing to renew his commercial poultry waste applicator certificate and pay the renewal fee of Fifteen Dollars (\$15.00).

**Proposed Administrative Penalty:** The proposed penalty for this case was One Hundred Fifteen Dollars (\$115.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

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. )  
)  
CHARLES MICHAEL TRAYLOR )  
16670 STONEWALL RD )  
PRAIRIE GROVE, AR 72753 )  
)  
RESPONDENT. )

Case No: OGC-24-18

**FILED**  
MAR 26 2024  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Fifteen Dollar (\$115.00) 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:

Charles M. Traylor  
Signature

CHARLES M. TRAYLOR  
Printed Name and Title:

Date: 3-22-24

*[Handwritten signature]*  
*3-26-24*

**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. )**

**CHARLES MICHAEL TRAYLOR )  
16670 STONEWALL RD )  
PRAIRIE GROVE, AR 72753 )**

**RESPONDENT. )**

**Case No: OGC-24-181**

**FILED**  
MAR 10 2024  
STATE BOARD OF AGRICULTURE

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. May 9, 2024, 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, § 31 and Okla. Stat. Tit. 2 § 2-4(16); accordingly, this is the proper forum to hear this matter.

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

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

16. Pursuant to the Poultry Waste Applicators Certification Act ("The Act"), Okla. Stat. Tit. 2 § 10-9.20, ODAFF has authority to regulate persons who are poultry waste applicators.

17. The Act at Okla. Stat. Tit. 2 § 10-9.17(E)(1) states: "*All commercial applicator certificates shall expire on the thirty-first day of December following their issuance or renewal, and may be renewed for the ensuing calendar year, without penalty, if a properly completed application is filed with the Board not later than the first day of January of each year. A registration fee of Fifteen Dollars (\$15.00) shall accompany every initial application for certification. A renewal fee of Fifteen Dollars (\$15.00) shall accompany every renewal application.*"

### **ALLEGATIONS OF FACT**

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

19. On or about October 7, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a renewal notice of the Poultry Waste Application (PWA) Certification.

20. On or about November 7, 2023, the AMES Division sent a second notice by email or mail.
21. On or about January 11, 2024, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Applicators Certification.
22. Each certification shall be accompanied by a nonrefundable renewal fee of Fifteen Dollars (\$15.00).
23. Respondent's certificate expired on December 31, 2023.
24. Respondent failed to submit their certification renewal and fee.

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

25. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.17(E)(1) by failing to submit their Poultry Waste Applicator certificate renewal.

#### **ATTORNEY CONFERENCES**

26. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at [Abigail.wilburn@ag.ok.gov](mailto:Abigail.wilburn@ag.ok.gov).
27. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.
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.

#### **PRAYER FOR RELIEF**

32. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case we are seeking a One Hundred Fifteen Dollar (\$115.00) administrative penalty and submittal of the certification if the Respondent plans to continue to engage in Poultry Waste Application.

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

33. The Oklahoma Small Business Regulatory Flexibility Act, Okla. Stat. Tit. 75 § 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 Okla. Stat. Tit. 2 § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, Okla. Stat. Tit. 12 § 719 *et seq.*

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Hundred Fifteen Dollar (\$115.00).

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 submit your certification renewal and 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 18TH day of March, 2024.

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

*Abigail Wilburn*

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Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA # 33571  
Kiersten Hamill, OBA #33187  
Abigail Wilburn, OBA #33641  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 18 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CHARLES MICHAEL TRAYLOR  
16670 STONEWALL RD  
PRAIRIE GROVE, AR 72753**



---

GINA BLAYLOCK



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

**v. KEVIN ANDREWS OF ANDREWS HONEYBEES, LLC**

**Case File No. OGC-23-1468**

**Kevin Andrews  
Andrews Honeybees, LLC  
1251 County Road 1420  
Byars, OK 74831**

**Summary of Facts:** An investigation was performed by ODAFF in December 2023. As a result, ODAFF's records indicate Respondent failed to provide current information to ODAFF, failed to provide a harvest report for each harvest, failed to allow Inspection and Testing by ODAFF, and interfered with the inspection process.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-406(A)(1)(2), 2 O.S. §3-406(B), 2 O.S. §3-407(A), O.A.C. 35:30-24-6, O.A.C. 35:30-24-9, O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(5) by failing to comply with the Oklahoma Industrial Hemp Program.

**Proposed Administrative Penalty:** The proposed penalty for this case was One Thousand Dollars (\$1000.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 16 2024  
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-23-1468

Kevin Andrews )  
Andrews Honeybees, LLC )  
1251 County Road 1420 )  
Byars, OK 74831 )

RESPONDENT. )

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:

  
\_\_\_\_\_  
Signature

Kevin Andrews  
\_\_\_\_\_  
Printed Name and Title:

Date: 3-15-24

**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-23-1468**

**Kevin Andrews )  
Andrews Honey Bees, LLC )  
1251 County Road 1420 )  
Byars, OK 74831 )**

**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 14<sup>th</sup> day of March 2024** 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 hemp production, located at Byars, 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 December 2023, the Consumer Protective Services Division of the Department conducted a use investigation

19. As a result of this investigation, inspectors noted that you engaged in the following:

- Failed to provide current information to the Department;
- Failed to provide a harvest report for each harvest;
- Failed to allow inspection and testing by the Department;
- Interfered with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections.

20. Each of the preceding facts is a violation of Oklahoma Statutes.

**ALLEGED CONCLUSIONS OF LAW**

21. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-406(A)(1)(2), 2 O.S. §3-406(B), 2 O.S. §3-407(A), O.A.C. 35:30-24-6, O.A.C. 35:30-24-9, O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(5) which are all stated below:

- 2 O.S. §3-406(A)(1)(2): “A. At least thirty (30) days prior to harvest, each licensee shall file a harvest report on a form approved by the Department that includes: 1. A statement of intended disposition of its industrial hemp crop; and 2. The harvest date or dates, location and yield of each variety cultivated within a registered land area.”
- 2 O.S. §3-406(B): “B. A licensee shall notify the Department immediately of any changes in a reported harvest date by more than five (5) days.”
- 2 O.S. §3-407(A): “A. Any plants of the licensee are subject to at least annual routine inspections and sampling to verify that the plant meets the definition of industrial hemp. The Department shall notify each licensee of the scope of the inspection and the process by which the inspection will be conducted. The Department shall promulgate rules regarding the procedures of inspection and sampling.”
- O.A.C. 35:30-24-6: “(a) Every licensee shall have a continuing obligation to provide current information to the Department. The licensee shall provide updated information if there is any material change to the information provided in the application within ten (10) days of the material change unless otherwise specified

herein, including but not limited to, changes in personnel or contact information.

(b) The licensee shall file an amendment to the licensee's application not less than thirty (30) days prior to making any alteration to boundaries, dimensions, or growing areas of a cultivation site or a change in the variety of industrial hemp cultivated. (c) The licensee shall immediately notify the Department of any change to the planting and harvesting schedule exceeding five (5) days from the planting and harvesting schedule listed in the application.

- O.A.C. 35:30-24-9: “(a) Not less than thirty (30) days prior to harvest, the licensee shall file a harvest report on a form provided by the Department.”
- O.A.C. 35:30-24-12(h)(2): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department.”
- O.A.C. 35:30-24-12(h)(5): “(5) Interference with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections.”

#### **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.

### **PRAYER FOR RELIEF**

28. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **One Thousand Dollar (\$1000.00)** administrative penalty.

### **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 **One Thousand Dollars (\$1000.00)**.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

---

Teena G. Gunter, General Counsel, OBA # 17767  
Brady Robison, OBA # 33600\*  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Kevin Andrews  
Andrews Honeybees, LLC  
1251 County Road 1420  
Byars, OK 74831**

\_\_\_\_\_  
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. )**

**Case No: OGC-23-1468**

**Kevin Andrews )  
Andrews Honeybees, LLC )  
1251 County Road 1420 )  
Byars, OK 74831 )**

**RESPONDENT. )**

**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:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. BISON COOP ASSN**

**Case File No. OGC-24-98**

**BISON COOP ASSN  
105 S. FIRST  
BISON, OK 73720**

**Summary of Facts:** ODAFF conducted a use inspection on Respondent. Our inspectors documented that a dumpster at your facility had unrinsed pesticide containers in it. Some of the containers were containers of restricted use pesticides.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-86(A)(4) and O.A.C. 35:30-17-93(3) by improperly disposing of empty pesticide containers.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Hundred Dollars (\$500.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 28 2024  
**APPROVED**  
STATE BOARD OF AGRICULTURE  
MAR 28 2024

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

COMPLAINANT, )

v. )

BISON COOP ASSN )  
105 S. FIRST )  
BISON, OK 73720 )

RESPONDENT. )

STATE )  
BY \_\_\_\_\_

Case No: OGC-24-98

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

Brooks Lew General Manager  
Printed Name and Title:

Date: 3/25/24

**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. )**

**BISON COOP ASSN )  
105 S. FIRST )  
BISON, OK 73720 )**

**RESPONDENT. )**

**Case No: OGC-24-98**

**FILED**  
MAR 18 2024  
STATE BOARD OF AGRICULTURE

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 9<sup>th</sup> day of May 2024 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(16); 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 in Bison, 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 September 8, 2023, pesticide applicator facility and use inspections by the Consumer Protection Services Division of the Department in Bison, OK.

19. During this inspection, our inspectors documented that a dumpster at your facility had unrinsed pesticide containers in it.

20. Some of the containers were containers of restricted use pesticides.

21. Improperly disposing of empty pesticide containers is a violation of the Oklahoma Combined Pesticide Laws & Rules, specifically 2 O.S. § 3-86(A)(4) and O.A.C. 35:30-17-93(3).

## ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(4) and O.A.C. 35:30-17-93(3) which are all stated below:

- 2 O.S. §3-86(A)(4): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (4) A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”
- O.A.C. 35:30-17-93(3): “The following procedure governs handling of pesticide containers other than bulk pesticide containers by commercial applicators:
  - (3) Metal, glass, and plastic containers :
    - (A) All metal, glass, and plastic containers shall be triple-rinsed or pressure rinsed immediately after the pesticide is removed by the following or equivalent procedures:
      - (i) Using water or a detergent as a rinse capable of removing the pesticide, each container shall be filled with rinse equal to approximately ten percent (10%) of the volume of pesticides originally in the container.
      - (ii) The rinse shall be agitated thoroughly on all interior surfaces of the container. Agitation shall be accomplished by use of agitation equipment approved by the Department or by manual agitation of the rinse.
      - (iii) The rinsing procedure shall be repeated three times.
      - (iv) If the rinsate containing the rinse can be used in subsequent applications of the pesticide without reducing the effectiveness of the pesticide, the rinsate may be placed

in the containment tank specified for that pesticide. If the rinsate is not classified as a controlled industrial waste upon disposal, it shall be placed in an approved surface impoundment.

(B) Upon completion of the triple-rinsing or pressure rinsing procedures, containers shall be disposed of as follows:

(i) Disposal in any permitted solid waste facility or sanitary landfill so long as all metal and plastic containers are pierced in each end;

(ii) Return, if possible, to the pesticide sales agent or the pesticide manufacturer pursuant to prior agreement; or

(iii) Resale to a third party for recycling or reconditioning.

