

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

Thursday, June 6, 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 April 24, 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. Consideration and Proposed Action on Cases Resolved by Stipulations

**Agricultural Environmental Management Services**

**Kenneth Hauenstein P. O. Box 1151, Pryor, Oklahoma  
Randal Vaughn, 64441 S. 4710 Road, Westville, Oklahoma**

**Consumer Protection Services**

**AAA Landscape & Irrigation, 11811 N. Western Ave., Oklahoma City, Oklahoma  
D.O.A. Termite & Pest Control, LLC, 31165 Pottawatomie Road, Wanetta,  
Oklahoma**

**Earth Enterprises, P. O. Box 1918, Catoosa, Oklahoma**

**Farmers Coop Exchange, 200 8<sup>th</sup> Street, Bessie, Oklahoma**

**Arthur Graves, 306 Apache Trail, Burns Flat, Oklahoma**

**Jays Lawn B Green and Pest Control, LLC, P. O. Box 507, Okemah, Oklahoma**

**Orkin, 3620 S. Moulton Drive, Oklahoma City, Oklahoma**

**Orkin, LLC 45 N. E. 51<sup>ST</sup> Street, Oklahoma City, Oklahoma**

**Plane Cents Aviation, LLC, 3388 Lawrence 1070, Miller, Missouri**

**Standlee Premium Products, 22349 Kimberly Road, STE E, Eden, Idaho**

**Stillwater Milling Company, P. O. Box 2407, Stillwater, Oklahoma**

**West Wind Spraying, LLC, 1003 E. Elm Street, Stroud, Oklahoma**

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

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

**Agricultural Environmental Management Services**

**Angela Forrest, 16027 W. 710 Road, Tahlequah, Oklahoma**

**Consumer Protection Services**

**Family Dollar, 30516 Highway 59, Wayne, Oklahoma**

**Carl Fletcher, 108099 N. 3880 Road, Henryetta, Oklahoma**

**Steve Lusk, 121539 White Tail Lane, Eufaula, Oklahoma**

**Southeast Pest Control, 10852 E. 34TH Street, Tulsa, Oklahoma**

**Food Safety Division**

**Joel Skip Mitchell, 406 Winona Blvd., Lindsay, Oklahoma**

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pursuant to Article II of the Administrative Procedures Act.”**

10. Next Board meeting scheduled for **Wednesday, July 24, 2024**, at Oklahoma City.

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

*\*Members of the Board and staff from ODAFF may join for 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  
April 24, 2024

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., April 24, 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  
Scott Yates, Director, Food Safety  
Justin Cooper, Director, Wildlife Services  
Meriruth Cohenour, Director, Market Development  
Lee Benson, Public Information Officer  
Melissa Hudspeth, Administrative Services  
Heather Raines, Investigative Services  
Wendi Morse, Office of General Counsel  
Abigail Wilburn, Office of General Counsel  
James Rucker, Office of General Counsel  
Kevin Shelton, Oklahoma State University  
Jeff Pennington, Oklahoma Department of Wildlife &  
Conservation  
Bill Dinkines, Oklahoma Department of Wildlife &  
Conservation  
Troy Shelby, Oklahoma Cattlemen's Association  
Marla Peek, Oklahoma Farm Bureau  
David Nowlan, Oklahoma Peanut Commission

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

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the minutes of the regular meeting of March 13, 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. Cook, seconded by Mr. Burtrum, 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. Burtrum, seconded by Mr. Bolen, 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. Burtrum, seconded by Mr. Bolen, to approve KAPUT as a restricted use pesticide.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Nay

The motion carried.

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

**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**

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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. Bolen, seconded by Mr. Farris, to approve the Proposed Action on Cases Resolved by Consent Order as submitted.

**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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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

**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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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. Farris seconded, that the meeting be adjourned at 11:47 a.m.

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

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

# 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.

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

## **June 6, 2024, Board Report**

### **Administrative Services**

# Administrative Services



- Renovation Update
  - Minor cubicle projects remain
    - Storage area addition for Public Information Office
    - Slight reconfiguration in Human Resources
  - Installation of wireless presentation and conferencing systems
    - Board Room, Executive Offices, Admin Offices, & Atrium
    - Will allow for seamless conferencing and audio-visual presentations

# Administrative Services

- Staffing
  - Accounts payable vacancy
  - Will list an Accountant or Accounting Specialist position
- Fiscal Year 2024 quickly coming to an end
  - Working on fiscal year 2025 budget
  - Started division budget meetings
  - A salary review team recently reviewed all agency salaries
    - This team included the HR Manager and two division directors
    - Salaries were reviewed with goals being to
      - Retain key and talented staff
      - Continue to attract highly skilled candidates
      - Determine how ODAFF salaries compared to the recently increased state pay bands
      - The fiscal year 2025 budget to include agency salary plan increases
        - Totaling \$2.5 million per year
        - This is \$96,200 per payroll
        - Includes more than 350 staff

# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES APRIL 2024



INVESTIGATIONS		APRIL	YTD	FYTD
LIVESTOCK		4	16	26
FIRE		2	9	12
PROPERTY			8	20
TIMBER			0	1
AGENCY ASSISTS	ODAFF		1	2
AGENCY ASSISTS	EXTERNAL	2	2	8
OTHER			3	13
TOTAL INVESTIGATIONS OPENED		8	39	82
CLOSED PENDING ADDITIONAL INFORMATION		2	7	19
NO CRIME		1	6	19
NO PROSECUTION			0	0
CLOSED - ASSIST CASE			1	8
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION			5	14
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		3	19	60
COUNTS FILED			9	14
VALUE OF LOSSES - ALL CRIMES		\$84,000	\$305,685	\$903,355
RECOVERED LOSSES - ALL CRIMES		\$25,000	\$159,600	\$1,014,850
NUMBER OF CATTLE REPORTED STOLEN		11	80	286
NUMBER OF CATTLE RECOVERED		5	25	90





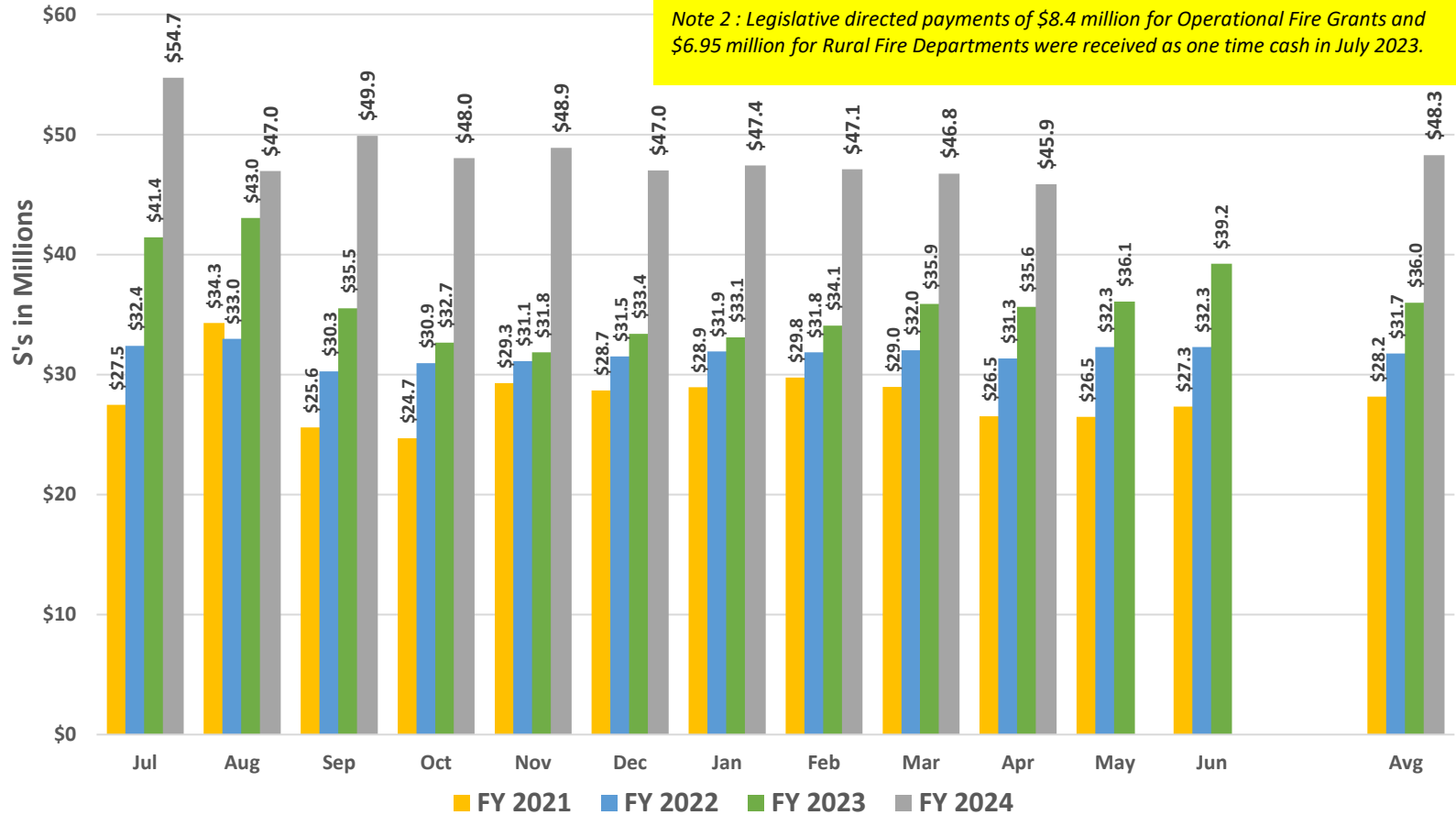
# Available Cash at Month End

## Months Ending: July 2020 – April 2024

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

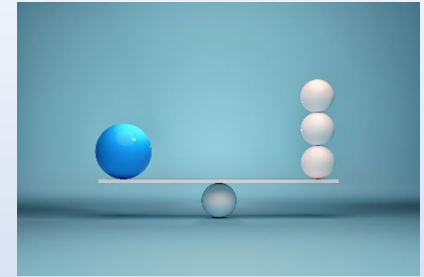
*Note 1: The amounts shown here include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,625,850 as of 4/30/2024.*

*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.*



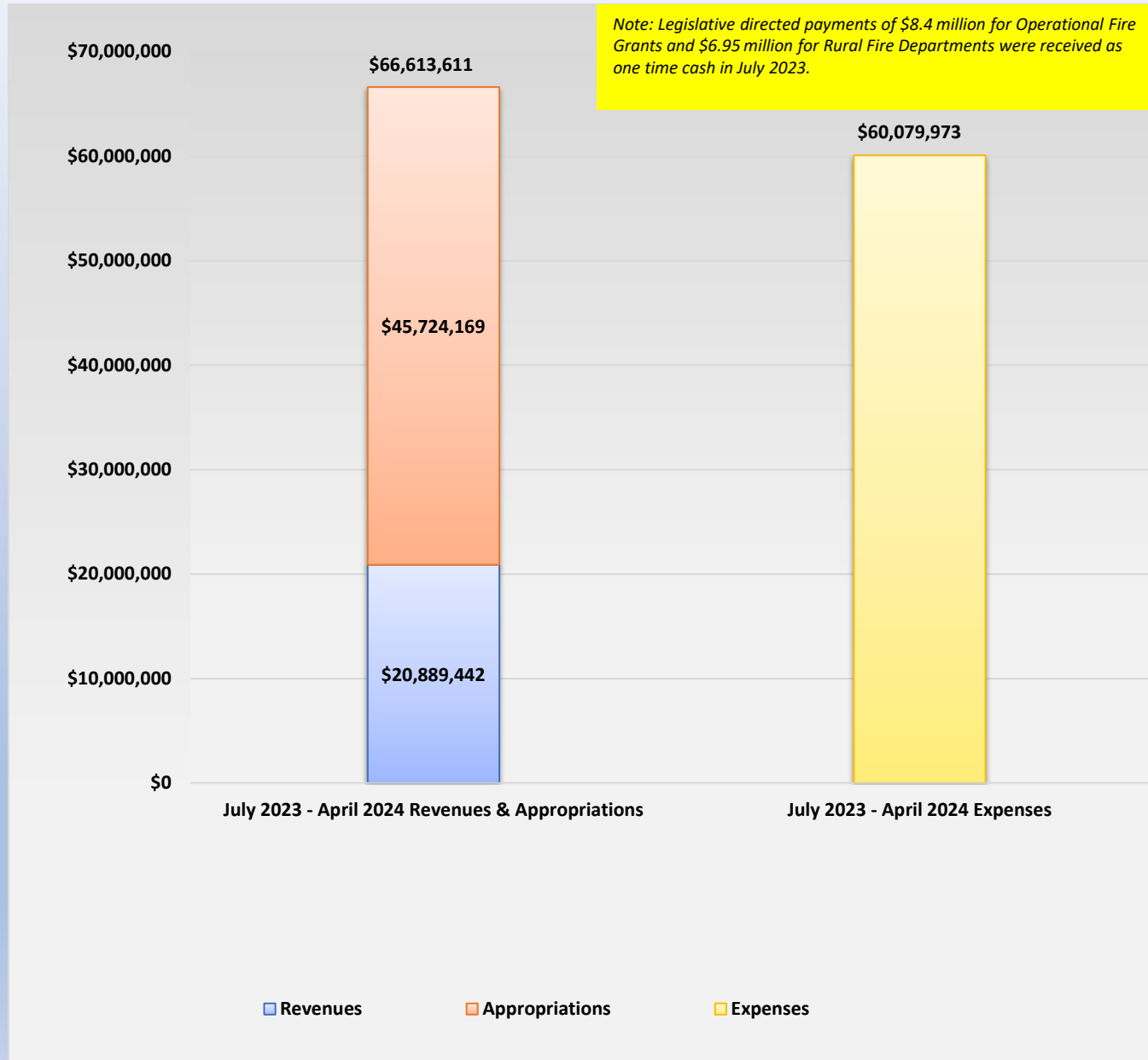


# Administrative Services - Finance



- Cash balance as of 4/30/2024 was \$45.9 million compared to \$35.6 million as of 4/30/2023
  - Increase of \$10.3 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 Federal reimbursements

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





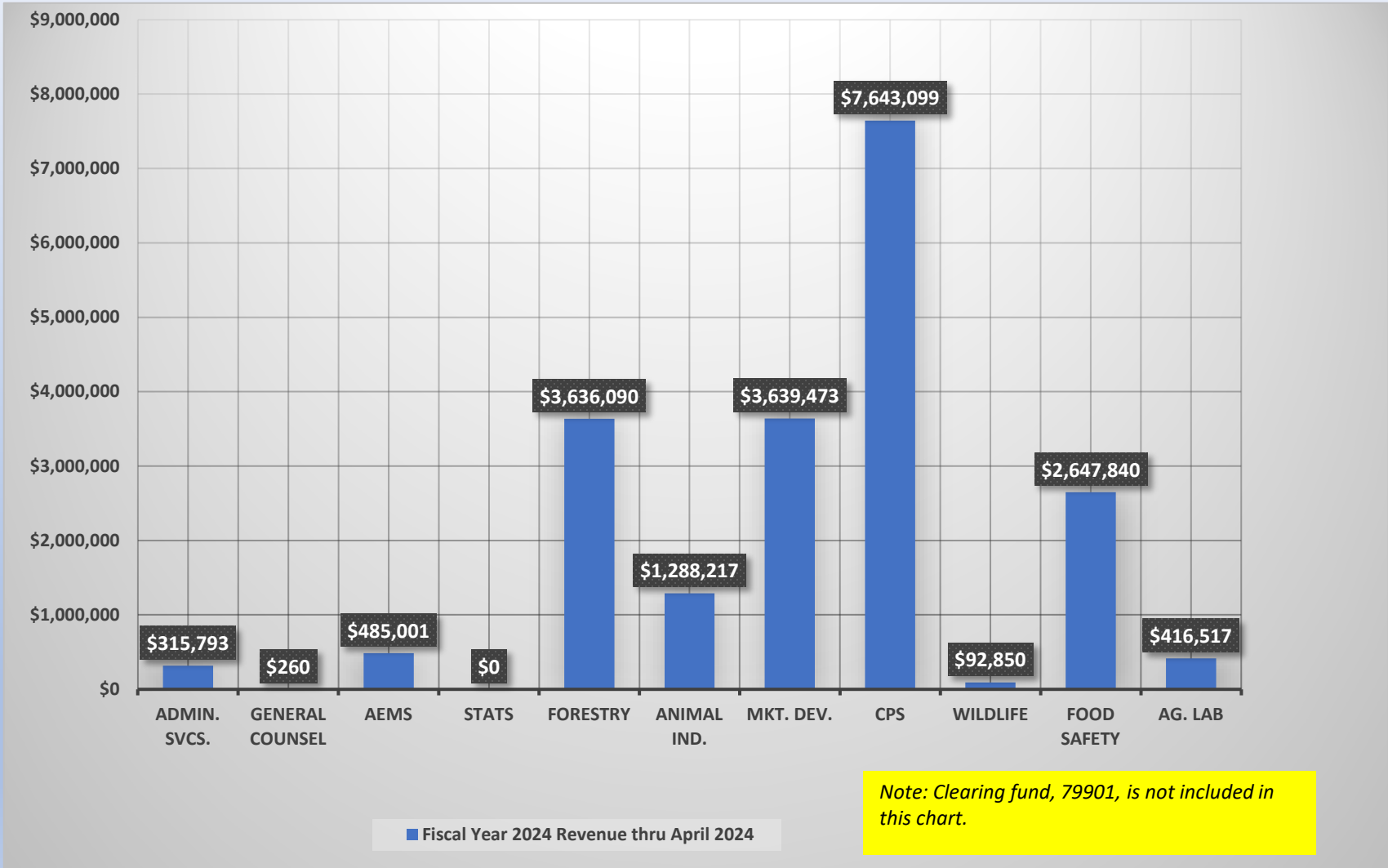
### Revenue Summary by Division July 2023 - April 2024

Division	April 2024 Revenue	Fiscal Year 2024 Revenue thru April 2024
Admin. Svcs.	570	315,793
General Counsel	-	260
AEMS	87,438	485,001
Stats	-	-
Forestry	515,724	3,636,090
Animal Ind.	100,850	1,288,217
Mkt. Dev.	720,090	3,639,473
CPS	377,397	7,643,099
Wildlife	5,200	92,850
Food Safety	90,870	2,647,840
Ag. Lab	31,647	416,517
<b>Division Total</b> (see division receipts graph on next slide)	<b>1,929,786</b>	<b>20,165,139</b>
Commodity Storage Indemnity	30,512	326,608
Appropriations	2,995,017	45,724,169
<b>Agency Total</b>	<b>4,955,315</b>	<b>66,215,916</b>

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

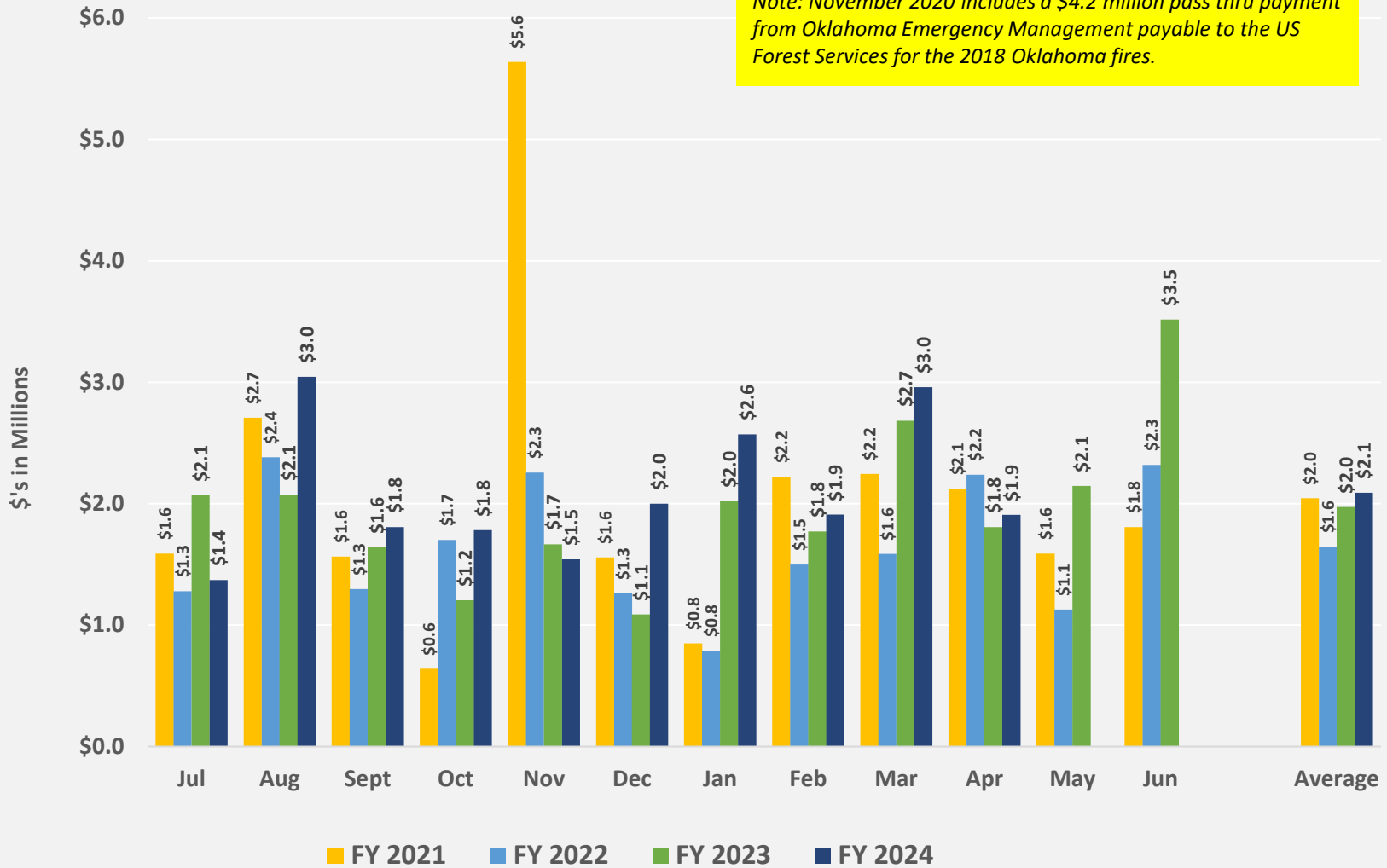


# Revenue By Division July 2023 – April 2024



# Total Revenue by Month July 2020 – April 2024

*Note: November 2020 includes a \$4.2 million pass thru payment from Oklahoma Emergency Management payable to the US Forest Services for the 2018 Oklahoma fires.*

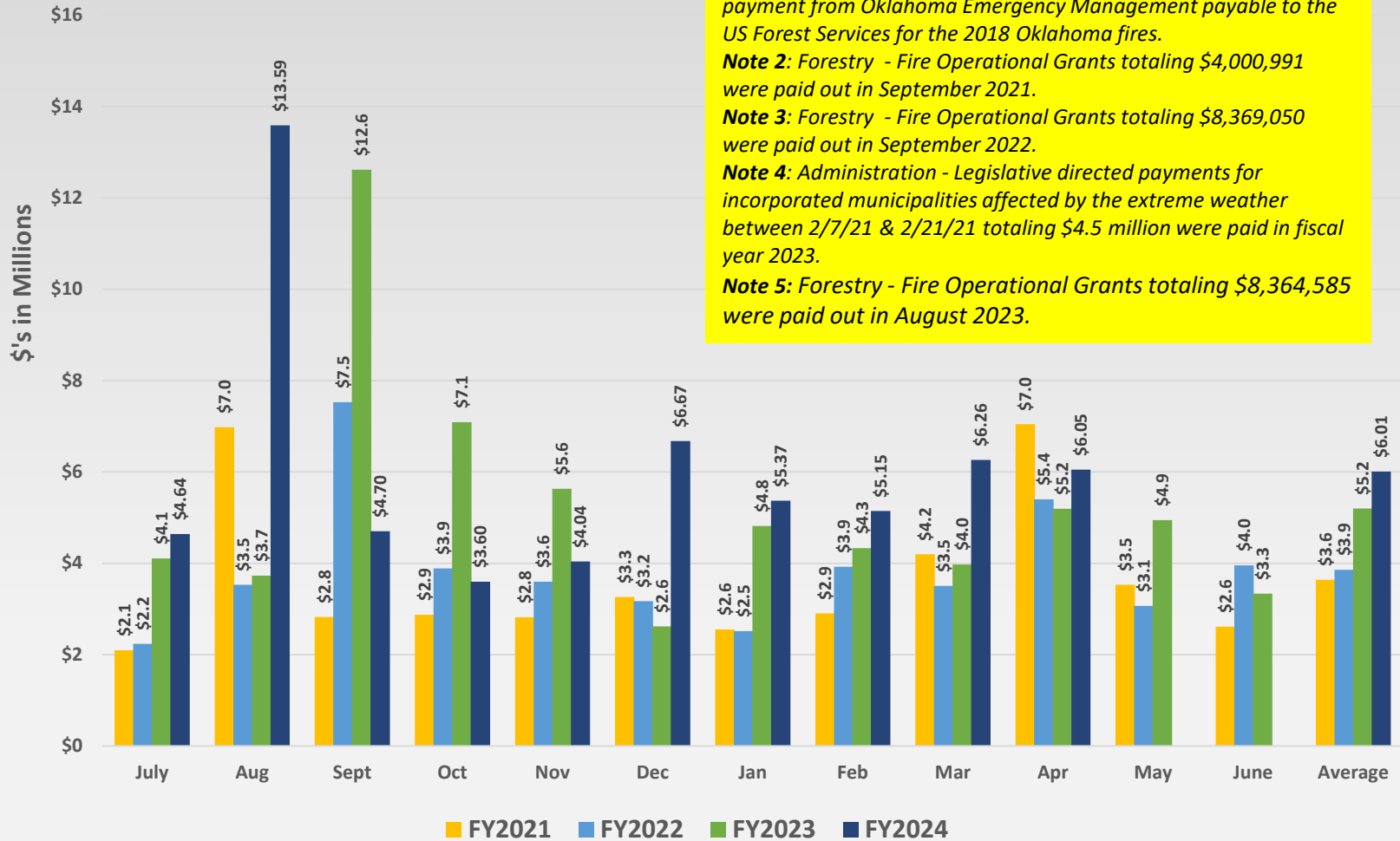


# Administrative Services - Finance

- Revenues (excluding appropriations) for fiscal year 2024 thru April 2024 were \$20.9 million
- Revenues for the same period last fiscal year were \$18 million
  - This is an increase of approximately \$2.9 million and is primarily due to:
    - An increase in federal reimbursements
    - Timing of payments received



# Total Expenses by Month July 2020 – April 2024



## FY 2024 Total Expenses by Month with Budget Year

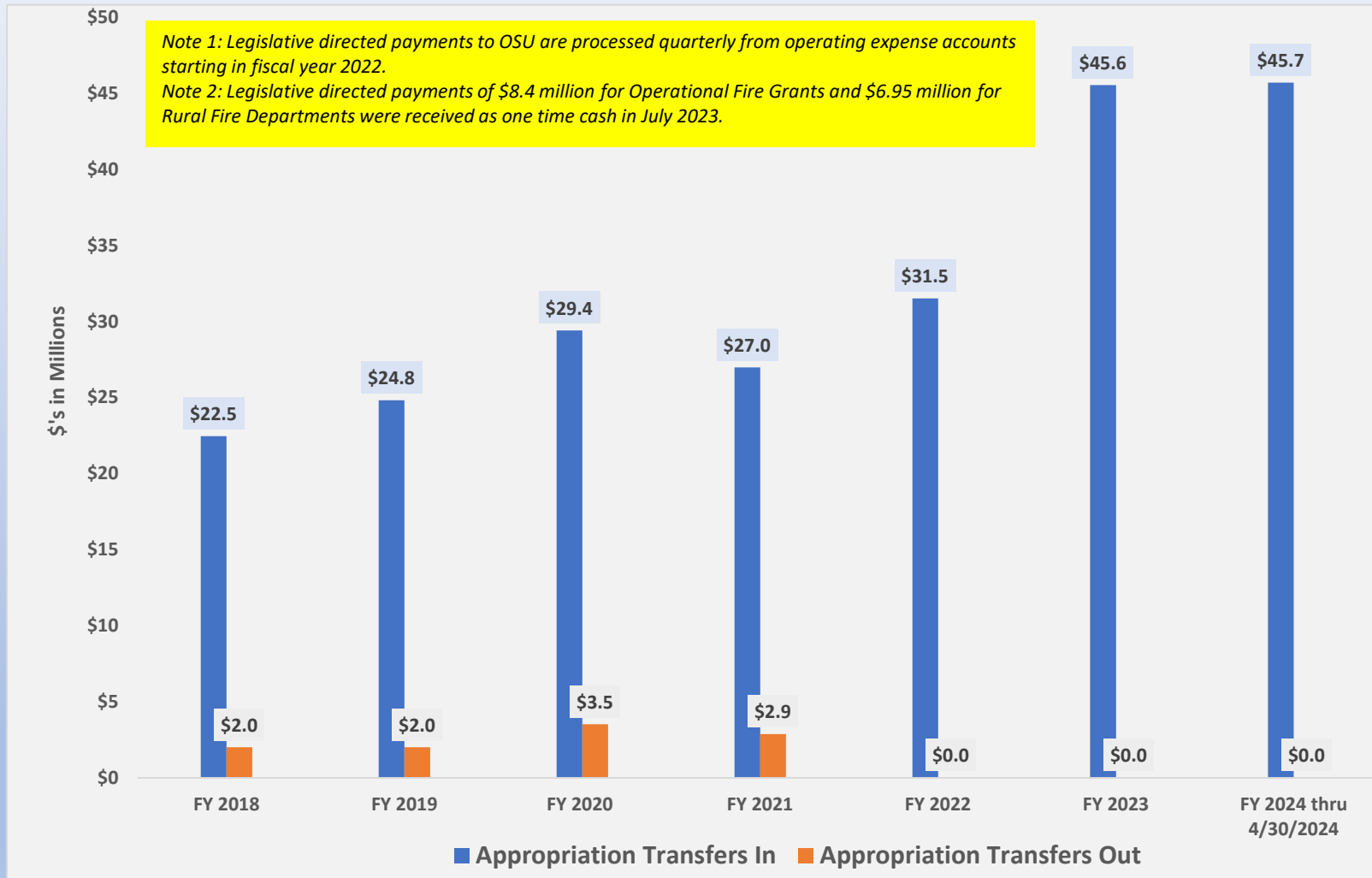


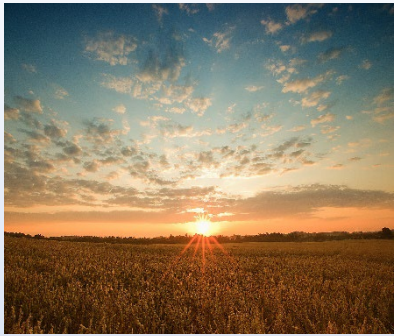


# Administrative Services - Finance

- Total expenses for fiscal year 2024 thru April 2024 were \$60.1 million compared to \$54.1 million for the same period last fiscal year
- This was an increase of \$6 million and is primarily attributed to:
  - Increased payroll and benefit costs
  - Increased office furniture and equipment expenses
    - Vehicle purchases
    - Cubicle renovations

# Appropriations FY 2018 thru April 2024





## Commodity Storage Indemnity Investment Report

As of April 30, 2024			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,625,850
<u>FY-2024 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest Revenue		30,512	326,608
Reinsurance		-	-
ODAFF Support Services		-	(50,000)
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	30,512	276,608
		=====	=====

Oklahoma Department of Agriculture, Food & Forestry

Monthly Budget Report - Budget Year 2024

As of April 30, 2024

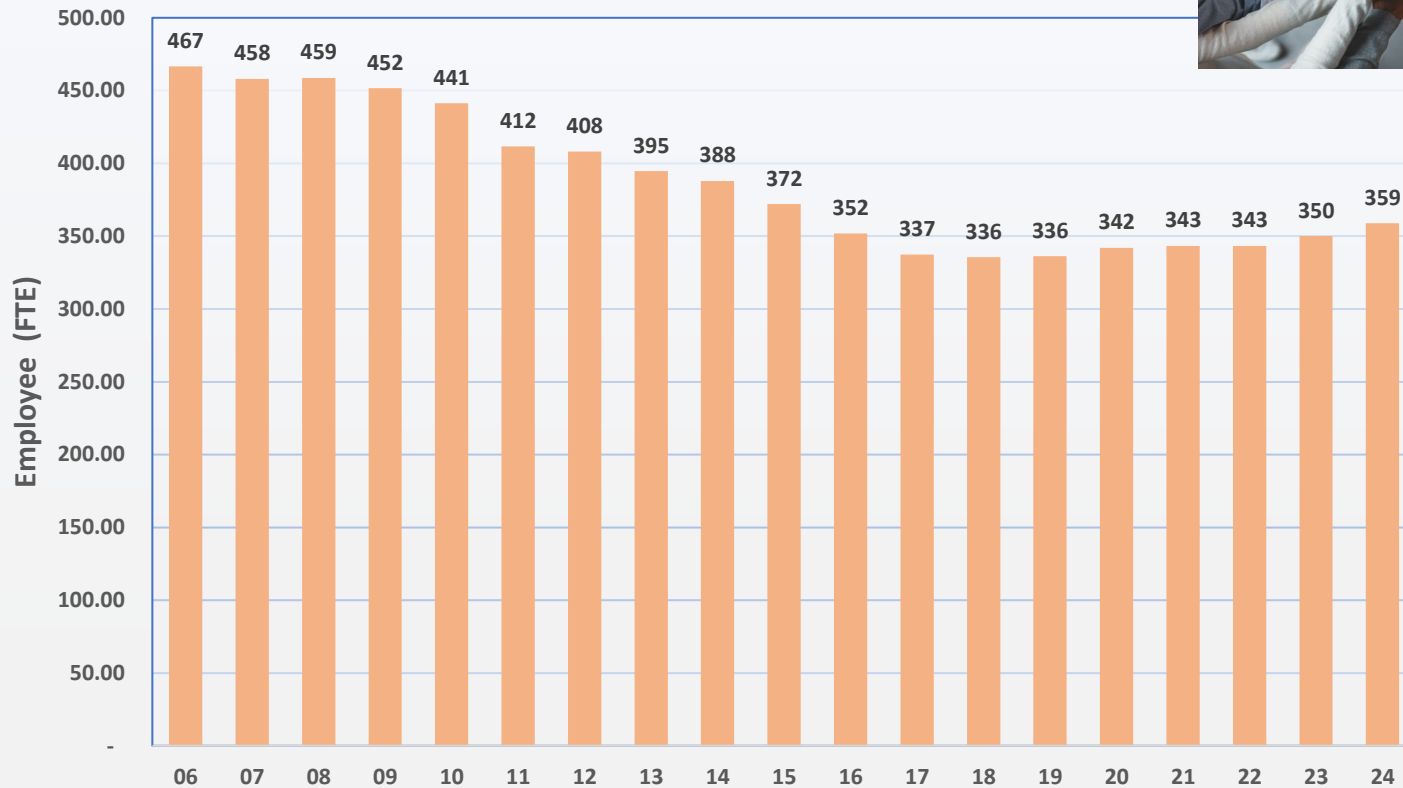
Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2024 thru April 30, 2024



Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	22,868,950	17,114,979	7,850,649	(2,096,679)
512	Insur.Prem-Health-Life,etc	5,558,363	4,072,995	131,395	1,353,973
513	FICA-Retirement Contributions	5,597,514	4,020,985	1	1,576,528
515	Professional Services	3,181,160	1,570,884	2,270,092	(659,816)
519	Inter/Intra Agy Pmt-Pers Svcs	30,000	26,755	7,396	(4,151)
521	Travel - Reimbursements	521,030	193,507	-	327,523
522	Travel - Agency Direct Pmts	498,363	354,388	-	143,975
531	Misc. Administrative Expenses	1,355,557	767,104	160,699	427,754
532	Rent Expense	690,348	414,984	343,666	(68,302)
533	Maintenance & Repair Expense	1,987,084	853,155	140,600	993,329
534	Specialized Sup & Mat.Expense	1,585,302	680,903	370,496	533,903
535	Production,Safety,Security Exp	216,525	107,591	-	108,934
536	General Operating Expenses	316,154	95,319	-	220,835
537	Shop Expense	584,517	431,334	33,774	119,409
541	Office Furniture & Equipment	4,398,758	1,735,897	876,562	1,786,298
542	Library Equipment-Resources	982	371	-	611
543	Lease Purchases	1,697,171	1,555,107	142,064	0
552	Scholar.,Tuition,Incentive Pmt	340	1,250	-	(910)
554	Program Reimb,Litigation Costs	18,521,725	13,272,783	3,033,639	2,215,303
555	Pmts-Local Gov't,Non-Profits	12,189,156	3,068,863	280,782	8,839,512
559	Assistance Pymts to Agencies	3,594,000	2,349,250	1,208,681	36,068
561	Loans,Taxes,Other Disbursements	650	-	-	650
564	Merchandise For Resale	150,150	-	154,238	(4,088)
601	AFP Encumbrances	-	-	1,312,391	(1,312,391)
810	Req Only	-	-	737,040	(737,040)
	<b>Operating Totals</b>	<b>85,543,799</b>	<b>52,688,405</b>	<b>19,054,168</b>	<b>13,801,226</b>

Oklahoma Department of Agriculture, Food & Forestry					
Monthly Budget Report - Budget Year 2024					
As of April 30, 2024					
Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2024 thru April 30, 2024					
Class Funding	Class Fund Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
19401	GRF- Duties	35,940,203	29,339,245	5,283,299	1,317,659
20500	Rural Fire Defense Eqp Rev Fd	199,449	-	154,930	44,519
21000	Agriculture Revolving Fund	26,307,994	9,458,611	11,459,136	5,390,247
22500	Enhancement & Diversificatn Fnd	250,000	123,327	118,411	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	164,861	146,702	127,712
26200	Poultry Grading Revolving Fund	1,154,297	916,898	142,187	95,212
28500	Milk & Milk Prod Inspec Rev Fd	471,032	270,996	150,456	49,580
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	22,948	15,896	61,156
42000	Specialty Crop Federal Funds	1,140,000	575,205	546,902	17,893
43000	Farm and Ranch Stress Alliance	225,000	16,586	89,292	119,121
43100	Marketing's Farm to School	100,000	4,337	34,680	60,983
43500	Local Food for Schools Co-op	2,900,000	2,456,309	439,835	3,856
57901	Duties	15,773,999	9,146,052	184,250	6,443,697
	<b>Totals</b>	<b>85,543,799</b>	<b>52,688,405</b>	<b>19,054,168</b>	<b>13,801,226</b>

# Employee FTE Totals Fiscal Year FY 2006 – FY 2024



Fiscal Year

**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 – April 2024.

**JUNE 2024 BOARD REPORT  
AGRICULTURE LABORATORY SERVICES  
(March and April 2024 Activities)**

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

The QA Manager completed all assigned findings regarding the Food & Dairy Section 2023 Internal Audit. The remaining findings will need to be completed prior to the Section’s FDA External Audit on August 19, 2024.

