

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

Wednesday, March 13, 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 January 25, 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
Linda & Cecil Archey, 11043 Duboise Road, Cameron, Oklahoma
Michael Archey, 27906 Archey Drive, Cameron, Oklahoma
Anne-Marie Burrows, 1946 Bailey Road, Broken Bow, Oklahoma
Dal Mung, 30663 Prairiebell Road, Keota, Oklahoma
Byron Sherman, 525 Sherman Lane, Noel, Missouri
Robert Sherman, 619 Sherman Lane, Noel, Missouri
Tun & Niang Lun Tuang, 26150 Conser Landing, Heavener, Oklahoma
Kane Webb, P. O. Box 52, Watson, Oklahoma
Devin Welch, 130 McFarland Road, Eagletown, Oklahoma

Consumer Protection Services

Baer Enterprises, LLC, 1629 Fourth Ave. S.E., Ste #138, Decatur, Alabama
Presto-X, LLC, 7720 N. Robinson Ave., Ste B7, Oklahoma City, Oklahoma
Sonja Torres, 228 N. K Street, El Reno, Oklahoma

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

9. Consideration and Proposed Action on Cases Resolved by Consent Order
Consumer Protection Services
Garber Coop, 102 E. Railroad, Garber, Oklahoma
Deterding Aerial, 701 W. Cedar Dr. Public Airport W. Hanger, Pond Creek, Oklahoma
Security Pest Control, Inc., 10323 E. 50th St., Tulsa, Oklahoma

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10. Next Board meeting scheduled for **Wednesday, April 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
January 25, 2024

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., January 25, 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
Aaron Elam, Consumer Protection Services
Heather Schmidt, Animal Industries
Teena Gunter, Director, Agricultural Environmental
Management Services & Office of General Counsel
Scott Yates, Director, Food Safety
Scott Alls, Director, Wildlife Services
Meriruth Cohenour, Director, Market Development
Kiersten Hamill, Office of General Counsel
Ben Felder, Investigate Midwest

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

A motion was made by Mr. Bolen, seconded by Mr. Cook, to approve the minutes of the regular meeting of December 6, 2023, 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. Farris, to approve the division reports as submitted.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

Agricultural Environmental Management Services

Faith Lee, 6229 W. Portals Ave., Fresno, California

Timothy Rogers, 16135 E. Red Fuller Road, Tahlequah, Oklahoma

Eddie & Richard Robinson, P. O. Box 917, Holdenville, Oklahoma

Consumer Protection Services

7-Eleven, 9001 S. May, Oklahoma City, Oklahoma

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Rid-A-Weed, 184206 N. 2590 Road, Walters, Oklahoma

Reynolds Aviation, 1860 CR 4536, Winnsboro, Texas

Tractor Supply, 1504 S. W. 27th Street, El Reno, Oklahoma

TrueGreen LP OKC, 7016 Camille Ave., Oklahoma City, Oklahoma

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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

Agricultural Environmental Management Services

Cal-Maine Foods, Inc., 7859 Highway 1777 South, Sulphur, Oklahoma

Consumer Protection Services

Robison Wildlife Solutions, LLC, 9401 S. Harrah Road, Newalla, Oklahoma

Wheeler Brothers Grain Co., 760 N. Roberts Ave., Kingfisher, 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. Farris, seconded by Mr. Burtrum, to approve the Proposed Action on Proposed Permanent Rules as submitted.

AGRICULTURAL PRODUCTS

Title 35. Oklahoma Department of Agriculture, Food, And Forestry

Chapter 10. Agricultural Products

Subchapter 1. General Provisions

35:10-1-3 Handbook and publication editions [AMENDED]

ANIMAL INDUSTRY

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 15. ANIMAL INDUSTRY

Subchapter 3. Animal Health Reportable Diseases [AMENDED]

Subchapter 5. Biological Products and Laboratories [AMENDED]

Subchapter 9. Livestock Special Sales
Part 3. Livestock Special Sales [AMENDED]
Subchapter 11. Importation and Exportation of Animals [AMENDED]
Part 1. General [AMENDED]
Part 13. Equine Piroplasmiasis [REVOKED]
Subchapter 13. Testing And Inspection for Disease and Release of Livestock at Auction Markets [AMENDED]
Subchapter 15. Equine Infectious Anemia (EIA)
Part 1. General Provisions [AMENDED]
Part 3. Procedures [AMENDED]
Part 5. Change Of Ownership of Equidae [AMENDED]
Part 7. Requirements For Approved Markets [AMENDED]
Part 9. Equine Exhibitions [AMENDED]
Subchapter 17. Bovine and Bison Brucellosis
Part 1. Definitions and General Provisions [AMENDED]
Subchapter 18. Equine Piroplasmiasis [NEW]
Subchapter 19. Poultry Regulations [AMENDED]
Subchapter 22. Swine Pseudorabies and Brucellosis
Part 1. General Provisions [AMENDED]
Part 5. Requirements For a Validated/Qualified Herd [AMENDED]
Part 7. Requirements For Swine Exhibitions [AMENDED]
Subchapter 38. Bovine Trichomoniasis [AMENDED]
Subchapter 40. Bovine Tuberculosis
Part 1. Definitions [AMENDED]
Subchapter 44. Farmed Cervidae [AMENDED]
Subchapter 47. Chronic Wasting Disease (CWD) in Cervids
Part 3. Herd Certification Standards [AMENDED]
Subchapter 49. Miscellaneous Animal Diseases [AMENDED]