(C) All pesticides shall be removed from paper and plastic bags to the maximum extent possible when the pesticide is initially mixed for application. Paper and plastic containers shall be disposed of as follows:

(i) Cut all sides of the container and open the container fully, without folds or crevices, on a flat surface. Shake any pesticides remaining in the opened container into the pesticide mix.

(ii) After cutting and flattening the pesticide containers, dispose of containers in a solid waste facility or sanitary landfill.”

#### **PRAYER FOR RELIEF**

23. The Department is seeking an administrative penalty in the amount of **Five Hundred Dollars (\$500.00)**.

#### **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 405-522-5803 or by email at [Kiersten.hamill@ag.ok.gov](mailto:Kiersten.hamill@ag.ok.gov).

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.

## **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 14th day of March, 2024.

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

*Kiersten Hamill*

---

Teena G. Gunter, General Counsel, OBA #17767  
James Rucker, Deputy G. Counsel, OBA #14574  
Wendi Morse, OBA #33571  
Kiersten Hamill, OBA #33187  
Abbie Wilburn, OBA #33641  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5803  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 17 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

BISON COOP ASSN  
105 S. FIRST  
BISON, OK 73720

*by h*

---

Gina Blaylock

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

**THE OKLAHOMA DEPARTMENT OF** )  
**AGRICULTURE, FOOD, AND FORESTRY,** )  
**BY AND THROUGH THE** )  
**OFFICE OF GENERAL COUNSEL** )  
 )  
  **COMPLAINANT,** )  
**v.** )  
 )  
**BISON COOP ASSN** )  
**105 S. FIRST** )  
**BISON, OK 73720** )  
 )  
  **RESPONDENT.** )

**Case No: OGC-24-98**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. BRANDLEY PEST CONTROL**

**Case File No. OGC-23-1461**

**BRANDLEY PEST CONTROL  
711 CEDAR AVE  
YUKON, OK 73099**

**Summary of Facts:** ODAFF received a complaint that reported pesticide dumping activities onto the gravel parking lot at Respondent's business located in Yukon, OK. Upon arrival, the ODAFF inspector noticed a bare spot, approximately 15 feet long and 5 feet wide, in the front of Respondent's business location near roadway. A soil sample was collected and the results showed various pesticide residues, including 2,4-D, mecoprop, pendimethalin, prodiamine and bifenthrin.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 2-18.1(A), O.A.C 35:30-17-24(c), 2 O.S. § 3-86(A) by improper discharge of a pesticide and using a pesticide in a manner inconsistent with its label causing contamination to the environment.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Thousand Five Hundred Dollars (\$2500.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

2024 MAR 11 AM 11:22

**FILED**  
MAR 10 2024  
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-23-1461

BRANDLEY PEST CONTROL )  
711 CEDAR AVE )  
YUKON, OK 73099 )

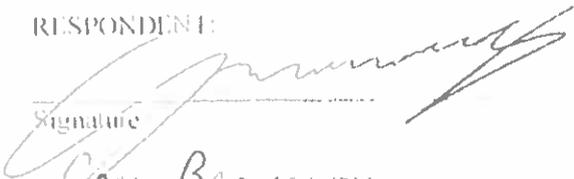
RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Thousand Five Hundred Dollars (\$2500.00) 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

CORY BRANDLEY  
Printed Name and Title:

Date: 3-11-24

**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-23-1461**

**BRANDLEY PEST CONTROL )  
711 CEDAR AVE )  
YUKON, OK 73099 )**

**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 14<sup>th</sup> day of March 2024** 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 Yukon, 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 24<sup>th</sup> day of May 2023, the Consumer Protective Services Division of the Department conducted a consumer complaint investigation located at your place of business in Yukon, OK.

19. Upon arrival, inspectors noticed a bare spot approximately 5 feet wide and 15 feet long in the front of your business.

20. Inspectors took a soil sample and various pesticide residues were present including 2,4-D, mecoprop, pendimethalin, prodiamine and bifenthrin.

21. After a Letter of Warning was sent, you responded on July 10, 2023 to the Department stating that remediation action would be taken. Inspectors came back out in November, and no remediation action had been taken.

22. The improper discharge of pesticides and use in a manner inconsistent with labeling are violations of Oklahoma Statutes and Rules.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, you are in violation of multiple statutes and rules including 2 O.S. §2-18.1(A), 2 O.S. §3-86(A) and O.A.C. 35:3014-24(c) which are stated below.

- 2 O.S. §2-18.1(A): “It shall be unlawful and a violation of the Oklahoma Agricultural Code for any person to cause pollution of any air, land or waters of the state by persons which are subject to the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry pursuant to the Oklahoma Environmental Quality Act.”
- 2 O.S. §3-86(A)(4): “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: A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”

- 35:30-17-24(c): “(c) To protect public health and the environment, failure to follow precautionary and recommended language included in the pesticide product label may be considered a use inconsistent with the label.”

#### **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.

#### **PRAYER FOR RELIEF**

30. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Two Thousand Five Hundred Dollars (\$2500.00)** administrative penalty.

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

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

#### **ENFORCEMENT OF JUDGMENTS**

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

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Thousand Five Hundred Dollars (\$2500.00)**.

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

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

---

Teena G. Gunter, General Counsel, OBA # 17767  
Brady Robison, OBA # 33600\*  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

BRANDLEY PEST CONTROL  
711 CEDAR AVE  
YUKON, OK 73099

\_\_\_\_\_  
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. )**

**Case No: OGC-23-1461**

**BRANDLEY PEST CONTROL )  
711 CEDAR AVE )  
YUKON, OK 73099 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Five Hundred Dollars (\$2500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. JOHN CHANDLER**

**Case File No. OGC-23-1460**

**JOHN CHANDLER  
12019 S. 250TH W. AVE.  
SAPULPA, OK 74066**

**Summary of Facts:** ODAFF conducted an investigation in Sapulpa, OK. Respondent informed our inspector that he sprayed weed killer along the fence line dividing these properties. A vegetative sample was taken from the grass on your neighbor's property, and 2,4-D, Dichlorprop, Mecoprop, and Glyphosate were detected in the sample. A vegetative sample was taken from the grass on your application site, and 2,4-D, Dichlorprop, Mecoprop, and Glyphosate were detected in the sample. According to our investigation Respondent's application resulted in an off-target movement/drift onto the neighboring property.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-86(A)(3) by allowing a pesticide product to drift off-target.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Hundred Fifty Dollars (\$250.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

STATE BOARD OF AGRICULTURE  
MAR 14 2024  
FILED

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

COMPLAINANT, )

v. )

Case No: OGC-23-1460

JOHN CHANDLER )  
12019 S. 250TH W. AVE. )  
SAPULPA, OK 74066 )

RESPONDENT. )

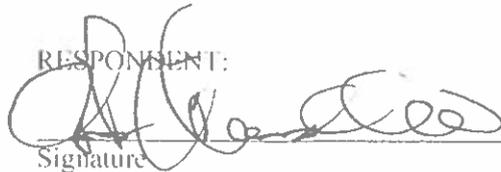
4

STIPULATION

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

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

RESPONDENT:

  
Signature

Printed Name and Title:

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

**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-23-1460**

**JOHN CHANDLER )  
12019 S. 250TH W. AVE. )  
SAPULPA, OK 74066 )**

**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 14<sup>th</sup> day of March 2024** 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 applying pesticides to property, located at Sapulpa, 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 21<sup>st</sup> day of August 2023, the Consumer Protective Services Division of the Department conducted a consumer complaint investigation located in Sapulpa, OK.

19. During this investigation, our investigator interviewed you and learned that you had applied weed killer along the fence line dividing your property with the adjacent property.

20. A vegetative sample was taken from both sides of the fence line.

21. The sample from the adjacent property contained 2,4-D, Dichlorprop, Mecoprop, and Glyphosate.

22. The sample from your property contained 2,4-D, Dichlorprop, Mecoprop, and Glyphosate.

23. According to our investigation, your application resulted in an off-target movement/drift onto the neighboring property. This is a violation of statute.

**ALLEGED CONCLUSIONS OF LAW**

24. 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: “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: A person has operated in a negligent manner, thereby causing a pesticide to drift off-target.”

**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.

#### **PRAYER FOR RELIEF**

31. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Two Hundred and Fifty (\$250.00)** administrative penalty.

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

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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

---

Teena G. Gunter, General Counsel, OBA # 17767  
Brady Robison, OBA # 33600\*  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

JOHN CHANDLER  
12019 S. 250TH W. AVE.  
SAPULPA, OK 74066

\_\_\_\_\_  
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.

**JOHN CHANDLER )  
12019 S. 250TH W. AVE. )  
SAPULPA, OK 74066 )**

**RESPONDENT.**

**Case No: OGC-23-1460**

**STIPULATION**

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

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

RESPONDENT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. FARMERS COOP MILL AND ELEVATOR ASSN**

**Case File No. OGC-24-190**

**FARMERS COOP MILL AND ELEVATOR ASSN  
P.O. BOX 547  
MOUNTAIN VIEW, OK 73062**

**Summary of Facts:** ODAFF conducted a use inspection on Respondent. Our inspector observed some containers of Funitoxin Pellets in one of the grain elevators. These containers were left unattended and were not in a secure and locked enclosure. Funitoxin Pellets are a restricted use pesticide that must be stored in a secured, locked, and identified enclosure as required by the product label and ODAFF.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-86(A)(4) and O.A.C. 35:30-17-93(1)(A) by storing a pesticide in a manner inconsistent with the product label.

**Proposed Administrative Penalty:** The proposed penalty for this case was Fifteen Hundred Dollars (\$1500.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

FILED  
APR 14 2024  
THE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-24-190

FARMERS COOP MILL AND )  
ELEVATOR ASSN )  
P.O. BOX 547 )  
MOUNTAIN VIEW, OK 73062 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Fifteen Hundred Dollars (\$1500.00)** 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

Tom Steinmetz  
Printed Name and Title:

Date: 3/26/2024

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 19 2024  
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-24-190

FARMERS COOP MILL AND )  
ELEVATOR ASSN )  
P.O. BOX 547 )  
MOUNTAIN VIEW, OK 73062 )

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 9<sup>th</sup> day of May 2024 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(16); 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 in Mountain View, 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 October 3, 2023, an applicator facility and use inspections were performed by the Consumer Protection Services Division of the Department in Mountain View, OK.

19. During this inspection, our inspector observed some containers of Funitoxin Pellets in one of the grain elevators. These containers were left unattended and were not in a secure and locked enclosure.

20. Funitoxin Pellets are a restricted use pesticide that must be stored in a secured, locked, and identified enclosure as required by the product label and ODAFF.

21. Storing a pesticide in a manner inconsistent with the product label is a violation of the Oklahoma Combined Pesticide Laws & Rules, specifically 2 O.S. § 3-86(A)(4) and O.A.C. 35:30-17-93(1)(A).

#### ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(4) and O.A.C. 35:30-17-93(1)(A) which are all stated below:

- 2 O.S. §3-86(A)(4): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (4) A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”
- O.A.C. 335:30-17-93(1)(A): “The following procedure governs handling of pesticide containers other than bulk pesticide containers by commercial applicators: (1) Full or partially full containers: (A) Pesticide containers shall be stored in a secure and locked enclosure.”