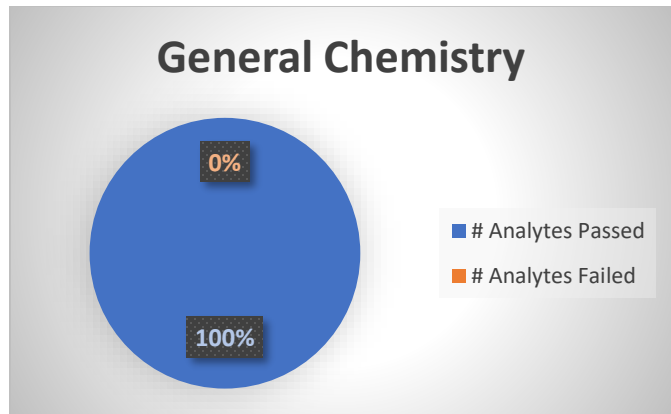
The Food & Dairy Section has started validation testing to use a modified Listeria method for routine sample testing. Early results have displayed consistent/repeatable results and shows promise.

The QA Manager will perform timer verification checks with NIST traceable timers that have been purchased for all Sections. Each timer has undergone preliminary checks, as well as control charted, according to NIST specifications. Verification checks will be performed once a year during standard equipment checks. The QA Manager is working on an SOP for performing timer verifications.

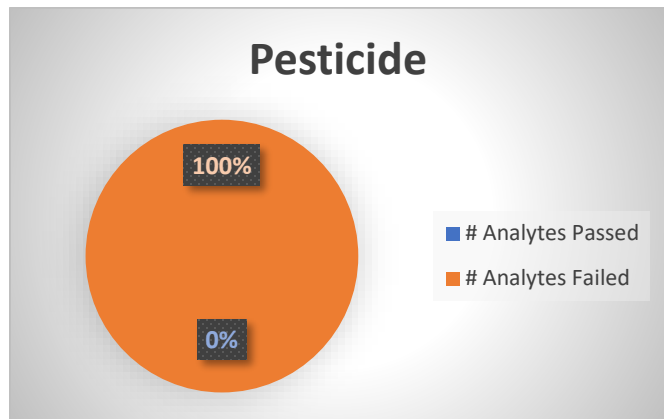
**PT Results**

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.

<b>General Chemistry</b>	
# Analytes Results Received	24
# Analytes Passed	24
# Analytes Failed	0



Pesticide	
# Analytes Results Received	1
# Analytes Passed	0
# Analytes Failed	1



During the month of April, the Food and Dairy Section successfully validated a cycle that can sterilize up to ten liters of media after one cycle run in the Autoclave. Media is dispensed among 10 one-liter jars. By doing this it will allow the Section to double its output after a single cycle run. This will allow the Section to be more efficient and focus on other daily tasks. The Section is currently working on validating a cycle to sterilize up to 4 liters of media dispensed throughout 250 ml jars.

The now vacant Serology Laboratory is being considered by the FDA for a possible training Laboratory. They are planning to host the FDA's yearly Milk Analyst Workshop Laboratory Course here.

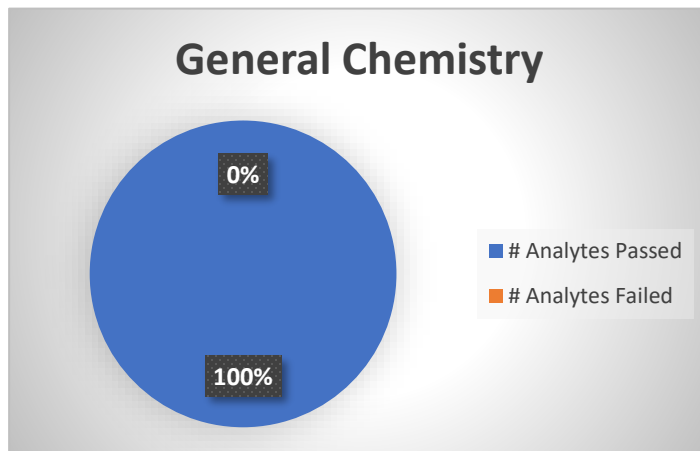
USDA/FSIS recently concluded its audit of the Food and Dairy Section. The Section will be required to start identifying non-O157 *E. coli* groups as part of STEC testing. This includes *E. coli* O26, O45, O111, O103, O121, and O145. Additional requirements are to save and retain Certificates of Analysis for all purchased media, reagents, and testing materials, and maintain Quality System and SOP/SAP Updates. The QA Manager will need to create an In-House PT for the Section that includes detection and confirmation of STEC, Salmonella, and Listeria, and will also include Document Control, adjust temperature requirements of FSIS sample receiving and SOP implementation and training documentation.

### PT Results

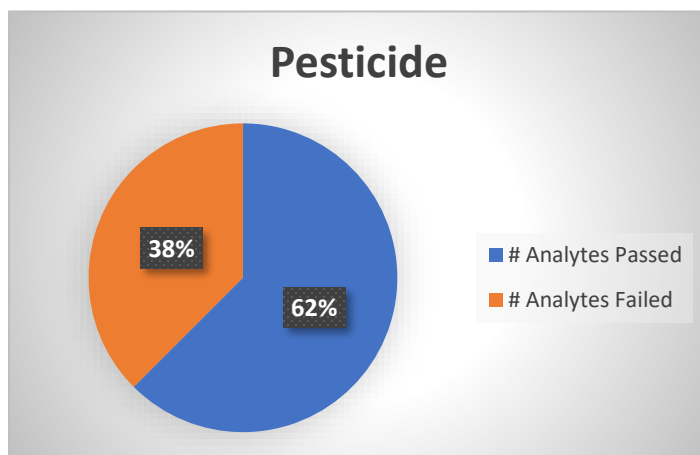
The routine distribution of quality control samples to respective sections of the Laboratory continued. Collection and submission of data to the respective study groups for statistical analysis was conducted.



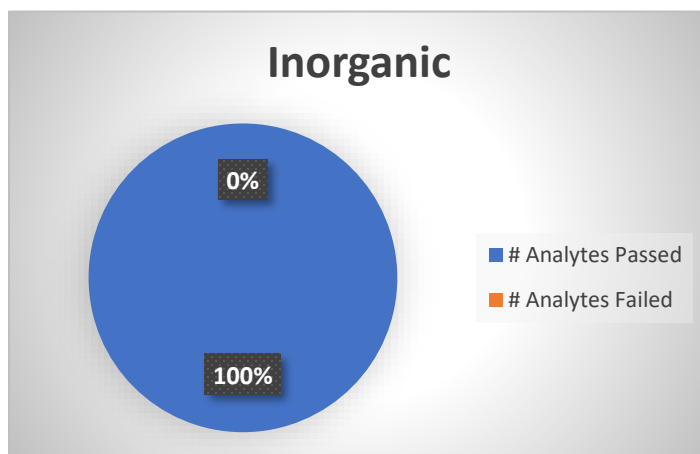
General Chemistry	
# Analytes Results Received	62
# Analytes Passed	62
# Analytes Failed	0



Pesticide	
# Analytes Results Received	16
# Analytes Passed	10
# Analytes Failed	6



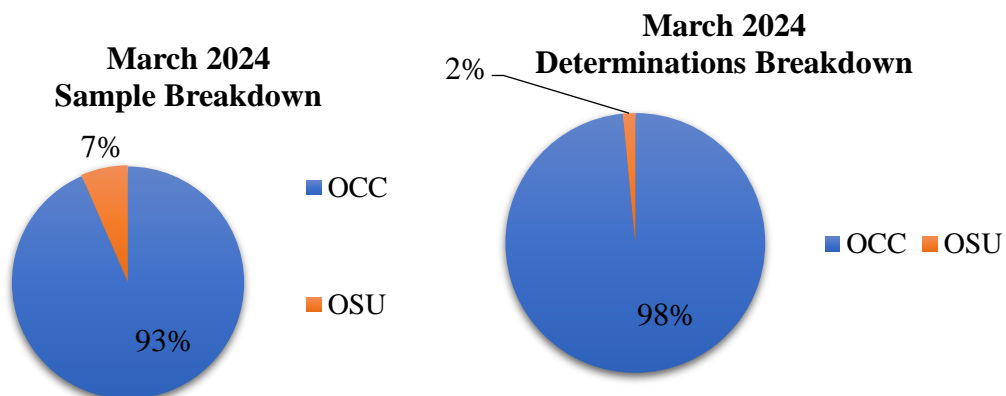
Inorganic	
# Analytes Results Received	4
# Analytes Passed	4
# Analytes Failed	0



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

In March of 2024 the Inorganic Chemistry Section completed 107 samples consisting of 914 determinations, with the following breakdown:

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

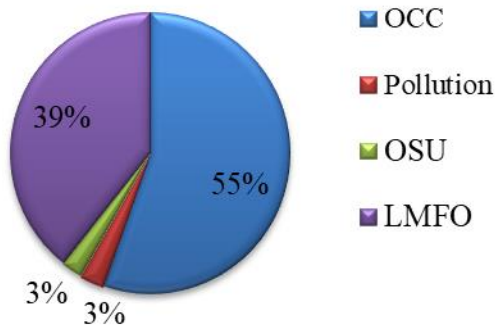


During the quarterly Oklahoma Conservation Commission (OCC) Meeting OCC expressed that they are still very satisfied with the service we are providing them.

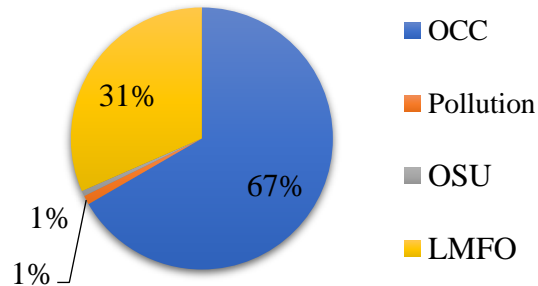
In April of 2024 the Inorganic Chemistry Section completed 287 samples consisting of 2147 determinations, with the following breakdown:

OCC	159	1431
OSU	7	14
Pollution	8	24
LMFO	113	678
<b>Total</b>	<b>287</b>	<b>2147</b>

**April 2024  
Sample Breakdown**



**April 2024  
Determinations Breakdown**



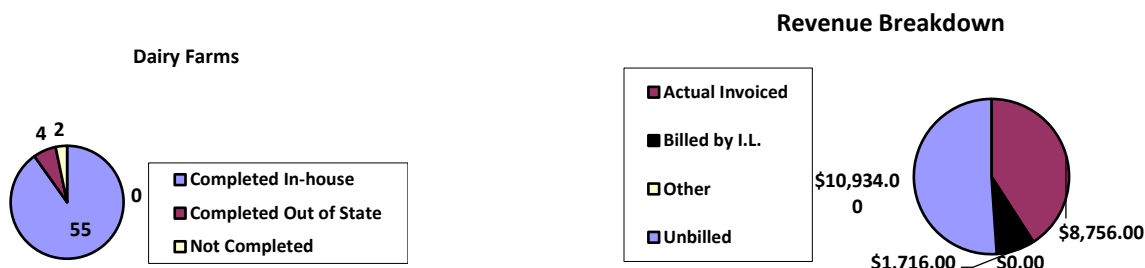
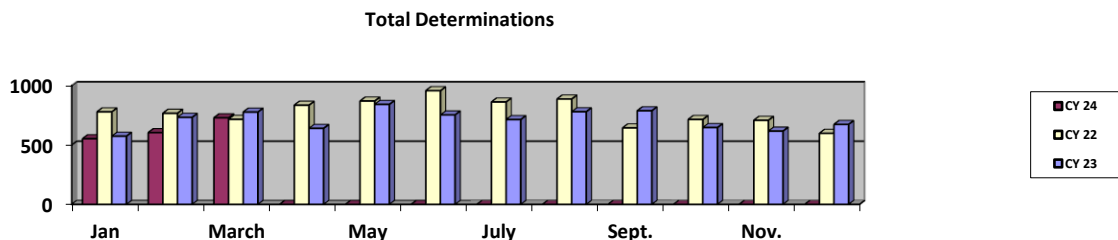
**DAIRY/FOOD SAFETY SECTION:** (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of March was a typical testing month for the Section. Two dairies were not tested, and one dairy closed. There are currently sixty-two dairies with ten dairies closing in 2023, and five closing in 2024 so far.

There were no notifications of any antibiotic positives. One dairy is on warning for bacteria count in their retail raw milk.

The Section was approved through the AFDO grant to purchase a new analytical balance, which was received this month. This one will replace the older one that is not as accurate as the Section's needs.

The FDA will be hosting the Milk Program Training and the Southwest Regional Seminar in Golden, Colorado on April 22-26, 2024. The LEO training course will be held in Alameda, California on May 14-16, 2024, with a two-day virtual training the week before. The Laboratory Examination of Dairy Products training class is tentatively scheduled in Alameda, California for September 2024. Two of the Section's Scientists will be attending the seminar in Golden, Colorado, and at least one will attend the training class in Alameda, California.

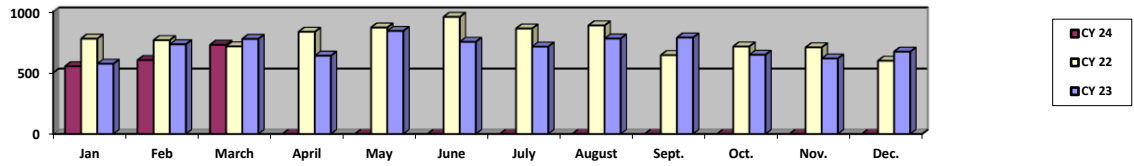


The month of April was a normal testing month for the Section. Three dairies were not tested, and two dairies closed. There are currently fifty-eight dairies tested monthly with five of these dairies tested out of state. A total of seven dairies have closed since January. April is a down month for Inorganic water testing. The winter LMFO testing has ended, and the summer Oklahoma Conservation Commission water testing will begin in May.

Byran Fritz and Ebby Eubanks attended the Southwest Regional Seminar in Golden, Colorado April 22-26, 2024. While there, it was announced that the next NCIMS meeting will be held in Minneapolis in April 2025.

With both analysts and all the dairy inspectors attending the Southwest Regional Seminar, no dairy samples as well as meat samples were tested that week.

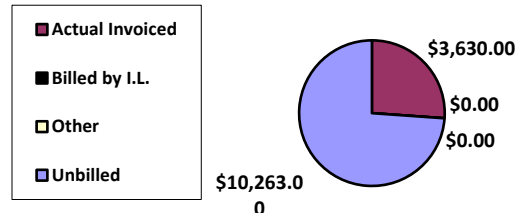
Total Determinations



Dairy Farms



Revenue Breakdown



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

Activity in the Seed Section remained normal for the month of March. Records indicate a total of 184 samples received for testing. Crop types continue to consist mainly of corn, sorghum, soybean, peanuts and spring grasses. Most samples were collected by CPS inspectors following up on carry over seed needing updated germination tests. The seed quality was acceptable for official samples, however there were label violations discovered on four different seed lots of grasses resulting in 200 pounds of grass seed being placed under stop sale.

The Section continues to complete proficiency tests through the Association of Official Seed Analysts (AOSA) for continuing education.

The activity in the Seed Section had a slight increase in samples for the month of April. Records indicate a total of 184 samples received for testing. Crops being tested consisted primarily of sorghum, soybean, corn, cotton, cowpeas, and summer grasses. Up to now there have been no quality issues discovered pertaining to summer crop seed. There were no Seed Law violations discovered during the month.

Two Seed analysts attended the California Department of Food and Agriculture (CDFA) Seed ID and Germination Workshop for training in Sacramento, California on April 3-5, 2024. The workshop was a great learning experience, especially for our newest analyst Karen. The analysts brought back useful information to help the laboratory and prepare for the AOSA certification test.

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

March was a good month for the Section, we were able to smoothly transition to the fertilizer rush without having any major issues with our testing abilities or turnaround times. We have also been able to ask for an increase in fertilizer samples over our initial targets due to an established group of employees whom are able to handle the increased work load associated with fertilizer. Given this we expect to be able to receive and test around 3000 samples for FY 2024, a 500 sample increase over our initial goals.

Interviews were conducted for a new chemist position. After a second round of interviews, we were able to select a great candidate. Savanna Henson will start working for the agency on Monday April 22<sup>nd</sup>. We have also made strides in our efforts to consolidate and organize all defunct equipment for surplus hopefully freeing up counter space for the new Near Infrared System when it arrives.

Our turnaround time is currently at 14.95 days, we are well within our target time. Times may go back up a little in April as we get more fertilizers but we are hopeful that we will be able to stay within our 18 day target even with an increase in samples.

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%

April was a good month for moving our Section forward. We were able to begin our new chemist's initial training. It is our intention that Savanna will be running the Near Infra-Red scanner when it arrives, but while we wait for its delivery she will be training on multiple other tests to allow us some redundancy for people to use leave or work on other projects (LIMS upgrade).

We had an issue with the Leco Nitrogen analyzer at the end of the month with a component failure. We received a replacement part and have been able to get the unit back in service. As this unit analyzes over 95% of the samples moving through the Section we want to make sure we are planning ahead and not left without a Nitrogen/Protein Analyzer.

Even with the Leco unit being down at the end of month we were still able to complete 186 samples, consisting of 727 determinations. These numbers are slightly down due to the hold up of reporting for Nitrogen/Protein testing. I expect any held-up samples for the Leco unit will be reported out before the end of the month.

Our turnaround time is currently at 18.79 days, slightly exceeding our target time. These times are up due to the increase in fertilizer samples which have longer processing and testing times. The issue with our Protein/Nitrogen Analyzer also has a large impact on turn-around times. The quick turnaround associated with samples just tested on this machine normally helps to lower our turnaround times.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
<b>Samples Received</b>	128	113	18	259
<b>Samples Completed</b>	115	60	11	186
<b>Determinations</b>	477	181	69	727
<b>Violations</b>	33	20	6	59
<b>Violation %</b>	6.92%	11.05%	8.70%	8.12%

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

In the month of March, continued training of the Section’s formulation chemist along with routine analysis he is already performing.

**Pesticide Section samples completed:**

In the month of March, the Section completed 35 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 31 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	-	-	-	-
Residue Soil	18	18	30	8
Residue Water	-	-	-	-
IFA Soil	1	1	6	5
Residue, Other	1	1	1	6
Concentrate	14	30	16	56
Tank Mix	1	3	3	134
Hemp	-	-	-	-

Average Residue Turnaround Time: 8 days
Average Formulation Turnaround Time: 61 days
Average Hemp Turnaround Time: N/A days

Totals		
# of Samples	# of Tests	# of Determinations
35	53	56

**Samples the Section received by month:**

The Section received 30 samples this month. Most of the samples received were for Residue Analysis (see Fig A).

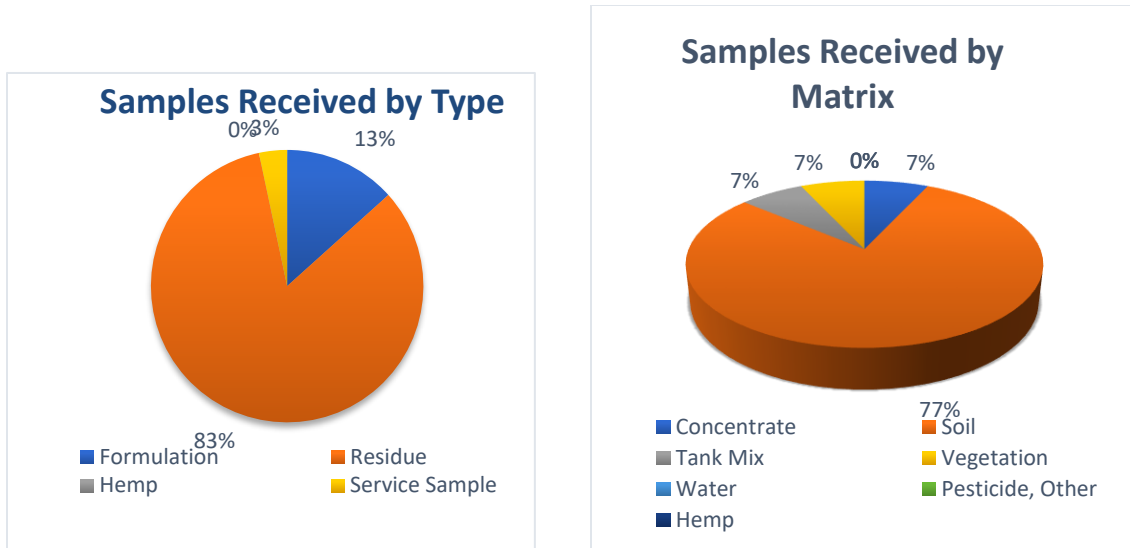


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

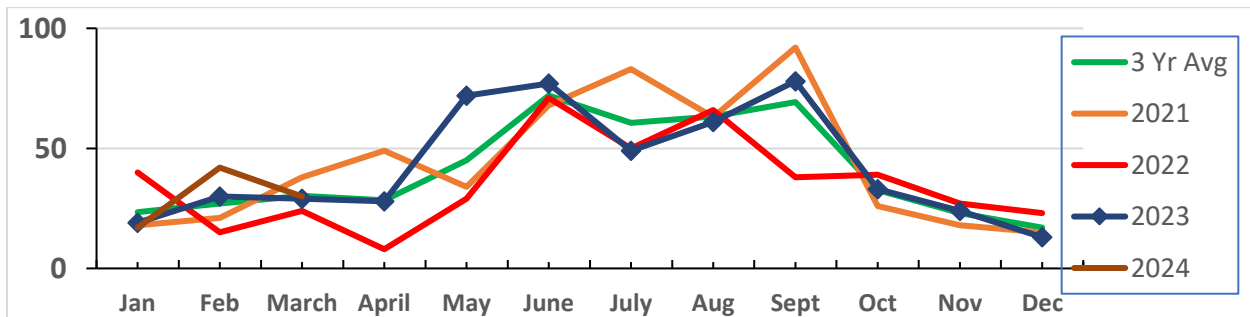


Fig B. Graph showing the number of samples received by the Section each month.



**Determinations the Section completed by month:**

The Section completed 56 determinations and most of the determinations were completed on residue vegetation samples.

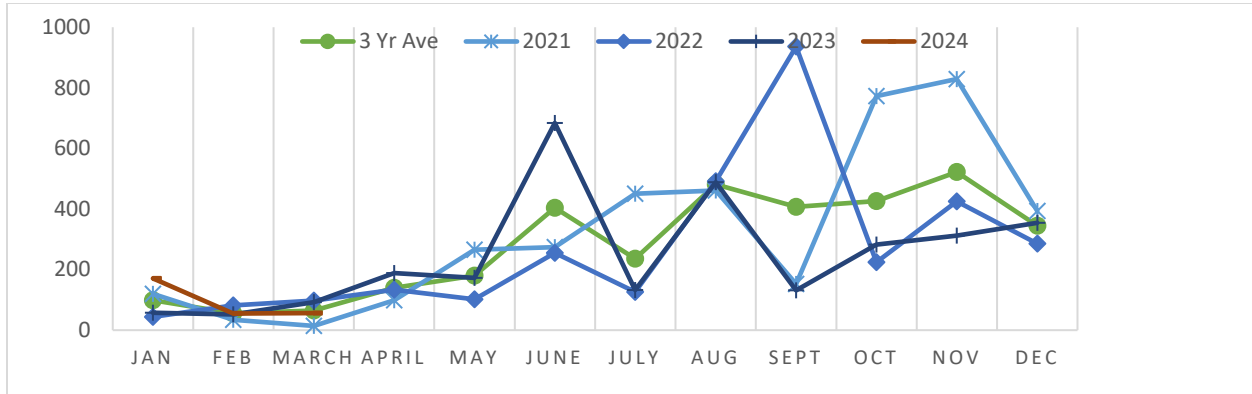


Fig C. Graph showing the number of determinations completed each month.

**Pesticide Section samples completed:**

The Section completed 23 samples in April. 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 31 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	2	2	3	21
Residue Soil	12	12	12	7
Residue Water	-	-	-	-
IFA Soil	1	1	1	10
Residue, Other	-	-	-	-
Concentrate	8	14	14	58
Tank Mix	-	-	-	-
Hemp	-	-	-	-

Average Residue Turnaround Time: 9 days
Average Formulation Turnaround Time: 58 days
Average Hemp Turnaround Time: N/A days

Totals		
# of Samples	# of Tests	# of Determinations
23	29	30

**Samples the Section received by month:**

The Section received 31 samples for the month. Most of the samples received were for Residue Analysis (see Fig A).

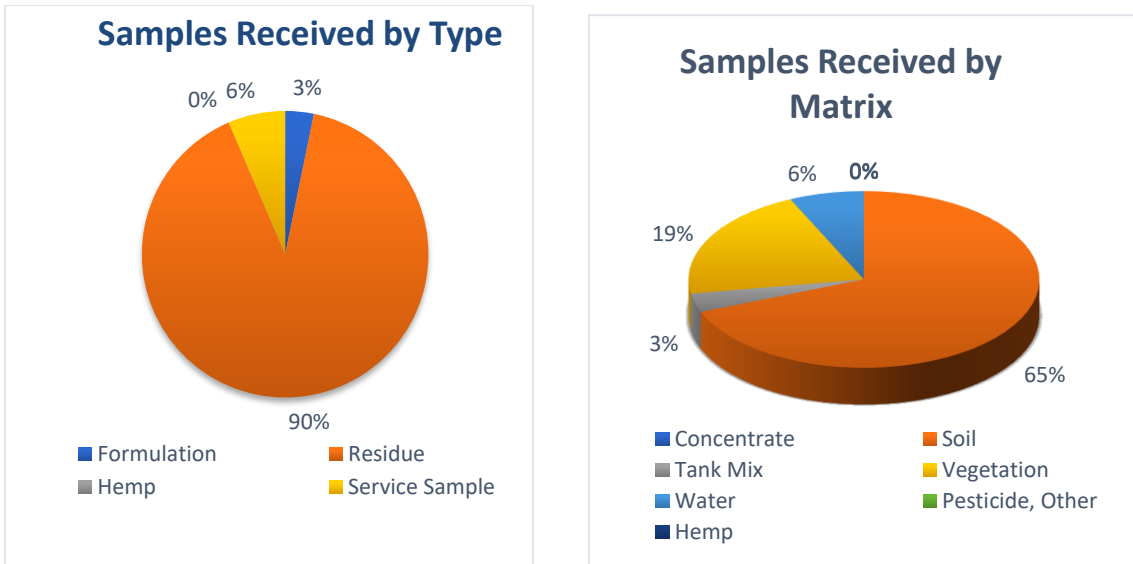


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

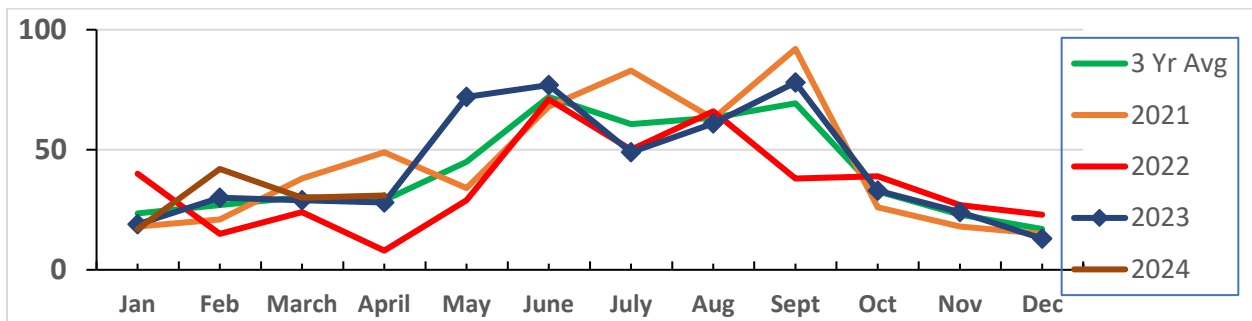


Fig B. Graph showing the number of samples received by the Section each month.

**Determinations the Section completed by month:**

The Section completed 30 determinations and most of the determinations were completed on residue soil samples.

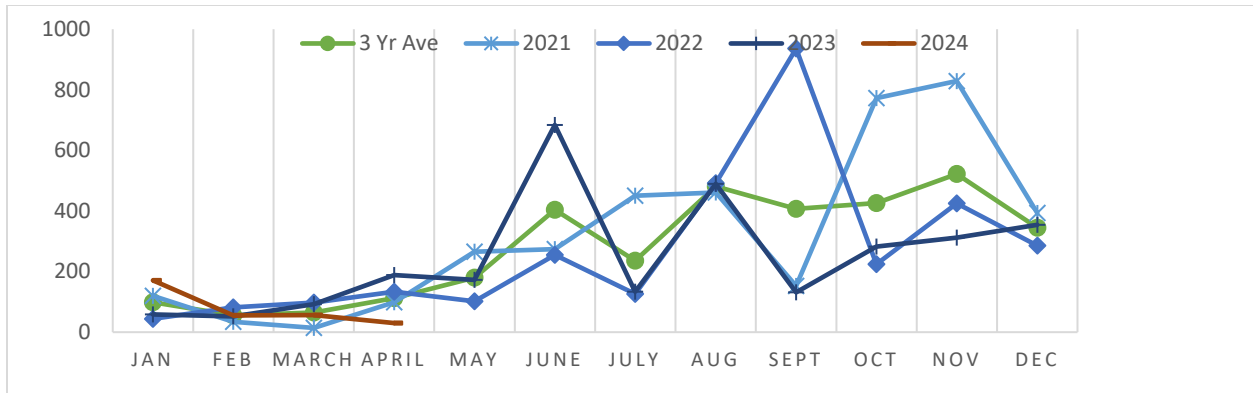


Fig C. Graph showing the number of determinations completed each month.

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

The following is a workload summary for the Section from March 1<sup>st</sup> to March 31<sup>st</sup>.

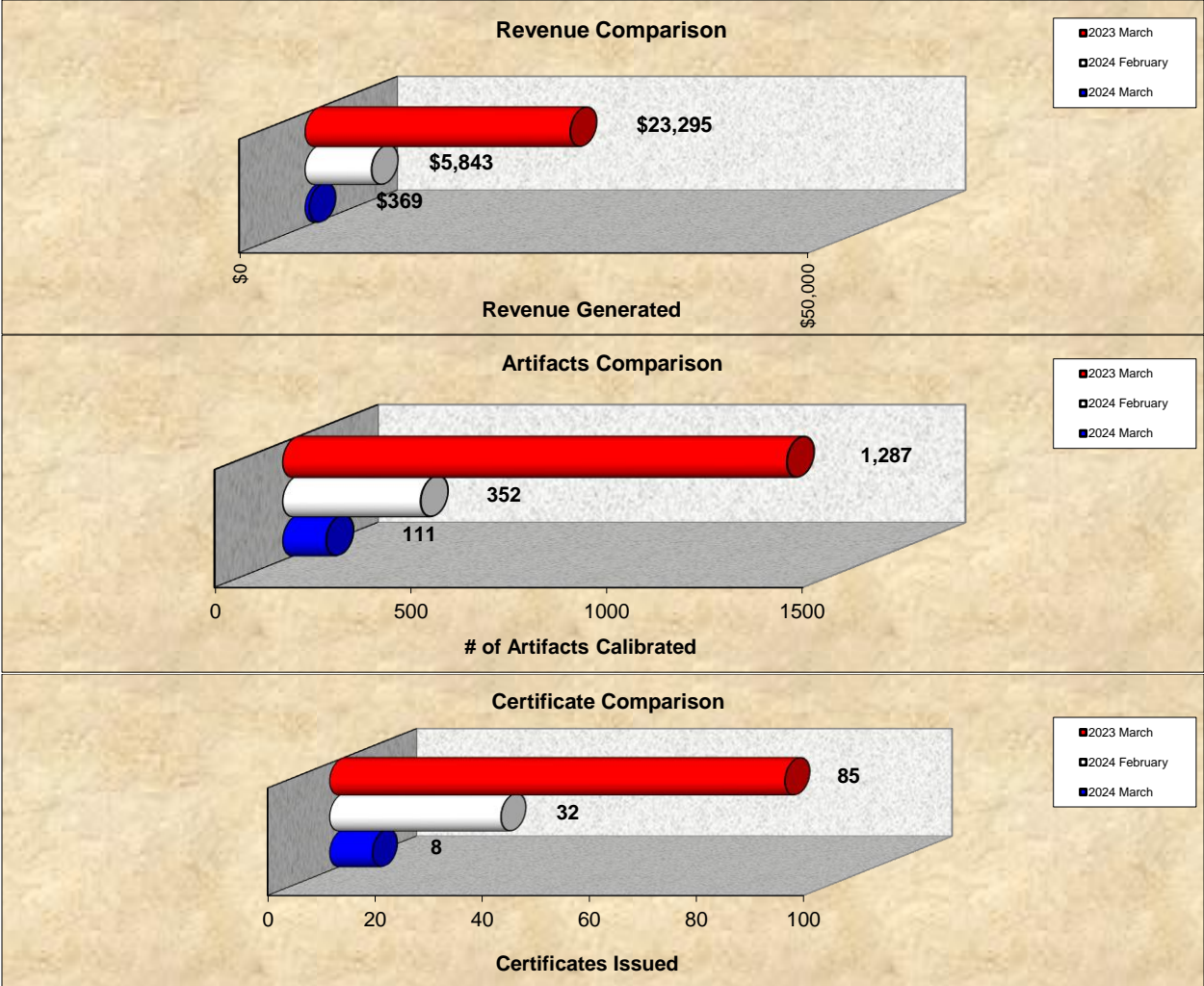
In March, the Section conducted a proficiency test using a 100-gallon prover that was supplied by NIST, showcasing the Section’s expertise in volumetric calibrations. Termelia Hogg and William Krivanek will attend a volume seminar in April at the National Institute of Standard and Technology (NIST) in Gaithersburg, Maryland. Upon completion and subsequent approval of the submission process by NIST, the Bureau is poised to regain its volumetric accreditation and recognition.



William Krivanek and Termelia Hogg are filling up the 100-gallon prover that was used for the Oklahoma Bureau of Standards' volumetric proficiency test.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$0.00	0.00%	70	63.00%
In-State Customers	1	\$369.00	100.00%	41	37.00%
Totals	2	\$369.00	100.00%	111	100.00%

Echelon	Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
Mass I / II	\$0.00	4
Mass III	\$612.00	4
Volume	\$500.00	4



The following is a workload summary for the Section from April 1<sup>st</sup> to April 30<sup>th</sup>.

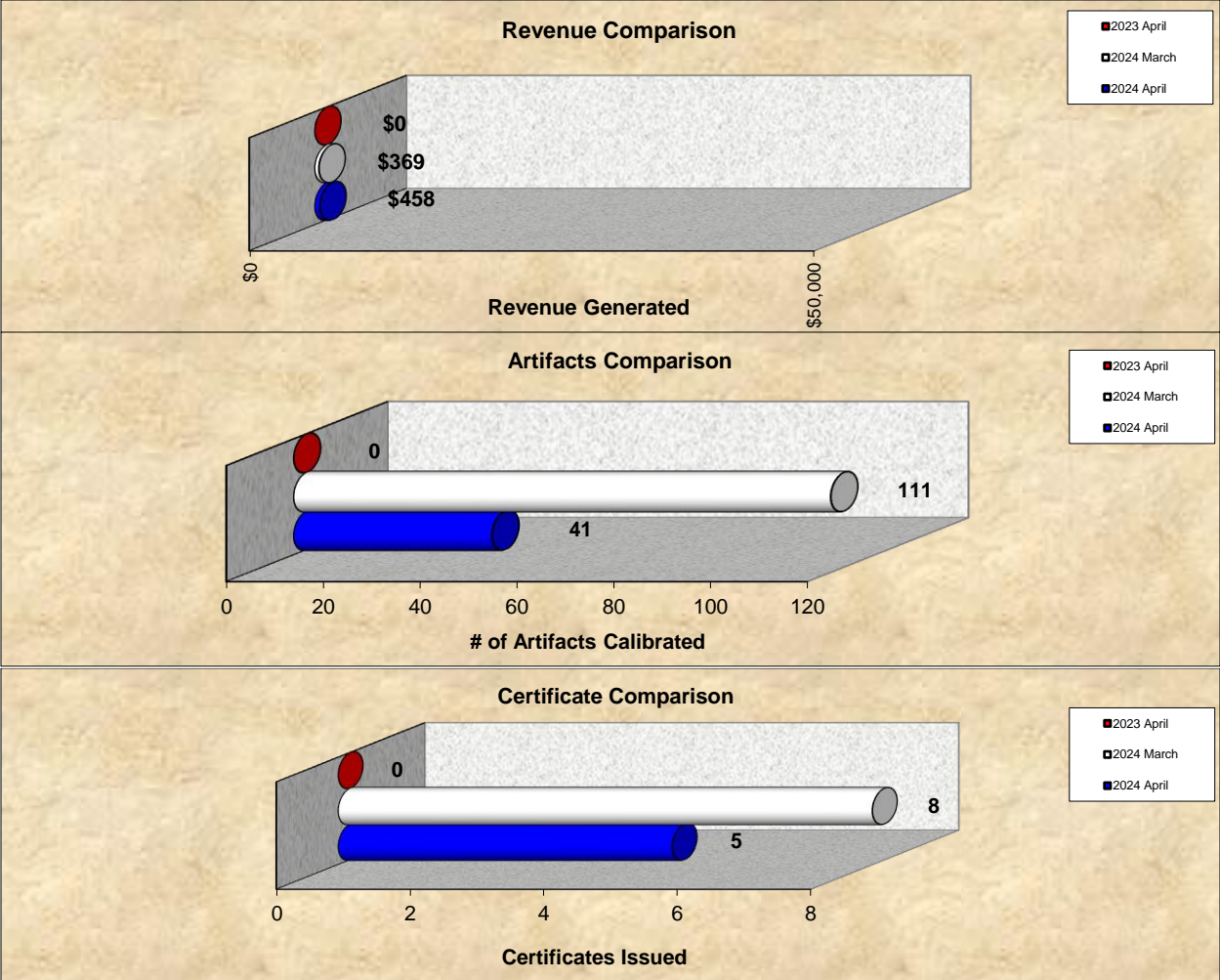
During the month of April, the Section brought in revenue of \$458.00. Termelia Hogg and William Krivanek successfully completed the volume seminar that was held in Gaithersburg, Maryland at the National Institute of Standards and Technology (NIST). This is a big step for the Section, as all the required seminars have now been completed. William Krivanek and Termelia Hogg have submitted documentation that is necessary to obtain accreditation and recognition. NIST will be in contact with the Section by the middle of May to provide feedback.