WATER QUALITY

Title 35. Oklahoma Department of Agriculture, Food, And Forestry

Chapter 17. Water Quality

Subchapter 5. Registered Poultry Feeding Operations

35:17-5-1 Purpose [AMENDED]

35:17-5-3 Registration, Nutrient Management Plan (NMP) required [AMENDED]

35:17-5-3.1. Setbacks for new or expanding construction of poultry barns [AMENDED]

35:17-5-3.2. Cancellation of poultry feeding operation registration [AMENDED]

35:17-5-4. Soil and litter tests required [AMENDED]

35:17-5-5. Nutrient Management Plan [AMENDED]

35:17-5-7. Record keeping [AMENDED]

Subchapter 9. Agricultural Compost Facilities

35:17-9-2. Definitions [AMENDED]

35:17-9-3. Permit provisions and application [AMENDED]

35:17-9-4. Siting of composting facility [AMENDED]

35:17-9-6. Leachate and storm water control [AMENDED]

35:17-9-9. Closure of licensed compost facility retention structures [AMENDED]

FORESTRY

Title 35. Oklahoma Department of Agriculture, Food, And Forestry
Chapter 20. Forestry
Subchapter 3. Rural Fire Protection Program Fund Act
Part 5. Matching Grant Program [AMENDED]

CONSUMER PROTECTION

Title 35. Oklahoma Department of Agriculture, Food, And Forestry
Chapter 30. Consumer Protection
Subchapter 4. Thousand Cankers Disease [REVOKED]
Subchapter 6. Emerald Ash Borer Quarantine [REVOKED]
Subchapter 13. Imported Fire Ant Quarantine [AMENDED]
Subchapter 17. Combined Pesticide
Part 1. Commercial, and Non-Commercial, and Private Categories of Pesticide Application [AMENDED]
Part 6. Pesticidal Product Producing Establishments [AMENDED]
Part 9. Minimum Standards for Contracts and Keeping of Records [AMENDED]
Part 12. Minimum Residue Levels for Termiticides Applied to Soil and Permitted Tolerances for Pesticide Tank Mix and Concentrate Sample Analysis [AMENDED]
Part 18. Minimum Standards for The Use of Termite Baits and Baiting Systems for New Construction and Existing Structures [AMENDED]
Part 21. Standards for Disposal of Pesticide and Pesticide Containers [AMENDED]
Subchapter 24. Oklahoma Industrial Hemp Program [AMENDED]
Subchapter 30. Soil Amendment [AMENDED]
Subchapter 31. Lime [AMENDED]

FOOD SAFETY

Title 35. Oklahoma Department of Agriculture, Food, And Forestry
Chapter 37. Food Safety
Subchapter 5. Poultry Products Inspection
Part 1. General Provision [AMENDED]
Subchapter 17. Produce safety [AMENDED]
Subchapter 19. Homemade Food [AMENDED]

MARKET DEVELOPMENT

Title 35. Oklahoma Department of Agriculture, Food, And Forestry
Chapter 40. Market Development
Subchapter 25. Oklahoma Winter Storm Grant Program
35:40-25-1. Purpose [NEW]
35:40-25-2. Definitions [NEW]
35:40-25-3. Applicant eligibility [NEW]
35:40-25-4. Evaluation criteria [NEW]
35:40-25-5. Application requirements [NEW]

WATER QUALITY STANDARDS IMPLEMENTATION PLAN

Title 35. Oklahoma Department of Agriculture, Food, And Forestry
Chapter 45. Water Quality Standards Implementation Plan
Subchapter 1. Water Quality Standards Implementation Plan
35:45-1-1. Section I - Statutory authority, definitions, standards, jurisdiction, beneficial uses and protocols [AMENDED]

- 35:45-1-2. Pertinent definitions, abbreviations, and acronyms [AMENDED]
- 35:45-1-3. General statement of policy; responsibility for WQSIP document [AMENDED]
- 35:45-1-4. Pertinent water quality standards [AMENDED]
- 35:45-1-7. Animal waste programs [AMENDED]
- 35:45-1-8. Pesticide program [AMENDED]

COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

Title 35. Oklahoma Department of Agriculture, Food, And Forestry

Chapter 55. Commercial Pet Breeders and Animal Shelters

Subchapter 1. Licensing

35:55-1-4. License application [AMENDED]

35:55-1-6. Inspections [AMENDED]

35:55-1-8. Fees [AMENDED]

35:55-1-9 Annual report [REVOKED]

Subchapter 3. Standards Of Care

35:55-3-2. Watering [AMENDED]

Subchapter 7. Recordkeeping And Sales

35:55-7-1. Records [AMENDED]

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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. Cook seconded, that the meeting be adjourned at 11:44 a.m.

By _____
President

ATTEST: _____
Executive Secretary

JANUARY 25, 2024 BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATIVE SERVICES

FY24 - \$5,1000.00 – AED – To bring our safety equipment up to date and to ensure every floor has an AED cabinet and device, the purchase of 2 more cabinets and the replacement of the current cabinets are necessary. This will make each floor uniform and update the safety equipment both in the Lab and ODAFF buildings. Lab has agreed to split the cost for the devices and cabinets needed for their floors. Without this purchase, we would have only one AED device for all of Lab and have multiple keys on hand to get into the cabinets versus one universal key as well as Cabinets with damaged and broken alarms on them.