#### PRAYER FOR RELIEF

23. The Department is seeking an administrative penalty in the amount of **Fifteen Hundred Dollars (\$1500.00)**.

### **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 405-522-5803 or by email at [Kiersten.hamill@ag.ok.gov](mailto:Kiersten.hamill@ag.ok.gov).
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.

**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 **Fifteen Hundred Dollars (\$1500.00)**.

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 19th day of March, 2024.

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

*Kiersten Hamill*

---

Teena G. Gunter, General Counsel, OBA #17767

James Rucker, Deputy G. Counsel, OBA #14574

Wendi Morse, OBA #33571

Kiersten Hamill, OBA #33187

Abbie Wilburn, OBA #33641

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5803

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 19 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

FARMERS COOP MILL AND ELEVATOR ASSN  
P.O. BOX 547  
MOUNTAIN VIEW, OK 73062

*JB*

\_\_\_\_\_  
Gina Blaylock

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

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

**COMPLAINANT,** )

**v.** )

**FARMERS COOP MILL AND  
ELEVATOR ASSN  
P.O. BOX 547  
MOUNTAIN VIEW, OK 73062** )

**RESPONDENT.** )

**Case No: OGC-24-190**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Fifteen Hundred Dollars (\$1500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. FAMILY DOLLAR**

**Case File No. OGC 24-32**

**FAMILY DOLLAR  
911 E BROADWAY AVENUE  
ENID, OK 73701**

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

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38(J).

**Proposed Administrative Penalty:** The proposed penalty for this case was \$975.00 (13 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 28 2024  
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF )  
AGRICULTURE, FOOD, AND FORESTRY, )  
BY AND THROUGH THE )  
OFFICE OF GENERAL COUNSEL )  
 )  
COMPLAINANT, )  
v. )  
 )  
FAMILY DOLLAR # 25804 )  
911 E BROADWAY AVENUE )  
ENID, OK 73701 )  
 )  
RESPONDENT. )

Case No: OGC 24-32

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Nine Hundred Seventy-Five Dollars (\$975.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

REC'D OAS  
2024 FEB 23 A 10: 54

RESPONDENT:  
Charlene Wright  
\_\_\_\_\_  
Signature  
Charlene Wright  
\_\_\_\_\_  
Printed Name  
District Manager  
\_\_\_\_\_  
Job Title  
02-13-2024  
\_\_\_\_\_  
Date



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(16); accordingly, this is the proper forum to hear this matter.

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of Family Dollar, located at 911 E Broadway Avenue Enid, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation discovered within any twelve-month period will be assessed a penalty of Seventy-Five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about October 12, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that ten (10) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent.

22. On or about January 3, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that thirteen (13) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent.

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

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

#### **ATTORNEY CONFERENCES**

25. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-5803 or by email at [Kiersten.hamill@ag.ok.gov](mailto:Kiersten.hamill@ag.ok.gov).

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

#### **ENFORCEMENT PROCEEDINGS**

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

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

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

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

#### **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 **Nine Hundred Seventy-Five Dollars (\$975.00). (13 violations at \$75.00 per violation).**

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 5th day of February, 2024.

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

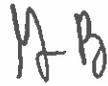
*Kiersten Hamill*

\_\_\_\_\_  
Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA # 33571  
Kiersten Hamill, OBA #33187  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5803  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 5 day of Feb., 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FAMILY DOLLAR CORPORATION  
ATTN: LEGALDEPARTMENT  
500 VOLVO PARKWAY  
CHESAPEAKE, VA 23320**



---

Gina Blaylock

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

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

**COMPLAINANT, )**

**v. )**

**Case No: OGC 24-32**

**FAMILY DOLLAR )  
911 E BROADWAY AVENUE )  
ENID, OK 73701 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Nine Hundred Seventy-Five Dollars (\$975.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



**FOOD, AND FORESTRY  
PRICE VERIFICATION REPORT**

CPS 152 Rev 5/19

INSPECTOR NUMBE 24-JCB-0021 DATE\* 1/3/2024 COUNTY Garfield  
 LOCATION\* CORPORATE  
 AGN NUMBER AGN0062619 AGN NUMBER \_\_\_\_\_  
 Family Dollar \_\_\_\_\_  
 911 E Broadway Ave \_\_\_\_\_  
 Enid OK 73701- \_\_\_\_\_  
 MANAGER Alan McGrath INSPECTION TYP Followup Original Insp# 24-JCB-0003  
 TELEPHONE\* (580) 242-4244 Other Store Type \_\_\_\_\_ ITEM STATUS NON-SALE  
 TYPE OF STORE MASS MERCHANDISER

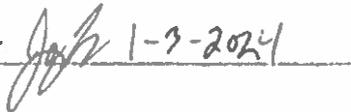
PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
<u>sunkist chry limeade 2L bottle</u>	<u>078000121469</u>	<u>\$1.75</u>	<u>\$1.95</u>	<u>(\$0.20)</u>
<u>canada dry diet gingerale 2L bottle</u>	<u>07800148466</u>	<u>\$2.35</u>	<u>\$2.50</u>	<u>(\$0.15)</u>
<u>motts 100% apple juice 64floz</u>	<u>014800000344</u>	<u>\$3.35</u>	<u>\$3.75</u>	<u>(\$0.40)</u>
<u>dixie to go pt hot cups w/ lid 14ct</u>	<u>042000432955</u>	<u>\$3.25</u>	<u>\$3.90</u>	<u>(\$0.65)</u>
<u>FP Rawhide free snacks basted 6pk</u>	<u>032251901744</u>	<u>\$2.99</u>	<u>\$3.00</u>	<u>(\$0.01)</u>
<u>cg lsh bist vim wtrp vy blk .44floz</u>	<u>022700097746</u>	<u>\$9.50</u>	<u>\$10.00</u>	<u>(\$0.50)</u>
<u>mny filme matte poreless fnd 1floz</u>	<u>041554433425</u>	<u>\$7.50</u>	<u>\$8.10</u>	<u>(\$0.60)</u>
<u>tc sensodyne pmml intense repair</u>	<u>310158867638</u>	<u>\$7.00</u>	<u>\$7.50</u>	<u>(\$0.50)</u>
<u>listerene pckt strips frsh burst</u>	<u>012547436105</u>	<u>\$2.50</u>	<u>\$2.75</u>	<u>(\$0.25)</u>
<u>polident overnight whtning tblts</u>	<u>310158034476</u>	<u>\$6.40</u>	<u>\$6.75</u>	<u>(\$0.35)</u>
<u>airboss closet air frsnr gel ln 4oz</u>	<u>070922043508</u>	<u>\$3.00</u>	<u>\$3.50</u>	<u>(\$0.50)</u>
<u>Highland White 2% milk 1 gal</u>	<u>072060007176</u>	<u>\$3.85</u>	<u>\$3.95</u>	<u>(\$0.10)</u>
<u>Little debbie cosmic brwnie 6ct</u>	<u>024300041068</u>	<u>\$2.55</u>	<u>\$2.75</u>	<u>(\$0.20)</u>

Total Number Checked 100 Total Number Of Violation 13 Accuracy 87 % Inspection Notice of Violation  
 Result

**REMARKS**

On 01/03/2024, I (Joseph Baker) stopped at Dollar General located at 911 E Broadway Ave. Enid, OK 73701 to perform a follow up price verification. This inspection is a follow up inspection due to failed inspection 24-JCB-0003 on 06/22/2023. I met with Mr. Alan McGrath (store manager) and let him know the reason for me stopping was for a follow up inspection due to the previous failed inspection. This inspection is not an approved inspection at 87% accuracy. An accuracy of 95% or greater is require in order for the inspection to be approved. A notice of violation was issued.

WITNESS Alan McGrath 

INSPECTOR\* Joseph Baker  1-3-2024

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

**v. Family Dollar/Dollar Tree**

**Case File No. OGC-24-59**

**Family Dollar/Dollar Tree  
208 S Broadway  
Marlow, Oklahoma 73055**

**Summary of Facts:** An investigator conducted a price verification inspection at the Family Dollar/Dollar Tree in Marlow, OK. The purpose was to insure that products were being sold at the price listed in the store. This location failed to accurately price 95% of the sampled items. This is the 4<sup>th</sup> violation for this location.

**Statute or Rule Violation:** 2 O.S. § 14-38(B)(2); 2 O.S. § 14-38(J)

**Proposed Administrative Penalty:** The proposed penalty for this case was Six Hundred Dollars (\$600.00)(4 violations at \$150.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

FILED  
APR 14 2024  
STATE BOARD OF AGRICULTURE

2024 APR -2 A 11:24

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

COMPLAINANT, )

v. )

Case No: OGC 24-59

FAMILY DOLLAR/DOLLAR TREE # 24682 )  
208 S BROADWAY )  
MARLOW, OK 73055 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Six Hundred Dollars (\$600.00) for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT

  
Signature

Kimberly Starnes  
Printed Name

District Manager  
Job Title

03/28/24  
Date

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

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

**COMPLAINANT,** )

v. )

**FAMILY DOLLAR/DOLLAR TREE )  
208 S BROADWAY )  
MARLOW, OK 73055 )**

**RESPONDENT.** )

Case No: OGC 24-59

**FILED**  
MAR 21 2024  
STATE BOARD OF AGRICULTURE

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 11, 2024**, 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(16); accordingly, this is the proper forum to hear this matter.

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of Family Dollar/Dollar Tree, located at 208 S Broadway Marlow, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A third violation discovered within any twelve-month period will be assessed a penalty of One Hundred Fifty Dollars (\$150.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about December 20, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar/Dollar Tree in Marlow, Oklahoma. The inspection revealed that four (4) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent.

22. On or about April 28, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar/Dollar Tree in Marlow, Oklahoma. The inspection revealed that nine (9) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent.

24. On or about January 25, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar/Dollar Tree in Marlow, Oklahoma. The inspection revealed that nine (4) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

25. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a third violation of 2 O.S. § 14-38(J). A letter of warning was sent.

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

26. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the

aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

#### **ATTORNEY CONFERENCES**

27. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6140 or by email at [Abigail.wilburn@ag.ok.gov](mailto:Abigail.wilburn@ag.ok.gov).
28. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.
29. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

#### **ENFORCEMENT PROCEEDINGS**

30. Enforcement proceedings may include but are not limited to:
  - a.) Administrative fines or penalties;
  - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
  - c.) Criminal actions, which could involve fines, imprisonment, or both; and
  - d.) Civil actions.
31. Pursuant to 2 O.S. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to

assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

#### **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 **Six Hundred Dollars (\$600.00). (4 violations at \$150.00 per violation).**

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 15TH day of February, 2024.