Class photo of the volume seminar that William Krivanek and Termelia Hogg participated in at NIST during the month of April.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$0.00	0.00%	2	4.88%
In-State Customers	3	\$458.00	100.00%	39	95.12%
Totals	4	\$458.00	100.00%	41	100.00%

Echelon	Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
Mass I / II	\$0.00	0
Mass III	\$0.00	0
Volume	\$500.00	0



Respectfully Submitted,

*Wade Krivanek*  
 Wade Krivanek  
 Laboratory Director  
 Laboratory Services Division

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

FEED SAMPLES	112
FEED DETERMINATIONS	518
POSSIBLE VIOLATIONS	43
FERTILIZER SAMPLES	97
FERTILIZER DETERMINATIONS	283
POSSIBLE VIOLATIONS	19
LIME SAMPLES	8
LIME DETERMINATIONS	48
POSSIBLE VIOLATIONS	3
PESTICIDE SAMPLES	35
PESTICIDE DETERMINATIONS	56
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	287
DETERMINATIONS	2147
SEED SAMPLES	184
SEED DETERMINATIONS	191
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	8
NUMBER OF STANDARDS CALIBRATED	111
FEE CHARGES	\$369.00
DAIRY SAMPLES	345
DAIRY DETERMINATIONS	729
POSSIBLE VIOLATIONS	11
<b>TOTAL SAMPLES</b>	<b>1076</b>
<b>TOTAL DETERMINATIONS</b>	<b>4083</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>76</b>



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

FEED SAMPLES	128
FEED DETERMINATIONS	477
POSSIBLE VIOLATIONS	33
FERTILIZER SAMPLES	113
FERTILIZER DETERMINATIONS	181
POSSIBLE VIOLATIONS	20
LIME SAMPLES	18
LIME DETERMINATIONS	69
POSSIBLE VIOLATIONS	6
PESTICIDE SAMPLES	23
PESTICIDE DETERMINATIONS	30
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	107
DETERMINATIONS	914
SEED SAMPLES	184
SEED DETERMINATIONS	209
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	5
NUMBER OF STANDARDS CALIBRATED	41
FEE CHARGES	\$458.00
DAIRY SAMPLES	199
DAIRY DETERMINATIONS	513
POSSIBLE VIOLATIONS	17
<b>TOTAL SAMPLES</b>	<b>777</b>
<b>TOTAL DETERMINATIONS</b>	<b>2434</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>76</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 April 6, 2024 thru May 17, 2024*

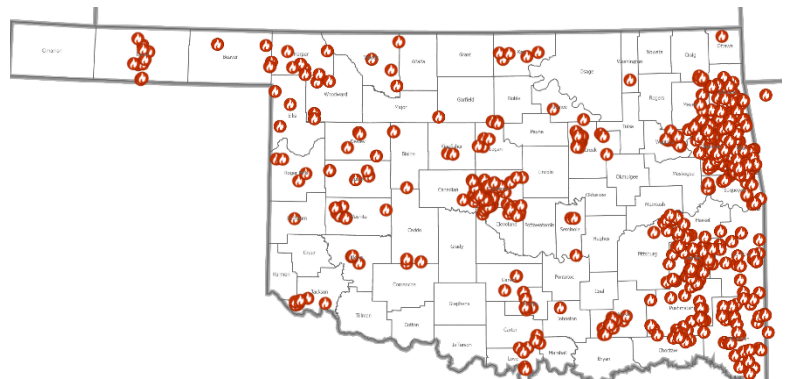
## FIRE MANAGEMENT

### WILDFIRE ACTIVITY & OUTLOOK EXECUTIVE SUMMARY

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

In the last report, Oklahoma Forestry Services highlighted that fire activity significantly increased across the state with a number of fires resulting in significant impact to the lives and livelihoods of Oklahomans. Two of these fires were awarded Fire Management Assistance Grants by FEMA. OFS continues to assemble required documentation to submit to OEM for assistance reimbursement.

In the month of April and so far in May, fire activity slowed down with the increase in precipitation. OFS embraced the opportunity by slowly pushing forward with hazardous fuels mitigation projects; train Fire Departments in wildland firefighting; maintain and enhance our own wildland firefighting skills by attending academies; and return to the Catesby fire for suppression repair.



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

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

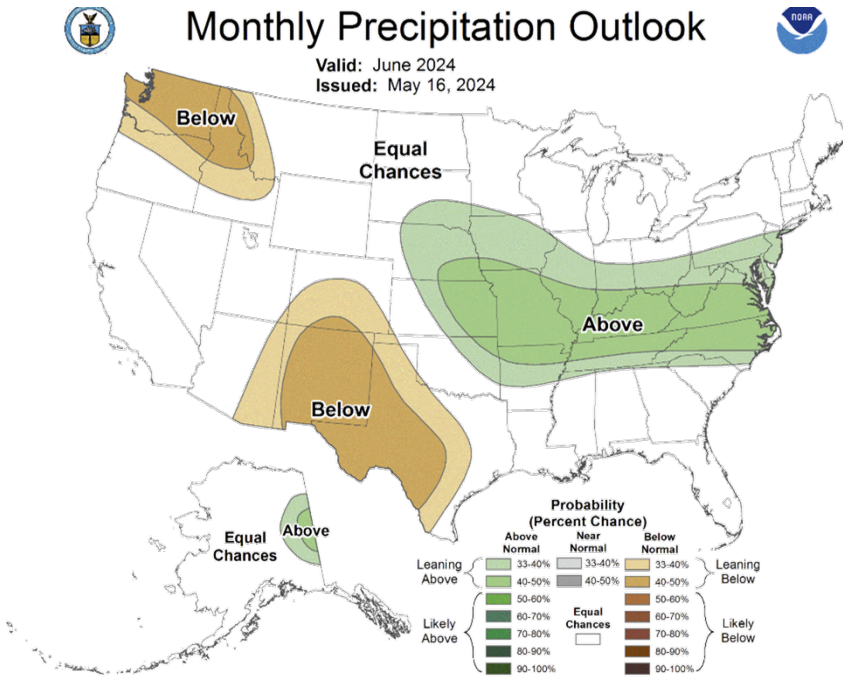
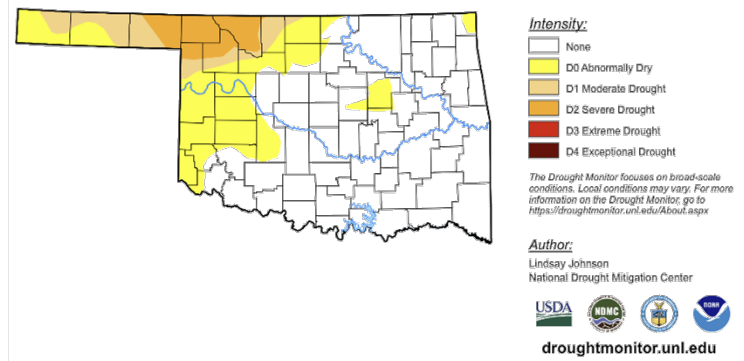
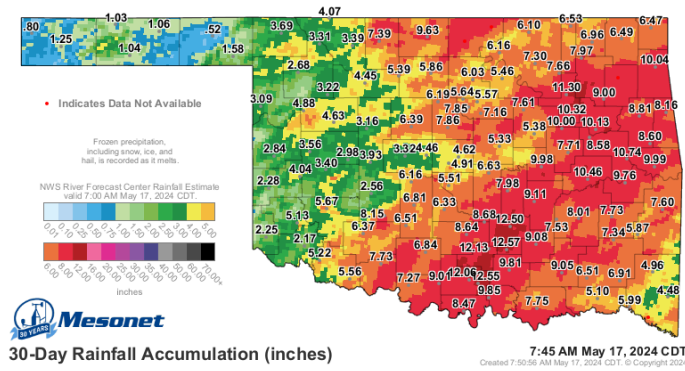
- 592 Wildfires Burning 216,226.5 Acres  
75 Fires met Large Fire Reporting Criteria
- 51 Prescribed Fires Treating 17,726 Acres

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

*(Fires under OFS Command):*

- Incendiary 260 Fires / 147,810.5 Acres
- Escaped Control Burn 47 Fires / 10,318.9 Acres
- Escaped Debris Burn 31 Fires / 332.9 Acres
- Equipment 16 Fires / 919.6 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
- Structure 2 Fires / 1.5 Acres
- Railroad 1 Fire / 74.7 Acres

## Weather Outlook



## Wildland Fire Trainings

In order to maintain and upgrade Incident Command System qualifications, 30 OFS Rangers will attend 12 wildland fire courses at the Arkansas River Valley Wildland Fire Academy this month. In addition, OFS will provide 3 instructors to help facilitate two courses.

Since the beginning of the fiscal year, OFS has provided three types of training courses to volunteer fire departments; (8) Basic Wildland Fire, (3) Expanding Incidents and (1) Incident Commander training. In total, OFS has conducted 12 external wildland fire trainings with 282 firefighters in attendance.

## Protecting life and property outside Oklahoma

As Oklahoma fire season slows down, other states are showing signs of drought resulting in a high potential for wildfire and need for our assistance. Resources have been deployed to Texas, including: one dozer with two operators, one Type 3 Incident Commander, one Division/Group Supervisor and one initial attack dozer operator staffing a Texas A&M Forest Service dozer.

## Catesby Fire Suppression Repair

Our firefighters not only protect life and property from fires, they will also return to provide suppression repair when needed. An OFS Taskforce of two dozers and two skidsteers returned to Ellis County at the request of a land owner near Wolf Creek. The drainage system was hindered when containment lines were built to stop the progression of the fire. OFS returned to remove some pushed timber from Wolf Creek drainage. In addition, they cleared and piled cedar trees that were pushed up against some trees and a fence row. Once all the trees were piled, the Task Force burned the debris and rehabilitated the road used for access to the site.

## Community Wildfire Defense Grant (CWDG) Update:

The CWDG program, authorized by the Bipartisan Infrastructure Law, represents a \$1 billion, five-year initiative designed to support at-risk local communities and Tribes. Its goal is to aid in planning and reducing wildfire risk.

### Eligibility and Funded Projects:

Eligible communities include those in areas identified as having high or very high wildfire hazard potential. This also encompasses low-income communities or those impacted by severe disasters that affect wildfire risk. The program has funded a variety of projects, with a focus on developing and revising Community Wildfire Protection Plans. It also supports the implementation of related projects outlined in existing plans, provided they are not more than 10 years old.

**For the 2023-2024 CWDG Grant Cycle, Oklahoma had nine applicants. The following three were awarded a total of \$6,317,630:**

- **City of McAlester Wildfire Prevention Project:** \$5,842,630 to establish a sustainable wildfire prevention approach with a dedicated Wildfire Mitigation Unit by providing assets to facilitate mitigation efforts, clearing of combustible materials and vegetation, establishing firebreaks, conducting controlled burns, and ongoing public outreach and community engagement.
- **Comanche County Community Wildfire Protection Plan (“CWPP”):** \$225,000 to create a plan to mitigate the risk of wildfires.
- **Tulsa County Regional Wildfire Planning and Preparedness Plan:** \$250,000 to coordinate, plan, write, and implement a Multi-Jurisdictional CWPP which will incorporate and cover all fire districts within Tulsa County.

### Turner Falls CWDG Update:

Turner Falls was the sole recipient of the CWDG grant in Oklahoma during the first year. Wildfire mitigation crews successfully completed three miles of firebreaks and cleared approximately 20 acres of hazardous fuels. Additionally, they burned slash piles across 10 acres. Turner Falls Park has recently acquired a UTV skid unit and other essential tools for the ongoing maintenance of mechanical work and the prescribed fire program within the park.



Our very own Brian Ryles received mention in The USDA Forest Service’s article titled “Going on the Offensive in the South,” published on Friday, March 29, 2024. The article can be viewed here: <https://www.fs.usda.gov/inside-fs/delivering-mission/sustain/going-offensive-south>

### Wildfire Hazardous Mitigation Update:

Wildfire Mitigation Crews continue work on the Tinker B-21 Bomber Campus project and have completed approximately 50% to-date. Unfortunately, set backs and delays have been experienced due to the wet weather causing soggy ground conditions.

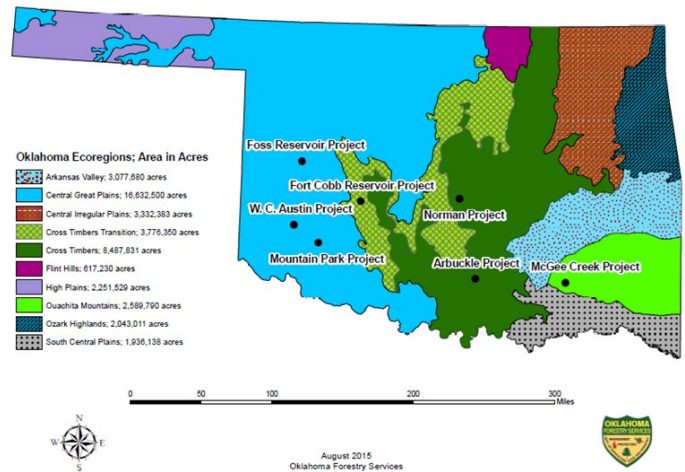
As mentioned in a previous report, the State Fire Capacity Grant (SFC) application for the Gilcrease Museum hazardous fuels mitigation project was submitted in January. This grant was funded at \$274,000 and consists of hazardous fuels mastication, prescribed fire, and chemical mitigation work. Hold harmless documents signed by property owners have been acquired so work can begin without delay.

### Prescribed Fire Update:

Oklahoma Forestry Services (OFS), in collaboration with the Bureau of Reclamation (BOR), is updating a Fire Management Plan (FMP) for the six project areas throughout Oklahoma that encompasses approximately 61,000 acres and seven reservoirs. The FMP will address the potential of significant wildfire occurrence on BOR lands by conducting prescribed fires to consume ground fuels such as downed woody debris, the duff layer, and thatch buildup, as well as killing ladder

fuels. As a result of these prescribed burns, it will also return the properties to a natural, fire-dependent ecosystem that benefits wildlife, water quality, and the aesthetic views for recreationalists.

Ecological Classification of Fire Management Unit Locations



Location of each project area in the state and within each ecoregion

## COMMUNITY OUTREACH AND COMMUNICATIONS

### FORESTRY EDUCATION

#### Forestry Education Highlights

On April 5<sup>th</sup> through 7<sup>th</sup>, Education Coordinator Tony Pascall and Information Representative Keith Merckx worked with Forester Jacob Lewis and Forest Rangers Bryan Walker, Blayne Hardaway, Brock Marble, Woodrow Wilson, and Josh Bates to host a fire prevention education campaign in Beavers Bend State Park for eclipse weekend. The team passed out Smokey Bear material and talked with approximately 2500 campers and people staying in cabins for the weekend about how to be safe with their campfires.



On April 12<sup>th</sup>, Tony and Foresters Evan Long and Elizabeth Bland-Corbishley taught 120 elementary and middle school students about the importance of trees and helped plant several trees on the school property.

On April 16<sup>th</sup>, State Forester Mark Goeller, Tony, and Keith represented OFS at Ag day at the Capitol. There, they spoke with approximately 300 members of state congress and the public about our agency and our programs, and passed out educational seedlings.



On April 17<sup>th</sup>, Tony hosted a booth at the UCO Earth Day in Edmond and spoke with over 500 people about the importance of urban forests, and of forest management.



On April 19<sup>th</sup>, Tony judged the forestry section of the state Envirothon test in Stillwater, and taught the competing teams about forest management and tree ID.

On April 20<sup>th</sup>, Tony taught about forest habitats to 7 students at an Earth Day event hosted by STEMforce in Edmond.

On April 23<sup>rd</sup>, Tony, Brock, and Forest Legacy Coordinator Madison Gore taught 3<sup>rd</sup> graders at Bryan County Outdoor Classroom in Durant. They taught about forest management and the importance of prescribed fire to 175 students.

On April 30<sup>th</sup>, Tony and Madison taught 275 4<sup>th</sup> graders at the outdoor classroom event in Weatherford. They taught about the importance of protecting forests from invasive species, and the benefits of trees.



## COMMUNICATIONS

### Urban Outreach

Information Representative Keith Merckx accompanied the Urban Forestry Strike Team to the Chickasaw National Recreation Area following the devastating tornado that hit Sulphur causing extensive damage to the town as well as to the national park. Keith documented work the team is doing with the National Park Service to assess damage to the park's tree canopy. Of particular interest is a heavily-damaged tree known to generations of area children as The Monkey Tree – so called because its low-hanging branches are excellent for climbing.

The tree long predates CCC work in the area in the 1930s; CCC reports mention the tree being near work cabins in the Walnut Grove picnic area that no longer exist. The tree was the subject of a Big Tree Sunday post on Instagram and Facebook that drew a great deal of interest from the public. OFS foresters have assessed the tree and believe that with continued attention, the outlook is positive for the tree.



## Catesby Fire Suppression Repair

Keith documented efforts by an OFS Task Force that returned with heavy equipment to Ellis County at the request of a land owner near Wolf Creek. Crews worked around a drainage system hindered when containment lines were built to stop the progression of the fire.



## Conferences & Training

Keith will attend the SGSF annual meeting at Wilmington, NC in June as the Communications Liaison to the Fire Management Committee. In May, Keith completed S-203 Fire Public Information Officer training at the Arkansas River Valley Fire Academy in Russellville, AR.

## FOREST MANAGEMENT

### *FOREST INVENTORY & ANALYSIS*

The Forest Inventory and Analysis (FIA) team is working in Adair, Delaware, Cherokee, McIntosh, Muskogee, Sequoyah, Pittsburg, and Latimer counties. Data collection is a year-round priority, and the crew is hard at work to complete the few dozen remaining plots before refocusing the data collection west of I-35. While data collection has been a priority, the FIA staff members have found time to receive a training provided by OFS and OSU in McCurtain county where an invasive and devastating species of insect has been discovered for the first time ever in Oklahoma. This insect kills 99% of ash trees in a region. Monitoring the spread will be a somber task.

## PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

### *NORTHEAST AREA*

#### Forest Protection Highlights

From April 5th through May 17th, the Northeast Area had 27 fires for 1,291.1 acres in the Protection Area. NE Area employees Jake Johnson, Ryan Pope, and Heath Jones complete the UTV training. Craig Longshore and Cole Hix met with Brian Weatherford at Camp Gruber to talk about training opportunities that will help benefit both agencies. NE Area had the new Forest Fire Control Officer, Matthew Hendrix, start duty on May 6th. Charles Kimble and Heath Jones presented a forest fire prevention program at





Stilwell CDC on May 7th. Several NE Area personnel completed the UTV training in April and the first aid and CPR training in May. May is also time for the Arkansas River Valley Fire Academy.

Below is a list of NE Area Rangers and the class they have attended and plan on attending:

- Travis Garrison – S-215 WUI and S-290 Intermediate Wildland Fire Behavior
- Robbie Kirby – S-131 Firefighter Type 1 and S-290 Intermediate Wildland Fire Behavior
- Barry Caswell – S-270 Basic Air Ops
- Cole Hix – S-270 Basic Air Ops and S-211 Portable Pumps and Water Use
- Jake Johnson - S-131 Firefighter Type 1
- Heath Jones - S-131 Firefighter Type 1 and S-290 Intermediate Wildland Fire Behavior
- Isaac Merchant – ICS-300 Expanding Incidents and S-330 TFLD
- Charles Kimble – S-230 Crew Boss

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

Connie Robinson, Jay District Forester, attended the SAF meeting in Idabel, OK and NHLA Industry Needs Workshop in Memphis. She hung Emerald Ash Borer traps for Forest Health surveys. She helped a landowner with marking timber on a Timber Stand Improvement project. Connie also completed a Forest Stewardship Plan for a 95-acre property in Delaware County. She had five landowner visits and assisted with the tree seedling truck sale in Newkirk and Pawhuska. Connie attended a OSU Capstone Project presentation by students who wrote a management for a landowner in the NE Area. Connie was part of the Urban Forest Strike Team that conducted assessment of tornado damage at Sulphur, OK.



Craig Longshore, Ryan Pope, Chad Bateman, David Morris, and Charles Kimble setup and conducted the NE FFA Forestry competition held in Flint Ridge annually. Craig Longshore, Ryan Pope, and Charles Kimble helped with the Cave Springs FFA event on April 19th. They setup and administered the forestry competition for the event. He completed the OFS UTV training in April. Ryan assisted nine landowners with site visits or questions related to tree health and identification. He assisted OFS with the Earth Day event held in Tulsa. Ryan Pope assisted Skills USA in Tulsa with the plant ID and tree planting portion of the competition held in Tulsa.

### **Administrative**

Craig Longshore and Kaley Helton met with Ashley Johnson on April 12th to discuss N.E. Area's budget for the current and next fiscal years. These meeting help make sure the Area and District offices are budgeting according to the needs of the employees and offices. FY25 budget request for the N.E. Area was submitted.

Several N.E. Area employees participated in an agency wide webinar hosted by Oklahoma Secretary of Agriculture Blayne Arthur that discussed updates from Department of Agriculture Directors.

### **Ongoing Issues & Upcoming Events**

- Muskogee Touch-A-Truck Smokey Event- June 1st
- Sallisaw Forester start date - June 17th
- Dozer Academy 6/17/24-6/21/24

## EAST CENTRAL AREA

### Forest Protection Highlights

Since the last board report date of April 5, 2024, EC has suppressed 7 fires on a total of 2,247 acres for an average fire size of 321.1 acres. Three (3) primary structures were saved at a total value of \$47,239.00. Two secondary structures were saved valued at \$2,000. EC rangers provided fire support in western Oklahoma and as of this report, five (5) EC rangers have provided out-of-state suppression response near Ft. Stockton, TX.



### Hazardous Fuels Mitigation

EC rangers installed fire lines on 2 properties totaling 420 acres and completed prescribed burning on 2 properties for a total of 177 acres treated. One EC ranger also assisted with the Fuels Mitigation Project at Tinker AFB.

### Forest Management Highlights

Forester Eddie Woods attended the forestry workshop in Idabel, OK hosted by the Oklahoma Forestry Association and Oklahoma State University. Eddie Woods also assisted foresters Craig Marquardt, Tyler Hyatt, and Jacob Lewis on a timber theft case near Chickasha, OK.



### 2024 SOUTHEAST OKLAHOMA FOREST HEALTH WORKSHOP

Friday, May 10, 2024

Idabel: Kiamichi Forestry Research Station (4878 State Hwy 3)

East Central Forest Rangers and Talihina District forester JT Allen spent a day assisting the Forest Regeneration Center in Goldsby with potting containerized loblolly pine seed.

Forester Caleb Fields was part of an Urban Forest Strike Team deployed to assess trees damaged by the tornado that struck Sulphur, OK. The assessment occurred in the Chickasaw National Recreation Area.



## Information / Education

East Central foresters and rangers assisted with the Haskell and LeFlore County fishing clinics that are aimed at getting youth outdoors. Two Wilburton rangers also conducted a Smokey Bear school program in McAlester.

Forester Eddie Woods assisted with the Southeast District forestry judging contest and judged the EOOSC Ag Speech Contest. EC rangers and foresters set up and ran the Kiamichi Tech Center forestry judging contest and set up and ran the state forestry judging contest.

Wilburton rangers constructed replacement fire reporting signage that will be installed in areas of high fire occurrence. These signs provide residents and passersby with our toll-free number to report wildfires or to call in their controlled burns. OFS is currently working with OCI to purchase up to date, high quality aluminum signage to replace the handmade plywood signs that have been used in the past.

## Personnel Update

As of this writing, the East Central Area still has two job vacancies posted, the Talihina Service Forester and Yanush Forest Ranger positions. Applications are currently being accepted.

## OSU Capstone Update

OSU students gave their Capstone final presentations to the landowners and faculty on May 1st. All the student teams did well and were able to add this experience to their toolbox for future employment in the forestry profession

## Safety / Training Highlights

East Central conducted the RT-130, Wildland Fire Safety Training Annual Refresher (WFSTAR) on April 19th for the area rangers and other fire personnel along with 10 personnel from the Tulsa fire department. Topics discussed included NWCG WFSTAR Introduction to Dead Fuel Moisture, Command and Control, New Generation fire shelters, fire readiness, position task books, and vehicle repair, maintenance, and upkeep.

EC personnel also participated in Asbestos Safety and Awareness training. Several of our buildings on the east side of the state have asbestos siding and/or roofs. Because of this, OSHA requires our employees to do a yearly review of the hazards of asbestos exposure.

May 13th marked the start of the Arkansas River Valley Wildland Fire Academy. Multiple EC personnel are attending courses that include Heavy Equipment Boss, Basic Air Operations, Firefighter Type 1, Portable Pumps and Water Use, Crew Boss, Initial Attack Incident Commander, Task Force/Strike Team Leader, and Introduction to Wildland Fire Behavior Calculations. Arron Sumpter and Harley Johnson also served as instructors for the Heavy Equipment Boss course.

East Central has two Rangers that will attend the Dozer Ops academy in June.



## Ongoing Issues

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

In Protection Fires:

In March 20 fires burned 261.9 acres; 0 structures lost; 6 structures saved.

False Runs: 7

Burn Notices – the SE Area approved 42 burning notices in April.

Tony Macon, Derik Gee, Brock Marble, and Tyler Hyatt traveled to Western Oklahoma to assist the local fire departments with fire suppression as well as pre-positioned in Woodward, OK.

Pat Wayman, Safety Officer, Steve Painter, Dozer Initial Attack, and Bradley Walker, Incident Commander Type 3 trainee assisted Texas A&M Forest Service in wildfire suppression.

## Forest Management/Programs Highlights

- Will Phifer performed 12 landowner assists in April.
- Tyler Hyatt performed 3 landowner contacts in April with various landowners to plan and conduct site visits for timber management and RxB.
- Jacob Lewis performed 5 landowner contacts in April with various landowners to plan and conduct site visits for timber management, health and RxB.
- Jacob Lewis and Brock Marble assisted with the booth at the Forest Heritage Center during the eclipse to help teach spectators how to safely start, tend and put out a campfire.
- Brock Marble assisted with an Earth Day presentation at the Choctaw Fairgrounds in Durant.

- Adam Burleson assisted with an Earth Day booth at the Carl Albert Park in Durant.
- Foresters and rangers assisted with the McCurtain County Forestry Contest at Pine Creek Lake and the District Forestry Contest at the Forest Tree Improvement Center in Idabel.

### **Prescribed Fire Assistance**

Prescribed fires completed in April: One prescribed fire treating 160 acres.

### **Safety/Training Highlights**

- Jacob Lewis, Brock Marble, Tyler Hyatt, Woodrow Wilson, Anthony Williams, and Leon Macon attended the NIMS ICS 300 Class in Antlers at the Antlers Fire Training Center.
- Tony Macon and Adam Burleson facilitated the S-131 class at the OFS SE Area office. Those in attendance were Brock Marble, Jacob Lewis, Leon Macon, Blayne Hardaway, Woodrow Wilson, and Anthony Williams.
- Antlers had a safety meeting over serious injury procedures to use when an injury occurs on the fire line. Broken Bow had a safety meeting over Asbestos exposure.
- Tony Macon read to the Clayton Head start students during Community Leaders week; 20 students were in attendance.
- Rangers assisted the Little River Conservation District with a school program in Valliant. Approximately 30 fifth graders attended.
- All pickups and engines had the AVL Geotab device installed.
- Employee Recognition/Other:
  - The retaining wall project at the Antlers shop has started; anticipate completion in May.
  - Ranger Bryden Walker and wife Jaiden welcomed baby boy Oakland Ridge Walker.
- Ongoing Issues:
  - Upcoming events/activities:
    - Hochatown mapping ongoing.
    - Refresher courses for all employees.
    - SE Area rangers and personnel to attend the Arkansas River Valley Wildland Fire Academy in May at Russellville, AR.
    - SE personnel to attend NIMS ICS400 at Antlers in May.
    - Dozer Academy – North Little Rock, AR in June.
    - Additional personnel to travel to Texas to fight wildfire for Texas A&M Forest Service.
    - Cross Boundaries Rx Burns scheduled for this summer as conditions permit.
    - Assisting with Forestry Camp in June.
    - County Firefighter Association Meetings.

### **STATE FORESTER ACTIVITIES from 11 April 2024 thru 17 May 2024**

- Virtually attended the 2024 kick off meeting for Northern Rockies Team 1, a National Complex Incident Management Team deployable to wildfire and all-hazards incidents anywhere in the United States. Goeller serves as an Incident Commander for this Team.
- Delivered a presentation about Forestry Services responsibilities and the forest industry in Oklahoma to the Oklahoma Agriculture Leadership members.
- Participated at Ag Day at the Capitol by representing Forestry Services.
- Participated in a MS-Teams meeting with the Conservation Fund to discuss fund raising for match dollars needed for the Musket Mountain State Forest.
- Participated in the USFS Southern Research Station April Monthly Zoom Meeting.
- Attended the National Wildfire Coordinating Group's (NWCG) Incident Management Team Course Steering Committee (IMTCSC) meeting in Boise, ID. Goeller serves as the Southern Area representative on this Steering Committee.
- Attended the Spring Meeting of the National Association of State Forester's Wildland Fire Committee in

Pineville, KY.

- Virtually participated in the review of draft materials for the Introduction to Incident Management Teams course developed by the NWCG IMTCSC.
- Delivered the welcome address to the Urban Foresters and Arborists Workshop in Stillwater.
- Attended the quarterly meeting of the Oklahoma All-Hazards Incident Management Team Advisory Committee.
- Virtually attended a meeting with USFS Washington Office leadership regarding the announcement of the award of Community Wildfire Defense Grants.
- Participated in the USFS Southern Research Station May Monthly Zoom Meeting.
- Attended three scheduled ODAFF Director's Meetings.
- Participated in a virtual meeting with the Southern Group of State Foresters' Executive Committee and the Deputy Chief of the US Forest Service regarding funding needs for the USFS Southern Forest Experiment Station.
- Attended three meetings of the Oklahoma Fire Council at the State Capitol Building.

**Respectfully submitted by:**

**Mark E. Goeller, State Forester/Director  
Oklahoma Forestry Services**



## CONSUMER PROTECTION SERVICES DIVISION

### JUNE 6, 2024 BOARD MEETING REPORT FOR MARCH/APRIL 2024

#### PESTICIDE SECTION

##### Pesticide Registration Activity

Pesticide registrations for April 1<sup>st</sup> to May 17<sup>th</sup> in 2024 are presented in the following chart. A total of 1921 products were registered, of the products registered 1695 were renewals and 226 were new. There were 80 products cancelled.



##### Pesticide Samples

Pesticide samples taken March-April 2024 are presented in the following chart. A total of 65 Residue, 3 Tank Mix, and 4 Concentration samples were taken.

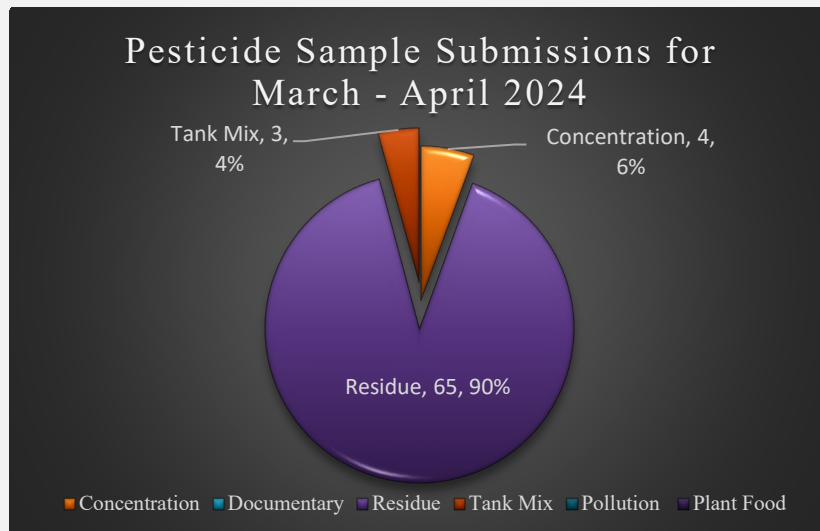


Table 1. Inspection Count for March-April 2024\*

Inspection Type	Number of Inspections		
	March	April	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	33	20	53
Pesticide Applicator Facility	30	30	60
Pesticide Service	0	0	0
Restricted Use Pesticide Dealer	6	11	17
Container Containment	0	0	0
Producer Establishment	0	0	0
Use	105	94	199
Termite	0	0	0
Wood	0	0	0
Pre-treat	4	4	8
Drift Investigation	0	0	0
Pesticide Label	2001	1605	3606
Worker Protection	0	3	3
<b>Total</b>	<b>2179</b>	<b>1767</b>	<b>3946</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 40 nonagricultural use samples, 8 nonagricultural follow up samples, 4 marketplace samples, and 20 agricultural use samples for a total of 72 samples.

#### EPA Region VI/States Fall Meeting

Ryan Williams attended the EPA Spring Meeting in Little Rock, AR, May 8<sup>th</sup> and 9<sup>th</sup>. This meeting is an open discussion between EPA and the states in Region VI discussing issues of concern. EPA discussed their program priorities and funding projections for this upcoming year.





Figure 1: Products received at the unwanted pesticide disposal.

## Unwanted Pesticide Disposal Program

ODAFF held two unwanted pesticide disposals, the first was on April 22nd, in Altus at the Jackson County Expo Center, and the second was held April 24<sup>th</sup>, in Shawnee at the Heart of Oklahoma Expo Center. The collections were scheduled from 8:00am until 1:00pm. The Altus event collected 34,702 lbs. and the Shawnee event collected 29,651 lbs. for a total of 64,353 lbs. ODAFF works with our hazardous waste contractor, CleanEarth to dispose of these pesticides.

## Pesticide Testing & Updates

Megan Parker, Pesticide Program Administrator, attended an EPA PREP course in Fort Collins, CO on April 22-25, 2024. The course discussed issues relating to the implementation of the EPA certification and training plan which includes timelines, potential bottlenecks, ideas on what has been successful, along with potential problems and their resolutions.

## Pesticide Complaints

PESTICIDE COMPLAINTS	April 9, 2024 – May 20, 2024			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	11	3	2	3
MUSK THISTLE:	15	0	0	0
PMR CASES:	5	5	5	5
CASES REFERRED TO OGC:	7			

## **ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION**

### *Plant Protection Program*

### Phytosanitary Certificates

Federal phytosanitary certificates Issued from April 1, 2023 – April 30, 2024

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

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

<b>Federal Phytosanitary Certificates (April 1, 2024 - April 30, 2024)</b>			
<b>Country</b>	<b>Product</b>	<b>Quantity</b>	<b>Phytos Issued</b>
Germany	Walnut Logs	37 Logs	1
Japan	Sesame Seed	30 Lbs Plants	2
Japan	Mixed Seed	1,650 Lbs	1
Mexico	Sesame Seed	258,000 Lbs	6
Republic of Korea	Sesame Seed	160,000 Kgs	4
Spain	Bermuda Grass Seed	5.5 Kgs	1
Thailand	Miscanthus Seed	40 Totes	2
Vietnam	Walnut Logs	111 Logs	1
<b>Total:</b>			<b>18</b>

Companies applying for federal phytosanitary certificates:

Baillie Lumber	1
Bluebonnet Feeds	1
Casey Overseas	1
International Ingredient	2
Oklahoma State University	1
Sesaco	12
TMX Shipping	1

State phytosanitary certificates Issued from April 1, 2024 – April 30, 2024  
 261 phytosanitary certificates for 16,286 plants



## Weed-Free Forage

Andrew Keathley is our newest CPS inspector to complete the Weed-Free Forage training through NAISMA. This certification allows Andrew to do inspections and certify weed free hay fields through our Weed-Free Forage Program.

## Hemp

There are currently 68 hemp growers, 45 hemp processors/handlers, 127,463 licensed sq ft, and 5856 licensed acres.

## Cotton Seed Bug Multistate Survey

Cotton seed bug was detected in Los Angeles, California in 2019. In 2020, it was found in five more locations across three counties (Los Angeles, Orange, and Riverside). The multiple detections (over 6 locations) in multiple counties suggests an establishment even though not declared as established. The closest location is more than 100 miles from the commercial cotton growing areas of California. There are serious concerns that potential spread of this pest could have devastating impacts regionally or throughout the cotton growing regions of the United States.