FY24 - \$2,000 – Safe - Finance needs to replace the safe currently housed in the Finance area due to the aging safe and repairs needed on the current safe. The safe is utilized for multiple things including securing forms of payments and important documents.

FY24 - \$3,700.00 – Gun Safe - Investigations needs a large gun safe in the evidence room so that they can properly secure weapons. This will provide additional security for the firearms kept on property so that there is not direct access to these items. As this could pose a safety risk if they are not kept securely in a gun safe.

FORESTRY SERVICES

FY24 - \$12,000

Purchase of multiple skid Steer's attachments & supplies. **Justification:** Purchase of multiple skid Steer's attachments & supplies to complete mechanical mitigation projects currently identified in Community Wildfire Protection Plans .These will also be used for treating hazardous fuels in and around At-Risk Communities statewide This program is part of the National Cohesive Wildland Fire Management Strategy with the intent of developing fire adapted communities. Funding for this purchase will come from the 2023 SIAF Response. 100% of this purchase will be reimbursed.

FY24 - \$140,000

Purchase firefighting personal protective equipment for OFS employees. This can include clothing and supplies/equipment needed. **Justification:** Required to supply OFS firefighters with mandatory personal protective equipment (PPE) and other supplies/equipment. Funding for this purchase will come from the FY22 US Forest Service, State Fire Assistance – Response Grant, 2020 VFA, 2021 VFA, & 2023 SFA Response. 100% of this purchase will be reimbursed.

FY 24 - \$15,000

Purchase three (3) UTV trailers to haul firefighting UTV's. Trailers will be 14-16 ft. tandem axle with heavy-duty axles to accommodate hauling of UTV loaded with skid unit and water as well as additional equipment and supplies related to wildland fire activities. **Justification:** Funding for this purchase will come from the 2023 SFA Response. 100% of this purchase will be reimbursed.

FY24 - \$26,000

Purchase laptop computers that will be used for supporting various Fire Management Programs including fire suppression, prescribed burning, dispatching, hazardous fuels mitigation and grant programs. **Justification:** These machines will be replacing outdated models and equipping newly

hired personnel. Funding for this purchase will come from the FY22 US Forest Service, State Fire Assistance – Response Grant. 100% of this purchase will be reimbursed.

FY24 - \$55,000

Purchase one (1) 1/2-Ton pickup. The 1/2-Ton will include emergency lighting, toolboxes, mobile radios, 4-wheel drive, brush guards and other features needed for off-road work. **Justification:** This truck will be used to support our CWDG grant promotion, grant development, implementation and overseeing grant projects, fire management program including wildfire suppression, fuels mitigation and emergency response. Funding for this purchase will come from the FY23 US Forest Service, CWDG /SIDG Grant. 100% of this purchase will be reimbursed.

FY24- \$75,000

Purchase one (1) 75-gallon fire skid. This skid will be used in support of hazardous fuels treatment by both mechanical and prescribed burning in and around Turner Falls Park. **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 the FY22 US Forest Service Community Wildfire Defense Grant. 2023-DG-11083140-401. 100% of this purchase will be reimbursed.

FY 25- \$15,000

Purchase of shipping bags used to distribute seedlings to landowners in Oklahoma and surrounding states. Bags are specifically designed with paraffin lining to retain moisture during the shipping process thereby maintaining seedling quality. **Justification:** without bags, there is no way to deliver seedlings to customers.

FY25 - \$25,000

Renewal of agreement/membership with Western Gulf Forest Tree Improvement Cooperative (WGTIP). **Justification:** The agreement with Western Gulf Forest Tree Improvement is essential in helping FTIC receive new information for improving genetic research for Oklahoma and to get tree breeding information from other WGTIP partners.

FY25 - \$15,000

Renewal of agreement/membership with Auburn Nursery Cooperative (contingent upon Federal Forest Stewardship grant allocation). It is essential that FRC have the agreement with Auburn Nursery Cooperative to be able to use certain chemicals under their license when fumigating fields. **Justification:** without this membership, the cost to fumigate, which is needed to produce tree and shrub seedlings, would increase to more than \$100,000.

FY25 - \$50,000

Fumigation to control insects, disease pathogens and weed seed, like nutgrass, in production fields at Forest Regeneration Center in Goldsby. **Justification:** without fumigation control, insects, weeds, and disease issues would result in poor quality seedlings and increased cost.

FY25 – \$15,000

Pesticides for seedling production at the Forest Regeneration Center and Forest Tree Improvement Center (FTIC). **Justification:** without pesticides seed, seedlings quality and production would decrease because of problems with insects, fungus, and weeds.

FY25 – \$15,000

Tree and shrub seed for use at the Forest Regeneration Center and Forest Tree Improvement Center. OFS personnel collect most seed used, but some varieties are more economically feasible to purchase seed than to send crews out to collect it. **Justification:** without this purchase, we would be more restricted on what we could grow and either seedling production would be reduced, costs would be increased, or both.

FY25- \$18,000

Pinecone collection at FTIC seed orchard in Idabel is vital to enhanced genetics and vital to our conservation seedling program. They provide the best genetically suited pine trees for Oklahoma landowners. Contracting experienced labor to collect seeds is required due to lack of personnel. **Justification:** without this purchase, pinecone seed would not be collected, and the seedling program would be severely limited.