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

*Abigail Wilburn*

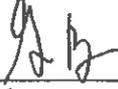
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Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA # 33571  
Kiersten Hamill, OBA #33187  
Abigail Wilburn, OBA #33641  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 21 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FAMILY DOLLAR CORPORATION  
ATTN: LEGALDEPARTMENT  
500 VOLVO PARKWAY  
CHESAPEAKE, VA 23320**

  
\_\_\_\_\_  
Gina Blaylock

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

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

**COMPLAINANT, )**

**v. )**

**Case No: OGC 24-59**

**FAMILY DOLLAR/DOLLAR TREE )  
208 S BROADWAY )  
MARLOW, OK 73055 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Six Hundred Dollars (\$600.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



**OKLAHOMA DEPARTMENT OF AGRICULTURE  
FOOD, AND FORESTRY  
PRICE VERIFICATION REPORT**

CPS 152 Rev 5/

INSPECTOR NUMBE 24-JPS-0040      DATE\* 1/19/2024      COUNTY Stephens  
 LOCATION\*      CORPORATE  
 AGN NUMBER AGN0051152      AGN NUMBER \_\_\_\_\_  
Family Dollar/ Dollar Tree  
208 S. Broadway  
Marlow      OK      73055-  
 MANAGER \_\_\_\_\_      INSPECTION TYP Followup      Original Insp# 23-JPS-002  
 TELEPHONE\* (580) 658-5586      Other Store Type      ITEM STATUS      NON-SALE  
 TYPE OF STORE DEPARTMENT

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
<u>Chestnut Hill Creamy PB 40 oz</u>	<u>032251881794</u>	<u>\$4.00</u>	<u>\$4.50</u>	<u>(\$0.50)</u>
<u>Curad Non Stick Bandage Pad 10 ct</u>	<u>080196300085</u>	<u>\$2.00</u>	<u>\$2.50</u>	<u>(\$0.50)</u>
<u>Got2B Glued Blasting Freeze Spray</u>	<u>052336912014</u>	<u>\$6.50</u>	<u>\$6.75</u>	<u>(\$0.25)</u>
<u>Non Slip Hangers 5 Pack</u>	<u>061648938551</u>	<u>\$3.50</u>	<u>\$4.00</u>	<u>(\$0.50)</u>

2024 JAN 23 A 11:09  
FEED OPS

Total Number Checked 50 Total Number Of Violation 4 Accuracy 92 % Inspection Result Notice of Violation

**REMARKS**

WITNESS       INSPECTOR\* James Schoppa 

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

**v. LANDMARK OUTDOOR SERVICES LLC**

**Case File No. OGC-24-99**

**LANDMARK OUTDOOR SERVICES LLC  
10901 E. 11TH STREET  
TULSA, OK 74128**

**Summary of Facts:** ODAFF conducted a use inspection on Respondent. Our inspector noted that two individuals were previously service technicians but were not listed as service technicians for your company. Additionally, your application vehicle did not display your company license number.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(B)(2), O.A.C. 35:30-17-25(b), and O.A.C. 35:30-17-25(c) by making commercial pesticide applications without being a service technician and no certified applicator on site and operating from an improperly marked application vehicle.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Hundred Dollars (\$500.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 28 2024  
STATE OF OKLAHOMA - AGRICULTURE

THE OKLAHOMA DEPARTMENT OF )  
AGRICULTURE, FOOD, AND FORESTRY, )  
BY AND THROUGH THE )  
OFFICE OF GENERAL COUNSEL )  
)  
COMPLAINANT, )  
v. )  
)  
LANDMARK OUTDOOR SERVICES LLC )  
10901 E. 11TH STREET )  
TULSA, OK 74128 )  
)  
RESPONDENT. )

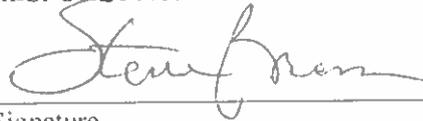
Case No: OGC-24-99

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

Steve Gross - Co-owner  
Printed Name and Title:

Date: 3/25/2024

**FILED**  
MAR 26 2024  
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-24-99**

**LANDMARK OUTDOOR SERVICES LLC )  
10901 E. 11TH STREET )  
TULSA, OK 74128 )**

**RESPONDENT. )**

**AMENEDDED 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 9<sup>th</sup> day of May 2024 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(16); 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 in Checotah, 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. September 5, 2023, the Consumer Protection Services Division of the Department conducted use inspection in Checotah, OK.

19. During this inspection, our inspector met with your employees Tyler Beilhartz and Eric Vogt at the Casey's General Store in Checotah, OK.

20. Our inspector noted that these two individuals were previously service technicians but were not listed as service technicians for your company.

21. Additionally, your application vehicle did not display your company license number.

22. Making commercial pesticide applications without being a service technician and no certified applicator on site and operating from an improperly marked application vehicle are

violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(B)(2), O.A.C. 35:30-17-25(b), and O.A.C. 35:30-17-25(c).

**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. § 3-82(B)(2), O.A.C. 35:30-17-25(b), and O.A.C. 35:30-17-25(c) which are stated below:

- 2 O.S. § 3-82(B)(2): “(B) CERTIFICATION REQUIRED – (2) A certified service technician identification shall be issued upon application and completion of certification standards determined by the Board. Temporary certified applicators may qualify as a certified service technician. No person shall act, do business as, or advertise as a service technician unless the person has met all the qualifications and standards as required by the Board. The service technicians' identification shall be issued in the name of the licensed entity. The licensee shall ensure that the service technician identification is returned to the Board upon termination of the employee. A service technician identification shall be valid for a period of five (5) years unless suspended, canceled, or revoked by the Board, until recertification is required by the Board, or until the service technician leaves the employ of the licensed entity.”
- 35:30-17-25(b): “(b) A certified applicator shall be on site to supervise any pesticide application by a non-service technician.”
- O.A.C. 35:30-17-25(c): “(c) A service technician shall be on site to make the actual application of any pesticide unless a certified applicator is present at the job site.”

### **PRAYER FOR RELIEF**

24. The Department is seeking an administrative penalty in the amount of **Five Hundred Dollars (\$500.00)**.

### **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 405-522-5803 or by email at [Kiersten.hamill@ag.ok.gov](mailto:Kiersten.hamill@ag.ok.gov).

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.

### **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 **Five Hundred Dollars (\$500.00)**.

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 25th day of March, 2024.

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

Kiersten Hamill  
Teena G. Gunter, General Counsel, OBA #17767  
James Rucker, Deputy G. Counsel, OBA #14574  
Wendi Morse, OBA #33571  
Kiersten Hamill, OBA #33187  
Abbie Wilburn, OBA #33641  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5803  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 25th day of March, 2024, a true and correct copy of the forgoing instrument was sent via email, as follows:

LANDMARK OUTDOOR SERVICES LLC  
emilee@landmarkservicegroup.com

*Kiersten Hamill*  
\_\_\_\_\_  
Kiersten Hamill

**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-24-99**

**LANDMARK OUTDOOR SERVICES LLC** )  
**10901 E. 11TH STREET** )  
**TULSA, OK 74128** )  
)  
)  
)

**RESPONDENT.** )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. LANDMARK OUTDOOR SERVICES LLC**

**Case File No. OGC-24-64**

**LANDMARK OUTDOOR SERVICES LLC  
10901 E. 11TH STREET  
TULSA, OK 74128**

**Summary of Facts:** ODAFF conducted a use inspection on Respondent. Our inspector met Respondent's employee, who was making an application to flowerbeds. When asked for certification, the employee stated that he did not have a certification.

**Statute or Rule Violation:** Respondent violated O.A.C. 35:30-17-25(b) by making commercial pesticide applications without being a service technician and no certified applicator on site.

**Proposed Administrative Penalty:** The proposed penalty for this case was Six Hundred Dollars (\$600.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

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. )

LANDMARK OUTDOOR SERVICES LLC )  
10901 E. 11TH STREET )  
TULSA, OK 74128 )

RESPONDENT. )

Case No: OGC-24-64

**FILED**

APR 08 2024

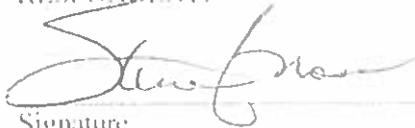
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Six Hundred Dollars (\$600.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:



Signature

Steve Gross

Printed Name and Title:

Date: 4/2/24

  
4-8-24

**RECEIVED**

APR 05 2024

ODAFF FINANCE

**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-24-64**

**LANDMARK OUTDOOR SERVICES LLC )  
10901 E. 11TH STREET )  
TULSA, OK 74128 )**

**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 9<sup>th</sup> day of May 2024** 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(16); 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 in Broken Arrow, 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 3<sup>rd</sup> day of August 2023, the Consumer Protection Services Division of the Department conducted use inspection in Broken Arrow, OK.

19. During this inspection, our inspector met your employee Edgar Martinez who was making an application to the flowerbeds at The Shop at Aspen Creek in Broken Arrow, OK.

20. When asked for certification, Mr. Martinez stated that he did not have a certification.

21. To date, ODAFF records show that Mr. Martinez is not an applicator for your company.

22. Making commercial pesticide applications without certification or without being under the direct supervision of a certified applicator is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically O.A.C. 35:30-17-25(B).

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-17-25(B) which are all stated below:

- 35:30-17-25(B): “(b) A certified applicator shall be on site to supervise any pesticide application by a non-service technician.”

### **PRAYER FOR RELIEF**

24. The Department is seeking an administrative penalty in the amount of **Six Hundred Dollars (\$600.00)**.

### **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 405-522-5803 or by email at [Kiersten.hamill@ag.ok.gov](mailto:Kiersten.hamill@ag.ok.gov).

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.

#### **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 **Six Hundred Dollars (\$600.00)**.

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 4th day of March, 2024.

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

*Kiersten Hamill*

---

Teena G. Gunter, General Counsel, OBA #17767  
James Rucker, Deputy G. Counsel, OBA #14574  
Wendi Morse, OBA #33571  
Kiersten Hamill, OBA #33187  
Abbie Wilburn, OBA #33641  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5803  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

LANDMARK OUTDOOR SERVICES LLC  
10901 E. 11TH ST.  
TULSA, OK 74128

\_\_\_\_\_  
Gina Blaylock



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

**v. SESACO CORP**

**Case File No. OGC-23-1466**

**SESACO CORP  
600 CONGRESS AVE. 14 FL  
AUSTIN, TX 78701**

**Summary of Facts:** ODAFF conducted an inspection at Respondent's facility located in Hobart, OK. Our inspector observed that Respondent's facility was fumigating a grain bin indicated by the placard placed on the bottom cone of the grain bin. It was noted that some parts of the grain bin premises were not sealed, being the bottom cone release hatch, and the ventilation port at the top of the grain bin. It was also noted that the ladder to the top of the grain bin was not placarded. The product label states to seal the bin as tightly as possible and place fumigation warning signs at all bin entrances and near the ladder.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-86(A)(4) and O.A.C. 35:30-17-79 by using a pesticide in a manner inconsistent with the product label and failing to meet fumigation minimum standards.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Thousand Dollars (\$5000.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

MAR 18 2024

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-23-1466

SESACO CORP )  
600 CONGRESS AVE. 14 FL )  
AUSTIN, TX 78701 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Thousand Dollars (\$5000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT'S:

  
\_\_\_\_\_  
Signature

*Martha S. Tol*  
\_\_\_\_\_  
Printed Name and Title:

Date: 7/13/24

**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-23-1466**

**SESACO CORP )  
600 CONGRESS AVE. 14 FL )  
AUSTIN, TX 78701 )**

**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 14<sup>th</sup> day of March 2024** 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 Hobart, 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 27<sup>th</sup> day of July 2023, the Consumer Protective Services Division of the Department conducted a use inspection at your facility in Hobart, OK.

19. Our inspector observed that your facility was fumigating a grain bin indicated by the placard placed on the bottom cone of the grain bin.