Cotton seed bug (*Oxycarenus hyalinipennis*) is considered a serious pest of cotton worldwide. Adults and nymphs feed on the seeds causing weight loss, decrease oil quality and poor germination (Henry, 1983). Cotton fibers may also be lost due to staining created by crushed insects during the ginning process.

ODAFF received funding through an agreement with USDA PPQ to conduct a 2023 survey of cotton growing sites and retail/nursery locations selling related plants in the mallow family for Cotton Seed Bug. 2024 funding to conduct the survey is expected shortly.

Thirteen ODAFF field staff performed 184 inspections at 63 retail and nursery sites for Cotton Seed Bug (CSB), visiting once to several times to inspect Malvaceous targets. Three field staff and the State Survey Coordinator (SSC) visited eight Cotton Gins and two cotton seed storage and transfer facilities where seed is examined monthly for signs of infestation. During each inspection staff inspect storage, transfer, and work areas for evidence of CSB. The SSC created a sieve to assist with seed inspections.

CPS contracted with the Oklahoma Boll Weevil Eradication Organization (OBWEO) to increase coverage. Nine OBWEO staff placed 2,046 traps in thirty-five counties. Traps are placed at one-mile intervals and may represent more than one field. Traps were checked three times a month for up to six months. Drought in western Oklahoma resulted in widespread crop failure in non-irrigated fields causing many traps to be removed early. OBWEO visited traps 9,713 times. Each visit represents an opportunity to inspect for CSB but time constraints, weather, spray schedules and watering may prevent inspections. Out of 9,713 visits to traps, OBWEO staff inspected associated fields for CSB 1,045 times and submitted twelve samples.

Data is captured through an ESRI Field Maps app developed with the University of Oklahoma. A recent image of the data viewer is below.

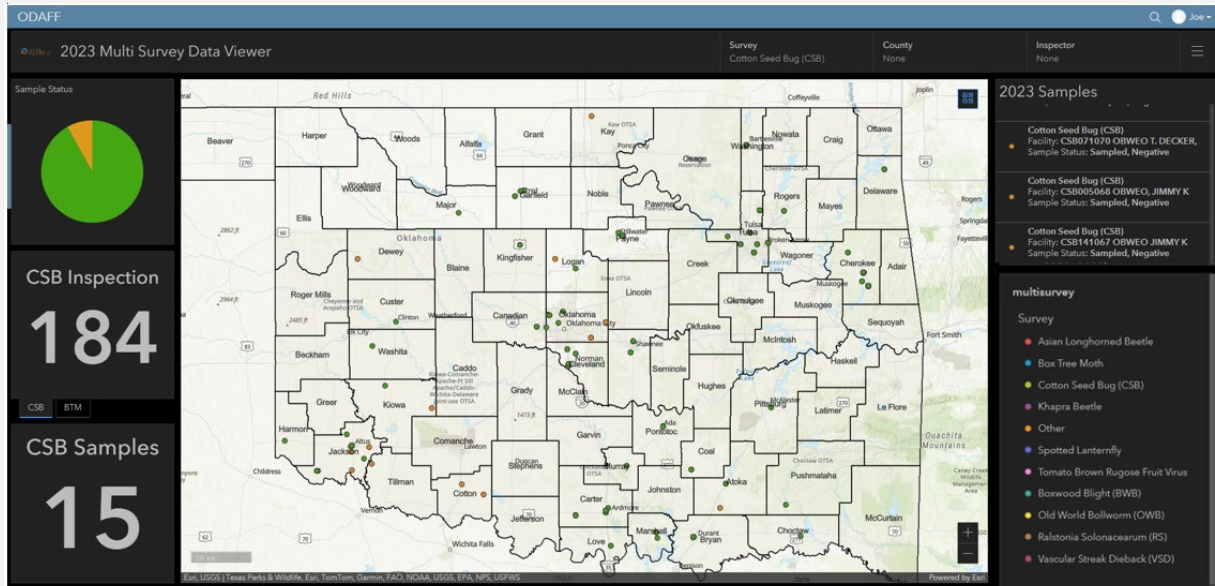


Figure 2: ODAFF CSB survey data viewer. This tool is used for multiple survey targets. (Note, all 15 submitted samples are included in this map.)

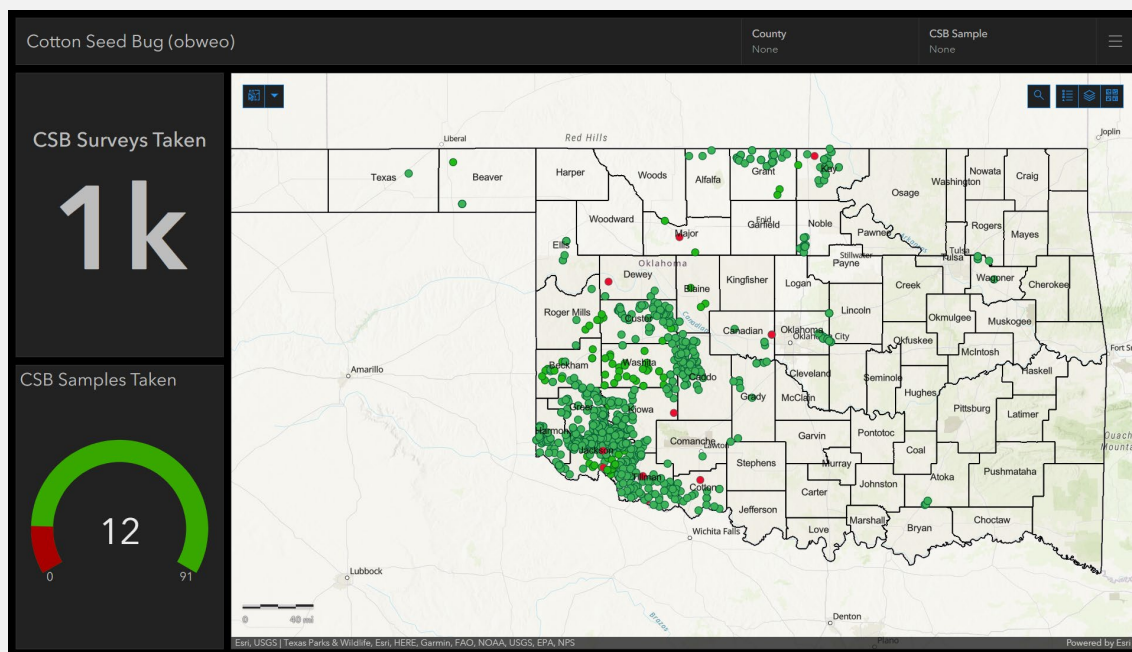


Figure 3: OBWEO commercial cotton inspections = 1,045. Samples indicated in red.

The SSC conducted trainings for both staff groups and provided supplies to facilitate the survey. This included developing a wallet card to distribute to the public educating them on the pest as seen in figure 4.

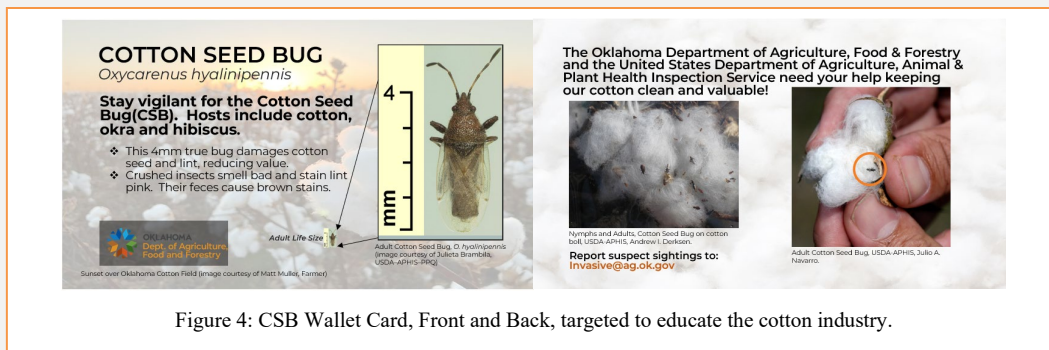


Figure 4: CSB Wallet Card, Front and Back, targeted to educate the cotton industry.

## AGRICULTURE RESOURCE SECTION

### Weights & Measures Program

During this period the large capacity scale technicians tested 110 Vehicle scales and 3 ranch scales, 15 of the Vehicle scales were rejected for repairs and 1 ranch scale was rejected. The ranch scale testing program ended in April, and we are currently concentrating on checking vehicle scales at grain elevators prior to the start of wheat harvest.

CPS inspectors checked a total of 1267 small scales and 28 platform scales, 24 of the scales were rejected. There were 16 random pack inspections and 54 standard pack inspections conducted that resulted in 7 companies receiving letters of warning. Additionally, 72 price verification inspections were conducted at various retailers that resulted in 2 companies receiving letters of warning.

Three scale companies received a letter of warning for not properly servicing scales. One company received a letter of warning for using a scale that was not approved.

### Feed Program

#### Program Performance

During this reporting period there were a total of 112 official feed samples analyzed, with 453 feed determinations made from these samples. These determinations resulted in the issuance of 14 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 Fat. Other violation includes Zinc, Calcium, Crude Fiber, Crude Protein, Copper, Magnesium, Magnesium, and Salt. Twelve 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. Two stop sales were issued for products deficient in Salt. Two stop sales were issued for products deficient in Crude Fat. One stop sale was issued for a product deficient in Copper. One stop sale was issued for a product deficient in Crude Protein.

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 April 2024 - March 2024**

Nutritional Guarantee	Number of Label Violations		
	April <sup>1</sup>	March <sup>2</sup>	Two Month Total
Crude Protein	1	9	10
Non-protein Nitrogen	0	0	0
Crude Fat	3	2	5
Crude Fiber	1	2	3
Calcium	1	3	4
Phosphorus	0	1	1
Salt	1	1	2
Magnesium	2	0	2
Potassium	0	1	1
Copper	2	2	4
Manganese	1	0	1
Zinc	2	5	7
Vitamin A	0	2	2
Methionine	0	0	0
<b>Total</b>	<b>14</b>	<b>28</b>	<b>42</b>

<sup>1</sup> 112 feed samples analyzed with 453 determinations; <sup>2</sup> 97 feed samples analyzed with 503 determinations

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

Nutritional Guarantee	Number of Stop Sales		
	April <sup>1</sup>	March <sup>2</sup>	Two Month Total
Crude Protein	1	4	5
Non-protein Nitrogen	0	0	0
Crude Fat	2	3	5
Crude Fiber	0	1	1
Calcium	0	1	1
Phosphorus	0	0	0
Salt	2	4	6
Magnesium	0	0	0
Potassium	0	0	0
Copper	1	2	3
Zinc	0	1	1
Vitamin A	6	6	12
Medicated Feed	0	0	0
<b>Total</b>	<b>12</b>	<b>22</b>	<b>34</b>

<sup>1</sup> 112 feed samples analyzed with 453 determinations; <sup>2</sup> 97 feed samples analyzed with 503 determinations

## Fertilizer Program

### Program Performance

Below you will find the performance numbers for the fertilizer, agricultural lime, and soil amendment programs for the time-period of March 31<sup>st</sup> through May 10<sup>th</sup>, 2024.

The sampling of fertilizer and ag lime products/materials were limited to only custom blend fertilizer samples until the beginning of February to support Laboratory Services Division so they can be more efficient with their time and resources by running predominately feed samples during this time of the year.

Sample Type	Number	Deficiency Penalty/SS
Fertilizer	132	13
Lime	17	1

Investigation Type	Number
Facility Pre-Site Inspections	2
Dry Bulk Fertilizer Storage Facility	2
Liquid Bulk Fertilizer Storage Facility	0
NH <sub>3</sub> Nurse Tank Inspections	8 (222 Total Tanks)
NH <sub>3</sub> Storage Tank Inspections	4 (8 Total Tanks)

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  
June 6, 2024  
Activities April 6, 2024 – May 17, 2024

**Animal Disease Traceability:**

We continue to distribute the free RFID tags to interested veterinarians and producers. During this time, we shipped 19,702 tags to 13 veterinarians and nine producers.

We've had nine new account requests for our no cost electronic CVI to make a total of 238 registered users.

On April 8-10, Dr. Gorczyca, Marissa McLaughlin, and Austyn Fuss attended the USAHerds User Group Workshop in Salt Lake City, UT.

On April 30, Dr. Gorczyca and Marissa McLaughlin, along with USDA employees Bill Golightly and Vicki Ernsting, visited the livestock market in Anthony, Kansas to see a demonstration of a livestock market software that Kansas Department of Agriculture has developed to provide consistency in the livestock market reporting. Dr. G and Marissa were impressed with the software, and we will be exploring funding opportunities to purchase it for our markets.

On May 6, AIS participated in an introductory session for Ag Enterprises. This platform will replace USA Herds for premises management and data banking. Data migration will begin in late summer and the site is scheduled to be fully accessible in December of this year.

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

The proposed changes to the USDA ADT rule became final and were announced on April 26. These changes were published in the Federal Register on May 9, which started the 180-day implementation time frame. On November 5<sup>th</sup>, cattle required to be officially identified, will need to be identified with a device that is both electronic and visual. Cattle that have already been identified with a silver brite tag or orange metal bangs tag before November 5, will not need to be re-identified using an EID tag. This rule does not change the class of cattle that need to be identified and continues to exclude beef cattle <18 months of age for feeding purposes only. Cattle that are required to be identified today are the only cattle that fall under the new guidelines of EID official identification.

**Aquaculture:**

During this period, we received one new license application and two licensing inquiries.

On May 17, Dr. Gorczyca and Marissa McLaughlin met with Wade Farrar and Elaine Gainer, ODWC to discuss possible licensing crossover between ODAFF and ODWC. We



were able to get clarification on the minnow dealers license and developed strategies to assist both agencies in education and outreach for individuals to obtain the correct licensing to transport, propagate, and sell aquatic species in Oklahoma.

**Biologics:**

The renewal period has ended. We have 30 companies with 808 products total registered.

Marissa sent two stop sale notices due to non-renewals. One of those products was subsequently renewed and the stop sale order was released.

Our livestock inspectors continue to monitor for expired biological products in commercial retail. When these products are discovered, they are removed from retail and the store management is educated. A follow up inspection typically takes place a few weeks later. If products are still discovered expired or not at the correct temperature, a letter of warning is issued. Our Inspectors found expired biologics in four stores.

We approved a Field Safety Study requested by Cambridge Laboratories: “Field Evaluation of Bivalent Cache Valley Virus Vaccine”.

**Cattle Programs:**

The outbreak of Highly Pathogenic Avian Influenza in dairy cattle is continuing. It has now affected 51 herds in nine states. USDA has implemented testing requirements for lactating dairy cattle moving across state lines. NASDA, State Animal Health Officials, and industry have worked with USDA to develop protocols to have as little impact on the industry as possible.

Viral fragments have been found in milk in grocery stores, but virus has not been grown from that milk. This proves that pasteurization is effective and pasteurized milk and meat are safe to consume.

I believe we have had a few affected dairies in Oklahoma, but the disease has not been confirmed by laboratory testing.

On April 9 I met with ODAPP Dairy Inspectors to brief them on the disease and biosecurity methods to prevent it. They were given educational handouts to distribute to the dairies they inspect, with the expectation that the face to face communication would be more effective in helping the dairies protect their business.

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

**Brucellosis:**

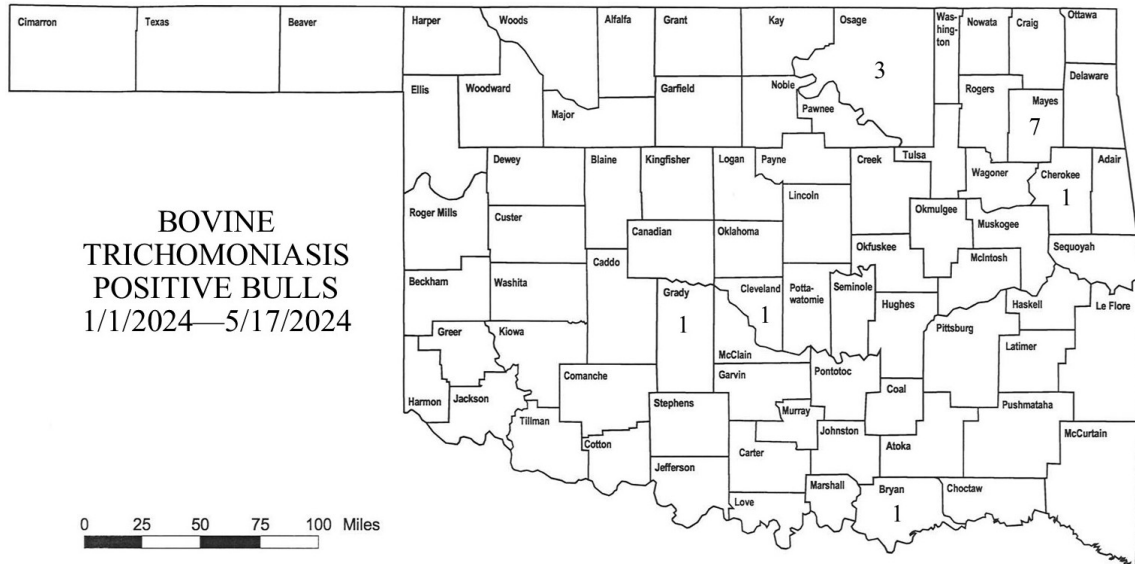
The only remaining reservoir of *B abortus* in the U.S. is in elk and bison in the Greater Yellowstone Park area.

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.

**Trichomoniasis:**

During this period there were 3,543 Oklahoma bulls tested for Trichomoniasis with two positive individuals found.



8,945 bulls tested / 14 positive = 0.16% positive

Our current statistics compare to 2.1% positive bulls in 2011, 1.4% in 2012, 1.3% in 2013, 1.4% in 2014, 1.1% in 2015, 1.1% in 2016, 0.5% in 2017, 0.32% in 2018, 0.42% in 2019, 0.35% in 2020, 0.28% in 2021, 0.3% in 2022, and 0.22% in 2023.

We have one small herd that has been certified as Trichomoniasis Free.

**Tuberculosis:**

No significant activities in the TB program.

**Johne’s Disease:**

Since the last report we have received eight positive Oklahoma reports. They are all from new premises.

Year to date we have received 26 positive Oklahoma reports, all for new premise infections, similar to the nine year-to-date average of 25 new premises. Multiple reports for a previously identified positive premise is down significantly from 4.7 to 0.

A new subset population of cattle was identified during this period. Two unrelated show cattle genetic operations decided to examine the scope of the Johne’s problem within their herds following a symptomatic animal that tested positive. Both operations had purchased some of the “best” genetics from multiple sources. All animals were recent additions, in wonderful condition, several recently retiring from a successful show career. Both herds were young, 4 years old or less. The first herd screening test had a 36% positive rate. The other herd’s prevalence was 60%.

In both herds the incubation period to positive test detection was longer than these animals had been owned. Therefore, in both herds, multiple infected animals were purchased from multiple infected sources. We are working with these owners to keep the genetics but eliminate the disease.

**Emergency Management:**

On April 16, Dana Call, Marissa McLaughlin and Austyn Fuss completed the secure sheep and wool supply Advanced Train the Trainer course. This course focused on enhanced biosecurity tactics against FMD for feedlot, private and public grazing lands.

On May 2, Dr. Gorczyca met with Renee Owusu-Anasah, Medical Reserve Corps Region 6 Coordinator and Lezlie Borak, OK State MRC coordinator to discuss the OK State Animal Response Team. The OK SART is struggling to continue as a functional team without leadership and volunteer assistance. Due to this, it has come to the decision to deregister the OK SART as a statewide unit of the OKMRC and instead push animal response activities back to the county OKMRC units. This was not an easy decision to make but Dr. Gorczyca will continue to serve in a SME capacity to help the county OKMRC units prioritize animal response and build the capacity that is needed in the state to assist with emergency animal sheltering. Dr. Gorczyca will be working with the Oklahoma Large Animal First Responder team to get them registered as a statewide unit to assist them with national grant and training opportunities that otherwise would not be available to them.

On May 9, Dr. Gorczyca and Austyn Fuss met with Dr. Ruth Inman to discuss Showable, an exhibition management software that she developed but has potential to integrate into traceability systems for swine. Dr. Gorczyca will continue to work with Dr. Inman as well as with the OK Pork Council and the National Pork Board to develop a platform for Showable to provide exhibition swine movement records into AgView and thus help encourage the use of AgView for US SHIP purposes.

On May 9, AIS had a follow up meeting with Knight Fire Specialists, LLC., in Oklahoma City. The Kifco foaming unit was brought up for comparison with the equipment the Knight Fire Specialists have developed in regard to foam consistency and quantity. This gave Knight a better idea of ways to modify their equipment for AIS use during a water-based foam depopulation.

On May 10, Dr. Gorczyca participated in a planning call for the FMD in a livestock market working group. The pilot state for the tabletop exercise that is being developed will be Oklahoma. Dr. Gorczyca is working with Joe Barbour from LMA to identify an interested livestock market in the state.

On May 14, Dana Call joined the Animal Disease Traceability State only call to discuss strategies to prepare for the ADT rule that will go into effect November 5, 2024.

On May 6 an EF4 tornado hit rural Osage county and destroyed about a third of the town of Barnsdall. On May 14, Oklahoma Emergency Management relayed a request for

veterinary assistance to help with reported equine injuries and needed assistance. Dr. Stone met with local, tribal, and state emergency management, evaluated the situation, and offered ongoing assistance for veterinary needs. The good news is that most of the need had been cared for locally despite all the confusion.

**Equine Programs:**

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

In April, we were notified by a Colorado brand inspector regarding an incident involving an equine rescue organization from Oklahoma. It was reported that the organization had acquired a group of horses (consisting of a mare with a nursing foal, a mule, and a stallion) in Colorado and subsequently transported them across state lines into Oklahoma without the required documentation. The brand inspector provided photographic evidence and pertinent details pertaining to the equine in question. In response to this matter, an inspection was conducted by one of our LSIs in conjunction with investigative services at the premises of the equine rescue organization in Oklahoma. During the inspection, the Colorado horses were found to be present without proper transport documentation. Subsequently, on May 6th, we issued a formal letter of warning to the equine rescue organization and the individuals involved, citing the violation of regulations pertaining to the transportation of horses into Oklahoma without the required documents.

**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.

The back log of cervid tuberculosis tests pending from NVSL due to a supply shortage continues. We are working with our producers and veterinarians to assure them it will not disrupt their herd status or animal movement.

The upcoming cooperative agreement grant opportunity has been the main topic of the USDA Cervid Health calls during this period. There were additional information sessions provided to all interested parties. We received a call from the Quapaw Nation asking for more information about CWD testing on their tribal land in far NE Oklahoma. They are submitting a cooperative agreement grant proposal to the USDA and we are very excited to have the opportunity to work with the Tribe. The producers working under the current cooperative agreement will soon have fawns on the ground. We anticipate beginning genetic testing of these fawns to begin in the weeks following their birth. AIS will be submitting a second cooperative agreement grant proposal for the 2024 – 2025 window.

The Chronic Wasting Disease Genetic Improvement Act will become effective October 1, 2024. The act will allow, under certain conditions, the release of captive bred native whitetail deer proven to be genetically resistant to CWD for the purpose of genetically influencing the native whitetail deer population over time, to potentially slow the spread of CWD. AIS and ODWC will be establishing rules for the program.

**Feral Swine:**

It is renewal season for the feral swine facilities. AIS continues to process annual renewals for feral swine handling and sporting facilities.

There have been no feral swine complaints during this period.

Users of the feral swine hunter license website continue to have occasional issues. Dana Call contacted all the feral swine sporting facilities to alert them to the ongoing issue with the website and provide a potential mitigation for their patrons.

We are in the final stages of the US SHIP feral swine working group. The US SHIP traceability project has been completed during this time and a final review was submitted by Dr. Gorczyca.

**Foreign Animal Disease:**

There was one FAD investigation during this time. It was a dairy cow that showed symptoms compatible with the HPAI syndrome in dairy cattle. Milk samples were submitted to OADDL and thankfully they were negative.

**Livestock Market Audits:**

During this period, staff followed up on a market that was issued a notice of violation the previous month. No additional violations were observed during the follow up visit. Also, staff performed a market orientation with Hobart Stockyard’s new ownership. Although Mr. Ken Russ had previous experience with the Overbrook market, the routine orientation was a refresher for the owner and his staff.

Although no new market applications were received, a number of application packets were sent to individuals interested in selling livestock in Oklahoma.

This period also allowed for the completion of several custodial account reviews in which no problems were identified.

**Livestock Auction Market Activities**

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

**Outreach:**

On April 10 I was interviewed by a reporter from NPR and on April 11 I was interviewed by a reporter from KOCO 5 about HPAI in dairy cattle.

On April 12 I attended the OADDL Board of Advisors meeting.

On April 12, Dr. Gorczyca provided an overview of the mission and duties of the Animal Industry Services Division to the class of the Oklahoma Agriculture Leadership Program.

On April 17 our Field Staff was in for our quarterly meeting. We distributed longevity awards, got fit tested for masks to protect them in case they have to work in an environment with dangerous viruses, had some biosecurity training, and updated program information.



Rob Pinkston – 15 years



Rhonda Keener – 10 years



Kyle Jarvis – 5 years



Kevin Martin – 35 years



John Sartain – 40+ years



Joe Emberson – 30+ years



Dr. Stone – 10 years



Clay Jack – 10 years



Dr. G – 10 years

On April 18, the AIS team listened to the Stroud FFA speech that they had prepared for the State Convention.

On April 17 Dr. Gorczyca, Secretary Arthur, Deputy Commissioner Rowlett, Justin Cooper, and I met with representatives of Herzog Company. They briefed us on their capabilities to assist in depopulation, disposal, and cleaning and disinfection activities.

On April 18, the AIS team listened to the Stroud FFA speech that they had prepared for the State Convention.

On April 22 we had our monthly Veterinary Medical Officer meeting, where AIS and APHIS veterinarians meet to get updates on the activities across the state, discuss new programs and progress on existing programs.

On April 25 I was interviewed by KSWO in Lawton about the HPAI outbreak in dairy cows.

On May 6 I was one of several ODAFF employees who visited with the FFA Chapter from Grandfield. I discussed the programs we operate, the HPAI outbreak, and the changes to the USDA ADT rule.

On May 8 I traveled to Stillwater and participated with four APHIS personnel in presenting initial Accreditation orientation to 4<sup>th</sup> year veterinary students. Veterinarians must be accredited with USDA to perform regulatory duties in their practice. After the accreditation training, I stayed and gave a presentation about Trichomoniasis and Tuberculosis to 18 4<sup>th</sup> year students who plan to do at least some food animal practice in Oklahoma.

On May 15 I gave a presentation about the HPAI outbreak in dairy cattle and the changes to the USDA ADT rule to OSU Extension's "Coffee Shop Talk" series.

Also, on May 15 we had another of our monthly VMO meetings.

### **Poultry Programs**

There have been 20 sick or dead birds submitted for our sick bird/dead bird program since last report and a total of 54 since January 1<sup>st</sup>.

During April and May we received reports indicating the diagnosis of Avian Metapneumovirus (aMPV) in two separate commercial flocks. aMPV is classified as a reportable disease in Oklahoma; however, it has been determined that no specific action is required on our part in response to these cases. It is important to note that both affected flocks were depopulated by the respective commercial entities as part of their management protocols.

We have had no detection of HPAI in Oklahoma this year, and we continue to respond to sick bird calls with testing of suspect birds. Furthermore, we are actively engaged in

HPAI surveillance, which includes testing of avian populations at live bird markets, auctions, and feedstores.

The ongoing 2022 incursion of Highly Pathogenic Avian Influenza has affected domestic flocks in 48 states with the death or depopulation of over 88 million birds. Since the beginning of 2024 25 states have had positive birds/flocks with 74 HPAI confirmed domestic poultry flock detections. This is the largest foreign animal disease incursion in US history. Even though in June, July, and August we typically see a decline in cases we are continuing to stress the importance of biosecurity in both commercial and backyard flocks through outreach such as emails, social media, and county extension officers.

We hosted five Poultry Tester Classes during this time. They were at ODAFF, Tulsa, Woodward, Lawton, and Atoka. Completion of the class and passing the test allows the testers to test their own birds as well as the birds of other poultry producers.

### **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.

We met with the State Public Health Veterinarian and State Epidemiologist, and assisted them in creating a document to dispense to Oklahoma dairies. The document explains the low risk involved with the HPAI virus in dairy cattle and offers free PPE. ODAFF Food Safety Dairy Inspectors will distribute the information.

### **Rabies in Livestock:**

We had three cases of rabies in livestock during this time. One was a horse from Kiowa County, one was a beef calf from Kingfisher County, and the other was a goat kid from Lincoln County. The groups of livestock associated with the infected animals were quarantined, and the owners were educated about the disease and the risk to their herds.

### **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 April 19, Dana Call joined the Swine Health Information Center/AASV webinar discussing HPAI (Influenza A Virus) in livestock and the risk to swine. The discussion



focused on controlling wild bird incursion into swine facilities along with other enhanced biosecurity measures to minimize exposure to the virus from other sources.

**Miscellaneous:**

On April 23 I took our office staff to lunch for Administrative Professionals Day to show my appreciation the great work and the awesome team atmosphere they foster.



AIS office staff celebrating Administrative Professionals Day at Ted's Café in OKC

On April 30, Dr. Stone accompanied the Payne County Sheriff deputies to an “equine rescue facility” for reevaluation of animal care and conditions. Dr. Stone originally visited the facility on March 22 to assist Payne County officials in evaluating the condition of the horses. The local veterinarian and the ‘rescue facility” attorney were also present.

Although a number of changes had been made, some animals were actually worse, the health of these animals was much more fragile, and the owner was not following the local veterinarians’ recommendations. Dr. Stone supports a decision of animal seizure. Charges have been filed of animal abuse.

On April 10 I was on a panel to evaluate a group presentation from the Stillwater FFA to help them adjust and improve their presentation for a competition

On May 4, 10 ODAFF staff (seven AIS, two Market Development, one Administrative Services) met at Wheeler Park in OKC to participate in a walk to raise funds for Parkinson's disease research.



10 AIS staff walked with friends and family of Rhonda Keener to support Parkinson's Disease research

Respectfully,

Handwritten signature of Rod Hall DVM

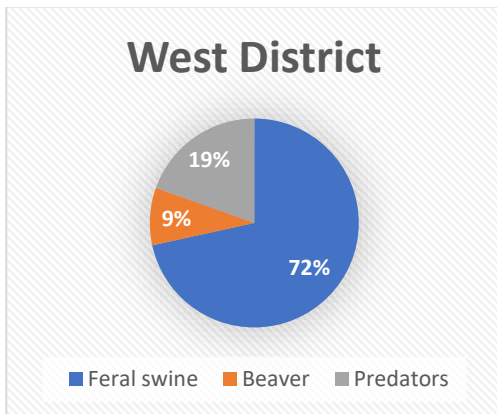
Rod Hall, DVM

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

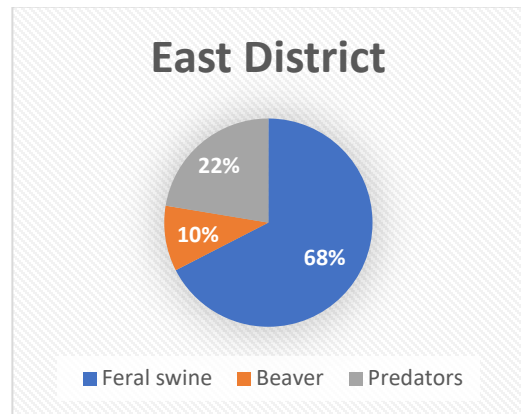
**Introduction**

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 596 properties with an estimated 1,205,128 acres of land under agreement. Additionally, WS helped 2,206 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 \$20,484,814 during this period. Beaver damages accounted for losses totaling \$183,861. Predation, primarily coyotes and black vultures, were responsible for a number of damage requests, largely to livestock, with losses totaling \$43,516. Feral swine damages accounted for losses totaling \$20,256,555, while other species of wildlife were responsible for \$882 in damages to property, agriculture, and livestock.

**Providing Wildlife Services**



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



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

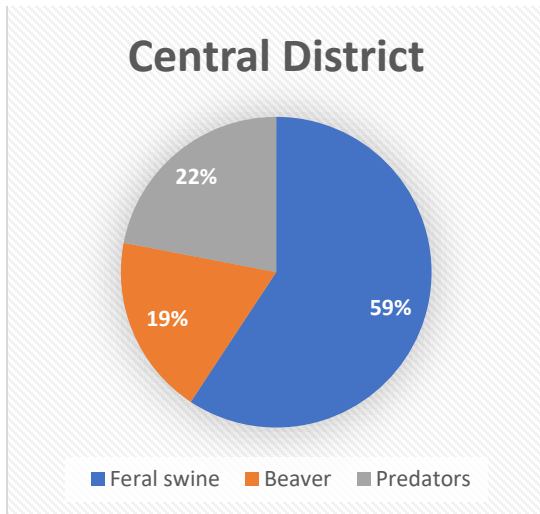


Figure 4: Species Removed in the Central District by percentage during April 2024

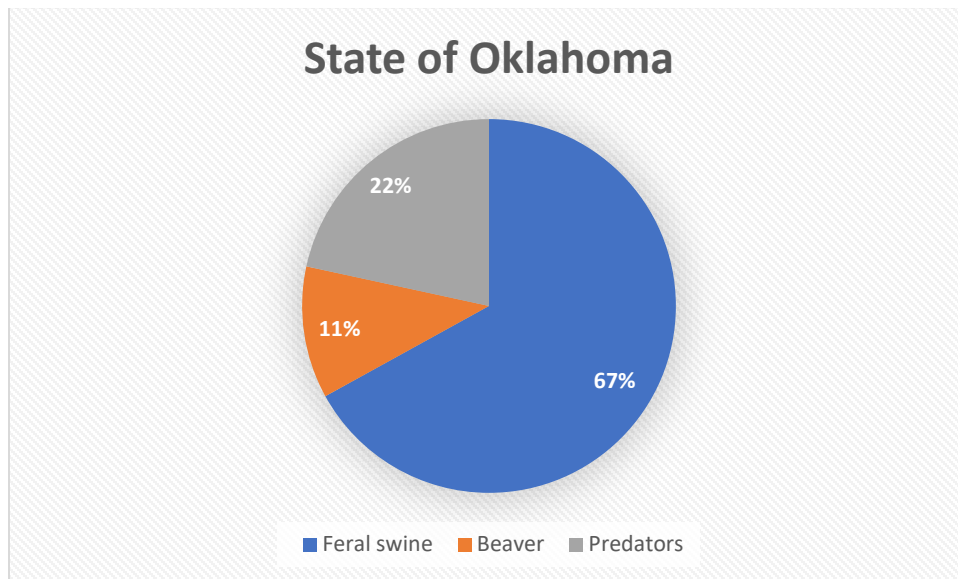


Figure 5: Species Removed in the State by percentage during April 2024

### **Predator Damage Management**

**Blaine County** landowner requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed four calves valued \$3,526. The Wildlife Specialist assigned to Blaine County examined one of the carcasses and verified that coyotes were responsible for the loss of the calf. Damage management efforts were successful in removing five coyotes from the property. Control efforts continue currently to help further reduce the threat to the cooperators' calves.

**Beckham County** livestock producer requested assistance with coyotes depredating on calves. The producer reported that coyotes had killed two calves valued at \$1,763. The Wildlife Specialist assigned to Beckham County examined one carcass and verified that coyotes were responsible for the loss valued at \$881. Damage management efforts were successful in removing nine coyotes from the property. No further losses have occurred, and work is ongoing currently to prevent additional losses.

**Stephens County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes killed one calf valued at \$900. The Wildlife Specialist assigned to Stephens County responded to the request and examined the carcass and confirmed coyotes were responsible for the loss of the calf. Control efforts have removed six coyotes and are continuing currently to further reduce predation losses to coyotes for the producer.

**Wagoner County** property owner called for assistance with black vultures roosting near a residential area and would often land on the property owners' home and vehicles. The droppings were an issue of concern for the retired property owner. He had also witnessed the vultures trying to pull the rubber sealing strips from his metal roof and he was concerned about damage they would eventually cause to his property. After getting signed agreements from several property owners in the area, vulture effigies were placed to assist in moving the vultures out of the area. The roost area was harassed each evening for 2 weeks. This project concluded when the black vultures had vacated the roost and were no longer in the neighborhood.

**Love County** landowner contacted WS with reports of black vultures killing calves. WS Specialist met with the landowner and verified black vultures had killed a calf and a WS Specialist built a black vulture trap and started trapping. There have been thirty-eight black vultures caught to date. Estimated damage was \$600 for the loss of calf.

### **Feral Swine Damage Management**

**Greer County** landowner contacted WS needing assistance with feral swine rooting in his pastures. The landowner estimated feral swine rooted up thirty acres valued at \$5,000 in damages. The Wildlife Specialist assigned to Greer County responded to the request and verified the damage. A live trap was used to remove twenty-three feral swine from the property. No additional damage has occurred, and the population in the area is being monitored to determine if additional management is needed.

**Caddo County** landowner contacted WS needing assistance with feral swine damaging his hayfields. The landowner estimated feral swine damage the fields to be \$10,500. The Wildlife Specialist assigned to Caddo County responded to the request and verified the damage. A live trap was used to remove thirty-two feral swine from the property. No additional damage has occurred, and the population in the area is being monitored to determine if additional management is needed.

**Roger Mills County** farmer requested assistance with feral swine causing damage in his pastures. The farmer reported feral swine were responsible for \$2,000 in damages to his pastures. The Wildlife Specialist assigned to Roger Mills County responded to the request and his field inspection verified the damages to the pastures. The Specialist utilized a live trap to remove twenty-seven feral swine from the property. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

**Osage County** rancher called WS for assistance with feral swine when he saw a sounder of feral swine in his cattle pastures and reported significant rooting damage to his pastures. The damage was verified and estimated at \$5,500 to approximately 6 acres of bottomland. After pre-baiting, a remote camera trap was placed, and forty-six feral swine have been removed with this project still being monitored.