FY25- \$30,000

Contract harvesting services is needed by qualified, trained workers to lift 3 million seedlings. Each year, the Forest Regeneration Center (FRC) delivers up to 3 million seedlings to Oklahomans for conservation planting. To meet the planting demands of landowners throughout the state, a steady supply of seedlings is required. To make sure our customers have quality, healthy seedlings, delivered on schedule, a trained harvesting crew is required to lift these seedlings. Some of the harvesting will be completed by FRC staff. However, we no longer have the inmate crews that we used in the past. **Justification:** without this purchase, we will not be able to lift the seedlings in a timely manner and we will fail to meet the delivery requirements for Oklahoma customers.

FY25- \$9,500

Purchase sulfur 90% Pastille for Forest Regeneration Center. The sulfur is needed to keep the soil pH between 5 and 6.5 for all the conservation seedlings grown at FRC which are sold to landowners throughout Oklahoma and the nation. **Justification:** Without this purchase, the soil will not meet the requirements to grow the seedlings and the seedlings will not survive for their intended use.

FY25 \$9,500

Purchase soil media to grow containerized seedlings at the Forest Regeneration Center and Forest Tree Improvement Center. Soil media is needed to grow seedlings for conservation plantings such as wetland restoration and reforestation projects. Landowners with challenging planting sites request container seedlings. **Justification:** Without the soil media, OFS would not be able to provide containerized seedlings.

FY 25- \$15,000

Purchase of tree seedling containers for FRC and FTIC. Container cells and trays will be used to grow seedlings for conservation plantings such as wetland restoration and forest mitigation sites. Container seedlings are requested by customers who face more challenges on their planting sites. **Justification:** Without our containerized seedling options, these customers would have failure of their conservation plantings.

FY25- \$15,000

Aerial spray pesticide application to the seed production pine tree orchards. OFS needs to spray the cone crop in our genetically improved pine tree orchards. This year there was a noticeable decrease in embryotic-material filled seed in the cones collected at the orchards. This is a result of the presence of

cone worms/seed insects. Aerial application of pesticide spray to the orchards will control these pests (cone worms/seed bugs). **Justification:** Without this purchase, there will be a continued decline in the production of genetically-improved seed.

FY25 - \$9,000

Equipment Rental for Forest Tree Improvement Center. Rent articulating and tracks boom lifts to collect pinecones at the Forest Tree Improvement Center. Seed collection is required to grow conservation seedlings and conduct genetic testing. **Justification:** Without the lifts, seed collection from the seed orchard would not be possible.

FY25 - \$24,000

Local & Long-Distance Telephone service for FRC, FTIC, and Community Fire Offices necessary for communication to the public and governmental agencies. **Justification:** required for continuity in communication of operations at these office complexes.

FY25 - \$42,000

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

FY25 - \$12,000

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

FY25 - \$10,000

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

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

FY 25- \$20,000

Phone/internet for the Community Fire, FRC and FTIC. **Justification:** Without phone service, FRC and Rural Fire would not be able to communicate with landowners and fire coordinators, which would significantly decrease customer service and service to the public.

FY25 - \$7,000

Postage for meter at FRC and Community Fire Headquarters. **Justification:** required to send information via USPS to customers.

FY25 - \$100,000

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

FY25 - \$200,000

For use of P-Cards to repair firefighting equipment including but not limited to dozers, Bambi buckets, UTVs and slip-on firefighting units. These purchases will be for repairs more than \$5,000 when a piece of equipment has significant issues and requires Board approval.

Justification: This will allow the equipment to be repaired quickly after completion of the bidding process and back in service for fire management activities.

FY25 - \$200,000

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

FY25 - \$55,000

Uniforms for OFS employees. OFS employees are required for recognition by the public. Full allotments are purchased for new employees. **Justification:** Existing employees are provided an annual allotment of uniforms to replace worn and old uniforms. OFS employees provide a vital public safety function, requiring public recognition of our personnel. (Federal & State Funds)

FY25 - \$19,000

Electric, phone/internet, utilities (natural gas, water, trash service, sewer) for 3 offices: Tahlequah, Sallisaw, & Jay. **Justification:** Above is a necessary expenditure to operate 3 offices. The operation of these offices is crucial to maintain emergency response radio communication, as well as serve as a location for Forest Rangers to maintain equipment so they are able to respond to wildfires.

FY25 - \$60,000

Equipment repair for mowers, ATV's, UTV's dozers, and trailers. **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 - \$9,400.00 – Software and Core License

Purchase of an OpenLab ChemStation Workstation. Includes software and core license. PC not included for the GC-FID. For testing pesticide formulation and residue samples

MARKET DEVELOPMENT

FY2024 – National Restaurant Association Show – booth rental – cost share basis for 3 Made in Oklahoma companies - \$16,225.00

FY2024 – Oklahoma Grown Farmers Market bags – provided on a cost share basis - \$23,000.00

FY2024 - USLGE – membership dues - \$6,050.00

FY2024 - Edible OKC – Agritourism advertising - \$6,600.00

FY2024 – Oklahoma Wine Trails – shirts - funded entirely by the Viticulture & Enology Revolving Grant fund - \$12,000.00

FY2024 – Quiver coloring sheet app – Flat Aggie/Flat Annie - interactive, 3D, engaging augmented reality learning activity - \$20,000.00

FY2024 – printing – Ag in the Classroom coloring books - \$6,264.58

FY2024 – printing – Ag in the Classroom bilingual SCBG resources – funded entirely by the Specialty Crop Block Grant - \$10,132.20

FY2024 – Rock’n M Meats – Kurt Mayabb - Healthy Food Finance Grant - \$30,500.00

Justification: The Oklahoma Healthy Food Financing Program provides financing for food retailers to provide healthy food in underserved communities that primarily serve low- or moderate-income communities. If the proposed expense is not approved millions of dollars will be lost to the local economy.