20. Some parts of the grain bin premises were not sealed, being the bottom cone release hatch, and the ventilation port at the top of the grain bin. It was also noted that the ladder to the top of the grain bin was not placarded.

21. The product being applied was Degesch Phostoxin. The product label states to seal the bin as tightly as possible and place fumigation warning signs at all bin entrances and near the ladder.
22. The Oklahoma Combined Pesticide Law & Rules state that the premises to be fumigated shall be sealed in a manner that confines the fumigant to the space intended to be fumigated.
23. Your fumigation treatment failed to meet the label requirements and the Oklahoma Combined Pesticide Law & Rules minimum standards.

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

24. Based upon the application of the above law to the aforementioned facts, you were using a pesticide in a manner inconsistent with the product label and failed to meet minimum standards, both in violation of 2 O.S. §3-86(A)(4) and O.A.C. 35:30-17-79 which are stated below:

- 2 O.S. §3-86(A)(4): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”

- O.A.C. 35:30-17-79: “Premises to be fumigated shall be sealed in a manner that confines the fumigant to the space intended to be fumigated.”

#### **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.

**PRAYER FOR RELIEF**

31. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Five Thousand Dollars (\$5000.00)** administrative penalty.

**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 Thousand Dollars (\$5000.00)**.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

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Teena G. Gunter, General Counsel, OBA # 17767  
Brady Robison, OBA # 33600\*  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

SESACO CORP  
600 CONGRESS AVE. 14 FL  
AUSTIN, TX 78701

\_\_\_\_\_  
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.**

**Case No: OGC-23-1466**

**SESACO CORP )  
600 CONGRESS AVE. 14 FL )  
AUSTIN, TX 78701 )**

**RESPONDENT.**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Thousand Dollars (\$5000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. TOWN AND COUNTRY PEST, TURF, AND TERMITE LLC**

**Case File No. OGC-23-1456**

**TOWN AND COUNTRY PEST, TURF, AND TERMITE LLC  
P.O. BOX 1207  
ARDMORE, OK 73402**

**Summary of Facts:** An investigator conducted a complaint inspection in Healdton, OK. The nature of this complaint is that an ODAFF-1 inspection report performed by Termite Pros of OKC LLC was inaccurate due to them making a recommendation for a treatment because live termites were found, and no sign of a treatment was observed. The owner of this residence informed our inspectors that after he received the ODAFF-1 inspection report you consulted with him on a treatment to the property and issued a written statement that termite activity was observed, but no live termites were found.

**Statute or Rule Violation:** Respondent violated 2 O.S. 3-82(A), 2 O.S. §3-86(A)(15) and O.A.C. 35:30-17-105(e) by operating commercially without a license and contesting an ODAFF-1 report without issuing an additional ODAFF-1.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Thousand Dollars (\$2000.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 04 2024  
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-23-1456

TOWN AND COUNTRY PEST, )  
TURF, AND TERMITE LLC )  
P.O. BOX 1207 )  
ARDMORE, OK 73402 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Dollars (\$2000.00)** 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.

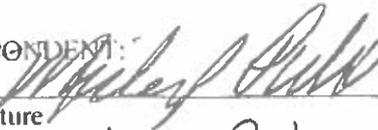
Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title:

Date:



Michael A Pulis - owner

2.29.24

**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-23-1456**

**TOWN AND COUNTRY PEST, TURF, )  
AND TERMITE LLC )  
P.O. BOX 1207 )  
ARDMORE, OK 73402 )**

**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 14<sup>th</sup> day of March 2024** 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 Ardmore, 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 8<sup>th</sup> day of August 2023, the Consumer Protective Services Division of the Department performed a consumer complaint inspection at a property in Healdton, OK.

19. The nature of this complaint is that an ODAFF-1 inspection report performed by Termite Pros of OKC LLC at 1600 Lincoln in Healdton, OK was inaccurate due to them making a recommendation for a treatment because live termites were found, and no sign of a treatment was observed.

20. The owner of this residence informed our inspectors that after he received the ODAFF-1 inspection report you consulted with him on a treatment to the property and issued a written statement that termite activity was observed, but no live termites were found.

21. According to our investigation the ODAFF-1 inspection report was accurate, as the company made a recommendation to treat the guest house because they found signs of termite activity and the guest house has not been previously treated.
22. Since this was a real estate transaction, and you were contesting another company's ODAFF-1 inspection report your company should have issued an additional ODAFF-1 inspection report as required by the Oklahoma Combined Law & Rules.
23. Additionally, ODAFF records show that your company license expired December 31, 2020.
24. You are in violation of 2 O.S. 3-82(A), 2 O.S. §3-86(A)(15) and O.A.C. 35:30-17-105(e).

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

25. Based upon the application of the above law to the aforementioned facts, you are in violation of multiple statutes and rules. Including 2 O.S. 3-82(A), 2 O.S. §3-86(A)(15) and O.A.C. 35:30-17-105(e) which are all stated below.

- 2 O.S. 3-82(A): “A. 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, unless the person is applying to their own property.”
- 2 O.S. §3-86(A)(15): “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: 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.”

- O.A.C. 35:30-17-105(e): “An ODAFF-1 Form shall be completed on all property transactions or when contesting a WIR issued on a property. An ODAFF-1 Form is not required for routine termite inspections not involving property transactions.”

#### **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.

#### **PRAYER FOR RELIEF**

32. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Two Thousand Dollar (\$2000.00)** administrative penalty.

#### **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 Thousand Dollars (\$2000.00)**.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

---

Teena G. Gunter, General Counsel, OBA # 17767  
Brady Robison, OBA # 33600\*  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

TOWN AND COUNTRY PEST, TURF, AND TERMITE LLC  
P.O. BOX 1207  
ARDMORE, OK 73402

\_\_\_\_\_  
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. )**

**Case No: OGC-23-1456**

**TOWN AND COUNTRY PEST, )  
TURF, AND TERMITE LLC )  
P.O. BOX 1207 )  
ARDMORE, OK 73402 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Dollars (\$2000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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



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

**v. ADVANTECH PEST SERVICES LLC**

**Case File No. OGC-23-1491**

**ADVANTECH PEST SERVICES LLC  
317 W. CEDAR  
DURANT, OK 74701**

**Summary of Facts:** On the 28th day of December 2023, ODAFF conducted a use inspection of Respondent's facility located in Durant, Oklahoma. ODAFF inspectors were checking over Respondent's application records during this use inspection. While checking these records, our inspector noted that over the past two years Respondent's company had been applying Bora-Care only for new construction termite pre-treatments. ODAFF does not allow for Bora-Care to be used as a standalone treatment for new construction. Bora-Care may only be used as a supplemental treatment in addition to the required soil treatments or baiting stations.

**Statute or Rule Violation:** Respondent violated O.A.C. 35:30-17-73 by not meeting the termite minimum standards.

**Proposed Administrative Penalty:** The proposed penalty for this case was Ten Thousand Dollars (\$10,000.00).

**Deviations:** This matter was settled through a Settlement and Consent Order. The monetary penalty was reduced to \$1,500.00 to remain consistent with other cases and Respondent agreed to consent order reflecting that reduction.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
APR 01 2024  
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-23-1491

ADVANTECH PEST SERVICES LLC )  
317 W. CEDAR )  
DURANT, OK 74701 )

RESPONDENT. )

**SETTLEMENT AGREEMENT AND CONSENT ORDER**

**PARTIES**

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Advantech Pest Services LLC (the "Respondent").
2. The facility which is the subject of this Agreement is owned and operated by Advantech Pest Services LLC and located at 317 W. Cedar Durant, OK 74701 (the "Facility").

**AUTHORITY**

3. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(7).

**DEPARTMENT'S NOTICE**

4. On the 29<sup>th</sup> day of December 2023, the Department issued a Notice of Violation in Case No. OGC-23-1491, ("Notice") to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

**ORDER AND AGREEMENT**

5. In compromise and full settlement of *this matter*, respondent shall pay to the Department an administrative penalty of One Thousand Five Hundred Dollars (\$1500.00). The case is to be settled upon the following terms:

- a. This matter will be subject to a one (1) year deferred prosecution agreement. As part of said agreement Advantech Pest Services LLC agrees that within the one (1) year, Advantech Pest Services LLC agrees that there will not be any infractions committed by their applicators or the company as a whole. In exchange, the ODAFF will dismiss those cases subject to this deferred prosecution agreement. The one-year time begins to toll upon approval of the ODAFF Board.

6. Payment to be mailed to the following address:

Office of General Counsel  
Oklahoma Department of Agriculture, Food, and Forestry  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

**EFFECT OF THE AGREEMENT**

7. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
8. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
9. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

#### **NO ADMISSION**

10. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

#### **NON-ADMISSIBILITY**

11. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

#### **HEARING WAIVER**

12. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

#### **NOTICE**

13. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Hamill  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

For Advantech Pest Services LLC:

Josh Garrett  
Advantech Pest Services LLC  
317 W. Cedar  
Durant, OK 74701  
580-775-2847

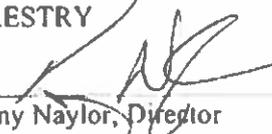
#### **MISCELLANEOUS**

14. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.

15. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
16. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
17. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
18. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
19. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
20. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

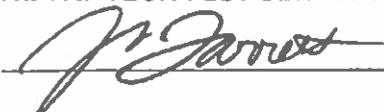
OKLAHOMA DEPARTMENT  
OF AGRICULTURE, FOOD, AND  
FORESTRY

  
\_\_\_\_\_  
Kenny Naylor, Director  
Consumer Protection Services  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-0625

Date: 4/2/24

- and by -

ADVANTECH PEST SERVICES LLC

  
\_\_\_\_\_

Josh Garrett  
Advantech Pest Services LLC  
317 W. Cedar  
Durant, OK 74701  
580-775-2847

Date: 3/28/24

**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-23-1491**

**ADVANTECH PEST SERVICES LLC )  
317 W. CEDAR )  
DURANT, OK 74701 )**

**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 14<sup>th</sup> day of March 2024** 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 Durant, 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 28<sup>th</sup> day of December 2023, the Consumer Protective Services Division of the Department conducted a use inspection of your facility located in Durant, Oklahoma. The Department inspectors were checking over your application records during this use inspection.

19. While checking these records, our inspector noted that over the past two years your company had been applying Bora-Care only for new construction termite pre-treatments.

20. The Department does not allow for Bora-Care to be used as a standalone treatment for new construction. Bora-Care may only be used as a supplemental treatment in addition to the required soil treatments or baiting stations.

21. CPS Inspectors have had this conversation with you on several occasions and you have been informed that this type of treatment is not allowed in Oklahoma.

22. Not meeting the termite minimum standards is a violation of Oklahoma Combined Pesticide Law & Rules.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-17-73.

### **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.

#### **PRAYER FOR RELIEF**

30. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Ten Thousand Dollar (\$10,000.00)** administrative penalty.

#### **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 **Ten Thousand Dollars (\$10,000.00)**.

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

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

---

Teena G. Gunter, General Counsel, OBA # 17767  
Brady Robison, OBA # 33600\*  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

ADVANTECH PEST SERVICES LLC  
317 W. CEDAR  
DURANT, OK 74701

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

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

**v. MURRAY PEST CONTROL LLC**

**Case File No. OGC-23-84 & OGC-23-758**

**MURRAY PEST CONTROL LLC  
2102 S. MAIN ST.  
STILLWATER, OK 74074**

**Summary of Facts:**

**OGC-23-84:** ODAFF conducted a complaint investigation located at 8424 NW 143rd Terrace in Oklahoma City, OK. Respondent performed an ODAFF-1 inspection and termite treatment at this home. Respondent indicated that it performed an exterior perimeter localized interior (EPLI) treatment with Dominion 2L. Our inspectors noted that the garage floor slab was not drilled and treated.