**Muskogee County** farmer called WS for assistance with feral swine when he found rooting damage on his property near his corn field. The damage was verified and estimated at \$2,500. After pre-baiting with corn, a remote camera trap was placed on the property. Thirteen feral swine have been removed and this project is still being monitored. The owner was advised of fencing options that could help to deter future feral swine issues.

**Haskell County** rancher called WS for assistance when he saw feral swine on the property. The feral swine sign was verified and rooting damage to the pastures was estimated at \$2,000. After pre-baiting, a remote camera trap was placed, and twenty-four feral swine have been removed. This project is still being monitored and the owner was informed of environmental changes that could help to deter future feral swine issues on his property.

**Lincoln County** landowner contacted WS with concerns regarding feral swine damage. The landowner reported seeing feral swine on trail cameras and seeing signs of damage in a pasture. A WS Specialist responded to the report and verified the damage estimated to be one acre of pasture worth \$500. A WS Specialist utilized trapping to remove twenty-one feral swine from the property with trapping efforts continuing currently.

**Johnston County** landowner contacted WS about feral swine rooting in his wheat fields. WS responded to the call and determined the damage to be caused by feral swine with damages estimated at \$2000. A feral swine coral trap was placed on the property and thirty-one feral swine have been removed from the property.

### **Aerial Operations**

Aerial operations were conducted in **Tillman County** on roughly 8,000 acres in response to request with feral swine damaging pastures and corn fields. The helicopter was utilized for 6 hours with the removal of two hundred and forty-seven feral swine. Additional flight operations are planned in this area to further reduce populations and damage associated with feral swine.

Aerial operations were conducted in **Dewey County** in response to several farmers requesting feral swine damage on wheat fields, milo fields, pastures. Damage in the area flown was estimated at \$25,000. To reduce damage in this area the helicopter was utilized for 6 flying hours to remove two hundred and seventeen feral swine. This area will be closely monitored to determine if additional aerial operations are needed.

Aerial operations were conducted in **Harmon County** on roughly 10,000 acres in response to request with feral swine damaging pastures, milo, and corn fields. The helicopter was utilized for 4 hours with the removal of sixty-seven feral swine. Additional flight operations are planned in this area to further reduce populations and damage associated with feral swine.

**Nowata County** producer called WS for assistance with feral swine when he discovered rooting damage to his fields. The damage was verified and estimated at ten acres of rooting damage to his farm fields valued at \$4,000. The WS aerial program was utilized to remove twenty-seven feral swine from this property. The owner was advised of barrier fencing options that could assist with future feral swine issues.

**Craig County** cattle rancher called WS for assistance with coyotes reporting the loss of five newborn calves to coyote predation valued at \$6,000. The damage and the coyote predation activity were verified and the WS aerial program was utilized to remove eighteen coyotes from the rancher's calving pastures and conclude this project. The owner was provided information about livestock protection dogs and barrier fencing options that could assist with future coyote predation.

### **Beaver Damage Management**

**Roger Mills County** Road Commissioner contacted WS for assistance with beaver that were responsible for damming up a road culvert and causing damage to the road structure. The Commissioner estimated the damage to the road to be valued at \$2,000. The Specialist for Roger Mills County responded and verified the damage. Control measures used by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to pasture.

**Washita County** Road Commissioner contacted WS for assistance with beaver that were responsible for damming up the creek on one of his bridges causing the water to go over the road. The Commissioner estimated the damage to the road and bridge structure to be \$3,500. The Specialist for Washita County responded and verified beaver were responsible for damage. Control measures used by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to road and bridge.

**Caddo County** Conservation District contacted WS for assistance with beaver causing damage on one of their flood-control structures. The Specialist for Caddo County responded and verified beaver were responsible for \$4,000 in damages from burrowing into the dam structure. The Specialist used conibear traps and spotlighting to remove eleven beavers from the flood control lake. Control efforts are completed.

**Custer County** landowner contacted WS for assistance with beaver that were responsible for burrowing into his pond dam on his property. The landowner estimated the damage to the dam to be valued at \$6,500. The Specialist for Custer County responded and verified beaver were responsible for damage. Control measures employed by the Specialist were successful in removing five beavers from the pond to help reduce any additional damage to the pond dam structure.

**Hughes County** property owner called WS for assistance with beavers when he found girdling damage to the trees on his property. The reported damage was verified and estimated at \$2,000. Conibear traps were placed, and four beavers have been removed with this project still being monitored.

**McCurtain County** property owner called WS for assistance with beavers when he noticed a flooding issue on his property. The beaver damage was verified and estimated at \$2,500. The dam causing the flooding was removed by the WS specialist to alleviate the flooding issues. Conibear traps were placed, and nine beavers have been removed with this project still being monitored.

**Craig County** rancher called WS for assistance with beavers when he noticed several holes that had been burrowed into the dam of his stock pond, a flooded drainage ditch, and several girdled trees in the area. The damage was verified and estimated at \$5,500. Conibear traps were placed, and two beavers have been removed with this project still being monitored. The owner was advised on environmental changes that could assist in deterring future beaver issues.

**Oklahoma County** Commissioner’s office called WS with a concern of beavers plugging a set of tin horns in the NE part of the county. The county personnel had already removed the plug from the tin horns prior to notifying WS. WS found another dam up stream that had not been removed. After removing a portion of the dam for water flow, WS returned for a night shoot which resulted in removal of two beavers. No further damage has observed, and monitoring will continue for any further beaver activity.

**Kingfisher County** called WS with reports of beavers damming up a tin horn on a county road. A WS Specialist met with them and verified it was beavers damming up the tin horn. Devices were set on the adjoining property with seven beavers being removed. The tin horn has been unplugged and water is no longer flooding county road. Estimated damages were around \$3500 for road repairs.

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

County	Beaver	Predators	Feral swine	District
Adair				E
Alfalfa				W
Atoka	5		52	E
Beaver		2		W
Beckham	1	4	43	W
Blaine			14	W
Bryan	20		45	E
Caddo	16		86	W
Canadian	14		20	C
Carter	9			C
Cherokee				E
Choctaw	9			E
Cimarron		24		W
Cleveland			7	C
Coal				C
Comanche		3		W
Cotton				W
Craig	4	18	30	E
Creek	1		29	E



Custer	2	8	12	W
Delaware				E
Dewey	1	2	83	W
Ellis		28	41	W
Garfield	4			C
Garvin	2	1		C
Grady	7		85	W
Grant	8	2		C
Greer		6	48	W
Harmon				W
Harper		13		W
Haskell			40	E
Hughes	6	20	12	E
Jackson		1		W
Jefferson				C
Johnston				C
Kay	3			C
Kingfisher	14	1		C
Kiowa				W
Latimer	15	2		E
Leflore	11	74	27	E
Lincoln			30	C
Logan	7	3	25	C
Love	5	49	45	C
Major	4		25	W
Marshall				C
Mayes	1		24	E
McClain				C
McCurtain				E
McIntosh	7		70	E
Murray	8	5	28	C
Muskogee	2		13	E
Noble			8	C
Nowata		53		E
Okfuskee		39	75	E
Oklahoma	4	4		C
Okmulgee	7		57	E
Osage		10	78	E
Ottawa				E
Pawnee			97	C
Payne	5			C

Pittsburg	25	16	147	E
Pontotoc		38		C
Pottawatomie	5		18	C
Pushmataha	22	93	61	E
Roger Mills	5	7	8	W
Rogers			9	E
Seminole	10		147	E
Sequoyah	3	1	24	E
Stephens	17	9	13	W
Texas		3		W
Tillman				W
Tulsa				E
Wagoner			42	E
Washington				E
Washita		3		W
Woods		8		W
Woodward	4	4		W
<b>TOTAL</b>	<b>293</b>	<b>554</b>	<b>1718</b>	

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

Respectfully submitted,

Justin Cooper  
Acting Division Director  
Wildlife Services Division

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

**General**

Rainfall totals the **first week of April** in Oklahoma averaged 0.57 inches. According to the April 2nd US Drought Monitor Report, drought conditions were rated 38 percent abnormally dry to exceptional drought, down 22 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 50's. to lower 60's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals the **second week of April** in Oklahoma averaged 0.73 inches. According to the April 9th US Drought Monitor Report, drought conditions were rated 50 percent abnormally dry to exceptional drought, down 10 points from last year. Additionally, 15 percent of the state was in the moderate drought to exceptional drought categories, down 39 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.

Warm temperatures were experienced early in the **third week of April**, with cooler temperatures returning late in the week. Rainfall totals in Oklahoma averaged 0.22 inches. According to the April 16th US Drought Monitor Report, drought conditions were rated 59 percent abnormally dry to exceptional drought, down 5 points from last year. Additionally, 27 percent of the state was in the moderate drought to exceptional drought categories, down 27 points from the previous year. Statewide, temperatures averaged in the low to mid 60's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals the **fourth week of April** in Oklahoma averaged 2.09 inches. According to the April 23rd US Drought Monitor Report, drought conditions were rated 66 percent abnormally dry to exceptional drought, up 1 point from last year. Additionally, 36 percent of the state was in the moderate drought to exceptional drought categories, down 18 points from the previous year. Statewide, temperatures averaged in the lower to upper 60's. Topsoil and subsoil moisture conditions were rated adequate to short.

**Small Grains:** In the North Central, Northeast, West Central and Central Districts recent rainfalls helped improve winter wheat crop progress. Winter wheat jointing reached 97 percent, up 7 points from the previous year. Winter wheat headed reached 45 percent, up 5 points from the previous year and up 4 points from normal. Canola blooming reached 61 percent, up 8 points from the previous year but down 8 points from normal. Canola coloring reached 5 percent. Rye jointing reached 91 percent, up 8 points from the previous year and up 4 points from normal. Rye headed reached 35 percent, down 16 points from the previous year. Oats jointing reached 57 percent, down 4 points from the previous year but up 5 points from normal.

**Pasture and Livestock:** Pasture and range condition was rated at 73 percent good to fair. Livestock condition was rated at 87 percent good to fair.

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

Survey	Enumerated by:	Survey Dates
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
May Ag Yield	DCC	4/29-5/7
Cattle on Feed	DCC	5/1-5/8
Grain Prices	DCC	5/3 –5/10
June Ag Yield	DCC	5/30-6/7
June Crops APS	DCC	5/30-6/15

**Statistics:** On May 10, 2024, the May Crop Production report was released. Highlights include:

Wheat production for Oklahoma is forecast at 96.2 million bushels, up 40 percent from last year. Yield is forecast 37.0 bushels, up 9.0 bushels from 2023. Acres expected to be harvested for grain, at 2.6 million acres, up 6 percent from 2023.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 37.

**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

**Releases for May:**

Noncitrus Fruits and Nuts  
 Crop Production  
 Cotton County Estimates  
 Cattle County Estimates  
 Cattle on Feed  
 Agricultural Prices

**Relating Dates:**

2023 Crop Year  
 May 1, 2024  
 2023 Crop Year  
 January 2024  
 May 1, 2024  
 May 15, 2024

**Release Dates**

May 7, 2024  
 May 10, 2024  
 May 10, 2024  
 May 13, 2024  
 May 24, 2024  
 May 31, 2024

**Meetings and Events:**

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  
Central District Speech Contest Judge  
ODAFF Agency Call  
Lincoln county Producer Workshop/Tour  
Lincoln County CCD  
State FFA Convention  
Oklahoma Wheat Commission  
NASDA June Enumerator Training  
OLAC Advisory Board Meeting

**Date:**

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 23, 2024  
April 25, 2024  
May 2, 2024  
May 6, 2024  
May 7, 2024  
May 9, 2024  
May 14, 2024  
May 14, 2024

**Location:**

Chandler, OK  
OKC, OK  
OKC, OK  
OKC, OK  
Stillwater, OK  
OKC, OK  
OKC, OK  
Virtual  
OKC, OK  
Poteau, OK  
Tulsa, OK  
Shawnee, OK  
Virtual  
Chandler, OK  
Chandler, OK  
Tulsa, OK  
Walters, OK  
Virtual  
Virtual

Respectfully Submitted,



Troy Marshall

# MARKET DEVELOPMENT SERVICES

June 6, 2024

Report to the State Board of Agriculture

## AG IN THE CLASSROOM

### AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 26
- Total Number of Pre-service Teachers Impacted: 102
- Total Number of Extension Educators Impacted: 4
- Total Number of Students Directly Impacted by Coordinators: 1,303
- Total Number of Resources Given: 5,236
- Total Number of Teachers/PreService Teachers Resources Given to: 124
- Total Number of PreK-12th Grade Students Resources Given to: 2,030

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

- The AITC monthly email is delivered to 17,538 accounts.
- The AITC Facebook page now has 9,826 followers.
- The AITC Twitter page now has 578 followers.
- Oklahoma AITC Instagram account now has 817 followers.
- Oklahoma AITC Pinterest account now has 225 followers.
- The AITC YouTube channel now has 9,661 views.

### Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
9 Pre-Service teachers (Elementary)	Northeastern State University	AITC resources and website; Pig Personality Test; Painting Strawberry Rocks; Oklaberrynana smoothie; Farm Boots activity	Barn full of resources to each student
15 UCO Pre-service Librarians	Timber Creek Elementary in Moore, OK	Sylvia's Spinach - new bilingual resources	Barn full of resources
13 Pre-service Early Childhood Teachers	Oklahoma State University	Grady's in the Silo, Strawberry Parfaits	Barn full of resources
65 Pre-service Teachers	Oklahoma State University	Strawberry Taste Test; Zora/Sylvia, Flat Aggie and Annie, Grady's in the Silo	Barn full of resources

**Ag in the Classroom- Student Events**

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
4 students, numerous family members, their teacher, and administration	Ag Day at the State Capitol	<p>Contest Award Presentations for the following students:</p> <p><i>PreK-2nd Overall Winner</i>            KAMRYN THIEMS-2nd Grade            TEACHER: <i>Kristyn Thiems</i>            SCHOOL: HALL HALSELL ELEMENTARY            TOWN: VINITA</p> <p><i>Elementary (3rd-5th) Overall Winner</i>            ADAM LYONS-4TH GRADE            TEACHER: TANIA WREN            SCHOOL: LINDSAY ELEMENTARY            TOWN: LINDSAY</p> <p><i>Middle School (6th-8th) Overall Winner</i>            KARA WARDLAW-7TH GRADE            TEACHER: KELLY WARDLAW-4H            SCHOOL: STILLWATER MIDDLE SCHOOL            TOWN: STILLWATER</p> <p><i>High School (9th-12th) Overall Winner</i>            DINA CHIN - 10TH GRADE            TEACHER: NICOLE LORENZEN            SCHOOL: DUNCAN HIGH SCHOOL            TOWN: DUNCAN</p> <p><i>PHOTOGRAPHY OVERALL WINNER (9TH-12TH) - Couldn't attend</i>            JOSH FORD - 12TH GRADE            TEACHER: MS BAILEY KLIEWER            SCHOOL: STILLWATER HIGH SCHOOL            TOWN: STILLWATER</p>	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations, Plaque
75 students (PreK-12th)	OERB STEM Night at Dibble Public Schools	Biodegradable packing peanuts - compared styrofoam packing peanuts to packing peanuts made from corn by doing an experiment	Corn Educational Activity Sheets; Ag on Rt 66 activity book; Ag Magazine
75 1st grade students	Roland Elementary	Coloring Contest Winner presentation	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations
150 8th-12th grade students	FFA State Convention	Seed and fiber identification; could enter a drawing to win an accurate Ag book for their FFA Chapter	Variety of Ag Activity Sheets, Ag Magazines

200 K-6th grade students	Oklahoma Christian Academy Ag Day	Scatter Square Dance	N/A
100 4th grade students	Tillman County Outdoor Days	Scatter Square Dance	Dairy Tear Sheets
499 K - 5th grade students	Union Public Schools - Tulsa - Farm to Student Day - Darnaby Elementary	Betsy the Cow - dairy	N/A
200 students PreK - 5	Skyline Elementary - Stillwater OK	Pecans/fruit/veggies/tag, Betsy the Cow and dairy	N/A

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

Locations where Resources are Mailed or Delivered	
Oklahoma University Early Education	Payne County Farm Bureau
Rogers State University	OCW
Roosevelt Elementary - Norman, OK	Western Oklahoma Christian School - Clinton, OK
Pottawatomie County 4-H	Southwest Farm Home Expo - Elk City, OK
Coleman Elementary School	Mark Twain Elementary - Duncan, OK
Drumright Public Schools	William R Teague - Wagoner, OK
Shiloh Christian Academy - Newcastle, OK	Barnes Elementary - Owasso, OK
Tenkiller School - Welling, OK	Wynnewood Middle School
Trailblazers Homeschool Association - OKC	Plainview Schools - Ardmore, OK
Lincoln Learning Center - El Reno, OK	Mayes County OSU Extension
Idabel Central Elementary	OSU - Hannah Tate
Guthrie High School	Pryor Early Head Start
Sulphur Intermediate School	



**Ag in the Classroom- Other Events**

Event	Highlights
Ag Day at the State Capitol	Oklahoma Ag in the Classroom recognized their overall contest winners, 2024 Teacher of the Year, and their National Excellence in Teaching Agriculture award winner at Ag Day. The contest is sponsored by the Beef Council and supported by the Oklahoma Farm Bureau Women’s Committee. All the winners, their families, and teachers were fed lunch at the Oklahoma Department of Agriculture after the ceremony.
National Ag in the Classroom Program Leader Third Thursday	Emily Ague presented at the April 2024 Third Thursday and presented to Program Leaders throughout the United States about National Conference 101. It included tips and tricks about traveling to National Conference with teachers or maybe even for the first time.
Davenport Teacher Lunch	Davenport was one of the schools that brought the most teachers to our 2023 State Summer Conference. The Farm Bureau Women’s Committee partnered with us to feed them a taco salad lunch to show our appreciation for attending!

**Ag Day Teacher Winners**



*2024 Teacher of the Year*  
**Jackie McGolden**  
 Cornelsen Elementary

*National Excellence in Teaching about Agriculture Winner*  
**Jennifer Crosthwait**  
 Skyline Elementary

Elgin and Grove FFA both won accurate ag books at the State FFA Convention



## **AGRITOURISM**

### **Agritourism - Site Visits**

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Growing Paynes	Mustang	U-pick, Farm-to-Table	Social media content, intern took photos
McRay Farms	Luther	U-pick, Farm-to-Table	Social media content, intern took photos
Robinson Ranch	Bixby	Farm-to-table, Farmers Market Hubs	Delivered OK Grown Bags
Peach Tree Farms	Ada	Farm-to-table	Delivered OK Grown Bags
Joe's Farm	Bixby	U-Pick, Farmers Market Hubs	Film Simple Snacks Grant Video
Joe's Farm	Bixby	U-Pick, Farmers Market Hubs	Delivered OK Grown Bags
Whitewater Hollow Farms	Jay	U-Pick	Visited for strawberry season, learned about next years plans

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

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Sown	Ponca City	Horticulture, U-Pick	Site visit, added into program
Easom Farms	Slaughterville	U-Pick, Farm-to-Table	Site visit, added into program

### **Social media**

#### Facebook

- 22,961 likes

#### Instagram

- 2,641 followers

### **Agritourism - Other Activities**

- Zoom consults/meetings: Wine and Food Experience zoom meeting, Food Bank/Farmers Market meeting, Ward Ranch/Field Day meeting,
- Attended Distiller's Guild meeting and discussed a Distillery Trail added to agritourism
- Emailed certificates to all registered markets and hubs
- Created 6 digital wine trail ads
- Edited and approved Edible OKC agritourism story
- Call with Paige Claire about helping agritourism farms with finance planning
- Update Farm to School Tasteful Harvest posters and recipe cards with new Farm to School logo
- Talk with Grandfield FFA at ODAFF
- Attend State FFA Convention, help organize backstage awards and presentations
- Speak at Career Tech Small Business Bootcamp in Guthrie

## ECONOMIC DEVELOPMENT

Activity	Action
2024 USDA Specialty Crop Block Grant.	ODAFF received thirteen (13) applications for the 2024 Specialty Crop Block Grant. An external review committee selected six (6) proposals to receive the \$542,948 in funding. Those proposals were: Diagnostics for Specialty Crops in Oklahoma; Guiding and Expediting Breeding Strategies for Heat Tolerant Tomatoes; Managing Beneficial Mycorrhizal Fungal Inoculation for More Efficient and Resilient Specialty Crop Production; Use of Biochar as a Soil Amendment for the Ornamental, Vegetable, and Turf Industry; Analyzing market demand for native climate-smart pecans grown in Oklahoma; and Cultivating Healthier Communities: Promoting Crop and Nutritional Diversity in Local Specialty Crop Production.
Healthy Food Financing Program	The selection committee for the Healthy Food Financing Program met April 24 <sup>th</sup> via Zoom to conduct their quarterly meeting. The committee voted in favor of approving the following projects for approval: Chelsey Simpson/Urban Agrarian \$10,000.00, Osage Nation \$9,988 and Kimberly Brown/OK Roots \$7,000.
Resilient Food Systems Infrastructure grant (RFSI)	ODAFF has completed the selection process for the RFSI grant. The selection committees score sheets for both the Infrastructure and Equipment Only grants were combined to determine an initial ranking of grants in each category. Members of each selection committee met at ODAFF on May 6 <sup>th</sup> to conduct the 2 <sup>nd</sup> phase of the selection process. It was determined that nine (9) Infrastructure grants totaling \$5,441,326.34 and thirteen (13) Equipment Only grants totaling \$920,000.00 were recommended for funding. These projects will be forwarded to USDA-AMS for their review.
OKC West Cattle Grading	In conjunction with the OKC Farm Show a cattle grading contest was held at the OKC West livestock auction in El Reno on April 12 <sup>th</sup> . This year there was over 350 4-H and FFA members competing in the contest

## FARM TO SCHOOL

<b>F2S Contact Meetings and Events</b>	<b>Highlights</b>
Jessica Chapman: Arkansas F2S Program Coordinator	Collaboration potential and historical projects
Deer Creek Conservation District 41 <sup>st</sup> Outdoor Classroom	Interactive station for all 4th-grade classes from Stafford Elementary School. Each class learned about pollinators and their important role in agriculture and food supply. Reached: 250 kids
Tracie Little: Program Specialist I DHHS/ACF/OHS/AIAN-Region XI	Training for cafeteria staff from several tribal Head Start programs on June 11 <sup>th</sup> . Requested a session with our chef and nutritionist. We will also be hosting a bus tour for the cafeteria staff. Stops will include a processing facility discussing local beef and a produce farm.

<p>Southwest Region State Agency F2S Quarterly Call</p> <ul style="list-style-type: none"> <li>• Kate Wheeler: USDA Food and Nutrition Service Farm to School Specialist</li> <li>• Chantal Beard: USDA Food and Nutrition Service Farm to School Specialist</li> </ul>	<p>Discussed Topics:</p> <p>USDA Updates:</p> <ul style="list-style-type: none"> <li>- F2S Census results to be published in October 2024</li> <li>- F2S Grant to be announced this summer</li> <li>- USDA announces final updates to Child Nutrition Program Standards. Schools can now include “local” as a purchasing specification for fresh and minimally processed food items.</li> </ul> <p>Collaboration Opportunities:</p> <ul style="list-style-type: none"> <li>- Regional Food Business Centers</li> <li>- Beginning Farmer and Rancher Coordinators</li> <li>- Urban School Food Alliance</li> </ul>
<p>Grandfield FFA ODAFF Tour</p>	<p>Spoke to the Grandfield FFA students about the F2S Program.</p>
<p>HealthCorps Regional Health Fair Chickasaw Wellness Center, Ada</p>	<p>Interactive booth at their health fair for middle school students from schools in the Ada region (5th-8th grade). The F2S booth featured Oklahoma MyPlate.</p>
<p>Big Five Head Start Meeting</p> <p>Charlotte Derryberry: Big Five Head Start CACFP - Nutrition Specialist</p>	<p>Big Five Head Start has five stand-alone sites interested in purchasing local foods..</p>

**Farm Visits:**

- Joe’s Farm, Bixby

**F2S Social Media:**

- Facebook has 1.1K followers
- Facebook Reach: 8.2K
- Facebook Impressions: This metric counts impressions of your Facebook content, including posts, stories, and ads. It also includes impressions from other sources, such as tags, check-ins, and Page or profile visits.
  - 10.4K
- Facebook Engagement: The number of reactions, comments, and shares on your posts. This metric counts all reactions and comments.
  - 248

**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>

<p>Food Export</p>	<ul style="list-style-type: none"> <li>• Three OK Companies exhibited at the NRA show Mountain View Meat, Margarita Man plus Esro Food Group out of Madill OK (see pics below)</li> <li>• Continuing to coordinate details for the Food Show Plus! Food Show Taipei collecting info for their show booth and brochures and RSVP's for FAS event</li> <li>• Attended the Spring Food Export Meeting in DC: This was the first meeting of the Midwest and Northeast Directors. We heard updates from FAS, Food Export Staff, discussed results from 2023 and were able to collaborate on 2024 projects.</li> <li>• Kick-off Call for Food Show Plus! Fine Food Australia in September-Go over recruitment, timelines etc.</li> </ul>
<p>USLGE</p>	<ul style="list-style-type: none"> <li>• Staff met with the National Reining Horse Association to discuss the future inbound mission and other ways to collaborate. In attendance:</li> <li>• Billy Smith- NRHA Commissioner</li> <li>• Christa Morris Stone- NRHA Assistant Commissioner</li> <li>• Samantha Oldfield- Sr. Director of International Affairs and Development</li> </ul>
<p>GIT (Governor's International Team)/ODEC</p>	<ul style="list-style-type: none"> <li>• Global Oklahoma met for their May meeting to recap the Trade Conference. It has been decided that next year the ODEC and Global OK will coordinate two separate events for the Trade Conference and Consul Summit.</li> </ul>
<p>ODAFF Market Development Events</p>	<ul style="list-style-type: none"> <li>• We hosted a Study Group from Hungary that was traveling to the Midwest study wheat. This group visited TX KS and OK</li> <li>• They were able to visit with Secretary Arthur and staff at ODAFF, OSU, Chisolm Trail Milling, CHS Agronomy Center, tour some actual OK farms and attend the wheat field day with the OK Wheat Commission &amp; OSU (pics below)</li> </ul>





## **MADE IN OKLAHOMA COALITION**

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

<b>Type</b>	<b>\$ Spent and Information</b>	<b>Highlights</b>
MIO Featured Monthly Recipes in Tulsa World and Oklahoman	\$500/month each	Featured press release and 1-2 showcased recipes in food section
Marketing, Consulting and Graphics Retainer with Krush	\$6,750	Social media posts, digital presence, analytics, management of content and creation of digital footprint, graphic design, etc.
MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 & 9 in OKC	OKC – 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 Interviews - Channel 6 - Channel 9 - Channel 4 - Channel 43 - Radio OK Network	Staff interviewed with several OK news stations to spread the word about MIO month and 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	April – Buffalo Wild Wings, 10 statewide locations

	present the restaurant with their award and eat lunch as a group at their establishment.	May – Rococo on Western, OKC
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_6aGcbSzy8ae0ll\$">https://urldefense.com/v3/https://drive.google.com/file/d/1V-Vae4VDbWLhe9nqpvitRxyr7GIAezM/view?usp=drive_web;!!NZFi6Pppv9YRQw!ooRdnora73KMK-BoYtRjfkOuf-n7SB6ou15UpGDVhWwr3-fxaOaS1NHm2isNzc0X5rF-HQIISYWp3_6aGcbSzy8ae0ll\$</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/gase13fjtckb5imkgjpr/24-MIO-0148-EdibleOKC-V4-1-1.pdf?rlkey=noqxf831me2891hr9pv4ke8z6&amp;dl=0">https://www.dropbox.com/scl/fi/gase13fjtckb5imkgjpr/24-MIO-0148-EdibleOKC-V4-1-1-1.pdf?rlkey=noqxf831me2891hr9pv4ke8z6&amp;dl=0</a>
Shelby Report of the Southwest	Congratulatory Ad for Andrea Graves and Dawn Chesser of Sixth Day snacks being nominated as Women of Influence in the Food and Beverage Industry	<a href="#">Ad linked here</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.	April: - Ham Biscuits - Grown-up Cherry Limeade - Oklahoma’s Best Lasagna May: - Spinach and Bacon Quiche - Classic Club Sandwich - Okie Cola Cake
April Retailer of the Month	Uptown Grocery	Edmond, OK
May Retailer of the Month	General feature on all retailers	

**Made in Oklahoma Coalition – Other Activities**

Activity	Information
KAUT 43 News Segment - April 9 <sup>th</sup>	Staff was interviewed by the morning show for channel 43 to discuss MIO month and encourage folks to shop local all month long.
Ben E. Keith Food Show - April 10 <sup>th</sup> OKC	15 MIO members participated in the MIO booth at the BEK Food Show. This show was a big success for all participating members, as well as for MIO. We

	signed up over 20 new restaurants and handed out 100 local products buying guides.
KFOR News Segment - April 10 <sup>th</sup>	Staff interviewed with Heather Holman for KFOR's evening news segment. We discussed all the ways Oklahoman's can support local makers during the month of April.
MIO Legislative Dinner - April 10 <sup>th</sup>	Staff worked with Chef Kurt Fleischfresser to host legislators for an educational dinner about the Made in Oklahoma Coalition and the importance of continuing to fund our organization. All legislative committee members were present along with several MIO board members and ODAFF staff members.
Crest Mini Trade Show - April 11 <sup>th</sup>	22 MIO companies participated in the Crest Mini Trade show which was held at the flagship Crest store on 15 <sup>th</sup> and Santa Fe in Edmond, OK. All category managers and buyers for Crest stores were there to interact with MIO companies and consider bringing in new vendors and new items into their stores. Crest owner Bruce Harroz was also present.
Presentation on Made in Oklahoma to the OK Lifelong Learning Institute - April 15 <sup>th</sup>	Staff and Jenna Brinlee, Made in OK Program Coordinator, presented to the Oklahoma Lifelong Learning Institute (OLLI). We discussed both the Made in Oklahoma Coalition and Made in OK Program and the benefits provided to OK companies.
Channel 6 Interview - April 18 <sup>th</sup>	Staff was interviewed for the noon news segment on channel 6 in Tulsa. This was a great opportunity to spread the word about MIO month to the Tulsa audience.
Channel 9 Interview - April 24 <sup>th</sup>	Staff interviewed on the noon news segment for Channel 9 in OKC. The message about shopping local all April long continued.
Uptown Grocery Shopper Sweepstakes and Free Pork Lunch - April 25 <sup>th</sup>	MIO partnered with Uptown Grocery in Edmond and the OK Pork Council to provide a shopper sweepstakes, MIO demo day, and free pork lunches to Uptown shoppers. 15 member companies participated in the sampling event and 400 pulled pork sandwiches were given away to area shoppers. Over 1700 individuals entered to win the shopper sweepstakes, which was valued at almost \$600.
MIO Membership Meeting - May 4 <sup>th</sup>	The May membership meeting was held via zoom this month. 45 member companies were in attendance. After this meeting a product branding and packaging workshop was held for members to attend and learn tips of the trade.
MIO Restaurant of the Month Visit - May 17 <sup>th</sup>	Staff and the MIO Food Service Committee visited MIO Restaurant of the Month, Rococo. Located on Western Avenue in OKC, Rococo has been a staple in OKC for a long time. Chef Owner Bruce Reinhart was in attendance to accept the award presented by the committee.

## **MADE IN OKLAHOMA PROGRAM**

<b>Meeting</b>	<b>Date</b>	<b>Location</b>	<b>Details</b>
Osher Lifelong Learning Institute	April 15	OKC	Gave presentation about program to OLLI group
NW Tech Center	April 16	Virtual	Gave presentation about program to community and business leaders
4C Ag Service	April 19	Jones	Site Visit to learn about company and get content



			for social media Meet the Maker + newsletter
Clark Leather Kreations	April 19	Oklahoma City	Site Visit to learn about company and get content for social media Meet the Maker + newsletter
Blue and Gold	April 19	Jones	Site Visit to learn about company and get content for social media Meet the Maker + newsletter
Rural Retail Program	April 24	Stillwater	Meet with two OSU extension members working to develop e-commerce in rural Oklahoma
Langston Hair Sheep and Goat Conference	April 26		Gave breakout session/presentation about program to conference attendees
Wine + Food Experience	April 29	Virtual	Meeting with USA Today about event they are bringing to OKC in October, wanting to include local restaurants and companies
MIO Store Jury	May 7	OKC	Reviewed and chose products + placement for MIO Store at Oklahoma State Fair. 65 companies are set to be in store this year
Neighbors Coffee	May 8	OKC	Site Visit to learn about company and get content for social media Meet the Maker + newsletter
Hide Junkie	May 8	OKC	Site Visit to learn about company and get content for social media Meet the Maker + newsletter
Commando Kilts	May 8	OKC	Site Visit to learn about company and get content for social media Meet the Maker + newsletter
Route 66 Kickstart Tour	May 9	Clinton	Gave brief presentation about MIO Program and all programs in MD regarding how we can help businesses in their community

**New Producers:**

Prairie and Paws	Homeo Stars	Tulla Threads
Inspired by Life Jewelry and Crafts	Lindsay's Offerings	EZ Angus Beef

Midwestern Pet Foods	Three Rivers Meat Company	Harrow and Sickle Leather Goods
Red Plains Grand Butchery	Yum Pig	2 Kustom Kreations
BoDog Designs	Laser Innovations Fire Enterprise LLC	Barefoot Forge
413 Farm	Midwest & Beyond	The Bohemian Box Shop

**Events:**

Ag Day at the Capitol	April 16	38 Ag groups and Made in Oklahoma companies set up in the 2 <sup>nd</sup> Floor Rotunda to educate legislators about their business/organization
Made in Oklahoma Showcase	May 20	54 Made in Oklahoma Producers set up at event to showcase their products to buyers or retail store owners from across Oklahoma


Other Made in Oklahoma Activities:

- Spoke about MIO program and Coalition at OALP
- Reviewed and edited Retailers list – adding more Retail locations to the program
- Working to link all new e-commerce products to producer profile pages
- Worked with social media intern to develop posts, reels and stories to highlight our members
- 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
Sabatia, C&H, Pecan Creek, Put a Cork in It	Sabatia	Winery	Our top Chambourcin producers all gathered for a vertical tasting of the grape’s potential over the years. A representative from ODAFF, OSU, distribution, and Oklahoma City PR.
Wichita Women’s Fair	Wichita	Trade Show	Joined Travel OK for the Wichita Women’s Trade show in Wichita, Kansas. Handed out around 200 wine trails brochures and talked to many people about our new passport program.
Rocky Top	Allen	Winery	Dropped off wine trails brochures, passports, and stickers for Rocky Top.
McAlester Italian Festival	McAlester	Winery	Talked to Urban Wineworks and Whispering Meadows winery. They are launching a canned wine program starting this November. Doug Stobaugh of Urban Wineworks will be our June Winemaker of the Month.
Stillwater Wine Festival	Stillwater	Wineries & Networking	Talked to Dancing Skeleton, On the LAMB, Sabatia, Native Spirits, Blue River Valley, Shakespeare Wine Co., and TurnER me On. Picked up donated boxes from On the LAMB to give to Rusty Nail.

Rusty Nail	Sulphur	Winery	<p>Unfortunately, Rusty Nail winery was destroyed in the EF3 tornado that hit Sulphur at the end of April. They are in desperate need of wine boxes, so other Oklahoma wineries are donating their empty wine boxes to them.</p> 
Hungarian Trade Dinner	Waukomis	Winery	<p>Helped set up the dinner put on by the wheat commission for farmers from Hungary. The location was a winery and event center called Buffalo Point. Chatted viticulture and enology with the manager.</p>
B&G Meadery	Stonewall	Meadery	<p>Stopped by dicuss recipes for mead cocktails for her summer menu.</p>

**Viticulture & Enology - Other Activities**

- Met with the ABLE Commission director, assistant director, and enforcement to discuss how we can partner to produce a FAQ sheet that gets all producers and enforcers on the same page
- Started a campaign article with Texas Monthly to promote our passport program.
- Mailed out our 48<sup>th</sup> returned passport prize
- Talked to career tech leaders with Whitney about Agritourism and Viticulture

## MARKET NEWS SERVICES

April 9, 2024-May 20, 2024

- **Grain Report:**

	<b>April 9, 2024,</b>	<b>May 20, 2024,</b>	<b>DIFFERENCE</b>
<b>WHEAT: (bu)</b>	\$4.92-\$5.63	\$6.08-\$6.68	\$1.16 to \$1.05 Higher
<b>MILO: (bu)</b>	\$4.11-\$4.26	\$4.35-\$4.50	\$0.24 to \$0.24 Higher
<b>SOYBEANS: (bu)</b>	\$10.69-\$11.26	\$11.33-\$11.73	\$0.64 to \$0.47 Higher
<b>CORN: (bu)</b>	\$4.01-\$4.71	\$4.30-\$5.05	\$0.29 to \$0.34 Higher
<b>COTTON: (lb)</b>	76.04 cents	66.03 cents	10.01 cents Lower

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

### **FEEDER STEERS**

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

- (5-23-23) \$238.00-295.00 Wtd. Avg \$266.50
- (5-20-24) \$296.00-327.00 Wtd. Avg. \$311.50

### **HEIFERS**

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

- (5-23-23) \$203.00-245.00 Wtd. Avg \$224.00
- (5-20-24) \$257.00-281.00 Wtd. Avg. \$269.00

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 11,624 subscribers April 9, 2024, May 20, 2024 (**up from 158 subscribers last report**).