FY2024 – (EOC) Mobile Market Hub – Dawn Knight - Healthy Food Finance Grant - \$10,000.00

FY2024 – Rooted Harmony Market LLC – Matt Stahl - Healthy Food Finance Grant - \$10,000.00

FY2024 – The Kid’s Cafe – Quin Sanders - Healthy Food Finance Grant - \$10,000.00

FY2024 – 3 F’s Poultry Processing – Shelley Lynch - Healthy Food Finance Grant - \$10,000.00

FY2024 – printing - Flat Aggie & Flat Annie picture book, chapter book & resource guide - \$44,948.17

Justification: Aggie and Annie will come to life through a picture book, chapter book and resource guide and experience life through many interesting adventures, while being surrounded by accurate agriculture. In the education setting, this project will be embedded with writing, reading, math and literature. Students will learn how to write a letter and format an email, all with a focus of agriculture. Students will be able to listen to the story of Flat Aggie and Flat Annie, create their own Flat Aggie or Flat Annie, take pictures of adventures around agriculture, and share those experiences with other students nationwide. This project will ignite curiosity and stimulate creativity, while meeting the academic standards for reading, writing, math and literature in Oklahoma. This project will focus on providing educational materials for teachers of school age students, homeschool students, and groups in Oklahoma and has the potential to reach students across the United States with the support of NASDA,

If this proposed expense is not approved and therefore the project is not completed, the potential for students to continue to have misconceptions of real-life agriculture experiences around Oklahoma would continue.

WILDLIFE SERVICES

\$ 15,000 – ODAFF Wildlife Services is requesting approval for Kenwood Radios. These will be used to increase range and mobility of our communication between air and ground crew in the search/control of Feral Swine. This will decrease our loss of communication over distances that our current radios lack. This will result in more and better radios for communication and prevent aborted missions due to lack of communication.

Oklahoma Department of Agriculture, Food & Forestry

March 13, 2024, Board Report

Administrative Services

Administrative Services



- First floor renovations continue:
 - Finance/Purchasing/Executive Office – waiting on cubicles
- Current Audits
 - USDA meat inspection grants
 - State Auditor & Inspector

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES JANUARY 2024



INVESTIGATIONS		JANUARY	YTD	FYTD
LIVESTOCK		4	4	14
FIRE		2	2	5
PROPERTY		3	3	15
TIMBER		0	0	1
AGENCY ASSISTS	ODAFF		0	1
AGENCY ASSISTS	EXTERNAL		0	6
OTHER		1	1	11
TOTAL INVESTIGATIONS OPENED		10	10	53
CLOSED PENDING ADDITIONAL INFORMATION			0	12
NO CRIME			0	13
NO PROSECUTION			0	
CLOSED - ASSIST CASE			0	7
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		1	1	10
REFERRED FOR ADMINISTRATIVE ACTION			0	
TOTAL INVESTIGATIONS COMPLETED		1	1	42
COUNTS FILED		4	4	9
VALUE OF LOSSES - ALL CRIMES		\$113,110	\$113,110	\$710,780
RECOVERED LOSSES - ALL CRIMES		\$42,600	\$42,600	\$897,850
NUMBER OF CATTLE REPORTED STOLEN		51	51	257
NUMBER OF CATTLE RECOVERED		10	10	75