**OGC-23-758:** ODAFF inspectors sampled pretreats at 908, 912, 916, 1018 2nd St. & 917 3rd St. in Perkins, OK. Swab samples were taken from the top of the vapor barrier at each site, and high levels of Imidacloprid were detected in the swab samples taken from the four sites on 2nd street. Vertical and horizontal soil samples were taken from 908 & 916 2nd St, and 917 3rd St. A trace amount of Imidacloprid was detected in the horizontal samples taken from 908 & 916 2nd St., and no Imidacloprid was detected in the horizontal sample taken from 917 3rd St. According to our investigation, Respondent made a misapplication by applying the pesticide product on top of the vapor barrier, and the horizontals were below ODAFF's acceptable Imidacloprid threshold level of 5 ppm for horizontal barriers.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-86(A)(1), 2 O.S. §3-86(A)(2), 2 O.S. §3-86(A)(4), O.A.C. 35:30-17-28(b)(7)(A), O.A.C. 35:30-17-28 (c)(7)(A), O.A.C. 35:30-17-69.1(b)(3) and O.A.C. 35:30-17-69.1(b)(6) by failing to meet perimeter termite treatment minimum standards, making misrepresentations, using ineffective methods, using a pesticide in a manner inconsistent with its labeling, and failure to meet termite pre-treatment minimum standards.

**Proposed Administrative Penalty:** The proposed penalty for both cases was Eight Thousand Dollars (\$500.00 for OGC-23-84 & \$7,500.00 for OGC-23-758).

**Deviations:** Both cases were settled through a Settlement and Consent Order. Respondent paid Five Thousand Five Hundred Dollars (\$5,500.00) for both matters.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

**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. )  
 )  
MURRAY PEST CONTROL LLC )  
2102 S. MAIN ST. )  
STILLWATER, OK 74074 )  
 )  
RESPONDENT. )**

**Case Nos: OGC-23-758 &  
OGC-23-84**

**FILED**  
**FILED**  
FEB 15 2024  
STATE BOARD OF AGRICULTURE  
E. B. C. C.

**SETTLEMENT AGREEMENT AND CONSENT ORDER**

**PARTIES**

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, and Forestry (the "Department") and Murray Pest Control LLC (the "Respondent").
2. The facility which is the subject of this Agreement is owned and operated by Murray Pest Control LLC and located at 2102 S. Main St. Stillwater, OK 74074 (the "Facility").

**AUTHORITY**

3. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(16).

**DEPARTMENT'S NOTICE**

4. On the 29<sup>th</sup> day of December 2023, the Department issued a Notice of Violation in Case No. OGC-23-758, ("Notice") to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.
5. On the 29<sup>th</sup> day of December 2023, the Department issued a Notice of Violation in Case No. OGC-23-84, ("Notice") to the Facility, which is attached hereto as Exhibit B. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

**ORDER AND AGREEMENT**

6. In compromise and full settlement of *OGC-23-758 & OGC-23-84*, respondent shall pay to the Department an administrative penalty of Five Thousand Five Hundred Dollars (\$5,500.00).

7. Payment to be mailed to the following address:

Office of General Counsel  
Oklahoma Department of Agriculture, Food, and Forestry  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

#### **EFFECT OF THE AGREEMENT**

8. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
9. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
10. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

#### **NO ADMISSION.**

11. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

**NON-ADMISSIBILITY.**

12. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

**HEARING WAIVER**

13. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

**NOTICE**

- 14 Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Hamill  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

For Murray Pest Control LLC:

Jacob Murray  
2102 S. Main St.  
Stillwater, OK 74074

**MISCELLANEOUS**

15. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
16. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
17. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
18. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.

19. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
20. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
21. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT  
OF AGRICULTURE, FOOD, AND  
FORESTRY

  
Kenny Naylor, Director  
Consumer Protection Services  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-0625

Date: 3/18/24

- and by -

MURRAY PEST CONTROL LLC

  
Jacob Murray  
2102 S. MAIN ST.  
STILLWATER, OK 74074

Date: 3-13-24

**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-23-84**

**MURRAY PEST CONTROL LLC )  
2102 S. MAIN ST. )  
STILLWATER, OK 74074 )**

**RESPONDENT. )**

**3<sup>rd</sup> AMENDED NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 9<sup>th</sup> day of February 2024 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 Stillwater, 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 15<sup>th</sup> day of December 2022, the Consumer Protective Services Division of the Department conducted a complaint investigation located at 8424 NW 143<sup>rd</sup> Terrace in Oklahoma City, OK. Your company performed an ODAFF-1 inspection and termite treatment at this home.

19. In reviewing your application records from October 25, 2022, you indicated that you performed an exterior perimeter localized interior (EPLI) treatment with Dominion 2L. Dominion 2L is an Imidacloprid product whose perimeter treatment is called exterior perimeter interior spot treatment (EPIST). EPLI is label language for Fipronil products such as Termidor.

20. Our inspectors noted that the garage floor slab that runs along the walls that are adjacent to the living area of the home was not drilled and treated. This is also reflected in your application records.

21. ODAFF's perimeter termite treatment minimum standards require that all walls of the garage be treated on at least one side.

22. According to our investigation your application did not meet the perimeter termite treatment minimum standards.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-17-69.1(b)(3) and O.A.C. 35:30-17-69.1(b)(6) which state:

- **O.A.C. 35:30-17-69.1(b)(3):** "(b) Perimeter treatments can not be performed using any pesticide which does not allow this type treatment as stated on the product label. (3) All concrete slabs adjoining the structure shall be drilled and treated at no more than twelve inch (12") intervals."
- **O.A.C. 35:30-17-69.1(b)(6):** "(6) Treatment of a garage shall be performed around all garage door supports and along any wall or portion of wall that has not been treated in accordance with this section. The drilling shall be at twelve inch (12") intervals."

### **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. Any person, holder or non-holder of a valid license violating any of the provisions of 2 O.S. §3-86(A)(1)-(22) shall be guilty of a misdemeanor and shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00), imprisonment in the county jail for not less than thirty (30) days and not more than one (1) year, or both.
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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

---

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600\*  
Richard 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 \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

MURRAY PEST CONTROL LLC  
2102 S. MAIN ST.  
STILLWATER, OK 74074

\_\_\_\_\_  
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. )**

**Case No: OGC-23-758**

**MURRAY PEST CONTROL LLC )  
2102 S. MAIN ST. )  
STILLWATER, OK 74074 )**

**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 October 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 Stillwater, 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> and 11<sup>th</sup> day of May 2023, the Consumer Protective Services Division of the Department conducted pretreatment inspections at five locations in Perkins, OK. Those locations include 908, 912, 916, and 1018 2<sup>nd</sup> St. and 917 3<sup>rd</sup> Street.

19. According to the pre-treat stickers applied at each location, Dominion 2L was applied by your company.

20. Swab samples were taken from the vapor barrier at each site. High levels of Imidacloprid were detected in the samples taken from four sites on 2<sup>nd</sup> Street (908, 912, 916, & 1018 2<sup>nd</sup> St.).

21. Vertical and horizontal soil samples were taken from 908 and 916 2<sup>nd</sup> St. and 917 3<sup>rd</sup> St. A trace amount of Imidacloprid was detected in the horizontal samples taken from 908 & 916 and no Imidacloprid was detected in the horizontal sample taken from 917 3<sup>rd</sup> St.
22. You informed ODAFF Inspectors that when your employee arrived to apply termiticide to the house site, the vapor barrier was already applied so he sprayed the top of the vapor barrier, around the pipes and down the footer.
23. According to our investigation, your company made a misapplication by applying product on top of the barrier. Your barriers were all below threshold levels of 5ppm for horizontal applications and 10ppm for vertical.
24. Making misrepresentations, using ineffective methods, using a pesticide in a manner inconsistent with its labeling, and failure to meet termite pre-treatment minimum standards are violations of the Oklahoma Combined Pesticide Law & Rules.

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

25. Based upon the application of the above law to the aforementioned facts, your company is in violation of 2 O.S. §3-86(A)(1), 2 O.S. §3-86(A)(2), 2 O.S. §3-86(A)(4) and O.A.C. 35:30-17-28(b)(7)(A) and (c)(7)(A) which are stated below:

- 2 O.S. §3-86(A)(1): “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: 1. A person has made misrepresentations for the purpose of defrauding, or has not satisfactorily performed, without proper cause, any contract into which the person entered.”

- 2 O.S. §3-86(A)(2): “2. A person has negligently used methods or pesticides that are ineffective or improper for the purpose for which they have been employed.”
- 2 O.S. §3-86(A)(4): “4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”
- O.A.C. 35:30-17-28(b)(7)(A): “Pre-construction termiticide treatments (pre-treats) with sampling performed within 30 days or 180 days of treatment shall disclose residue threshold levels established in the vertical barrier for termiticides based on values obtained from research conducted at the U.S. Forest Research Center, Gulfport, Mississippi; Kard et al. 1989; Kard 1991, 1992, 1994, The Bayer Company, Agricultural Division, and the Board may establish interim residue levels for termiticide products for which no lowest expected threshold value exists utilizing input from Oklahoma State University, manufacturers, or industry until a value has been established. (7) Premise: (A) Shall have a residue threshold level within 30 days of treatment of 10 ppm.”
- O.A.C. 35:30-17-28(c)(7)(A): “Pre-construction termiticide treatments (pre-treats) with sampling performed within 30 days or 180 days of treatment shall disclose residue threshold levels established in the horizontal barriers for termiticides based on values obtained from research conducted at the U.S. Forest Research Center, Gulfport, Mississippi; Kard et al. 1989; Kard 1991, 1992, 1994, The Bayer Company, Agricultural Division, and the Board may establish interim

residue levels for termiticide products for which no lowest expected threshold value exists utilizing input from Oklahoma State University, manufacturers, or industry until a value has been established. (7) Premise: (A) Shall have a residue threshold level within 30 days of treatment of 5 ppm.”

### **PRAYER FOR RELIEF**

26. Based on the above alleged statement of facts, the Department is seeking an administrative penalty in the amount of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7500.00) and for each of the applicators employed by Respondent to attend remedial training for termiticide applications.

### **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.

#### **ENFORCEMENT OF JUDGMENTS**

35. 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**

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

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

38. 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**

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of SEVEN THOUSAND FIVE HUNDRED Dollars (\$7500.00) and for each of the applicators employed by Respondent to attend remedial training for termiticide applications.