- **Voice Messaging System:**

- The market news voice messaging system during
- Monthly Total: April 9, 2024, May 20, 2024, **6,266 Accessed Times**
- Last Report February 22, 2024, April 9, 2024, **6,962 Accessed Times**
- Compared to Last Month: **Accessed Times-is DOWN 696 on Accessed times**

- **Oklahoma Agriculture Market News**

- **Facebook Page**
  - Likes/Followers 613
  - **UP 17 Likes/Followers**

- People reached through pasted report: 1,500 people
- **Oklahoma Hay Directory**
  - Hay Directory
    - **80 people are on the Oklahoma Hay Directory.**
- **Hay Report 8180**

**This Month:** April 12, 2024, May 10, 2024, Hay Traded 8,180  
**Last Year** April 14, 2023, May 12, 2023, Hay Traded 2,591  
**UP 5,589 Bales Reported**

### OKLAHOMA HAY MARKET REPORT 5-10-24

**Receipts: 2,130 Last Reported: 4,090 Year Ago: 1,640**

Compared to the last report: The demand and trade remain low. We have had several storms across Oklahoma which have slowed down some hay trade as well as hay baling. Old-crop hay continues to move lower in price as we enter the new hay season. We still have barns full of old-crop hay that are trying to be sold and emptied for new-crop hay.

Trends: Alfalfa Large squares \$175-\$200 a ton - New Crop  
 Alfalfa Rounds - No Trend  
 Grinding hay - No Trend  
 Bermuda 5x6 rounds - \$60-\$75 a bale - Year Old Hay  
 Bermuda Large Squares - No Trend  
 Wheat Hay 5x6 Round - \$75-\$100 a Ton - New Crop  
 Wheat Hay Large Squares - \$75-\$100 a Ton - New Crop  
 Grass Hay 4x5-4x6 - \$50-\$60 a bale - Year Old Hay  
 Grass Hay 5x6 - \$60-\$70 a bale - Year Old Hay  
 Rough Grass Hay any size \$30-\$40 a bale - Year Old Hay

The Oklahoma Mesonet Drought Monitor shows we are at 0 percent in exceptional drought, 0 percent in an extreme drought, 5.91 percent in severe drought, 20.41 percent in moderate, 48.38 percent in abnormally dry conditions, and 51.62 percent that has no drought conditions.

\*\*\* The next report release will be on May 24th \*\*\*

<b>Central</b>				
<b>Alfalfa: Supreme(Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	640	200.00	200.00	F.O.B/New Crop
<b>Alfalfa: Good(Ask/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		150.00		F.O.B
<b>Bermuda Grass: Good(Trade/Per Bale)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	250	65.00	65.00	F.O.B

**North Central**

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

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

**Bermuda Grass: Good/Premium(Ask/Per Bale)**

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

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	440	60.00	60.00	F.O.B

**Northeastern**

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	160	135.00	135.00	F.O.B

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	200	65.00	65.00	F.O.B.

**Northwestern**

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	320	175.00	175.00	F.O.B/New Crop

**Bermuda Grass: Fair/Good(Ask/Per Ton)**

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

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	120	75.00	75.00	F.O.B/New Crop

## Agricultural Environmental Management Services (AEMS) Division Activities

### General Activities

- AEMS Staff attended the 2024 National CAFO Roundtable focused on the Agricultural Pollution Discharge Elimination Systems (AgPDES) program.

### Complaints

	Received	Closed*
This Reporting Period	13	46
Total FY24	99	150

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

#### Complaint Breakdown for this Reporting Period

Cattle:	4
Swine:	1
Poultry:	0
Misc Animal:	0
Other:	1
Animal Shelter:	3
Pet Breeder:	4

### Program Activities

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

#### CAFO & LMFO ACTIVITIES

	April 1 – May 15	FY 24 Total
Complaint or Compliance Follow-ups	19	97
Annual Inspections	107	534
Technical Assistance with Contacts	21	189
Site Visit/Review – No contact made	22	98

#### POULTRY ACTIVITIES

	April 1 – May 15	FY 24 Total
Complaint or Compliance Follow-ups	3	71
Annual Inspections	131	716
Technical Assistance with Contacts	154	428
Site Visit/Review – No contact made	115	235
OSU Poultry Education Classes Attended	16	20
Eucha-Spavinaw CNMP Written	23	134

#### PET BREEDER & SHELTER ACTIVITIES

	April 1 – May 15	FY 24 Total

Complaint or Compliance Follow-ups	23	112
Annual Inspections	11	192
Technical Assistance with Contacts	7	113
Close Outs	0	12

**AGPDES ACTIVITIES**

	April 1 – May 15	FY 24 Total
Complaint or Compliance Follow-ups	5	5
Site Inspections	1	16
Technical Assistance with Contacts	9	22

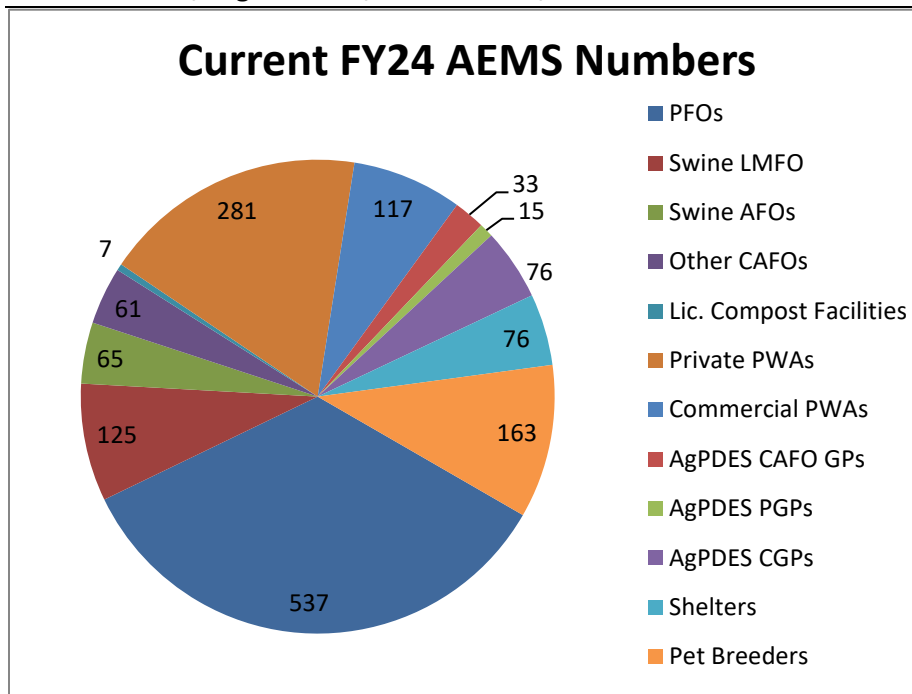
**COMPOSTING ACTIVITIES**

	April 1 – May 15	FY 24 Total
Complaint or Compliance Follow-ups	0	39
Site Inspections (all)	1	9
Technical Assistance with Contacts	2	24

**AgPDES Permitting Activities**

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

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



Respectively,

Teena G. Gunter  
AEMS Division



**BEFORE THE STATE BOARD OF AGRICULTURE  
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
JUNE 2024 BOARD REPORT  
REGARDING APRIL 6, 2024 THROUGH MAY 17, 2024 ACTIVITIES OF THE  
OFFICE OF GENERAL COUNSEL**

**AMOUNT OF ADMINISTRATIVE FINES COLLECTED:**

Amount to Date (2024)	Amount of Fines for this Board Meeting
\$42,220	\$38,110
\$372,095	2023
\$207,400	2022

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

Marketing: 22
CPS: 3
Forestry: 6
Admin: 4
OGC: 3
AEMS: 4
Animal Industry: 3
Wildlife Services: 3

**ADMINISTRATIVE HEARING PROCEEDINGS:**

Total Number of Open Cases: 95
Total Number of New Cases: 26
Total Number of Cases Closed: 9
NOVs Sent: 23

**OTHER ACTIONS AND PROCEEDINGS:**

<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.
<b>Stitt v Drummond, Oklahoma County Case Number CV-2024-606:</b> Lawsuit by Governor and certain Cabinet Secretaries against the Attorney General's Office

regarding AG Opinion 2024-5. Oral arguments on Motion for Summary Judgment occurred May 9, 2024. Awaiting Judge Ogden’s ruling
<b><i>Spring Creek Coalition v. ODAFF and Trong</i></b> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<b><i>Spring Creek Coalition v. ODAFF and Phan, et al.</i></b> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed. Discovery ongoing. Responded to Motion for Summary. Motion to Dismiss filed. Hearing had March 2, 2023. Supplement brief filed regarding Motion to Dismiss. Oral arguments held. Awaiting decision by the Court. Status Conference set for May 30, 2024.

**MEETINGS:**

<b>Date</b>	<b>Activity</b>
April 8, 2024	Employee Assistance Program
April 8, 2024	AEMS Legal
April 9, 2024	House General Government Committee
April 9, 2024	Westlaw product review
April 9, 2024	House Agriculture Committee
April 10, 2024	OBA Women in Law Section
April 11, 2024	ALJ Docket
April 15, 2025	Directors Meeting
April 15, 2025	Senate Meeting Regarding Legislation
April 15, 2024	AEMS Legal
April 22, 2024	AEMS Legal
April 24, 2024	State Board of Agriculture
April 24, 2024	DSR Training
April 25, 2024	Agency-wide call
April 25, 2024	US 412 PEL
April 25, 2024	OGC Staff
April 25, 2024	Webinar – Agency Deference
April 25, 2024	AgPDES
April 30, 2024	Directors Meeting
May 3, 2024	Oklahoma Comprehensive Water Plan Central Meeting
May 6, 2024	House Administrative Rules Committee
May 6, 2024	AEMS Legal
May 7, 2024	Directors Meeting
May 9, 2024	ALJ Docket
May 9, 2024	Stitt v Drummond Motion Hearing
May 9, 2024	EPA Animal Agriculture and Water Quality Kick Off
May 9, 2024	CLO Meeting
May 13, 2024	Employee Assistance Program

May 13, 2024	TSET and Conservation Commission
May 15, 2024	National Ag Law Center: The Deal with Dicamba
May 16, 2024	OMES Radical Candor
May 16, 2024	Directors Meeting

**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</p>

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.
<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.
<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.

**OPEN RECORDS REQUESTS (40):**

AEMS: 4
CPS: 9
AIS: 13
Pet Breeders: 3
Forestry: 11

**OTHER ACTIVITIES:**

Phone calls or emails with the public: 13
Assistance to industry: 4
Assistance to AEMS: 7
Assistance to CPS: 11
Assistance to Wildlife Services: 2
Assistance to Forestry: 9
Assistance to AIS: 10
Assistance to Admin: 7
Assistance to Market Development: 5
Assistance to other state agencies: 6
Assistance to federal agencies: 2
Assistance to Food Safety: 13
Assistance to NASS: 0
Assistance to Executive Office: 8
Assistance to Lab: 3
Assistance to Investigative Services: 0
Assistance to Legislature: 0

Assistance to Attorney General: 0
Assistance to Public Information: 10
Assistance to Governor: 1

Respectfully Submitted,



Teena G. Gunter  
General Counsel

# **FOOD SAFETY BOARD REPORT**

May 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 562,207 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA shell egg grading on 48,520 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. Routine egg quality inspections under the Oklahoma egg law were conducted.

## ORGANIC FOODS SECTION

Organic inspectors completed compliance and certification inspections at:

- Seven organic crop producers
- One organic livestock producer
- Four organic processors
- Sixteen retail organic inspections
- The organic section had requests for 3,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States.
- The organic section had 5 requests for organic crop applications, 1 request for an organic livestock application and 2 requests for organic processing applications.

# POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

## PRODUCE SAFETY SECTION

- Conducted an On-Farm Readiness Review to help producer prepare for inspection
- Conducted outreach and education about the Produce Safety Rule at 3 Farmers Market and County Extension events
- Visited 6 farmers markets providing outreach and education to producers and to collect farm inventory
- Visited 1 farm to determine coverage/exemption under the Produce Safety Rule
- Submitted annual report and budget to FDA
- Regular conference calls with TX, LA, AR, NM, MO, MS

## HOMEMADE FOOD FREEDOM ACT

- Received 12 complaints on Homemade Food Freedom Act businesses.
- Meat compliance assisted with 6 complaints.
- Taught about the law at a Nowata County Extension class.



# OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

<b>Planned Compliance Reviews</b>	12
<b>Random Compliance Reviews</b>	176
<b>Person-to-Person Contacts</b>	94
<b>Special Investigations and/or Projects</b>	09
<b>Reports of Apparent Violations</b>	02
<b>Detentions</b>	00
<b>Consumer Complaints</b>	12
<b>Verbal Warnings Issued</b>	27
<b>Letters of Warning Issued</b>	02
<b>Samples Submitted to Lab for Analysis</b>	00
<b>Accident Investigations</b>	00
<b>Administrative Procedures Act (Pending)</b>	01 <i>(Enid Packing)</i>

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

See details below:

ACCIDEN LOCATION	ANIMAT 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 one (1) Letter of Warning for Violations of the Oklahoma Meat Inspection Act and/or State Statutes

Leave: Ron- 0 hours

Wayne- 6 hours

Brad- 17.5 hours

# OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

## SLAUGHTER MEAT INSPECTION

<b>Number of Cattle</b>	1,220
<b>Total Beef Condemned</b>	10,560 lbs
<b>(Beef heads &amp; livers)</b>	(avg. H wt 20 lbs, avg. L wt 10 lbs)
<b>Number of Swine</b>	259
<b>Total Pork Condemned</b>	1,442 lbs
<b>(Pork heads &amp; livers)</b>	(avg. H wt 10 lbs, avg. L wt 2 lbs)
<b>Number of Sheep and Goats</b>	3,484
<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>	6
<b>Total Condemnations</b>	120 lbs
<b>TOTAL MEAT INSPECTED</b>	1,271,350 lbs

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

## PROCESSED BOXED MEAT INSPECTED

<b>Processed Red Meat</b>	712,492 lbs
<b>Condemned on Reinspection</b>	0 lbs
<b>Poultry (Portions)</b>	178,418 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>	890,910 lbs

## MEAT SAMPLE ACTIVITY

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

3/28 – Dr. Hardage and Nick Prince interviewed and hired Laura Ritchie as an inspector for the Southeast District.  
 5/20 – 5/23 – Scott Yates and Tommy Stephens attended the ASMID State Directors meeting in Lincoln, NE.

# 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 dairy farm surveys for DFA Central Council 5 (BTU 40-005) in Central Oklahoma, Select 64 (BTU 40-064) in Frederick, and a Plant Survey for Hiland Dairy (PMO 40-024) in Chandler. These surveys received passing scores and information regarding these surveys is available on FDA's Interstate Milk Shippers List website.

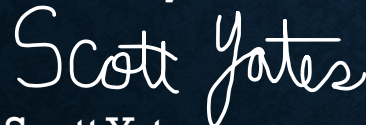
Dairy Staff approved a brand-new, state-of-the-art, 90-stall Rotary Milking Parlor and Dairy Barn at the Vanderlaan Dairy in Frederick. This is the only rotary milking parlor in the state!

Dairy services received an AFDO grant payment in the amount of \$5,059.41 in April to reimburse expenses related to new laboratory and field-testing equipment for the dairy program.

Dairy Staff attended the Western Milk Seminar held in Golden Colorado in April. This was an educational seminar where dairy regulators and industry leaders come together and discuss current events, regulatory changes, and challenges in the dairy industry. Trending recalls related to sanitizer in milk and Highly Pathogenic Avian Influenza (HPAI) in dairy herds were highlighted topics at this conference.

Under the direction of the State Veterinarian, Dairy staff has 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 herd show symptoms related to HPAI. 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.

Sincerely,



Scott Yates

Director of Food Safety

## Communications

Compiled 5/22/24

### *Social Media Highlights*

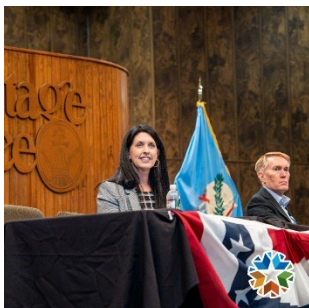
**Tracking Training – April 26 |** In April, Investigative Services Special Agent Michael Vaught taught a tracking training course in Midwest City. The 3-day session focused on the intricate details involved in using the environment to track potential suspects.

Special Agent Vaught has administered this training for 15 years and has taught several people including Marines and U.S. Marshals.



**Honorary State FFA Degrees – May 9 |** Agritourism Marketing Coordinator Whitney Wilkinson and Water Quality Inspector Ada Pfeiffer each received Honorary State FFA Degrees at the 98th Oklahoma State FFA Convention.

**AYC Alumni Elected State FFA Officers – May 11 |** Five former Ag Youth Council members were elected as Oklahoma State FFA Officers in May: Kayla Poling, Cooper Kline, Aubrie McEndoo, Titus Montgomery, and Grace Wright. These experienced leaders will serve and support FFA members across the state.



**Farm Bill Roundtable – May 18 |** Sen. Lankford hosted a Senate Farm Bill Ag Stakeholder Roundtable with Senate Ag Ranking Member, Sen. John Boozman.

Sec. Arthur moderated the discussion aimed at shaping ag policies and advocating for farmers and ranchers across the state.

## **Social Media Impact**

### **Facebook**

*22,525 followers (up 115 since last period)*

*Since April 24, 2024:*

-Posts and content reached 74,742 users (down 28% from last period)

### **Instagram**

*3,651 followers*

*Since April 24, 2024:*

-Posts and content reached 2,545 users (down 30% from last period)

-64 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 11 total episodes as of May 31.

***Ag Youth Council Applications Closed*** | 77 students applied for the 2024-25 Agriculture Youth Council. The selection process is ongoing.

***ODAFF Welcomes Hungarian Chamber of Agriculture – May 17*** | The visit also included a meeting with the Oklahoma Soybean Board to learn about the state's soybean market and production.

***Grandfield FFA Visits ODAFF – May 7*** | Grandfield FFA stopped by to learn about ODAFF on their way to the Oklahoma State FFA Convention in Tulsa.

# JUNE 6, 2024 BOARD MEETING

## PURCHASES/CONTRACTS

### AG STATISTICS

Printing of Oklahoma Agricultural Statistics annual bulletins, and Oklahoma Pocket Facts for FY 2025 - \$12,000 dollars.

### ANIMAL INDUSTRY

**Oklahoma Veterinary Medical Association (OVMA) - \$25,000.00** – OVMA is the only entity in the State of Oklahoma that has the ability and contracts statewide to enhance pet sterilization effort is the OVMA. No other entity has access to veterinarians and humane organizations on a statewide basis.

**USAHerds - \$29,000.00** – USAHerds maintenance contract allows us to receive yearly enhancements that make the USAHerds program more efficient, user friendly and to offer maintenance hours that we use to correct errors and problems and to personalize the program for us.

**Acclaim Systems, Inc. - \$12,000.00** - This agreement provides use access for the State of Oklahoma to utilize the VET-CVI application for the duration of time listed in this maintenance agreement. Oklahoma must follow the intended use for this application and only approve accredited veterinarians within their state that meet the USDA requirements.

**Datamars - \$20,000.00** – Purchase 15-XRS2I EID Stick Readers to distribute to Veterinarians across Oklahoma for traceability purposes.

### CONSUMER PROTECTION SERVICES

#### **FY 2024 Oklahoma State University Soil Fertility Research --\$70,000.00**

This is in addition to the original request of \$450,000.00 due to fertilizer tonnage revenue exceeding 1 million dollars for FY2024. 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.

**FY2024 Licensing Programmer --\$19,200.00**

ODAFF is currently updating the agencies licensing programs and needs additional programmers to bring all licensing, tonnage, and registration online in a timely fashion. The additional staffing should allow program and provide more access to Oklahomans. It also will allow us to do a better job of collecting and reporting required data on our programs.

Without this update in programming the current dated system will struggle with support and eventually will fail. The longer the update takes the more problems we are likely to have with the current program.

**FY2025 Licensing Programmer --\$250,000.00**

ODAFF is currently updating the agencies licensing programs and needs additional programmers to bring all licensing, tonnage, and registration online in a timely fashion. The additional staffing should allow program and provide more access to Oklahomans. It also will allow us to do a better job of collecting and reporting required data on our programs.

Without this update in programming the current dated system will struggle with support and eventually will fail. The longer the update takes the more problems we are likely to have with the current program.

**FOOD SAFETY**

**Oklahoma State University Produce Safety Training Contract Approval – \$65,153.00**

Outreach and education activities including teaching Produce Safety Alliance classes across the state, developing educational materials and videos, assisting farms with the On-Farm Readiness Review, measuring the effectiveness of these trainings to determine what topics need further training, and assisting ODAFF in identifying and outreach to farms that may need to comply with the law.

The Produce Safety Alliance class is the only class currently recognized by the FDA to satisfy the produce farm manager training portion of the produce safety rule. To teach this class, a team of certified trainers and a certified lead trainer is required, and OSU has several personnel certified to teach this class including the only lead trainer in the state. OSU currently assists us with teaching farms through the On-Farm Readiness Review. This program will provide an educational tool that can be taken to the individual farms and help them identify what areas they need to improve on to comply with the new law.

**Win Wam computer software upkeep for produce safety inspections \$5,724.00.**

This computer program is used for completing FDA produce safety compliance inspections. This would be for updates and for software update fees. This would be paid for by the FDA Produce Grant.

**USDA/Food Safety & Inspection Services – \$30,000.00**

Contract for USDA/FAIM to perform duties when Food Safety Meat Inspection have issues with their federal computers and to replace computers and printers with new ones when issues arise. Also, ordering new computers for new inspection. All funds are reimbursed 50% with Cooperative Agreement with USDA/FSIS.

**Contract employee for Dairy Services – \$40,000.00**

Perform various duties at dairy plant in Oklahoma, collect milk and milk products for sampling. Conduct Oklahoma Dairy plant and farm state surveys for sanitation compliance and enforcement. If this position is not filled, then a contractor from out-of-state would have to be brought in and paid to do this job for the facilities to remain in compliance.

**FORESTRY SERVICES**

**FY24 - \$60,000 Gooseneck Trailer (SFA Grant)**

Purchase one (1) heavy duty, tandem axle trailer with ramps. This trailer will be used to transport a skid steer with attachments for the purpose of treating hazardous fuels in and around communities at-risk from wildfire statewide. **Justification:** This program is part of the National Cohesive Wildland Fire Management Strategy with the intent of developing fire adapted communities. Funding for this purchase will come from FY23 US Forest Service State Forest Action Plan funding.

**FY24: Winter PPE - \$33,000 (SFA Response, SICF)**

Purchase eighty-nine (89) fire-resistant fleece jackets with reinforced Nomex patches. These jackets are classified as cold weather Personal Protective Equipment (PPE) and will be worn by Firefighters and Foresters while suppressing wildfires and conducting prescribed burns. **Justification:** This is a critical safety item due to the extreme fireline conditions division personnel are exposed to during winter months. Funding for this purchase will be 100% reimbursed from the FY22 US Forest Service State Fire Assistance Grant.

**FY25- \$250,000 Federal Funds**

Award Federal pass-through funding to assist financially-disadvantaged cities, neighborhoods, and communities for heat mitigation, promotion of food forests, increase equitable access to urban/community tree canopy and promoting other value and benefits of trees in communities – Up to \$250,000. **Justification:** These grants support projects related to helping lower income neighborhoods and non-profit entities. Without these projects, we would lose an avenue of community support and education. This money will be refunded to us through Federal funding.

**FY25- \$12,000 Land Lease**

Commercial Land Lease for the SE Area Headquarters Office at Broken Bow & Land Lease for the SE Office Complex. **Justification:** This is the space where Forestry Services' office complex is located.

**FY25- \$166,600 SE Area Equipment Repair Costs**

Equipment repair for mowers, ATV's, UTV's dozers, and trailers, tractors, chain saws, blowers, and building maintenance/repair at all SE area facilities. **Justification:** Above is a necessary expenditure so we can keep our firefighting equipment/machinery fire ready. Without these funds, our Forest Rangers would not be able to respond to wildfires when their equipment needs repaired. This money will also go towards the upkeep of our lawnmowers and trailers.

**FY25- \$34,000 SE Area Utility Costs**

Electric, phone/internet, utilities (natural gas, water, trash service, sewer, propane, etc.) for the



following offices: SE Area office; SE Area complex; Antler's complex; Carter Tower complex; Sobol Tower repeater; Tom Tower repeater. **Justification:** Above is a necessary expenditure to operate the offices and communications infrastructure. The operation of these offices and radio repeaters is crucial to maintain emergency response radio communication, as well as serve as a location for Forest Rangers to maintain equipment so they can perform their assigned duties.

**FY25- \$5,000 Office Furniture**

Purchase of 10 new office chairs at the SE area complex. **Justification:** These chairs will be replacing worn out chairs that we have had for many years. This will allow our employees to be able to accommodate meetings in more comfort.

**FY25- \$12,000 Sewer Repair, SE Area**

Replace existing sewer system at the Fire Control Officer Residence. **Justification:** Without a new sewer line, the office will not have a way to dispose of sewage.

**FY 25 – Forest Inventory and Analysis all-terrain vehicle (ATV) \$17,363.50  
(State Matching Cost Share – FIA Grant)**

Purchase of an all-terrain vehicle equipped with 4-wheel drive, skid plates, winch, safety features, etc. for off-road access to remote forest research plots. **Justification:** The ATV will be used in remote forest health monitoring, wildfire risk assessment, and timber inventory purposes and will multiply the efforts of foresters as they visit some of the state's most wild and distant forests. Funding for this purchase matches a cost-share in salary/supplies from the US Forest Service – FY24 FIA Grant.

**FY25- \$12,000 National Association of State Forester Membership Dues**

National Association of State Foresters is organization composed of the directors of forestry agencies in the states, territories, and the District of Columbia. Oklahoma has been a member of this organization for decades. This grant provides Oklahoma Forestry Services with the current policies and procedures regarding fire protection and forest management. (Federal Funds)

**Justification:** Without this purchase we would lose our connections to other States and plans that emphasize forestry needs.

**FY25 - \$1,100,000 Rural Fire Coordinator Contracts**

Contract with Oklahoma Association of Regional Councils for Rural Fire Coordinators to provide technical assistance and equipment placement services to new or established Rural Fire Departments within their districts to assure the capability of meeting local fire protection needs.

**Justification:** Without this contract fire departments would lose technical support to acquire much needed funding, equipment, and operational assistance.

**FY25-\$2,000,000 Fire Department 80/20 Grant Program**

Rural Fire 80/20 Reimbursement Pass-through Grants awarded to certified rural fire departments serving communities under 10,000 in population. Funding limits per application are \$30,000 of state appropriated funds for construction and \$20,000 for fire equipment. **Justification:** Fire departments awarded these grants can fulfill a critical public safety function by purchasing firefighting equipment and/or build, remodel, or expand fire stations.

**FY 25 - \$8,414,550.00 Fire Department Operational Grants**

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

**FY 25 - \$60,000 Geographical Information System Software Licensing**

Purchase ESRI ArcGIS Online Licenses (Federal Grant) – **Justification:** This allows the OFS Incident Management Team and fire personnel to utilize ArcGIS On-Line (AGOL) which gives our firefighters real-time wildland fire data exchange. Data collected from the AGOL Field Maps application gives firefighters a tactical advantage while fighting fires and increases overall firefighter and public safety.

**FY25 - \$24,750 EC Area Utility Costs**

Electric, phone/internet, utilities (natural gas, water, trash service, sewer, propane, etc..) for the following offices: East Central Area offices in Wilburton and Talihina. **Justification** Above is a necessary expenditure to operate the offices and communications infrastructure. The operation of these offices and radio repeaters is crucial to maintain emergency response radio communication, as well as serve as a location for Forest Rangers to maintain equipment so they can perform their assigned duties.

**FY25 - \$110,000 EC Area Equipment / Building Repair Costs**

Equipment repair for mowers, ATV's, UTV's, dozers, and trailers, tractors, chain saws, blowers, and building maintenance/repair at all East Central Area facilities including but not limited to gravel, HVAC system, roof repairs, & etc. **Justification:** Above is a necessary expenditure so we can keep our firefighting equipment/machinery fire ready. Without these funds, our Forest Rangers would not be able to respond to wildfires when their equipment needs repaired. This money will also go towards the upkeep of our lawnmowers and trailers.

**LABORATORY SERVICES**

**FY24 - \$35,000.00 – Service Contract**

**Correction to purchase amount**

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 - \$18,000.00 – Service Contract**

**Correction to purchase amount**

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 - \$65,000.00 – LIMS System**

Purchase of an updated phased based LIMS Database System for the General Chemistry Lab to include moving current data to the cloud, attaching lab instrumentation to system and licensing.

**Justification:** Current LIMS system for the Laboratory is out of date and no longer supported by the vendor, without an updated LIMS system it is possible for the system to fail and testing would be delayed and Division would have to fall back to written format which will cause a delay in the output of results.

(To be purchased by Consumer Protection Service and Administration)

**FY24 - \$6,060.00 – PTU Environmental Readers**

Purchase of PTU Environmental Readers for humidity/temperature monitoring for the Bureau of Standards.

**FY25 - \$8,000.00 – Dairy Farmers of America Inc.**

**Correction to purchase amount**

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

**MARKET DEVELOPMENT**

FY2024 – Printing services – Agritourism map - \$17,070.21

FY2024 – Agritourism and Farmers Market Aluminum signage - \$13,705.11

FY2025 – Taste Advisor – wine trails app - \$38,000.00

Justification: Taste Advisor is the company that we use to develop, support, and maintain our Wine Trails App. As the digital age and reliance on apps, phones, social media etc. continues to prosper, it's important we keep up the digital version of our printed wine trails program. Taste Advisor works with us to improve their app and by 2025 we will have our Wine Trails passport program digitally integrated into our already established app. If the proposed partnership is not funded, we will lose maintenance of our app and therefore all the work that has gone into developing our program will be lost. Additionally, the new updates and improvements will not be completed and our forward progress and goals for the Wine Trails program will not come to fruition.

FY2025 – Urban Agrarian - Healthy Food Finance Grant - \$10,000.00

FY2025 – Osage Nation - Healthy Food Finance Grant - \$9,988.00

FY2025 – OK Roots - Healthy Food Finance Grant - \$7,000.00

FY2025 – Tulsa County Public Facilities Authority – 2024 Tulsa State Fair – Made in Oklahoma booths - \$25,616.00

Justification: ODAFF contracts with the Tulsa County Public Facilities Authority for the purpose

of providing a Made in Oklahoma Exhibit in the Exchange Center during the Tulsa State Fair. ODAFF sublets booth spaces within this exhibit area to MIO companies. The MIO Exhibit at the Tulsa State Fair is a rare opportunity for new MIO companies to introduce their products to an average of over 1 million potential customers. The average number of companies impacted each year is around 40 companies. The event falls within the purpose of the MIO Program which is to assist local agricultural companies in collectively promoting brand awareness and consumer loyalty for Oklahoma products through cooperative marketing activities. If this proposed expense is not approved, there will not be a labeled MIO exhibit at the Tulsa State Fair. The economic impact to the MIO companies intending to participate in this Exhibit will potentially lose thousands of dollars in sales during the 11-day event held each year.

**WILDLIFE SERVICES**

\$ 20,000.00 - ODAFF Wildlife Services is requesting approval for the City of Norman Cooperative Agreement regarding the control of wildlife for the City.

\$106,500.00 - ODAFF Wildlife Services is requesting approval for fuel and hangar rent for the five (5) Federal helicopters for FY24 that is used in the state’s aerial control of wildlife. The breakdown is as follows:

- \$55,000 for Fuel
- \$37,545 Hangar Rent

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

\$44,500 - ODAFF Wildlife Services is requesting approval to purchase 2023 Ford F150 Crew Cab 4x4 truck. This is a replacement of a fleet vehicle that has high mileage, is experiencing transmission issues and will used for Payne and Pawnee counties. Not approving will result in excessive vehicle repairs and high mileage.

**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  
June 6, 2024

**Consideration and Proposed Action on Cases Resolved by Stipulation:**

**Agricultural Environmental Management Services**

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Kenneth Hauenstein	OGC-23-1392	AEMS	\$100.00
Randal Vaugh	OGC-24-154	AEMS	\$110.00

**Consumer Protection Services**

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
AAA Landscape & Irrigation	OGC-23-235	CPS	\$1,500.00
D.O.A. Termite & Pest Control, LLC	OGC-24-66	CPS	\$1,500.00
Earth Enterprises	OGC-24-227	CPS	\$1,500.00
Farmers Coop Exchange	OGC-24-189	CPS	\$1,500.00
Arthur Graves	OGC-23-1464	CPS	\$1,000.00
Jays Lawn B Green and Pest Control, LLC	OGC-24-94	CPS	\$1,000.00
Orkin	OGC-24-96	CPS	\$2,500.00
Orkin, LLC	OGC-24-60	CPS	\$3,000.00
Plane Cents Aviation, LLC	OGC-24-78	CPS	\$500.00
Standlee Premium Products	OGC-24-57	CPS	\$1,200.00
Stillwater Milling Company	OGC-24-63	CPS	\$900.00
West Wind Spraying, LLC	OGC-24-205	CPS	\$750.00

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

**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>
Angela Forrest	OGC-23-495	AEMS	\$200.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Family Dollar	OGC-24-33	CPS	\$2,500.00
Carl Fletcher	OGC-24-93	CPS	\$1,500.00
Steve Lusk	OGC-24-188	CPS	\$750.00
Southeast Pest Control	OGC-24-56	CPS	\$2,000.00

**Food Safety Division**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Joel Skip Mitchell	OGC-23-1264	FSD	\$14,100.00





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

**v. KENNETH HAUENSTEIN**

**Case File No. OGC-23-1392**

**Kenneth Hauenstein  
Box 1151  
Pryor, OK 74362**

**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. )

KENNETH HAUENSTEIN )  
BOX 1151 )  
PRYOR, OK 74362 )

RESPONDENT. )

**FILED**  
APR 19 2024  
STATE BOARD OF AGRICULTURE

Case No: OGC-23-1392

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:

Kenneth Hauenstein  
Signature

Kenneth Hauenstein  
Printed Name and Title:

Date: 3-10-24



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(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 23 day of Jan., 2021 a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

KENNETH HAUENSTEIN  
BOX 1151  
PRYOR, OK 74362



---

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-23-1392**

**KENNETH HAUENSTEIN )  
BOX 1151 )  
PRYOR, OK 74362 )**

**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. Randal Vaugh**

**Case File No. OGC-24-154**

**RANDAL VAUGH  
64441 S. 4710 RD  
WESTVILLE, OK 74965**

**Summary of Facts:** The Agriculture Environmental Management Services AEMS Division of the Department sent Respondent a renewal notice for the Poultry Feeding Operation (PFO) Registration. A second notice was sent via email. The Respondent failed to submit his annual renewal registration and fee.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 10-9.4(A) and 10-9.8 by failing to register his poultry feeding operation and pay the renewal fee of Ten Dollars (\$10.00).

**Proposed Administrative Penalty:** The proposed penalty for this case was One Hundred Ten Dollars (\$110.00). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn





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 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 owning or operating a Poultry Feeding Operation.

16. Pursuant to the Oklahoma Poultry Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9 *et seq.*, ODAFF has authority to regulate persons who are poultry feeding operations.

17. That Act at Okla. Stat. Tit. 2 § 10-9.4(A) states: *“Every poultry feeding operation shall be required to register annually to operate pursuant to the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.”*

18. The Act at Okla. Stat. Tit. 2 § 10-9.8 states: *“Every application shall be accompanied by an annual registration fee of Ten Dollars (\$10.00), which is nonrefundable.”*

### **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 7, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a renewal notice of the Poultry Feeding Operation (PFO) Registration.

21. On or about November 7, 2023, the Department sent a second notice by email or mail.

22. On or about December 28, 2023, the Department sent a last reminder email about registration.

23. On or about January 11, 2024, the Department sent Respondent a Letter of Warning regarding their expired PFO, with a due date of January 31, 2024.
24. PFO annual registration is required by January 1 each year.
25. Each annual renewal registration shall be accompanied by a nonrefundable renewal fee of Ten Dollars (\$10.00).
26. Respondent failed to submit their annual renewal registration and fee.

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

27. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.4(A) and 10-9.8 by failing to register annually and pay the registration fee of ten dollars (\$10.00).

#### **ATTORNEY CONFERENCES**

28. 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).
29. 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.
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 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**

33. 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 Ten Dollar (\$110.00) administrative penalty and submittal of the annual registration.

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

34. 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**

35. 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**

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 One Hundred Ten Dollars (\$110.00).

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 submit your missing reports, updated NMP, 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 18<sup>TH</sup> 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 18 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**RANDAL VAUGH  
64441 S. 4710 RD  
WESTVILLE, OK 74965**

*GA B*

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

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

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

**COMPLAINANT,** )

**v.** )

**RANDAL VAUGH  
64441 S. 4710 RD  
WESTVILLE, OK 74965** )

**RESPONDENT.** )

**Case No: OGC-24-154**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Ten Dollars (\$110.00) 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. AAA LANDSCAPE & IRRIGATION**

**Case File No. OGC-24-235**

**AAA LANDSCAPE & IRRIGATION**

**11811 N. WESTERN AVE.**

**OKLAHOMA CITY, OK 73089**

**Summary of Facts:** An investigator conducted a use inspection in Oklahoma City, OK. This inspection revealed that Respondent's employees were making an ornamental and turf application. Respondent does not have a commercial pesticide applicator license.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), 2 O.S. §3-86(A)(16), and O.A.C. 35:30-17-25(b) by making commercial pesticide applications without a license and allowing noncertified employees to make applications without a certified applicator on site.

**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**  
MAY 16 2024  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

AAA LANDSCAPE & IRRIGATION )  
11811 N. WESTERN AVE. )  
OKLAHOMA CITY, OK 73089 )

RESPONDENT. )

Case Nos: OGC-24-235

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Fifteen** <sup>4</sup> **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:

R. David Couch  
Signature

R. David Couch, Pres.  
Printed Name and Title:

Date: 5/14/24



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, 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.

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 March 18, 2024, the Consumer Protective Services Division of the Department conducted a use inspection.

19. During this investigation, our inspector found that your company license expired on December 31, 2019.

20. Our inspector observed your employees making an ornamental and turf application at 5700 N. Portland Ave. in Oklahoma City, OK. Neither one of these individuals could provide a certification to our inspector during this inspection.