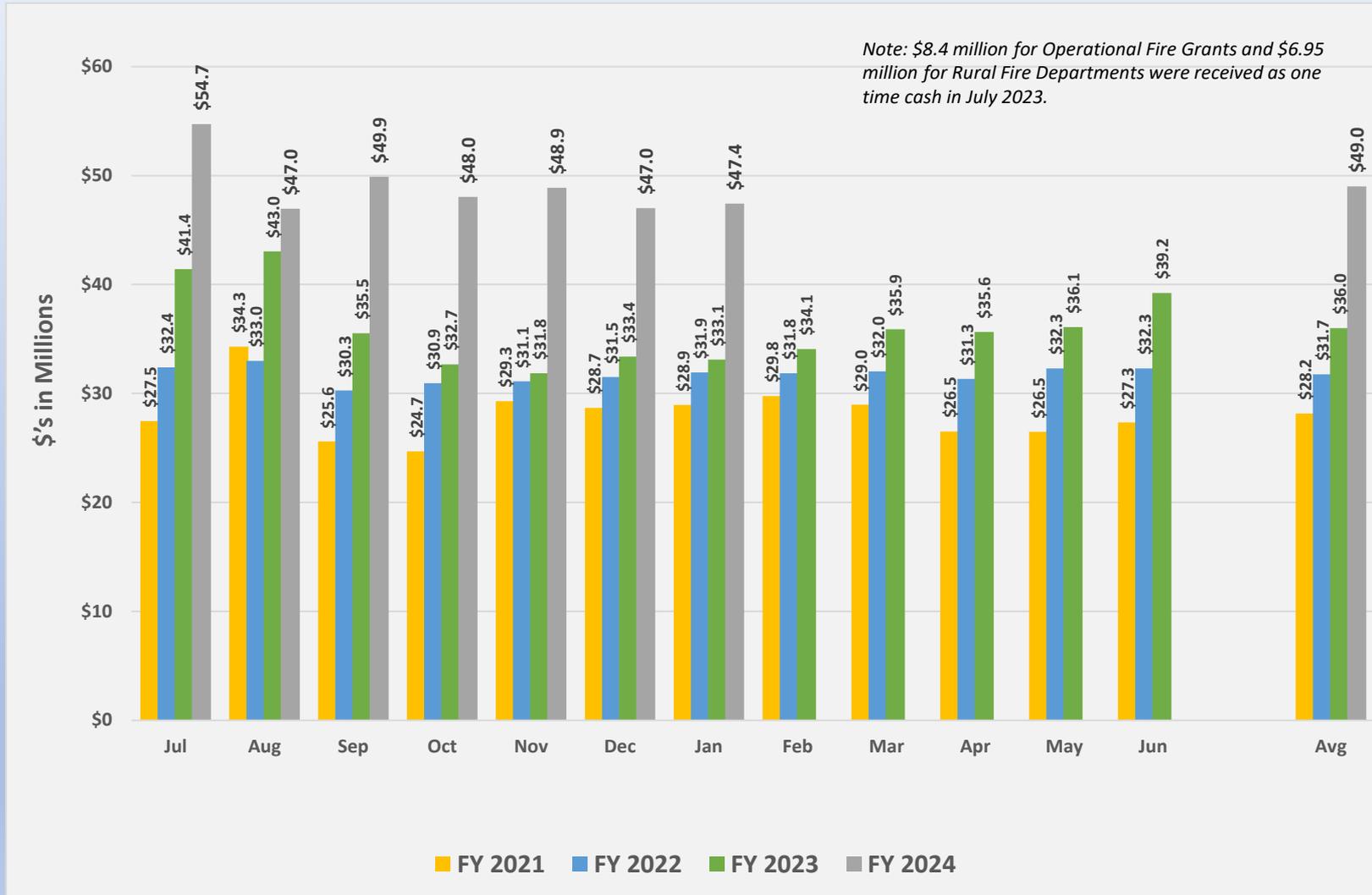




Available Cash at Month End

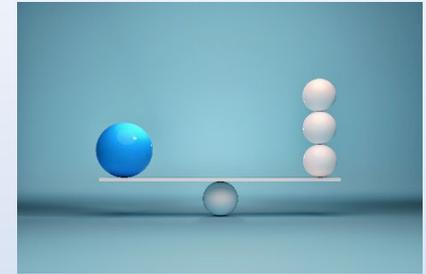
Months Ending: July 2020 – January 2024

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



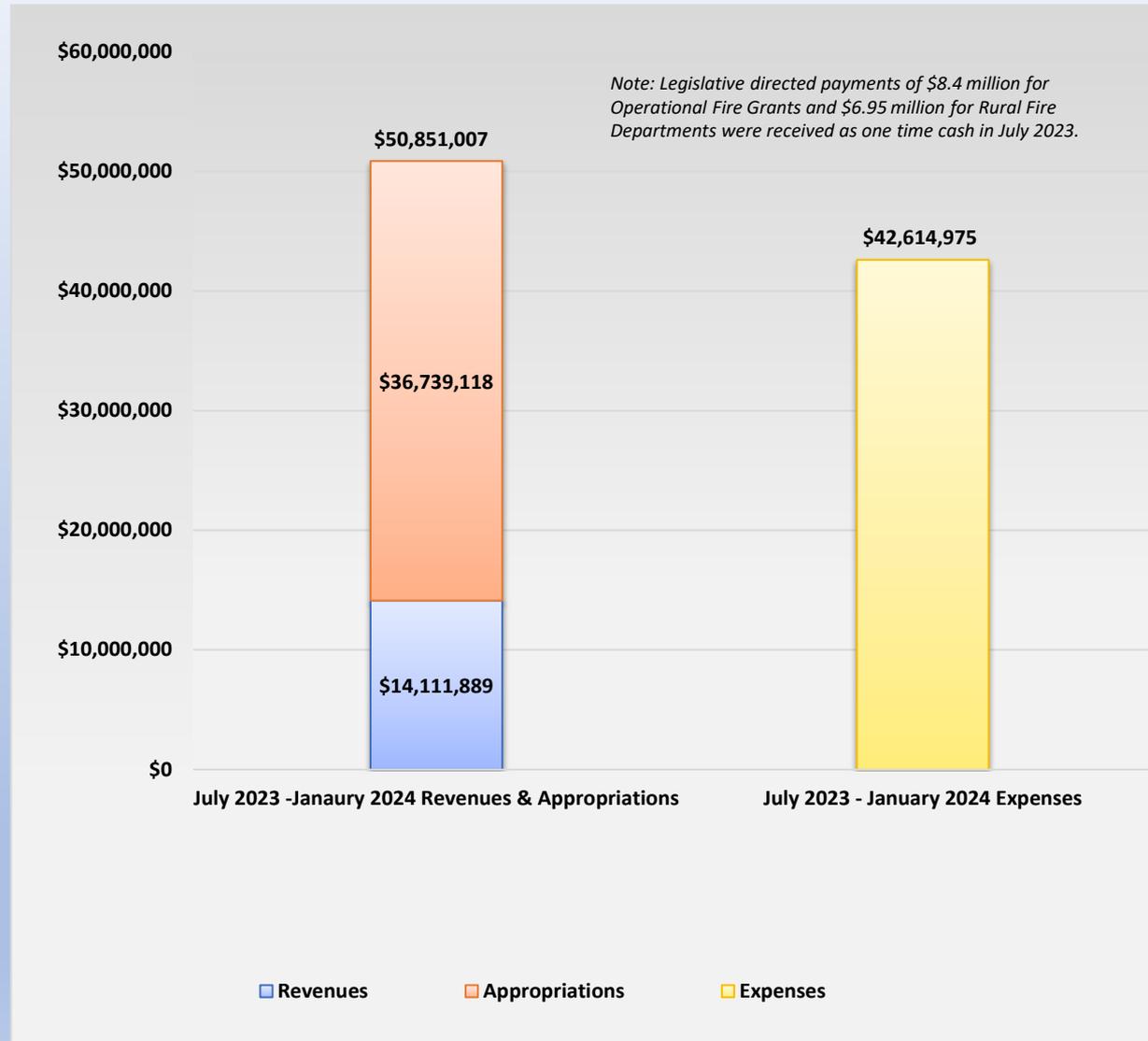
Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,529,881 as of 1/31/2024.