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

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

*Brady Robison*

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

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

MURRAY PEST CONTROL LLC  
2102 S. MAIN ST.  
STILLWATER, OK 74074

*Brady Robison*  
\_\_\_\_\_  
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. )**

**Case No: OGC-23-758**

**MURRAY PEST CONTROL LLC )  
2102 S. MAIN ST. )  
STILLWATER, OK 74074 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of SEVEN THOUSAND FIVE HUNDRED Dollars (\$7500.00) and for each of the applicators employed by Respondent to attend remedial training for termiticide applications for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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

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

**v. PRISCILLA SANTANA OF HEMP HEIGHTS, LLC**

**Case File No. OGC-24-48**

**Priscilla Santana  
Hemp Heights, LLC  
2219 S. Main Ave.  
Goldsby, OK 73093**

**Summary of Facts:** In November of 2023, the Consumer Protective Services Division of the Department investigated after failure of the proper reports to be filed with the Department. Respondent violated multiple rules in the Oklahoma Industrial Hemp code.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-406(A), 2 O.S. 3-407(A), O.A.C. 35:30-24-6, O.A.C. 35:30-24-9, O.A.C 35:30-24-12(h)(2), O.A.C 35:30-24-12(h)(5), O.A.C 35:30-24-11, and O.A.C. 35:30-24-13.

**Proposed Administrative Penalty:** The proposed penalty for this case was Three Thousand Dollars (\$3000.00).

**Deviations:** This matter was settled through a Settlement and Consent Order for \$3,000.00. Respondent requested a Settlement and Consent Order to avoid admitting liability.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

**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-24-48**

**PRISCILLA SANTANA )  
HEMP HEIGHTS, LLC )  
2219 S. MAIN AVE. )  
GOLDSBY, OK 73093 )**

**RESPONDENT.**

**SETTLEMENT AGREEMENT AND CONSENT ORDER**

**PARTIES**

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Priscilla Santana of Hemp Heights, LLC (the "Respondent").
2. The facility which is the subject of this Agreement is owned and operated by Priscilla Santana of Hemp Heights, LLC and located at 2219 S. Main Ave. Goldsby, OK 73093 (the "Facility").

**AUTHORITY**

3. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(16).

**DEPARTMENT'S NOTICE**

4. On the 14<sup>th</sup> day of February 2024, the Department issued a Notice of Violation in Case No. OGC-24-48, ("Notice") to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

**ORDER AND AGREEMENT**

5. In compromise and full settlement of *this matter*, respondent shall pay to the Department an administrative penalty of Three Thousand Dollars (\$3,000.00).
6. Payment to be mailed to the following address:

Office of General Counsel

Oklahoma Department of Agriculture, Food, and Forestry  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

#### **EFFECT OF THE AGREEMENT**

7. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
8. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
9. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

#### **NO ADMISSION.**

10. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

#### **NON-ADMISSIBILITY.**

11. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

### **HEARING WAIVER**

12. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

### **NOTICE**

13. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Hamill  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

For Priscilla Santana of Hemp Heights, LLC:

Priscilla Santana, Manager, Hemp Heights, LLC  
c/o Sarah Lee Gossett Parrish PLLC  
6608 N. Western Avenue, #338  
Nichols Hills, OK 73116

### **MISCELLANEOUS**

14. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
15. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
16. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
17. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.

18. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.

19. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.

20. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT  
OF AGRICULTURE, FOOD, AND  
FORESTRY



Kenny Naylor, Director  
Consumer Protection Services  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-0625

Date: 3/5/24

- and by -

Priscilla Santana of Hemp Heights, LLC

Priscilla Santana, manager

Priscilla Santana, Manager  
c/o Sarah Lee Gossett Parrish PLLC  
6608 N. Western Avenue, #338 Nichols  
Hills, OK 73116

Date: March 2, 2024

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

**FILED**

FEB 13 2024

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-24-48

PRISCILLA SANTANA )  
HEMP HEIGHTS, LLC )  
2219 S. MAIN AVE. )  
GOLDSBY, OK 73093 )

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 11<sup>th</sup> day of April 2024 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(16); 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 Hemp Production, located in Goldsby, 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. In November of 2023, the Consumer Protective Services Division of the Department investigated after failure of the proper reports to be filed with the Department.

19. You have failed to provide current information to the Department.

20. Failed to provide a harvest report for each harvest.

21. Failed to allow inspection and testing by the Department.

22. Interfered with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections.

23. Failed to properly destroy all Cannabis sativa L plants or plant parts.

24. Failed to provide video recording of destruction.

**ALLEGED CONCLUSIONS OF LAW**

25. Based upon the application of the above law to the aforementioned facts, you are in violation of multiple Oklahoma State Statutes and Rules of the Oklahoma Department of Agriculture.

- By failing to provide current information to the Department you are in violation of O.A.C. 35:30-24-6(a) which states: “Every licensee shall have a continuing obligation to provide current information to the Department. The licensee shall provide updated information if there is any material change to the information provided in the application within ten (10) days of the material change unless otherwise specified herein, including but not limited to, changes in personnel or contact information.”.
- Failing to provide a harvest report for each harvest is a violation of O.A.C. 35:30-24-9, O.A.C. 35:30-24-12(h)(2), 2 O.S. §3-406 which state:
  - i. O.A.C. 35:30-24-9: “(a) Not less than thirty (30) days prior to harvest, the licensee shall file a harvest report on a form provided by the Department and shall, at a minimum, contain the following information: (1) The name of the licensee and any associated subcontractors; (2) The location of the cultivation site or parts thereof wherever situated; (3) A description of each variety of industrial hemp growing at the cultivation site; (4) The expected date or dates of harvest for each variety of industrial hemp growing at the cultivation site; (5) The expected yield for each variety of industrial hemp planted at the cultivation site along with a description of the growing area in which each variety was planted sufficient to calculate the growing area in acres for outdoor cultivation or square feet for indoor cultivation; (6) A description of the intended use and disposition of the industrial hemp product, including but not limited to: (A) Whether the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Department to identify the price for a specific quantity of industrial hemp; (B) Whether individual

plant parts rather than the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Department to identify the price for a specific quantity of plant parts along with a description of the plant parts sold or transferred; (C) A general description of any mechanical, chemical, or other processing techniques applied to the whole plant before sale or transfer to a third party; (D) The name and contact information of the person or business entity to which the whole plant or plant parts will be sold or transferred; and (E) Whether the whole plant or any part thereof will be destroyed after harvest; (7) A description of fertilizers, pesticides, or other chemicals applied to each variety of industrial hemp planted at the cultivation site; (8) A description of irrigation or water management practices applied to each variety of industrial hemp planted at the cultivation site; (9) A description of tillage or ground preparation practices applied to each variety of industrial hemp planted at the cultivation site; and (10) A description of the environmental impacts and viability of each variety of industrial hemp planted along with any supporting documentation.

- i. **O.A.C. 35:30-24-12(h)(2):** “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department.”
  - ii. **2 O.S. §3-406:** “A. At least thirty (30) days prior to harvest, each licensee shall file a harvest report on a form approved by the Department that includes: 1. A statement of intended disposition of its industrial hemp crop; and 2. The harvest date or dates, location and yield of each variety cultivated within a registered land area. B. A licensee shall notify the Department immediately of any changes in a reported harvest date by more than five (5) days.”
- Failing to allow inspection and testing by the Department is a violation of

O.A.C. 35:30-24-11 and 2 O.S. §3-407(A) which state:

- i. **O.A.C. 35:30-24-11:** “(a) The Department shall utilize an evidence gathering methodology approved by the United States Department of Agriculture for the inspection of cultivation sites and the collection of industrial hemp test samples.”
- ii. **2 O.S. §3-407(A):** “A. Any plants of the licensee are subject to at least annual routine inspections and sampling to verify that the

plant meets the definition of industrial hemp. The Department shall notify each licensee of the scope of the inspection and the process by which the inspection will be conducted. The Department shall promulgate rules regarding the procedures of inspection and sampling.”

- Interfering with the inspection process, including refusal to grant access to a cultivation site and impeding the sampling of plants is a violation of **O.A.C. 35:30-24-12(h)(5)** which states: “(5) Interference with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections.”
- Failure to properly destroy all Cannabis sativa L. plants or plant parts is a violation of O.A.C 35:30-24-13(b) and (e) which states:
  - i. **O.A.C 35:30-24-13(b)**: “Destruction of plants shall be conducted pursuant to the provisions of subsection (e) of this section unless the Department provides the licensee written authorization for an alternate method of destruction.”
  - ii. **O.A.C 35:30-24-13(e)**: “If a producer has produced cannabis exceeding the acceptable hemp THC level, the material shall be disposed of in accordance with USDA AMS guidelines or the CSA and DEA regulations, as the material constitutes marijuana, a schedule I controlled substance under the CSA. When material is destroyed pursuant to CSA and DEA regulations, it shall be collected for destruction by a person authorized under the CSA to handle marijuana, such as a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer.”
- Failure to provide video recording of destruction is a violation of O.A.C 35:30-24-13(c)(2) which states: “(c) The licensee shall document the destruction of Cannabis sativa L. plants or plant parts in a corrective action plan, as follows: (2) The licensee shall make and retain a date-stamped electronic video recording the collection, ignition, and

incineration of the Cannabis sativa L. plants or plant parts. The video recording shall be retained as a record relating to the destruction of industrial hemp for not less than three (3) years. The date stamp need not be displayed on the video recording but shall, at a minimum, appear in the electronic file name. The electronic video recording shall consist of sufficient duration and detail to verify that the destruction occurred and was complete.”

26. The punishment for violations of O.A.C. 35:30-24-12 are laid out in subsections (a) through (e) of the Oklahoma Administrative Code and 2 O.S. §3-401. Those penalties include a fine up to \$10,000 and or a civil action.

#### **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 405-522-5803 or by email at [Kiersten.hamill@ag.ok.gov](mailto:Kiersten.hamill@ag.ok.gov).

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. Any person, holder or non-holder of a valid license violating any of the provisions of 2 O.S. §3-86(A)(1)-(22) shall be guilty of a misdemeanor and shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00), imprisonment in the county jail for not less than thirty (30) days and not more than one (1) year, or both.

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

**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.

**ENFORCEMENT OF JUDGMENTS**

35. 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**

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

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

38. 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

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Three Thousand Dollars (\$3000.00)**.

40. 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 day of February, 2024.

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

*Kiersten Hamill*

---

Teena G. Gunter, General Counsel, OBA #17767  
James Rucker, Deputy G. Counsel, OBA #14574  
Wendi Morse, OBA # 33571  
Kiersten Hamill, OBA #33187  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5803  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 13 day of Feb., 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Priscilla Santana  
Hemp Heights, LLC  
2219 S. Main Ave.  
Goldsby, OK 73093**



\_\_\_\_\_  
Gina Blaylock

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

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

**COMPLAINANT, )**

**v. )**

**Case No: OGC-24-48**

**PRISCILLA SANTANA )  
HEMP HEIGHTS, LLC )  
2219 S. MAIN AVE. )  
GOLDSBY, OK 73093 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Thousand Dollars (\$3000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

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



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

**v. CHS**

**Case File No. OGC-23-1454**

**CHS**

**P.O. BOX 669**

**HINTON, OK 73047**

**Summary of Facts:** ODAFF conducted a consumer complaint located at a corn field in the E ½ of the NE 1.4 of section 21-11N-12W. During this complaint investigation in this corn field our inspectors learned that a pesticide application was performed on this crop. This property is adjacent to the north of the soybean field Respondent sprayed in the SE ¼ of section 21-11N-12W. A vegetative sample was taken from the drift field and Paraquat and Pendimethalin were detected.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-86(A)(3) by operating in a negligent manner that caused pesticide to drift off-target.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Thousand Dollars (\$2000.00). Respondent failed to appear for the March 14, 2024, docket and received a default judgment.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 21 2024  
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-23-1454

CHS )  
415 E. MAIN )  
HINTON, OK 73047 )

RESPONDENT. )

**PROPOSED FINAL ORDER**

NOW on this 14<sup>th</sup> day of March 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Hamill. Respondent appears not.