21. Our inspector spoke with you over the phone, and you stated that pre-emergent and 3-way herbicide was being applied.

22. Making commercial pesticide applications without a license and allowing noncertified employees to make applications without a certified applicator on site are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), 2 O.S. §3-86(A)(16), and 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 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), 2 O.S. §3-86(A)(16), O.A.C. 35:30-17-25(b) which are listed 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.”

- 2 O.S. §3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”
- O.A.C. 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 **Fifteen Hundred Dollars (\$1500.00)**.

#### **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.

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 **Fifteen Hundred Dollars (\$1500.00)**.

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 19th day of April, 2024.

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

*Kiersten Hamill*

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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 22 day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**AAA LANDSCAPE & IRRIGATION  
11811 N. WESTERN AVE.  
OKLAHOMA CITY, OK 73089**



\_\_\_\_\_  
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 Nos: OGC-24-235**

**AAA LANDSCAPE & IRRIGATION )  
11811 N. WESTERN AVE. )  
OKLAHOMA CITY, OK 73089 )**

**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

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

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



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

**v. D.O.A. TERMITE & PEST CONTROL LLC**

**Case File No. OGC-24-66**

**D.O.A. TERMITE & PEST CONTROL LLC  
31165 POTTAWATOMIE RD.  
WANETTE, OK 74878**

**Summary of Facts:** An investigator conducted a use inspection in Noble, OK. This inspection revealed that Respondent was advertising pest control services prior to obtaining a license. Additionally, the Respondent displayed a license number on the applicator vehicle that does not exist.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(9), and 2 O.S. § 3-86(A)(13) by advertising, making commercial pesticide applications without a license, and falsely displaying a commercial applicator license number.

**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

**FILED**  
MAY 02 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. )  
 )  
D.O.A. TERMITE & PEST CONTROL LLC )  
31165 POTTAWATOMIE RD. )  
WANETTE, OK 74878 )  
 )  
RESPONDENT. )

Case No: OGC-24-66

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:

Dustin Lacey  
Signature

Dustin Lacey Owner  
Printed Name and Title:

Date: 5, 2, 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. )

D.O.A. TERMITE & PEST CONTROL LLC )  
31165 POTTAWATOMIE RD. )  
WANETTE, OK 74878 )

RESPONDENT. )

Case No: OGC-24-66

**FILED**  
FEB 27 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, in Noble, 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 23<sup>rd</sup> day of September 2023, the Consumer Protection Services Division of the Department conducted a use inspection in Noble, OK.

19. During this inspection, our inspector observed your advertisement on a power line pole in Noble, OK. Our inspector documented your website where you are advertising pest control. One of the pictures on your website is of a car with your company name and company license number Lic-2780 on the side.

20. ODAFF records show that your company received a license on December 28, 2023, with the license number 10001.

21. Advertising, making commercial pesticide applications without a license, and falsely displaying a commercial applicator license number are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(9), and 2 O.S. § 3-86(A)(13).

### **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. § 3-82(A)(1), 2 O.S. § 3-86(A)(9), and 2 O.S. § 3-86(A)(13) which are all stated below:

- 2 O.S. §3-82(A)(1): “(A) LICENSE REQUIRED: (1) It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.”
- 2 O.S. §3-86(A)(9): “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: (9) Advertising or offering to

perform in a category of pesticide application for which no license is held or under a name for which no license is held.”

- 2 O.S. §3-86(A)(13): “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: (13) Falsely stating that a person is employed by or represents another person.”

#### **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 26th 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  
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 27 day of Feb., 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

D.O.A. TERMITE & PEST CONTROL LLC  
31165 POTTAWATOMIE RD.  
WANETTE, OK 74878



\_\_\_\_\_  
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-24-66**

**D.O.A. TERMITE & PEST CONTROL LLC )  
31165 POTTAWATOMIE RD. )  
WANETTE, OK 74878 )**

**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

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

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

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

**v. EARTH ENTERPRISES**

**Case File No. OGC-24-227**

**EARTH ENTERPRISES  
P.O BOX 1918  
CATOOSA, OK 74015**

**Summary of Facts:** An investigator conducted a use inspection at Respondent's business in Catoosa, OK. The investigation revealed that Respondent's company license had expired in 2021. Additionally, Respondent's application vehicle did not have the license number on it.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), 2 O.S. §3-86(A)(16), and O.A.C. 35:30-17-15 by making commercial pesticide applications without a license and having an improperly marked application vehicle.

**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 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 Nos: OGC-24-227

EARTH ENTERPRISES )  
P.O BOX 1918 )  
CATOOSA, OK 74015 )

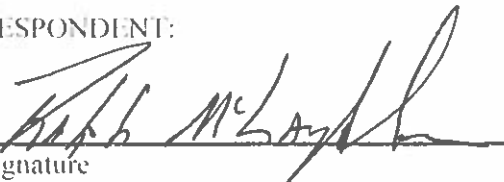
RESPONDENT. )

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

  
Printed Name and Title:

Date: APRIL 17 2024



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.

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 March 11, 2024, the Consumer Protective Services Division of the Department conducted a use inspection.

19. During this investigation, our inspector found that your company license had expired on December 31, 2021.

20. Our inspector observed your application vehicle parked at your business location; your application vehicle displayed your company name but did not have your license number on it.

21. Our inspector spoke with you over the phone about your expired license, and you informed him that you were unaware that your license was expired.

22. Making commercial pesticide applications without a license and having an improperly marked application vehicle are violations of the Oklahoma Combined Pesticide Law & Rules,



specifically 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), 2 O.S. §3-86(A)(16), and O.A.C. 35:30-17-15.

**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(A), 2 O.S. §3-86(A)(15), 2 O.S. §3-86(A)(16), O.A.C. 35:30-17-15 which are listed 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.”

- 2 O.S. §3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”
- O.A.C. 35:30-17-15: “All vehicles, including nurse tanks and self-propelled ground applicators, used by a commercial applicator during the conduct of business shall be identified by displaying the name and license number of the licensee. The display shall be on both sides of the vehicle in letters not less than two (2) inches in height.”

**PRAYER FOR RELIEF**

24. The Department is seeking an administrative penalty in the amount of **Fifteen Hundred Dollars (\$1500.00)**.

### **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.

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 **Fifteen Hundred Dollars (\$1500.00)**.

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 8th day of April, 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 12 day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**EARTH ENTERPRISES  
P.O BOX 1918  
CATOOSA, OK 74015**



---

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 Nos: OGC-24-227**

**EARTH ENTERPRISES )  
P.O BOX 1918 )  
CATOOSA, OK 74015 )**

**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

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

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

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

**v. FARMERS COOP EXCHANGE**

**Case File No. OGC-24-189**

**FARMERS COOP EXCHANGE**

**200 8TH ST.**

**BESSIE, OK 73622**

**Summary of Facts:** An investigator conducted an applicator facility and use inspection in Bessie, OK. The investigation revealed that Respondent's employee, who was fumigating a grain bin, was not a certified applicator and that Respondent is only licensed in the agriculture plant category. Respondent was using Hydrogen Phosphide, which is a restricted use pesticide requires that the person applying it be a certified applicator or be under the direct supervision of a certified applicator.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(9), 2 O.S. § 3-86(A)(13), 2 O.S. § 3-86(A)(15) and 2 O.S. § 3-86(A)(16) by applying a pesticide in a manner inconsistent with the product label, applying a restricted use product without license and certification, and providing a false applicator identification number.

**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 11 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-24-189

FARMERS COOP EXCHANGE )  
200 8TH ST. )  
BESSIE, OK 73622 )

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:

Randy Wanzers  
Signature

Randy Wanzers Manager  
Printed Name and Title:

Date: 4-8-24

**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. )**

**FARMERS COOP EXCHANGE )  
200 8TH ST. )  
BESSIE, OK 73622 )**

**RESPONDENT. )**

**Case No: OGC-24-189**

**FILED**  
MAR 26 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 Bessie, 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 November 8, 2023, an applicator facility and use inspections were performed by the Consumer Protection Services Division of the Department in Bessie, OK.

19. During this inspection, our inspector viewed your fumigation records. One record showed that on July 16, 2023, your employee Sean Wanzer fumigated a grain bin using Hydrogen Phosphide. The certified applicator (CA) number listed on the records for Mr. Wanzer was 30684. The name associated with this CA number did not match Mr. Wanzer.

20. Upon further investigation our inspector found that Mr. Wanzer is not a certified applicator, and your location is only licensed in the agriculture plant category.

21. The ingredient Hydrogen Phosphide is a restricted use pesticide in which the product label and ODAFF require that the person applying it be a certified applicator or be under the direct supervision of a certified applicator.

22. Applying a pesticide in a manner inconsistent with the product label, applying a restricted use product without license and certification, and providing a false applicator identification number are violations of the Oklahoma Combined Pesticide Laws & Rules, specifically 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(9), 2 O.S. § 3-86(A)(13), 2 O.S. § 3-86(A)(15) and 2 O.S. § 3-86(A)(16).

#### **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(A)(1), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(9), 2 O.S. § 3-86(A)(13), 2 O.S. § 3-86(A)(15) and 2 O.S. § 3-86(A)(16) which are all stated below:

- 2 O.S. §3-82(A)(1): “A. LICENSE REQUIRED - 1. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.”
- 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.”

- 2 O.S. §3-86(A)(9): “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: (9) Advertising or offering to perform in a category of pesticide application for which no license is held or under a name for which no license is held.”
- 2 O.S. §3-86(A)(13): “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: (13) Falsely stating that a person is employed by or represents another person.”

- 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.”
- 2 O.S. §3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid

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

#### **PRAYER FOR RELIEF**

24. The Department is seeking an administrative penalty in the amount of **Fifteen Hundred Dollars (\$1500.00)**.

#### **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 **Fifteen Hundred Dollars (\$1500.00)**.

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 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 24 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 EXCHANGE  
200 8TH ST.  
BESSIE, OK 73622



\_\_\_\_\_  
Gina Blaylock



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

**v. ARTHUR GRAVES**

**Case File No. OGC-23-1464**

**ARTHUR GRAVES  
306 APACHE TRAIL  
BURNS FLAT, OK 73624**

**Summary of Facts:** An investigator conducted a use inspection in Elk City, OK. The investigation revealed that Respondent performed an herbicide application at Midwest Farm Supply in Elk City. Respondent does not have a business license and is not a certified applicator.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), and 2 O.S. §3-86(A)(16) by operating commercially without a license and certification.

**Proposed Administrative Penalty:** The proposed penalty for this case was One Thousand Dollar (\$1,000.00). 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 15 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-23-1464

ARTHUR GRAVES )  
306 APACHE TRAIL )  
BURNS FLAT, OK 73624 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollar (\$1,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298

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

RESPONDENT:

  
Signature

Arthur C Graves - owner  
Printed Name and Title:

Date: 4-12-24

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
APR 14 2024  
1<sup>ST</sup> DISTRICT OF AGRICULTURE

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

COMPLAINANT, )

v. )

ARTHUR GRAVES )  
306 APACHE TRAIL )  
BURNS FLAT, OK 73624 )

RESPONDENT. )

Case No: OGC-23-1464

**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 11<sup>th</sup> day of July 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 Burns Flat, 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 March 2023, the Consumer Protective Services Division of the Department conducted a use inspection in Elk City, OK.

19. During this inspection, our inspectors observed your application vehicle parked at Midwest Farm Supply in Elk City. This vehicle had approximately 100 gallons of mix in a 200-gallon spray tank mounted on a trailer.

20. The agitator pump was running and agitating the tank mix.

21. Our inspector inquired what was in the tank and you told them Mad Dog, Pendulum Aquacap, and MSM Turf were in the mix.

22. Our inspector informed you that you were under several stop-work orders until you obtained the proper licensing to which you told him that you were supporting your family and would not stop.

23. A sample of the tank mix determined that there was Glyphosate, Pendimethalin, and Metsulfuron were detected.

24. Again, this is a stop-work order until you are licensed to make commercial applications.

25. Operating commercially without a license and certification is a violation of Oklahoma Statutes.

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

26. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), and 2 O.S. §3-86(A)(16) which are stated below:

- 2 O.S. §3-82(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.”

- 2 O.S. §3-86(A)(16): “16. Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”

#### **ATTORNEY CONFERENCES**

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.

#### **PRAYER FOR RELIEF**

33. 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 (\$1,000.00)** administrative penalty.

#### **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 **One Thousand Dollar (\$1,000.00)**.

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 3rd day of April, 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 4<sup>th</sup> day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

ARTHUR GRAVES  
306 APACHE TRAIL  
BURNS FLAT, OK 73624



\_\_\_\_\_  
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-23-1464**

**ARTHUR GRAVES )  
306 APACHE TRAIL )  
BURNS FLAT, OK 73624 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollar (\$1,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

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

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

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

**v. JAYS LAWN B GREEN AND PEST CONTROL LLC**

**Case File No. OGC-24-94**

**JAYS LAWN B GREEN AND PEST CONTROL LLC  
P.O. BOX 507  
OKEMAH, OK 74859**

**Summary of Facts:** An investigator conducted a complaint investigation at Okemah Public School's gymnasium. The investigation revealed that Respondent was hired to perform a termite treatment for the school gymnasium. At the time of the treatment, Respondent did not have a license for the structural pest category. Additionally, Respondent's business license had expired prior to the treatment.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(9), and 2 O.S. § 3-86(A)(15) by performing commercial pesticide applications without a business license and a category license.

**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







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 Okemah, 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 May 25, 2023, a complaint investigation was performed by ODAFF at Okemah Public School.

19. During this investigation, our inspector met with the school administration who informed ODAFF that your company was hired for pest control and performed a termite treatment to the school gymnasium.

20. The school provided our inspector with copies of invoices for the termite job dated February 23, 2023. One of the invoices was in your company's name and the other invoice was in your employee Carl Fletcher's name.

21. At the time of this treatment Mr. Fletcher was a certified applicator in the structural pest category, but he was listed as a service technician for your company.
22. Your company's business license expired in February of 2023, and our records show that you renewed your 2023 license on June 2, 2023.
23. As of today, our records show that you are not licensed in the structural pest category.
24. Performing commercial pesticide applications without a business license and a category license are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(9), and 2 O.S. § 3-86(A)(15).

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

25. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(9), and 2 O.S. § 3-86(A)(15) which are all stated below:

- 2 O.S. §3-82(A)(1): "A. LICENSE REQUIRED - 1. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged."
- 2 O.S. §3-86(A)(9): "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: (9) Advertising or offering to perform in a category of pesticide application for which no license is held or under a name for which no license is held.”

- 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.”

#### **PRAYER FOR RELIEF**

26. The Department is seeking an administrative penalty in the amount of **One Thousand Dollars (\$1000.00)**.

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

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

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

**ENFORCEMENT OF JUDGMENTS**

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

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1000.00)**.

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 9th day of April, 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 9th day of April, 2024, a true and correct copy of the forgoing instrument was emailed, as follows:

JAYS LAWN B GREEN AND PEST CONTROL LLC  
[jayashley504@att.net](mailto:jayashley504@att.net)

*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-24-94**

**JAYS LAWN B GREEN AND PEST )  
CONTROL LLC )  
P.O. BOX 507 )  
OKEMAH, OK 74859 )**

**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. ORKIN**

**Case File No. OGC-24-96**

**ORKIN  
3620 S. MOULTON DR.  
OKLAHOMA CITY, OK 73179**

**Summary of Facts:** An investigator conducted a complaint investigation in Seminole, OK. The investigation revealed that Respondent's employee performed a pest inspection on this residence, during which a bid of more than \$20,000 was given to remove and replace the insulation in the attic. ODAFF sent a request for the inspection report, and the report provided did not match the report the owner provided. Additionally, Respondent's employee was not a service technician or certified applicator.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A)(1) and 2 O.S. § 3-83(A) by performing pest inspections and making treatment recommendations without certification or direct supervision and providing altered records to ODAFF.

**Proposed Administrative Penalty:** The proposed penalty for this case was Twenty-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

**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-24-96

ORKIN )  
3620 S. MOULTON DR. )  
OKLAHOMA CITY, OK 73179 )

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.**

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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 Seminole, 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 November 29, 2023, a complaint investigation was performed by ODAFF at 1023 Sterling Drive in Seminole, OK.

19. During this investigation, our inspector found that your employee, Daniel Hicks, performed a pest inspection on this residence on August 24, 2023, during which a bid of more than \$20,000 was given to remove and replace the insulation in the attic with OrkinTherm Insulation due to the number of rodent droppings and urine on the existing insulation.

20. OrkinTherm Insulation is a registered pesticide product.

21. The inspection report provided by the owner of the property has a personal recommendation from Mr. Hicks to perform the insulation remediation.



22. ODAFF sent your office a request for the inspection report, and you supplied our office with a copy of the report. The report you provided our office did not match the report the owner provided because the recommendation from Mr. Hicks was removed on the report you provided.

23. Additionally, performing inspections to determine a planned approach for a customer's pest control is considered conducting business and can only be performed by a service technician or certified applicator. ODAFF's records show that Daniel Hicks has never been a service technician nor certified applicator.

24. Performing pest inspections and making treatment recommendations without certification or direct supervision and providing altered records to ODAFF are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A)(1) and 2 O.S. § 3-83(A).

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

25. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-82(A)(1) and 2 O.S. § 3-83(A) which are stated below:

- 2 O.S. §3-82(A)(1): "A. LICENSE REQUIRED - 1. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged."
- 2 O.S. §3-83(A): "A. Every commercial and noncommercial applicator shall keep accurate records pertaining to pesticide activities, applications, and wood infestation reports, as required by the State Board of Agriculture. The records of the applicator shall be kept intact at the principal business location in this state for

at least two (2) years after their date of expiration and copies shall be furnished to any authorized agent of the Board, immediately upon request in person, at any time during the regular business hours of the applicator. Copies of records shall be furnished to any authorized agent of the Board within seven (7) working days of a written request, in summary form, by mail, fax, e-mail, web site, or any other electronic media customarily used.”

#### **PRAYER FOR RELIEF**

26. The Department is seeking an administrative penalty in the amount of **Twenty-Five Hundred Dollars (\$2500.00)**.

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

#### **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 **Twenty-Five Hundred Dollars (\$2500.00)**.

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 12th 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:

ORKIN  
3620 S. MOULTON DR.  
OKLAHOMA CITY, OK 73179

*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. )**

**Case No: OGC-24-96**

**ORKIN )  
3620 S. MOULTON DR. )  
OKLAHOMA CITY, OK 73179 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Twenty-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. ORKIN LLC**

**Case File No. OGC-24-60**

**ORKIN LLC  
45 NE. 51st St.  
OKLAHOMA CITY, OK 73105**

**Summary of Facts:** An investigator conducted a use inspection in Oklahoma City, OK. The investigation revealed that Respondent's employee performed a general pest application at 3131 N. Pennsylvania Ave. in Oklahoma City, OK. Respondent's employee is not a certified applicator or service technician does not have a business license and is not a certified applicator.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-86(A)(16) and O.A.C. 35:30-17-25(B) by making a commercial pesticide application without certification or without being under the direct supervision of a certified applicator.

**Proposed Administrative Penalty:** The proposed penalty for this case was Three Thousand Dollars (\$3000.00). 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 17 2024  
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF )  
AGRICULTURE, FOOD, AND FORESTRY, )  
BY AND THROUGH THE )  
OFFICE OF GENERAL COUNSEL )  
 )  
COMPLAINANT, )  
v. )  
 )  
ORKIN LLC )  
45 NE. 51<sup>st</sup> STREET )  
OKLAHOMA CITY, OK 73105 )  
 )  
RESPONDENT. )

Case No: OGC-24-60

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

*FLOYD WAGES BRANCH MANAGER*  
\_\_\_\_\_  
Printed Name and Title:

Date: 04-16-24



**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. )

**ORKIN LLC )  
45 NE. 51<sup>st</sup> STREET )  
OKLAHOMA CITY, OK 73105 )**

**RESPONDENT. )**

**Case No: OGC-24-60**

**FILED**  
APR 15 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.**

---

<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 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 11<sup>th</sup> day of August 2023, the Consumer Protection Services Division of the Department conducted an applicator facility and use inspection in Oklahoma City, OK.

19. During this inspection, our inspector met with branch manager Floyd Wages and reviewed application records for your employee Nicholas Franco.

20. An application record dated August 1, 2023, shows that Mr. Franco made a general pest application at 3131 N. Pennsylvania Ave. in Oklahoma City, OK.

21. Mr. Franco is not a certified applicator or service technician.

22. Mr. Wages informed our inspector that Edward Blake supervises the new employees. Mr. Blake is a service technician and cannot supervise the application of a non-service technician.

23. ODAFF records show that Nicholas Franco is currently not a certified applicator or service technician.

24. 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 2 O.S. § 3-86(A)(16) and O.A.C. 35:30-17-25(B).

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

25. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(16) and O.A.C. 35:30-17-25(B) which are all stated below:

- 2 O.S. §3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”
- 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**

26. The Department is seeking an administrative penalty in the amount of **Three Thousand Dollars (\$3000.00)**.

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

**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 **Three Thousand Dollars (\$3000.00)**.

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 23rd day of February, 2024.

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

*Kiersten Hamill*

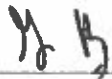
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Teena G. Gunter, General Counsel, OBA #17767  
James Rucker, Deputy G. Counsel, OBA #14574  
Wendi Morse, OBA #33571  
Kiersten Hamill, OBA #33187  
Abbie Wilburn, OBA #33641  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5803  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 15 day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

ORKIN LLC  
45 NE. 51st St.  
OKLAHOMA CITY, OK 73105

  
\_\_\_\_\_  
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-24-60**

**ORKIN LLC** )  
**45 NE. 51<sup>st</sup> STREET** )  
**OKLAHOMA CITY, OK 73105** )  
)

**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. PLANE CENTS AVIATION LLC**

**Case File No. OGC-24-78**

**PLANE CENTS AVIATION LLC  
3388 LAWRENCE 1070  
MILLER, MO 65707**

**Summary of Facts:** An investigator conducted a complaint investigation at the McGee Creek State Park in Atoka, OK. This inspection revealed that Respondent applied Grazon P+D and Remedy to a pasture for Pine Springs Ranch during 5-7 mph winds. The wind was blowing towards the state park during Respondent's applications and the product used was found on a vegetative sample from McGee Creek State Park. According to our investigation Respondent's application resulted in an off-target movement/drift onto McGee Creek State Park's property.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-86(A)(3) allowing a pesticide product to drift off target.

**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**

APR 10 2024

STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

PLANE CENTS AVIATION LLC )  
3388 LAWRENCE 1070 )  
MILLER, MO 65707 )

RESPONDENT. )

Case No: OGC-24-78

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

Kiman Kingsley - owner  
Printed Name and Title:

Date: 4-3-2024

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. )  
 )  
PLANE CENTS AVIATION LLC )  
3388 LAWRENCE 1070 )  
MILLER, MO 65707 )  
 )  
RESPONDENT. )

Case No: OGC-24-78

STATE BOARD OF AGRICULTURE  
MAR 27 2024

**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 11<sup>th</sup> day of July 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 Atoka, Oklahoma.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

### **ALLEGATIONS OF FACT**

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

18. On or about the 19<sup>th</sup> day of October 2023, the Consumer Protection Services Division of the Department conducted complaint investigation at the McGee Creek State Park in Atoka, OK.

19. During this investigation, our inspector noted the trees on McGee Creek State Park's property along South Farris Road showed signs of herbicide effects on their east sides.

20. According to your application records on June 2<sup>nd</sup> and June 3<sup>rd</sup> of 2023, you applied Grazon P+D and Remedy to a pasture for Pine Springs Ranch during 5-7 mph winds.

21. The Lane OK Mesonet Weather Station recorded the winds averaging 5 mph from the east southeast on the days you made your applications. The wind was blowing towards the state

park during your applications, and it did not appear that a buffer was left on the north and west sides of your application area.

22. A vegetative sample was taken from the trees on McGee Creek State Park's property and Triclopyr and a trace amount of 2,4-D were detected in the sample. A vegetative sample was taken from your application area and Triclopyr was detected in the sample.

23. According to our investigation your application resulted in an off-target movement/drift onto McGee Creek State Park's property.

24. Allowing a pesticide product to drift off target is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(3).

**ALLEGED CONCLUSIONS OF LAW**

25. 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 is stated below:

- 2 O.S. §3-86(A)(3): "A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (3) A person has operated in a negligent manner, thereby causing a pesticide to drift off-target."

**PRAYER FOR RELIEF**

26. The Department is seeking an administrative penalty in the amount of **Five Hundred Dollars (\$500.00)**.

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

**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 **Five Hundred Dollars (\$500.00)**.

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 26th 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 27 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

Oklahoma Secretary of State  
Registered Agent for Plane Cents Aviation LLC  
2300 N Lincoln Blvd Ste. 101  
Oklahoma City, OK 73105-4897



\_\_\_\_\_  
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.** )  
**PLANE CENTS AVIATION LLC** )  
**3388 LAWRENCE 1070** )  
**MILLER, MO 65707** )  
 )  
**RESPONDENT.** )

**Case No: OGC-24-78**

**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. STANDLEE PREMIUM PRODUCTS**

**Case File No. OGC-24-57**

**STANDLEE PREMIUM PRODUCTS  
22349 KIMBERLY ROAD, STE. E  
EDEN, ID 83325**

**Summary of Facts:** An investigator conducted a standard package inspection for Standlee products at multiple locations. This inspection revealed the average was 2.156 lb. less than the marked net weight. On this date, there were 8 Maximum Allowed Variations. This was the third violation and a letter of warning was sent.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38(B)(1)(a) by selling, offering, or exposing for sale a quantity less than the quantity represented. A third violation following any twelve-month period in which no violation has been found will be assessed a penalty of One Hundred Fifty Dollars (\$150.00) per consumer item which results in an overcharge or potential overcharge.

**Proposed Administrative Penalty:** The proposed penalty for this case was One Thousand Two Hundred Dollars (\$1,200.00) (8 counts at \$150.00 per count). 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**  
MAY 03 2024  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case Nos: OGC: 24-57

STANDLEE PREMIUM PRODUCTS )  
22349 KIMBERLY ROAD, STE. E )  
EDEN, ID 83325 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Two Hundred Dollars (\$1,200.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT: *Standlee Premium Products, LLC*

By: *John D. Fitzgerald, Jr.*  
Signature

*John D. Fitzgerald, Jr., Vice President and General Counsel*  
Printed Name and Title:

Date: 4/29/24

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

# Standlee Premium Products, LLC.

22349 Kimberly Rd Ste E  
Kimberly ID 83341  
United States  
(208) 825-5117

WELLS FARGO BANK  
SAN FRANCISCO, CA

75515

one thousand two hundred and 00/100 US Dollar

4/26/2024

DATE

\$1,200.00

AMOUNT

### PAY TO THE ORDER OF

OKlahoma Dept of Agriculture  
PO Box 528804  
OKlahoma City OK 731528804  
United States



*PC*

⑆075515⑆ ⑆22000248⑆ 4846005304⑆

**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. )

**STANDLEE PREMIUM PRODUCTS** )  
**22349 KIMBERLY ROAD, STE. E** )  
**EDEN, ID 83325** )  
)  
)  
)

**RESPONDENT.** )

**FILED**  
APR 09 2024  
STATE BOARD OF AGRICULTURE

Case Nos: OGC-24-57

**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 the 11<sup>th</sup> day of July 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 selling weighted bags of feed Atwoods and Tractor Supply Co. stores located in Oklahoma.

16. Pursuant to 2 O.S. § 2-4 (A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agriculture Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(1)(a), it is unlawful for any person to sell, offer, or expose for sale a quantity less than the quantity represented.

### **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 August 17, 2023, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Atwoods in Mustang, OK. The inspection revealed the average was 1.486 lb. less than the marked net weight. On this date, there were 6 Maximum Allowed Variations. A letter of warning was sent.

20. On or about December 19, 2023, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Tractor Supply Co. in Sulphur, OK. The inspection revealed the average was 4.275 lb. less than the marked net weight.

On this date, there were 10 Maximum Allowed Variations. This was the second violation and a letter of warning was sent.

21. On or about January 18, 2024, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Atwoods in Chickasha, OK. This inspection revealed the average was 2.156 lb. less than the marked net weight. On this date, there were 8 Maximum Allowed Variations. This was the third violation and a letter of warning was sent.

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

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. § 14-38(B)(1)(a) by selling, offering, or exposing for sale a quantity less than the quantity represented. A third violation following any twelve-month period in which no violation has been found will be assessed a penalty of One Hundred Fifty Dollars (\$150.00) per consumer item which results in an overcharge or potential overcharge.

#### **ATTORNEY CONFERENCES**

23. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5803 or by email at [Kiersten.hamill@ag.ok.gov](mailto:Kiersten.hamill@ag.ok.gov).

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

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

#### **ENFORCEMENT PROCEEDINGS**

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

- a.) Administrative fines or penalties;

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

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

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

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

29. The provisions of the Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. § 501 *et seq.*, 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 Two Hundred Dollars (\$1,200.00) (8 counts at \$150.00 per count)**.

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 22nd 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 9 day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**REGISTERED AGENTS INC.  
STANDLEE PREMIUM PRODUCTS, LLC  
9905 S PENNSYLVANIA AVE  
OKLAHOMA CITY OK 73159**



\_\_\_\_\_  
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 Nos: OGC: 24-57**

**STANDLEE PREMIUM PRODUCTS )  
22349 KIMBERLY ROAD, STE. E )  
EDEN, ID 83325 )**

**RESPONDENT.**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Two Hundred Dollars (\$1,200.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

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

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

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

**v. Stillwater Milling Co.**

**Case File No. OGC-24-63**

**STILLWATER MILLING CO.  
PO BOX 2407  
STILLWATER, OK 74076**

**Summary of Facts:** An investigator conducted a standard package inspection at Stillwater Milling Co. in Stillwater, Oklahoma. 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. This is the 3<sup>rd</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 Nine Hundred Dollars (\$900.00)(6 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

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

COMPLAINANT, )

v. )

STILLWATER MILLING CO. )  
PO BOX 2407 )  
STILLWATER, OK 74076 )

RESPONDENT. )

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

Case No: OGC 24-63

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Nine Hundred Dollars (\$900.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RECEIVED**  
APR 17 2024  
ODAFF FINANCE

RESPONDENT:

Robert Scherder  
Signature

Robert Scherder / controller  
Printed Name and Title:

Date: 4-15-24

*[Handwritten signature]*  
4-18-24

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. )  
 )  
STILLWATER MILLING CO. )  
PO BOX 2407 )  
STILLWATER, OK 74076 )  
 )  
RESPONDENT. )

**FILED**  
APR 19 2024  
STATE BOARD OF AGRICULTURE

Case Nos: OGC 24-63

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on June 13, 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 selling weighted bags of feed under the business name of Stillwater Milling Co. located at PO Box, Stillwater, Oklahoma.

16. Pursuant to 2 O.S. § 2-4 (A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agriculture Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(1)(a), it is unlawful for any person to sell, offer, or expose for sale a quantity less than the quantity represented.

#### **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 August 30, 2023, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Stillwater Milling Co. in Stillwater, OK. The inspection revealed the average was .837 lb. less than the marked net weight. On this date, there were 9 Maximum Allowed Variations. A letter of warning was sent.

20. On or about January 18, 2024, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Stillwater Milling Co. in Stillwater, OK. The inspection revealed the average was .923 lb. less than the marked net

weight. On this date, there were 6 Maximum Allowed Variations. This was the second violation and a letter of warning was sent.

21. On or about February 1, 2024, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Stillwater Milling Co. in Stillwater, OK. This inspection revealed the average was .0552 lb. less than the marked net weight. On this date, there were 6 Maximum Allowed Variations. This was the third violation and a letter of warning was sent.

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

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. § 14-38(B)(1)(a) by selling, offering, or exposing for sale a quantity less than the quantity represented. A third violation following any twelve-month period in which no violation has been found will be assessed a penalty of One Hundred Fifty Dollars (\$150.00) per consumer item which results in an overcharge or potential overcharge.

#### **ATTORNEY CONFERENCES**

23. 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).

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

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

#### **ENFORCEMENT PROCEEDINGS**

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

- a.) Administrative fines or penalties;

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

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

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

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

29. The provisions of the Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. § 501 *et seq.*, 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 **Nine Hundred Dollars (\$900.00) (6 counts at \$150.00 per count)**.

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 8TH day of April, 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



# OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY STANDARD PACKAGE REPORT

CPS 138  
Rev 1/06

**Date:** 2/1/2024      **Inspection Number:** 24-JCB-0041

**Dealer:** AGN024633      **Distributor:** Stillwater Milling Company      **Packer:** AGN0071611  
Garber Coop      Stillwater Milling Co

910 JOHNSON

**Fairmont:** OK      **Stillwater:** OK      **74076:** Stillwater      **OK:** 74076-

**Manager:** Perry Johns      **Phone:** (580)358-2529      **County:** Garfield      **Description:** 3 ply paper bags

**Product:** 14% Special Creeper Pellets      **Brand:** A&M      **Retail Price:** \$0.00      **Labeled Quantity:** 50      **lb**

**Unit Measure:** 0.01 lb      **MAV Weight:** 0.5      **MAV Dimensionless Unit:** 50      **Lot Size:** 26

**Inspection Type:** Initial      **Sample Size:** 12      **Tare Sample Size:** 2      **Allowed Number of Errors:** 0

**Average Tare used:** 0.5      **Tare Correction:** 0      **Nominal Gross Wt:** 50.5

<b>Pkg Gross Wt</b> <u>51.56</u>	<b>Pkg Gross Wt</b> <u>51.12</u>
<b>Pkg Tare Wt</b> <u>.5</u>	<b>Pkg Tare Wt</b> <u>.5</u>
<b>Pkg Net Wt</b> <u>51.06</u>	<b>Pkg Net Wt</b> <u>50.62</u>
<b>Pkg Error:</b> <u>106</u>	<b>Pkg Error</b> <u>62</u>

Random #*	Minus	Plus	Exp Date	Lot Code	
1	0	106		N1204	
2	0	62			
5	193	0			
6	228	0			
8	0	115			
11	196	0			
13	0	68			
16	251	0			
19	167	0			
20	82	0			
21	0	89			
22	0	14			
<b>Total Minus:</b>	<u>1117</u>	<b>Total Plus</b>	<u>454</u>	<b>Total Error</b>	<u>-663</u>

2024 FEB - 8 A 10:51  
FEED OPS

**Total Error** -663      **Unreasonable Error** 0      **Avg Error Dimensionless** -55.3      **Avg Error** -0.5525

**Standard Deviation** 144.5      **Sample Correction Factor** 0.635      **Sample Error** 91.75660113

**Is Avg Error Dimensionless > Sample Error** No Lot Passes      **Results** Notice of Violation

**Remarks**

1 MAV found and set aside was package #5 weighing -114 with the MAV for this inspection being 50.

**Witness** Perry Johnson      **Inspector:** Joseph Baker      2-1-2024



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

**v. WEST WIND SPRAYING LLC**

**Case File No. OGC-24-205**

**RICHARD MASCARENAS  
WEST WIND SPRAYING LLC  
1003 E. ELM ST.  
STROUD, OK 74079**

**Summary of Facts:** An investigator conducted a use inspection at Park's Brothers Funeral Home. The investigation revealed that Respondent performed an herbicide application to the funeral home's lawn. Respondent's company does not have a business license.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(15) by making a commercial pesticide application without a license.

**Proposed Administrative Penalty:** The proposed penalty for this case was Seven Hundred Fifty Dollars (\$750.00). 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 11 2024  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case Nos: OGC-24-205

WEST WIND SPRAYING LLC )  
1003 E. ELM ST. )  
STROUD, OK 74079 )

RESPONDENT. )

STIPULATION

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

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

RESPONDENT:

Richard Mascarenas  
Signature

Richard Mascarenas OWNER  
Printed Name and Title:

Date: 04-09-2024

**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. )

**WEST WIND SPRAYING LLC  
1003 E. ELM ST.  
STROUD, OK 74079** )  
)  
)  
)  
)

**RESPONDENT.** )

**Case Nos: OGC-24-205**

**FILED**  
MAR 26 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 11<sup>th</sup> day of July 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.

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 February 20, 2024, the Consumer Protective Services Division of the Department conducted a use inspection at Park's Brothers Funeral Home.

19. During this investigation, our inspector met with Park's Brothers Funeral Home's employee Erin Bradley. Ms. Bradley showed our inspector an invoice from your company dated February 15, 2024, for an herbicide application to the funeral home's lawn.

20. ODAFF records show that you are certified in the ornamental and turf category, but your company does not have a license.

21. Making commercial pesticide applications without a license is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(15).

### **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. §3-82(A) and 2 O.S. §3-86(A)(15) which are listed 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.”

### **PRAYER FOR RELIEF**

23. The Department is seeking an administrative penalty in the amount of **Seven Hundred Fifty Dollars (\$750.00)**.

### **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.

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

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

**ENFORCEMENT OF JUDGMENTS**

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

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Seven Hundred Fifty Dollars (\$750.00)**.

37. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check



or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 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 \_\_\_\_\_ day of \_\_\_\_\_, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**RICHARD MASCARENAS  
WEST WIND SPRAYING LLC  
1003 E. ELM ST.  
STROUD, OK 74079**

\_\_\_\_\_  
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 Nos: OGC-24-205**

**WEST WIND SPRAYING LLC )  
1003 E. ELM ST. )  
STROUD, OK 74079 )**

**RESPONDENT.**

**STIPULATION**

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

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

RESPONDENT:

\_\_\_\_\_  
Signature

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

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



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

**v. ANGELA FORREST**

**Case File No. OGC-23-495**

**ANGELA FORREST  
16027 W. 710 RD.  
TAHLEQUAH, OK 74464**

**Summary of Facts:** The Agriculture Environmental Management Services AEMS Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Application (PWA) annual report for 2022. The Respondent failed to submit her PWA annual report for 2022. The AEMS Division sent the Respondent a Letter of Warning regarding their PWA annual report for 2023. The Respondent failed to submit her PWA annual report for 2023.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 10-9.18(A) by failing to file her PWA annual reports for 2022 and 2023.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Hundred Dollars (\$200.00). Respondent upon being served the Amended Notice of Violation, failed to appear in Court on May 9, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of Two Hundred Dollars (\$200.00).