Administrative Services - Finance



- Cash balance as of 1/31/2024 was \$47.4 million compared to \$33.1 million as of 1/31/2023
 - Increase of \$14.3 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 revenues
 - Timing of payments

Total Revenues, Appropriations and Expenses July 2023 – January 2024





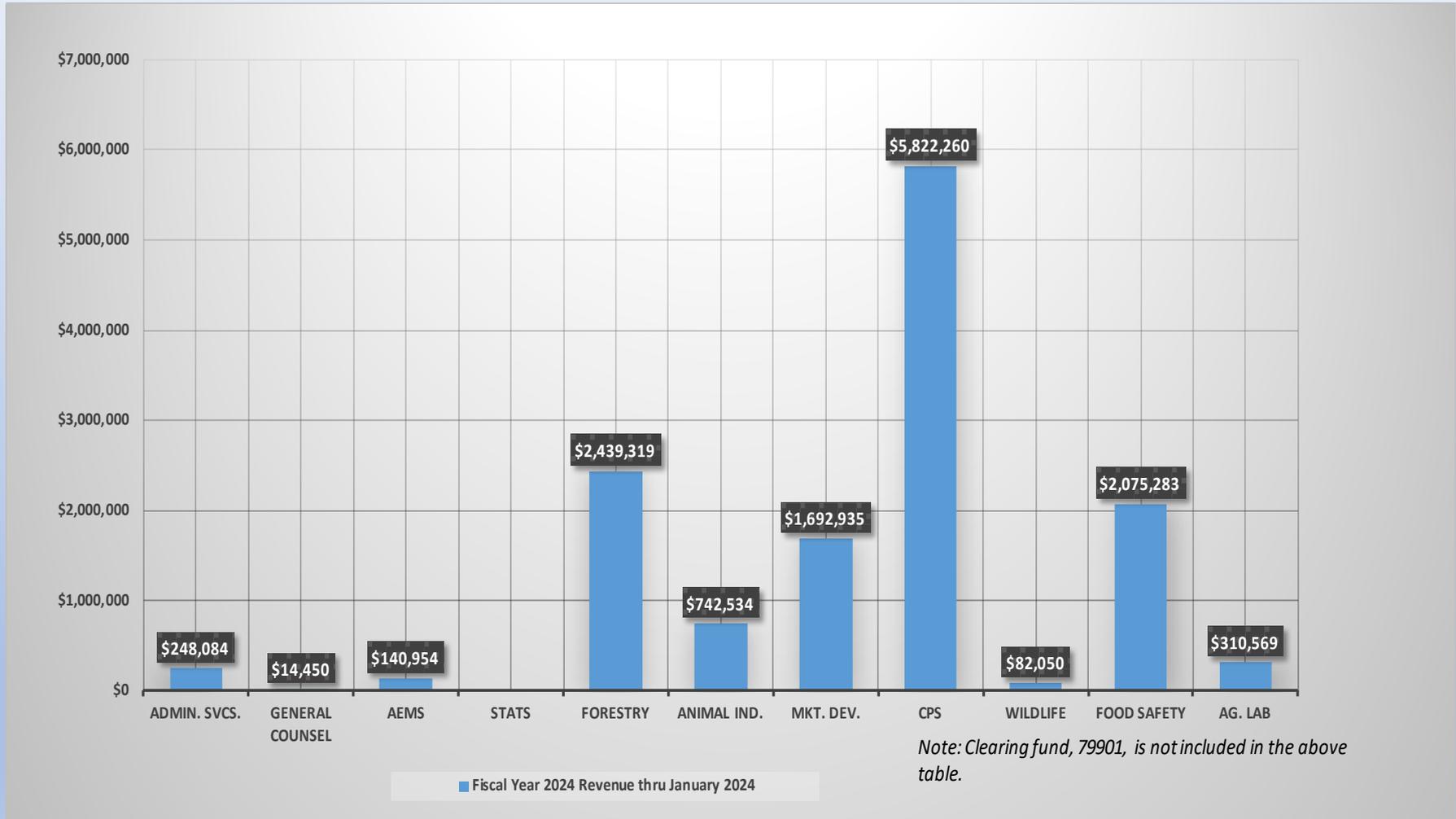
Oklahoma Department of Agriculture, Food and Forestry
Revenue Summary by Division