On the 14<sup>th</sup> day of March 2024, this matter came on for Prehearing Conference. Respondents were provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 9171999991703765255264 on December 29, 2023 to CHS at P.O. BOX 669 HINTON, OK 73047.

The Notice of Violation advised Respondents that failure to appear at the designated time and place for hearing and failure to pay the recommended fine or penalty stated in the Notice of Violation following proper notice to the Respondents may result in a default judgment being entered against Respondents.

**FINDINGS OF FACT**

1. The Respondents were properly served with process and failed to plead or otherwise defend this action within the time prescribed.

2. The Notice of Violation (Exhibit 1) was delivered by certified mail on December 29, 2023. *See* certified mail receipt (Exhibit 2).

3. Hearing was set for 14th day of March 2024 at 1:30 p.m. and Respondents did not appear.

4. The Complainant requested entry of default judgment against Respondents for all penalties imposed by the Notice of Violation.

5. An administrative penalty in the amount of Two Thousand Dollars (\$2000.00) was proposed by the Notice of Violation.

6. The undersigned granted Complainant's request based on Respondents' failure to appear and defend the allegations contained in the Notice of Violation.

#### **CONCLUSIONS OF LAW**

1. The Respondents are in violation of the laws alleged in the Notice of Violation, which is incorporated by reference.

2. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

3. The Allegations of Fact and Conclusions of Law set forth in the attached Notice of Violation are hereby adopted and incorporated by reference as Findings of Fact and Conclusions of Law.

#### **RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on December 22, 2023, be adopted as a Final Order and all penalties imposed by the Notice of Violation are incorporated herein and imposed on the Respondents.

SIGNED THIS 21 DAY OF March 2024.

  
HONORABLE RACHEL LAWRENCE MOR,  
ADMINISTRATIVE LAW JUDGE

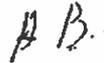
Approved:

  
Kiersten Hamill, OBA #33187  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5803

**CERTIFICATE OF MAILING**

This is to certify that a true and correct copy of the above and foregoing Proposed Final Order was mailed by certified mail, return receipt requested, postage prepaid, on the date of filing to:

CHS  
P.O. BOX 669  
HINTON, OK 73047



---

Gina Blaylock

## **Exhibit 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-23-1454**

**CHS )  
415 E. MAIN )  
HINTON, OK 73047 )**

**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 14<sup>th</sup> day of March 2024** 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 Hinton, 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 6<sup>th</sup> day of July, the Consumer Protection Services Division of the Department conducted a consumer complaint located at a corn field in the E ½ of the NE 1.4 of section 21-11N-12W.

19. During this complaint investigation in this corn field our inspectors learned that a pesticide application was performed on this crop prior to emergence, and a fungicide application was performed on July 3, 2023.

20. This property is adjacent to the north of the soybean field you sprayed in the SE ¼ of section 21-11N-12W.

21. Our inspector noted herbicide effects in the southern portion of the corn field, effects which became lighter the further into the field the inspector moved.
22. Your application records indicated you applied Ziuda, Gatlin, and Helmquat on June 28, 2023 from 10:10-11:30 AM during a 15-18MPH south/southwest wind.
23. The Weatherford Mesonet station indicated that on the day of application the wind was blowing at 14MPH and gusting to 28MPH from the south/southwest.
24. A vegetative sample was taken from the drift field and Paraquat and Pendimethalin were detected.
25. A vegetative sample taken from your target field showed and Paraquat and Pendimethalin were detected.
26. According to our investigation, your application resulted in an off-target drift of pesticide.

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

27. 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)(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**

28. 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.
29. 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.
30. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

31. 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.
32. 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.
33. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

### **PRAYER FOR RELIEF**

34. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a Two Thousand Dollar (\$2000.00) administrative penalty.

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

35. 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**

36. 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**

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

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

39. 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**

40. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Thousand Dollars (\$2000.00)**.

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

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

Teena G. Gunter, General Counsel, OBA # 17767  
Brady Robison, OBA # 33600\*  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

CHS  
P.O. BOX 669  
HINTON, OK 73047

\_\_\_\_\_  
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. )**

**Case No: OGC-23-1454**

**CHS )  
415 E MAIN )  
HINTON, OK 73047 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Dollars (\$2000.00)** 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: \_\_\_\_\_

## **Exhibit 2**



February 28, 2024

Dear gi bla:

The following is in response to your request for proof of delivery on your item with the tracking number: **9171 9999 9170 3765 2552 84**

Item Details

<b>Status:</b>	Delivered, Individual Picked Up at Post Office
<b>Status Date / Time:</b>	December 29, 2023, 10:28 am
<b>Location:</b>	HINTON, OK 73047
<b>Postal Product:</b>	First-Class Mail <sup>®</sup>
<b>Extra Services:</b>	Certified Mail <sup>™</sup> Return Receipt Electronic

Shipment Details

**Weight:** 3lb, 12.0oz

Recipient Signature

<b>Signature of Recipient:</b>	<i>Denise Barthel</i> <i>Denise Barthel</i>
<b>Address of Recipient:</b>	<i>PO Box 669</i>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service<sup>®</sup>  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

*CHS Hinton*  
*OGC-23-1454*

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

**v. WORLD FRESH INTERNATIONAL MKT**

**Case File No. OGC-23-1478**

**WORLD FRESH INTERNATIONAL MARKET  
10700 S PENNSYLVANIA AVE  
OKLAHOMA CITY, OK 73170**

**Summary of Facts:** An investigator conducted a use inspection at Respondent's retail location in Oklahoma City. This inspection was in reference to selling live plants without a nursery license as required by statute.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-32.7(D) by selling plant material for profit without a nursery dealer license.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Hundred and Fifty Dollars (\$250.00). Respondent failed to appear for the March 14, 2024, docket and received a default judgment.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

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

**FILED**  
MAR 21 2024  
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-23-1478

WORLD FRESH INTERNATIONAL MKT )  
10700 S PENNSYLVANIA AVE )  
OKLAHOMA CITY, OK 73170 )

RESPONDENT. )

**PROPOSED FINAL ORDER**

NOW on this 14<sup>th</sup> day of March 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Hamill. Respondent appears not.

On the 14<sup>th</sup> day of March 2024, this matter came on for Prehearing Conference. Respondents were provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 9171999991703765255042 on January 2, 2024, to World Fresh International Market at 10700 S Pennsylvania Ave. Oklahoma City, OK 73170.

The Notice of Violation advised Respondents that failure to appear at the designated time and place for hearing and failure to pay the recommended fine or penalty stated in the Notice of Violation following proper notice to the Respondents may result in a default judgment being entered against Respondents.

**FINDINGS OF FACT**

I. The Respondents were properly served with process and failed to plead or otherwise defend this action within the time prescribed.

2. The Notice of Violation (Exhibit 1) was delivered by certified mail on January 2, 2024. See certified mail receipt (Exhibit 2).

3. Hearing was set for 14th day of March 2024 at 1:30 p.m. and Respondents did not appear.

4. The Complainant requested entry of default judgment against Respondents for all penalties imposed by the Notice of Violation.

5. An administrative penalty in the amount of Two Hundred and Fifty Dollars (\$250.00) was proposed by the Notice of Violation.

6. The undersigned granted Complainant's request based on Respondents' failure to appear and defend the allegations contained in the Notice of Violation.

#### **CONCLUSIONS OF LAW**

1. The Respondents are in violation of the laws alleged in the Notice of Violation, which is incorporated by reference.

2. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

3. The Allegations of Fact and Conclusions of Law set forth in the attached Notice of Violation are hereby adopted and incorporated by reference as Findings of Fact and Conclusions of Law.

#### **RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on December 29, 2023, be adopted as a Final Order and all penalties imposed by the Notice of Violation are incorporated herein and imposed on the Respondents.

SIGNED THIS 21 DAY OF March 2024.

  
HONORABLE RACHEL LAWRENCE MOR,  
ADMINISTRATIVE LAW JUDGE

Approved:



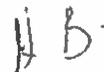
---

Kiersten Hamill, OBA #33187  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5803

#### CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing Proposed Final Order was mailed by certified mail, return receipt requested, postage prepaid, on the date of filing to:

WORLD FRESH INTERNATIONAL MARKET  
10700 S PENNSYLVANIA AVE  
OKLAHOMA CITY, OK 73170

  
\_\_\_\_\_  
Gina Blaylock

## **Exhibit 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-23-1478**

**WORLD FRESH INTERNATIONAL MKT )  
10700 S PENNSYLVANIA AVE )  
OKLAHOMA CITY, OK 73170 )**

**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 14<sup>th</sup> day of March 2024 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 retail market sales, located at Oklahoma City, 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 7<sup>th</sup> day of August, 2023, the Consumer Protective Services Division of the Department conducted a use inspection at your retail location at 10700 S. Pennsylvania Ave in Oklahoma City. This inspection was in reference to selling live plants without a nursery license as required by statute.

19. Letters of Warning dated August 18, 2023, and October 27, 2023 were sent to you indicating that you needed to have a nursery dealer license, to which you have ignored.

20. To date, you have not submitted your paperwork for a nursery dealer license with the Department.

21. This is a violation of Oklahoma Statutes.

### **ALLEGED CONCLUSIONS OF LAW**

22. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-32.7(D) with states: "A person shall obtain a license prior to selling or dealing in nursery stock."

### **PRAYER FOR RELIEF**

23. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Two Hundred and Fifty Dollar (\$250.00)** administrative penalty as well as obtaining the appropriate licensing with the Department.

### **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.

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

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

#### **ENFORCEMENT OF JUDGMENTS**

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

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred and Fifty Dollars (\$250.00) as well as obtaining the appropriate licensing with the Department.

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

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

---

Teena G. Gunter, General Counsel. OBA # 17767  
Brady Robison, OBA # 33600\*  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

WORLD FRESH INTERNATIONAL MARKET  
10700 S PENNSYLVANIA AVE  
OKLAHOMA CITY, OK 73170

\_\_\_\_\_  
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. )**

**Case No: OGC-23-1478**

**WORLD FRESH INTERNATIONAL MARKET )  
10700 S PENNSYLVANIA AVE )  
OKLAHOMA CITY, OK 73170 )  
RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred and Fifty Dollars (\$250.00) as well as obtaining the appropriate licensing with the Department 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: \_\_\_\_\_

## **Exhibit 2**



February 29, 2024

Dear gi bla:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9171 9999 9170 3765 2550 42.**

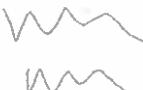
Item Details

**Status:** Delivered, Left with Individual  
**Status Date / Time:** January 2, 2024, 11:29 am  
**Location:** OKLAHOMA CITY, OK 73170  
**Postal Product:** First-Class Mail<sup>®</sup>  
**Extra Services:** Certified Mail<sup>™</sup>  
Return Receipt Electronic

Shipment Details

**Weight:** 3lb, 4.9oz

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service<sup>®</sup>  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

World Fresh  
OGC - 23 - 1478