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn



2. The Amended Notice of Violation (Exhibit 1) was delivered by certified mail on March 25, 2024. *See* certified mail receipt (Exhibit 2).

3. Hearing was set for 9th day of May 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 Amended Notice of Violation.

5. An administrative penalty in the amount of Two Hundred Dollars (\$200.00) 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 Amended Notice of Violation, which is incorporated by reference.

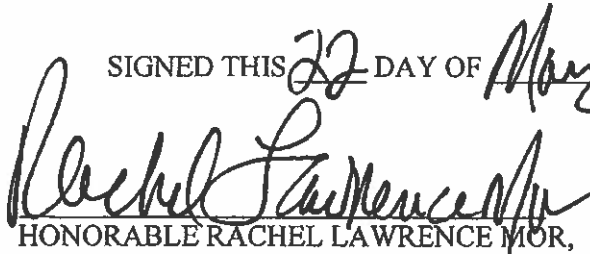
2. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

3. The Allegations of Fact and Conclusions of Law set forth in the attached Amended 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 Amended Notice of Violation filed in this matter on March 21, 2024, be adopted as a Final Order and all penalties imposed by the Amended Notice of Violation are incorporated herein and imposed on the Respondents.

SIGNED THIS 22 DAY OF May 2024.

  
HONORABLE RACHEL LAWRENCE MOR,  
ADMINISTRATIVE LAW JUDGE

Approved:

  
Abigail Wilburn, OBA #33641  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104

#### 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:

**ANGELA FORREST**  
**16027 W. 710 RD.**  
**TAHLEQUAH, OK 74464**

\_\_\_\_\_  
Gina Blaylock





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 Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9 *et seq.*, ODAFF has authority to regulate persons who are poultry feeding operations.

17. The Act at Okla. Stat. Tit. 2 § 10-9.3(A)(1) states: *“It shall be unlawful for any person to construct or operate a new poultry feeding operation without having first registered with the State Board of Agriculture.”*

18. The Act at Okla. Stat. Tit. 2 § 10-9.4(A) states: *“Every poultry feeding operation shall be required to register annually to operate pursuant to the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.”*

19. The Act at Okla. Stat. Tit. 2 § 10-9.8 states: *“Every application shall be accompanied by an annual registration fee of Ten Dollars (\$10.00), which is nonrefundable.”*

20. The Act at Okla. Stat. Tit. 2 § 10-9.7(J) states: *“Every poultry feeding operation shall file by September 1 of each year an annual report with the Department regarding all poultry waste removed from or land-applied by the facility for the period from July 1 of the previous year through June 30 of that year.”*

21. The Act at Okla. Stat. Tit. 2 § 10-9.7(C) states: *“Every poultry feeding operation shall have a Nutrient Management Plan . . .”* & (E)(1) *“Except as otherwise provided in this*

*subsection, a Nutrient Management Plan for every poultry feeding operation shall be renewed and an updated plan shall be submitted to the Oklahoma Department of Agriculture, Food, and Forestry every six (6) years from the date the initial or previous plan was submitted.”*

22. 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**

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

24. On or about March 17, 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.

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

26. The Warning was accompanied by a blank annual report for Respondent to submit along with a deadline of April 14, 2023.

27. Respondent failed to submit their PWA annual report for 2022.

28. 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.

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

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

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

### **ALLEGED CONCLUSIONS OF LAW**

32. 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**

33. 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).

34. 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.

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

### **ENFORCEMENT PROCEEDINGS**

36. 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.

37. 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**

38. 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 § 10-9.11(A)(1). In this case we are seeking a Two Hundred Dollar (\$200.00) administrative penalty and submission of the missing reports.

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

39. 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**

40. 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**

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

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

43. 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**

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

45. 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 18TH 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 21 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

ANGELA FORREST  
16027 W. 710 RD.  
TAHLEQUAH, OK 74464



---

GINA BLAYLOCK





91 7199 9991 7031 3274 2861

OGK-23-495

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

**v. FAMILY DOLLAR**

**Case File No. OGC-24-33**

**FAMILY DOLLAR  
30516 HIGHWAY 59  
WAYNE, OK 73095**

**Summary of Facts:** On November 29, 2023, a price verification inspection was performed by an ODAFF inspector at the Family Dollar in Wayne, Oklahoma. The inspection revealed that ten (10) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price. This is Respondent's fourth violation at the store located in Wayne, OK.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38(B)(2) by failing to accurately price ninety-five percent (95%) of all consumer items sampled.

**Proposed Administrative Penalty:** The proposed penalty for this case was Twenty-Five Hundred Dollars (\$2,500.00). (10 violations at \$250.00 per violation). Respondent failed to appear at the Pre-hearing and a Proposed Default Order was entered.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

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

**FILED**  
MAY 09 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 24-33**

**FAMILY DOLLAR )  
30516 HIGHWAY 59 )  
WAYNE, OK 73095 )**

**RESPONDENT. )**

**PROPOSED FINAL ORDER**

NOW on this 11<sup>th</sup> day of April 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Abigail Wilburn. Respondent appears not.

On the 11<sup>th</sup> day of April 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 9171999991703765251594 on February 12, 2024, to Family Dollar Corporation at 500 Volvo Parkway Chesapeake, VA 23320.

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 February 12, 2024. *See* certified mail receipt (Exhibit 2).

3. Hearing was set for 11th day of April 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 Twenty-Five Hundred Dollars (\$2,500.00) 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 February 7, 2024, 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 9<sup>th</sup> DAY OF May 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:

FAMILY DOLLAR CORPORATION  
ATTN: LEGALDEPARTMENT  
500 VOLVO PARKWAY  
CHESAPEAKE, VA 23320

  
\_\_\_\_\_

Gina Blaylock

# **Exhibit 1**





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 30516 Highway 59 Wayne, 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 fourth violation discovered within any twelve-month period will be assessed a penalty of One Hundred Fifty Dollars (\$250.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about November 8, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Wayne, Oklahoma. The inspection revealed that twenty-one (21) 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 February 27, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Wayne, Oklahoma. The inspection revealed that ten (10) 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 June 27, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Wayne, Oklahoma. The inspection revealed that nine (9) 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.

26. On or about November 29, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Wayne,

Oklahoma. The inspection revealed that ten (10) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

27. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a fourth violation of 2 O.S. § 14-38(J). A letter of warning was sent.

### **ALLEGED CONCLUSIONS OF LAW**

28. 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**

29. 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).

30. 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.

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

### **ENFORCEMENT PROCEEDINGS**

32. 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.

33. 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.

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

#### **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 **Twenty-Five Hundred Dollars (\$2,500.00)**. **(10 violations at \$250.00 per violation)**.

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 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 7 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 24-33**

**FAMILY DOLLAR )  
30516 HIGHWAY 59 )  
WAYNE, OK 73095 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Twenty-Five Hundred Dollars (\$2,500.00)** 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



INSPECTOR NUMBE 24-JPS-0030

DATE\* 11/29/2023

COUNTY McClain

LOCATION\*

CORPORATE

AGN NUMBER AGN0147272

AGN NUMBER

Family Dollar

30516 Highway 59

Wayne

OK 73095-

MANAGER

INSPECTION TYP Followup

Original Insp# 23-JPS-001

TELEPHONE\* (405) 335-0273

Other Store Type

ITEM STATUS

NON-SALE

TYPE OF STORE FOOD

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
Monster Energy Zero Ultra 16Oz 4Pk	070847013242	\$7.65	\$7.95	(\$0.30)
Pace Picante Medium 16Oz	041565000067	\$3.00	\$3.15	(\$0.15)
Wolf Chili No Beans 15Oz	014900012704	\$2.65	\$2.80	(\$0.15)
Dreambone Spirals Variety 7Ct	892383007857	\$4.60	\$4.80	(\$0.20)
Cetaphil Daily Facial Cleanser	302993927389	\$4.60	\$4.80	(\$0.20)
WD 40 Lubricant 8Oz	079567490029	\$7.15	\$7.45	(\$0.30)
Pennzoil 5W 30 High Mileage Oil 32	071611904919	\$7.15	\$7.45	(\$0.30)
GE Frosted 40W Applcance Carded	043168274951	\$2.10	\$2.15	(\$0.05)
Scott White 6 Big Roll 285 6 S Ft	054000468438	\$6.60	\$6.85	(\$0.25)
Hospex Disenfectant 6Oz	010228104213	\$2.55	\$2.65	(\$0.10)

2023 NOV 31

Total Number Checked 50 Total Number Of Violation 10 Accuracy 80 % Inspection Result Notice of Violation

REMARKS

WITNESS

INSPECTOR\*

James Schoppa

## **Exhibit 2**

Tracking Number:

## 9171999991703765251594

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Feedback

### Latest Update

Your item was delivered to an individual at the address at 11:17 am on February 12, 2024 in CHESAPEAKE, VA 23320.

#### Get More Out of USPS Tracking:

**USPS Tracking Plus®**

#### Delivered

**Delivered, Left with Individual**

CHESAPEAKE, VA 23320

February 12, 2024, 11:17 am

#### Out for Delivery

CHESAPEAKE, VA 23320

February 12, 2024, 10:52 am

#### Arrived at Post Office

CHESAPEAKE, VA 23320

February 12, 2024, 10:41 am

#### In Transit to Next Facility

February 11, 2024

#### Arrived at USPS Regional Destination Facility

NORFOLK VA DISTRIBUTION CENTER

February 10, 2024, 10:31 am

#### Departed USPS Regional Facility

OKLAHOMA CITY OK DISTRIBUTION CENTER  
February 8, 2024, 7:30 am

**Arrived at USPS Regional Origin Facility**

OKLAHOMA CITY OK DISTRIBUTION CENTER  
February 7, 2024, 11:03 pm

**Accepted at USPS Origin Facility**

OKLAHOMA CITY, OK 73105  
February 7, 2024, 9:48 pm

**Pre-Shipment, USPS Awaiting Item**

February 7, 2024

**Hide Tracking History**

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

**Text & Email Updates**



**Return Receipt Electronic**



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

**v. CARL FLETCHER**

**Case File No. OGC-24-93**

**CARL FLETCHER  
108099 N. 3880 RD.  
HENRYETTA, OK 74437**

**Summary of Facts:** An investigator conducted a complaint investigation at the Okemah Public School gymnasium. The school provided our inspector with a copy of an invoice for the termite job dated February 23, 2023, from Respondent. Respondent does not have a commercial license to perform termite treatment services.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(9), and 2 O.S. § 3-86(A)(15) by performing commercial pesticide applications without a license and doing work in a category in which no license.

**Proposed Administrative Penalty:** The proposed penalty for this case was Fifteen Hundred Dollars (\$1500.00). Respondent failed to appear at the Pre-hearing and a Proposed Default Order was entered.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill



2. The Notice of Violation (Exhibit 1) was delivered by certified mail on March 22, 2024. *See* certified mail receipt (Exhibit 2).

3. Hearing was set for 9<sup>th</sup> day of May 2024 at 1:30 p.m. and Respondent did not appear.

4. The Complainant requested entry of default judgment against Respondent for all penalties imposed by the Notice of Violation.

5. An administrative penalty in the amount of One Thousand Five Hundred Dollars (\$1,500.00) was proposed by the Notice of Violation.

6. The undersigned granted Complainant's request based on Respondent's failure to appear and defend the allegations contained in the Notice of Violation.

#### **CONCLUSIONS OF LAW**

1. The Respondent is 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.

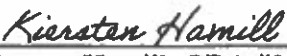
#### **RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on March 19, 2024, 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 15<sup>th</sup> DAY OF May 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:

CARL FLETCHER  
108099 N. 3880 RD.  
HENRYETTA, OK 74437

  
\_\_\_\_\_  
Gina Blaylock



## **Exhibit 1**



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 Okemah, 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 May 25, 2023, a complaint investigation was performed by ODAFF at Okemah Public School.

19. During this investigation, our inspector met with the school administration who informed ODAFF that your company was hired for pest control and performed a termite treatment to the school gymnasium.

20. The school provided our inspector with copies of invoices for the termite job dated February 23, 2023. One of the invoices was in your name and the other invoice was in Jay's Lawn B Green and Pest Control LLC's name.

21. At the time of this treatment, you were a certified applicator in the structural pest category, but you did not have a company license.

22. You were listed as a service technician for Jay's Lawn B Green and Pest Control LLC.

23. As of today, our records show that you are listed as an expired service technician for Jay's Lawn B Green and Pest Control LLC, and your structural pest certified applicators identification is also expired.

24. Performing commercial pesticide applications without a license and doing work in a category in which no license is held are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(9), and 2 O.S. § 3-86(A)(15).

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

25. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(9), and 2 O.S. § 3-86(A)(15) which are all stated below:

- 2 O.S. §3-82(A)(1): "A. LICENSE REQUIRED - 1. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged."
- 2 O.S. §3-86(A)(9): "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: (9) Advertising or offering to perform in a category of pesticide application for which no license is held or under a name for which no license is held.”

- 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.”

### **PRAYER FOR RELIEF**

26. The Department is seeking an administrative penalty in the amount of **Fifteen Hundred Dollars (\$1500.00)**.

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

### **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 **Fifteen Hundred Dollars (\$1500.00)**.

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 19th day of March, 2024.

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

*Kierstan 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:

CARL FLETCHER  
108099 N. 3880 RD.  
HENRYETTA, OK 74437



---

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. )  
 )  
**CARL FLETCHER** )  
**108099 N. 3880 RD.** )  
**HENRYETTA, OK 74437** )  
 )  
**RESPONDENT.** )

**Case No: OGC-24-93**

**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: \_\_\_\_\_

## **Exhibit 2**

Tracking Number:

**9171999991703132742748**

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### Delivered

**Delivered, Individual Picked Up at Post Office**

HENRYETTA, OK 74437

March 22, 2024, 1:33 pm

**Notice Left (No Authorized Recipient Available)**

HENRYETTA, OK 74437

March 21, 2024, 12:47 pm

**Departed USPS Regional Facility**

TULSA OK DISTRIBUTION CENTER

March 20, 2024, 8:30 pm

**Arrived at USPS Regional Facility**

TULSA OK DISTRIBUTION CENTER

March 20, 2024, 9:39 am

**Departed USPS Regional Facility**

OKLAHOMA CITY OK DISTRIBUTION CENTER

March 20, 2024, 8:02 am

**Arrived at USPS Regional Facility**

OKLAHOMA CITY OK DISTRIBUTION CENTER

March 20, 2024, 12:19 am

**Accepted at USPS Origin Facility**

OKLAHOMA CITY, OK 73105

March 19, 2024, 11:04 pm

**Pre-Shipment, USPS Awaiting Item**

March 19, 2024

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

**v. LUSK'S PEST CONTROL**

**Case File No. OGC-24-188**

**STEVE LUSK  
LUSK'S PEST CONTROL  
121539 WHITE TAIL LANE  
EUFAULA, OK 74432**

**Summary of Facts:** An investigator conducted a use inspection in McAlester, OK. The investigation found that Respond was hired to perform a termite treatment on a home. The inspector found that there was no sign of trenching around the home, there were no drill holes in the front porch or back patio concrete slabs, and the drill holes in the hollow block foundation were improperly spaced. Respondent's treatment did not meet the label or ODAFF's requirements for termite treatment.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(9), 2 O.S. §3-86(A)(12), 2 O.S. § 3-86(A)(13), 2 O.S. § 3-86(A)(15) and 2 O.S. § 3-86(A)(16) by performing commercial pesticide applications without a license and certification, falsely using another company's name to perform work, using a pesticide in a manner inconsistent with the product label, and failing to meet the minimum standards for termite treatments to existing structures.

**Proposed Administrative Penalty:** The proposed penalty for this case was Seven Hundred Fifty Dollars (\$750.00). Respondent failed to appear at the Pre-hearing and a Proposed Default Order was entered.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

MAY 17 2024

STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

STEVE LUSK )  
LUSK'S PEST CONTROL )  
121539 WHITE TAIL LANE )  
EUFAULA, OK 74432 )

RESPONDENT. )

Case No: OGC-24-188

**PROPOSED FINAL ORDER**

NOW on this 9<sup>th</sup> day of May 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 9<sup>th</sup> day of May 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 9171999991703132742830 on April 1, 2024, to Lusk's Pest Control located at 121539 White Tail Lane in Eufaula, OK 74432.

The Notice of Violation advised Respondent 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 Respondent may result in a default judgment being entered against Respondent.

### **FINDINGS OF FACT**

1. The Respondent was 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 April 1, 2024. *See* certified mail receipt (Exhibit 2).
3. Hearing was set for 9<sup>th</sup> day of May 2024 at 1:30 p.m. and Respondent did not appear.
4. The Complainant requested entry of default judgment against Respondent for all penalties imposed by the Notice of Violation.
5. An administrative penalty in the amount of Seven Hundred Fifty Dollars (\$750.00) was proposed by the Notice of Violation.
6. The undersigned granted Complainant's request based on Respondent's failure to appear and defend the allegations contained in the Notice of Violation.

### **CONCLUSIONS OF LAW**

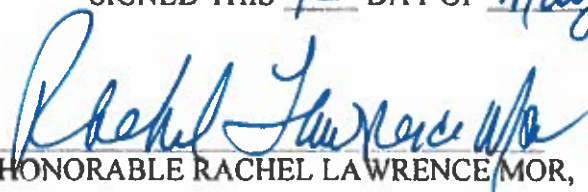
1. The Respondent is in violation of the laws alleged in the Notice of Violation, which is incorporated by reference.
2. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.
3. The Allegations of Fact and Conclusions of Law set forth in the attached Notice of Violation are hereby adopted and incorporated by reference as Findings of Fact and Conclusions of Law.



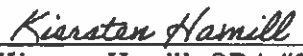
**RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on March 26, 2024, 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 15 DAY OF May 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:

STEVE LUSK  
LUSK'S PEST CONTROL  
121539 WHITE TAIL LANE  
EUFAULA, OK 74432

  
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. )**

**STEVE LUSK )  
LUSK'S PEST CONTROL )  
121539 WHITE TAIL LANE )  
EUFAULA, OK 74432 )**

**RESPONDENT. )**

**Case No: OGC-24-188**

**FILED**

**MAR 26 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.**

---

<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 McAlester, 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 December 12, 2023, a use inspection was performed by the Consumer Protection Services Division of the Department in McAlester, OK.

19. Our inspector conducted this inspection at 222 E. Morris in McAlester, OK.

20. During this inspection, our inspector found that you were hired to perform a termite treatment on this home. The realtor provided our inspector with copies of the treatment invoices. There were two Lusk's Pest Control invoices and one that had Mike's Pest Control's name on it. Every invoice had your signature on them.

21. While checking to see if the termite treatment was properly done our inspector noted that there was no sign of trenching around the home, there were no drill holes in the front porch or

back patio concrete slabs, and the drill holes in the hollow block foundation were improperly spaced.

22. Your treatment did not meet the label or ODAFF's requirements.

23. Performing commercial pesticide applications without a license and certification, falsely using another company's name to perform work, using a pesticide in a manner inconsonant with the product label, and failing to meet the minimum standards for termite treatments to existing structures are violations of the Oklahoma Combined Pesticide Laws & Rules, specifically 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(9), 2 O.S. §3-86(A)(12), 2 O.S. § 3-86(A)(13), 2 O.S. § 3-86(A)(15) and 2 O.S. § 3-86(A)(16).

#### **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. § 3-82(A)(1), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(9), 2 O.S. §3-86(A)(12), 2 O.S. § 3-86(A)(13), 2 O.S. § 3-86(A)(15) and 2 O.S. § 3-86(A)(16) which are all stated below:

- 2 O.S. §3-82(A)(1): "A. LICENSE REQUIRED - 1. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged."
- 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.”

- 2 O.S. §3-86(A)(9): “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: (9) Advertising or offering to perform in a category of pesticide application for which no license is held or under a name for which no license is held.”
- 2 O.S. §3-86(A)(12): “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: (12) Failure to perform work according to minimum standards authorized by this subarticle except as agreed by all parties in writing in the contract.”

- 2 O.S. §3-86(A)(13): “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: (13) Falsely stating that a person is employed by or represents another person.”
- 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.”



- 2 O.S. §3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”

#### **PRAYER FOR RELIEF**

25. The Department is seeking an administrative penalty in the amount of **Seven Hundred Fifty Dollars (\$750.00)**.

#### **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 405-522-5803 or by email at [Kiersten.hamill@ag.ok.gov](mailto:Kiersten.hamill@ag.ok.gov).

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.

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

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 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 \_\_\_\_\_ day of \_\_\_\_\_, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

STEVE LUSK  
LUSK'S PEST CONTROL  
121539 WHITE TAIL LANE  
EUFAULA, OK 74432

\_\_\_\_\_  
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-24-188**

**STEVE LUSK )  
LUSK'S PEST CONTROL )  
121539 WHITE TAIL LANE )  
EUFAULA, OK 74432 )**

**RESPONDENT. )**

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

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

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

## **Exhibit 2**

Tracking Number:

Remove X

## 9171999991703132742830

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Feedback

### Latest Update

Your item was picked up at the post office at 1:54 pm on April 1, 2024 in EUFAULA, OK 74432.

#### Get More Out of USPS Tracking:

**USPS Tracking Plus®**

#### Delivered

**Delivered, Individual Picked Up at Post Office**

EUFAULA, OK 74432

April 1, 2024, 1:54 pm

#### Notice Left (No Authorized Recipient Available)

EUFAULA, OK 74432

March 28, 2024, 9:30 am

#### Departed USPS Regional Facility

TULSA OK DISTRIBUTION CENTER

March 27, 2024, 8:32 pm

#### Arrived at USPS Regional Facility

TULSA OK DISTRIBUTION CENTER

March 27, 2024, 9:46 am

#### Departed USPS Regional Facility

OKLAHOMA CITY OK DISTRIBUTION CENTER

March 27, 2024, 7:59 am

#### Arrived at USPS Regional Facility



OKLAHOMA CITY OK DISTRIBUTION CENTER

March 26, 2024, 10:44 pm

**Accepted at USPS Origin Facility**

OKLAHOMA CITY, OK 73105

March 26, 2024, 9:29 pm

**Pre-Shipment, USPS Awaiting Item**

March 26, 2024

**Hide Tracking History**

**What Do USPS Tracking Statuses Mean?** (<https://faq.usps.com/s/article/Where-is-my-package>)

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**FAQs**

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

**v. SOUTHEAST PEST CONTROL**

**Case File No. OGC-24-56**

**SOUTHEAST PEST CONTROL**

**10852 E. 34TH ST.**

**TULSA, OK 74146**

**Summary of Facts:** An investigator conducted a pretreat inspection at a house located in Tulsa, OK. The inspector took multiple samples of the pre-treatment area. The investigation found that Respondent's horizontal barrier samples tested below the acceptable residue threshold.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-86(A)(2) and O.A.C. 35:30-17-28(C)(7)(A) by performing a treatment that did not meet the minimum standards.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Thousand Dollars (\$2000.00). Respondent appeared at the Pre-hearing conference but failed to provide a defense. The Judge entered a Judgment against Respondent.

**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. )**

**SOUTHEAST PEST CONTROL )  
10852 E. 34TH ST. )  
TULSA, OK 74146 )**

**RESPONDENT. )**

**Case No: OGC-24-56**

**FILED**  
**MAY 1 / 2024**  
**STATE BOARD OF AGRICULTURE**

**PROPOSED FINAL ORDER**

NOW on this 9<sup>th</sup> day of May 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Hamill. Respondent appears by telephone.

On the 9<sup>th</sup> day of May 2024, this matter came on for Prehearing Conference. Respondent was provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 9171999991703132742700 on March 22, 2024, to Southeast Pest Control located at 10852 E. 34<sup>th</sup> St. in Tulsa, OK 74146.

**FINDINGS OF FACT**

1. The Respondent was properly served with process and failed to plead or otherwise defend this action.
2. The Notice of Violation (Exhibit 1) was delivered by certified mail on March 22, 2024. *See* certified mail receipt (Exhibit 2).
3. Hearing was set for 9<sup>th</sup> day of May 2024 at 1:30 p.m. and Respondent appeared by telephone.

4. The Complainant requested entry of a judgment against Respondent 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 entered a judgment against Respondent based on Respondent's failure to defend the allegations contained in the Notice of Violation.

#### **CONCLUSIONS OF LAW**

1. The Respondent is 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 March 18, 2024, be adopted as a Final Order and all penalties imposed by the Notice of Violation are incorporated herein and imposed on the Respondent.

SIGNED THIS 15 DAY OF May 2024.

  
HONORABLE RACHEL LAWRENCE MOR,  
ADMINISTRATIVE LAW JUDGE

Approved:

*Kiersten Hamill*

---

Kiersten Hamill, OBA #33187  
Assistant 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:

SOUTHEAST PEST CONTROL  
10852 E. 34TH ST.  
TULSA, OK 74146

*AB*

---

Gina Blaylock

## **Exhibit 1**



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 Tulsa, 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 1<sup>st</sup> day of November 2023, the Consumer Protection Services Division of the Department conducted a pretreat inspection at a house located in Tulsa, OK.

19. During this inspection, our inspectors sampled a residential termite pre-treat at 12676 S. Darlington Ave. E. in Tulsa, OK.

20. The two vertical barrier samples had sufficient residue levels.

21. The two horizontal barrier samples are below ODAFF's acceptable Imidacloprid residue threshold level of 5 ppm for horizontal barriers.

22. According to our inspection your treatment did not meet the minimum standards of the Oklahoma Combined Pesticide Laws & Rules, specifically 2 O.S. §3-86(A)(2) and O.A.C. 35:30-17-28(C)(7)(A).

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-86(A)(2) and O.A.C. 35:30-17-28(C)(7)(A) which are all stated below:

- 2 O.S. §3-86(A)(2): “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: (2) A person has negligently used methods or pesticides that are ineffective or improper for the purpose for which they have been employed.”
- 35:30-17-28(C)(7)(A): “(c) 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**

24. The Department is seeking an administrative penalty in the amount of **Two Thousand Dollars (\$2000.00)**.

### **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 **Two Thousand Dollars (\$2000.00)**.

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

DATED THIS 23 day of 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  
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 18 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

SOUTHEAST PEST CONTROL  
10852 E. 34TH ST.  
TULSA, OK 74146

*GA B*

\_\_\_\_\_  
Gina Blaylock

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

**THE OKLAHOMA DEPARTMENT OF** )  
**AGRICULTURE, FOOD, AND FORESTRY,** )  
**BY AND THROUGH THE** )  
**OFFICE OF GENERAL COUNSEL** )  
 )  
**COMPLAINANT,** )  
v. )  
 )  
**SOUTHEAST PEST CONTROL** )  
**10852 E. 34TH ST.** )  
**TULSA, OK 74146** )  
 )  
**RESPONDENT.** )

**Case No: OGC-24-56**

**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**



Tracking Number:

Remove X

## 9171999991703132742700

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was picked up at the post office at 9:19 am on March 22, 2024 in TULSA, OK 74145.

#### Get More Out of USPS Tracking:

**USPS Tracking Plus<sup>®</sup>**

#### Delivered

**Delivered, Individual Picked Up at Post Office**

TULSA, OK 74145

March 22, 2024, 9:19 am

#### Notice Left (No Authorized Recipient Available)

TULSA, OK 74146

March 21, 2024, 10:31 am

#### Departed USPS Regional Facility

TULSA OK DISTRIBUTION CENTER

March 20, 2024, 8:30 pm

#### Arrived at USPS Regional Facility

TULSA OK DISTRIBUTION CENTER

March 20, 2024, 9:39 am

#### Departed USPS Regional Facility

OKLAHOMA CITY OK DISTRIBUTION CENTER

March 20, 2024, 8:02 am

#### Arrived at USPS Regional Facility

Feedback

OKLAHOMA CITY OK DISTRIBUTION CENTER

March 20, 2024, 12:19 am

**Accepted at USPS Origin Facility**

OKLAHOMA CITY, OK 73105

March 19, 2024, 11:04 pm

**Pre-Shipment, USPS Awaiting Item**

March 19, 2024

**Hide Tracking History**

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**FAQs**

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

**v. JOEL SKIP MITCHELL**

**Case File No. OGC-23-1264**

**Joel Skip Mitchell  
406 Winona Blvd.  
Lindsay, OK 73052**

**Summary of Facts:** Respondent was selling adulterated, uninspected meat and poultry from his home.

**Statute or Rule Violation:** 2 O.S. § 6-190 and 2 O.S. § 6-259

**Proposed Administrative Penalty:** The penalty was assessed at \$14,100. Respondent failed to appear for his prehearing conference and a default was issued against him.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Wendi Morse

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

**FILED**  
MAY 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-23-1264**

**JOEL SKIP MITCHELL )  
d/b/a THE FORUM GROUP, LLC )  
a/k/a FORUM CONSULTING GROUP )  
406 WINONA BLVD. )  
LINDSAY, OK 73052 )**

**RESPONDENT. )**

**PROPOSED FINAL ORDER**

NOW on this 9<sup>th</sup> day of May 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Wendi Morse. Respondent appears not.

On the 9<sup>th</sup> day of March 2024, this matter came on for Prehearing Conference. Complainant mailed Respondent a copy of the Notice of Violation, by certified mail, article number 9171999991703765251914 on December 4, 2023. Respondent refused to pick up the mailing. Over the next two months, the Investigative Services Division of the Department made numerous attempts to hand deliver the Notice of Violation to the Respondent, but the Respondent refused to open the door for the investigator. The investigator also made numerous phone calls and left messages to inform Respondent that he was trying to serve him with legal documents. These calls went unanswered and unreturned. On March 12, 2024, hand delivery was effected on Lonnie Chambers, at the Respondent's address at 406 Winona Blvd in Lindsay, Oklahoma.

The Notice of Violation advised Respondent that failure to appear at the designated time and place for a Prehearing Conference or failure to pay the recommended fine or penalty stated in the Notice of Violation following proper notice to the Respondent may result in a default judgment being entered against Respondent.

#### **FINDINGS OF FACT**

1. Counsel for the Complainant sent the Notice of Violation to Respondent by Certified Mail on December 4, 2024. *See* certified mail receipt (Exhibit 2).

2. Respondent refused to pick up mailing.

3. An Investigator with the Department made numerous attempts over two months to serve Respondent by hand.

4. The Respondent was properly served with process by hand and failed to plead or otherwise defend this action within the time prescribed.

5. The Notice of Violation (Exhibit 1) was delivered by hand on March 12, 2024. *See* Certificate of Hand Delivery (Exhibit 3).

6. Prehearing Conference was set for the 9th day of May 2024 at 1:30 p.m. and Respondent did appear.

7. An administrative penalty in the amount of Fourteen Thousand Dollars One Hundred (\$14,100.00) was proposed by the Notice of Violation.

8. 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 Respondent is 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.

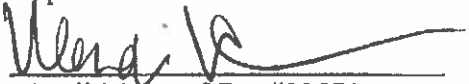
**RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on February 20, 2024, be adopted as a Final Order and all penalties imposed by the Notice of Violation are incorporated herein and imposed on the Respondent.

SIGNED THIS 9<sup>th</sup> DAY OF May 2024.

  
HONORABLE RACHEL LAWRENCE MOR,  
ADMINISTRATIVE LAW JUDGE

Approved:



Wendi Morse, OBA #33571  
Assistant 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:

JOEL SKIP MITCHELL  
406 WINONA BLVD.  
LINDSAY, OK 73052



---

Gina Blaylock

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
FEB 20 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-23-1264

JOEL SKIP MITCHELL )  
d/b/a THE FORUM GROUP, LLC )  
a/k/a FORUM CONSULTING GROUP )  
406 WINONA BLVD. )  
LINDSAY, OK 73052 )

RESPONDENT. )

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on May 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.

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





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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

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

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

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

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

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

#### **DEFAULT**

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the

Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

**JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling uninspected, adulterated meat and poultry, located at 406 Winona Blvd. in Lindsay, Oklahoma.

16. Pursuant to 2 O. S. § 2-4, ODAFF has authority to regulate persons who sell meat or poultry products in Oklahoma.

17. 2 O. S. § 6-190 says in part, "No person...shall, with respect to any cattle...sell in intrastate commerce...any such articles which are capable of use as human food, and are adulterated or misbranded at the time of sale...or any articles required to be inspected...unless they have been so inspected and passed..."

18. 2 O. S. § 6-259 says in part, "No person shall...sell...in intrastate commerce any poultry products which are capable of use as human food and are adulterated or misbranded at the time of sale...or any poultry products required to be inspected under this act unless they have been so inspected and passed..."

19. 2 O. S. § 5-4.3(A)(8) says, "Homemade food products shall not contain seafood or meat, meat by-products or meat food products as defined by Section 301.2 of Title 9 of the Code of

Federal Regulations or poultry, poultry products or poultry food products as defined for purposes of the federal Poultry Products Inspection Act.”

#### **ALLEGATIONS OF FACT**

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

21. On or about September 7, 2023, the Food Safety Division of the Department received a complaint from an inspector with the Oklahoma State Department of Health regarding The Forum Group, LLC in Lindsay, Oklahoma selling meat from a residence.

22. On or about September 8, 2023, the Food Safety Division of the Department received an anonymous complaint regarding Skip Mitchell who was at the same address given for The Forum Group.

23. On September 25, 2023, compliance officers with the Food Safety Division went to investigate the received complaints.

24. Upon arrival at the residence, compliance officers knocked on the door of the residence with no response. Compliance officers left business cards on the door requesting a phone call.

25. Upon receiving the business card, Respondent called compliance officer Ron Hall. Mr. Hall informed the Respondent that selling meat that had not been inspected or had been adulterated was in violation of State rules and regulations.

26. On or about November 29, the Food Safety Division of the Department sent Respondent a Letter of Warning.

27. Prior to notification from the Department and after notification from the Department, Respondent made, and continues to make, posts on social media for the sale of meat he has prepared that has not been inspected by the Department and has been adulterated.

### **ALLEGED CONCLUSIONS OF LAW**

28. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O. S. § 6-190, 2 O. S. § 6-259 and 2 O. S. § 5-4.3 by selling meat and poultry products that have not been inspected or have been adulterated.

### **ATTORNEY CONFERENCES**

29. 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.

30. 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.

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

### **ENFORCEMENT PROCEEDINGS**

32. 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.

33. 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.

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

#### **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 **Fourteen Thousand One Hundred Dollars (\$14,100.00)**.

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 20 day of February, 2024.

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  
Abbie Wilburn, OBA #33681  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

**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-23-1264

JOEL SKIP MITCHELL )  
d/b/a THE FORUM GROUP, LLC )  
406 WINONA BLVD. )  
LINDSAY, OK 73052 )

RESPONDENT. )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Fourteen Thousand One Hundred Dollars (\$14,100.00)** 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: \_\_\_\_\_

**ALERT: SEVERE WEATHER IN THE SOUTH, SOUTHEAST, AND MIDWEST MAY IMPACT PACKA...**

# USPS Tracking®

[FAQs >](#)

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### Latest Update

Your item was delivered to an individual at the address at 7:55 am on January 2, 2024 in OKLAHOMA CITY, OK 73117.

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Feedback

#### Delivered

**Delivered, Left with Individual**

OKLAHOMA CITY, OK 73117

January 2, 2024, 7:55 am

#### In Transit to Next Facility

January 1, 2024

#### Reminder to Schedule Redelivery of your item

December 14, 2023

#### Notice Left (No Authorized Recipient Available)

LINDSAY, OK 73052

December 9, 2023, 1:21 pm

#### Departed USPS Regional Facility

OKLAHOMA CITY OK DISTRIBUTION CENTER

December 8, 2023, 7:39 am

#### Arrived at USPS Regional Facility





OKLAHOMA CITY OK DISTRIBUTION CENTER  
December 7, 2023, 10:32 pm

● **Accepted at USPS Origin Facility**

OKLAHOMA CITY, OK 73105  
December 7, 2023, 9:17 pm

● **Pre-Shipment, USPS Awaiting Item**

December 7, 2023

● **Hide Tracking History**

**What Do USPS Tracking Statuses Mean?** (<https://faq.usps.com/s/article/Where-is-my-package>)

**Text & Email Updates**



**Return Receipt Electronic**



**USPS Tracking Plus®**



Your item is eligible for USPS Tracking Plus. This feature allows you to buy extended access to your tracking history and receive a statement via email upon request. Without this feature, your regular tracking history is only available on this site until December 7, 2025. To extend your access to this tracking history, select the length of time you would like and confirm your selection. You can only purchase extended history once, so all orders are final and are not eligible for a refund.

**Note:** For multiple tracking numbers, you can save and continue adding USPS Tracking Plus selections to your cart until you are ready to complete your purchase.

3 Years

**\$3.75**

5 Years

**\$4.75**

7 Years

**\$5.75**

10 Years

**\$6.75**



May 7, 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 2519 14.**

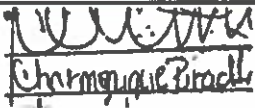

Item Details

<b>Status:</b>	Delivered, Left with Individual
<b>Status Date / Time:</b>	January 2, 2024, 7:55 am
<b>Location:</b>	OKLAHOMA CITY, OK 73117
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™ Return Receipt Electronic

Shipment Details

<b>Weight:</b>	4lb, 3.0oz
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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.

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Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF )  
AGRICULTURE, FOOD, AND FORESTRY, )  
BY AND THROUGH THE )  
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COMPLAINANT, )

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JOEL SKIP MITCHELL )  
d/b/a THE FORUM GROUP LLC )  
d/b/a FORUM CONSULTING GROUP )  
406 WINONA BLVD. )  
LINDSAY, OK 73052 )

RESPONDENT. )

Case No: OGC-23-1264

**FILED**  
MAR 14 2024  
STATE BOARD OF AGRICULTURE

**CERTIFICATE OF HAND DELIVERY**

This is to certify that a true and correct copy of the attached Notice of Violation was hand-delivered by the undersigned, a law enforcement officer duly appointed by the State Board of Agriculture, by delivering said document to Lonnie Chambers on March 12, 2024 in person at 406 Winona Blvd, Lindsay, OK.

Dated: this 14 day of March, 2024.

  
By: Michael Vaught  
Title: Special Agent



91 7199 9991 7031 3274 2120

OGC-23-1264