Division	January 2024 Revenue	Fiscal Year 2024 Revenue thru January 2024
Admin. Svcs.	8,407	248,084
General Counsel	2,000	14,450
AEMS	6,165	140,954
Stats	-	
Forestry	935,120	2,439,319
Animal Ind.	274,366	742,534
Mkt. Dev.	339,607	1,692,935
CPS	977,463	5,822,260
Wildlife	(6,500)	82,050
Food Safety	81,706	2,075,283
Ag. Lab	40,474	310,569
Division Total (see division receipts graph on next slide)	2,658,808	13,568,439
Commodity Storage Indemnity	28,712	230,639
Appropriations	2,995,017	36,739,118
Agency Total	5,682,537	50,538,196

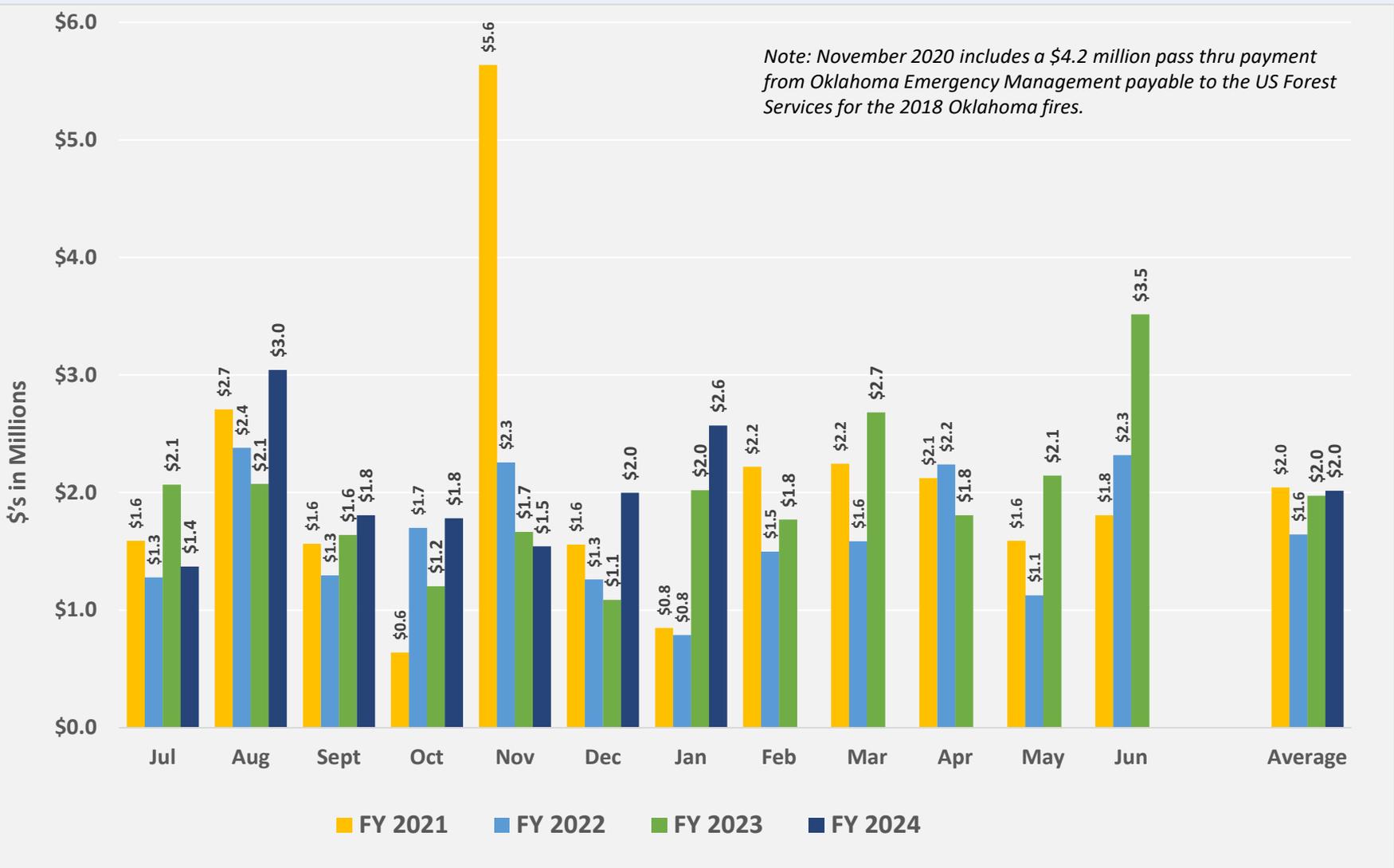
Note: Clearing fund, 79901, is not included in the above table.



Revenue By Division July 2023 – January 2024



Total Revenue by Month July 2020 – January 2024



Administrative Services - Finance

- Revenues (excluding appropriations) for fiscal year 2024 thru January 2024 were \$14.1 million
- Revenues for the same period last fiscal year were \$11.7 million
 - This is an increase of approximately \$2.4 million and is primarily due to:
 - An increase in federal reimbursements
 - An increase in plant industry licenses and fees
 - Timing of payments received



Total Expenses by Month July 2020 – January 2024

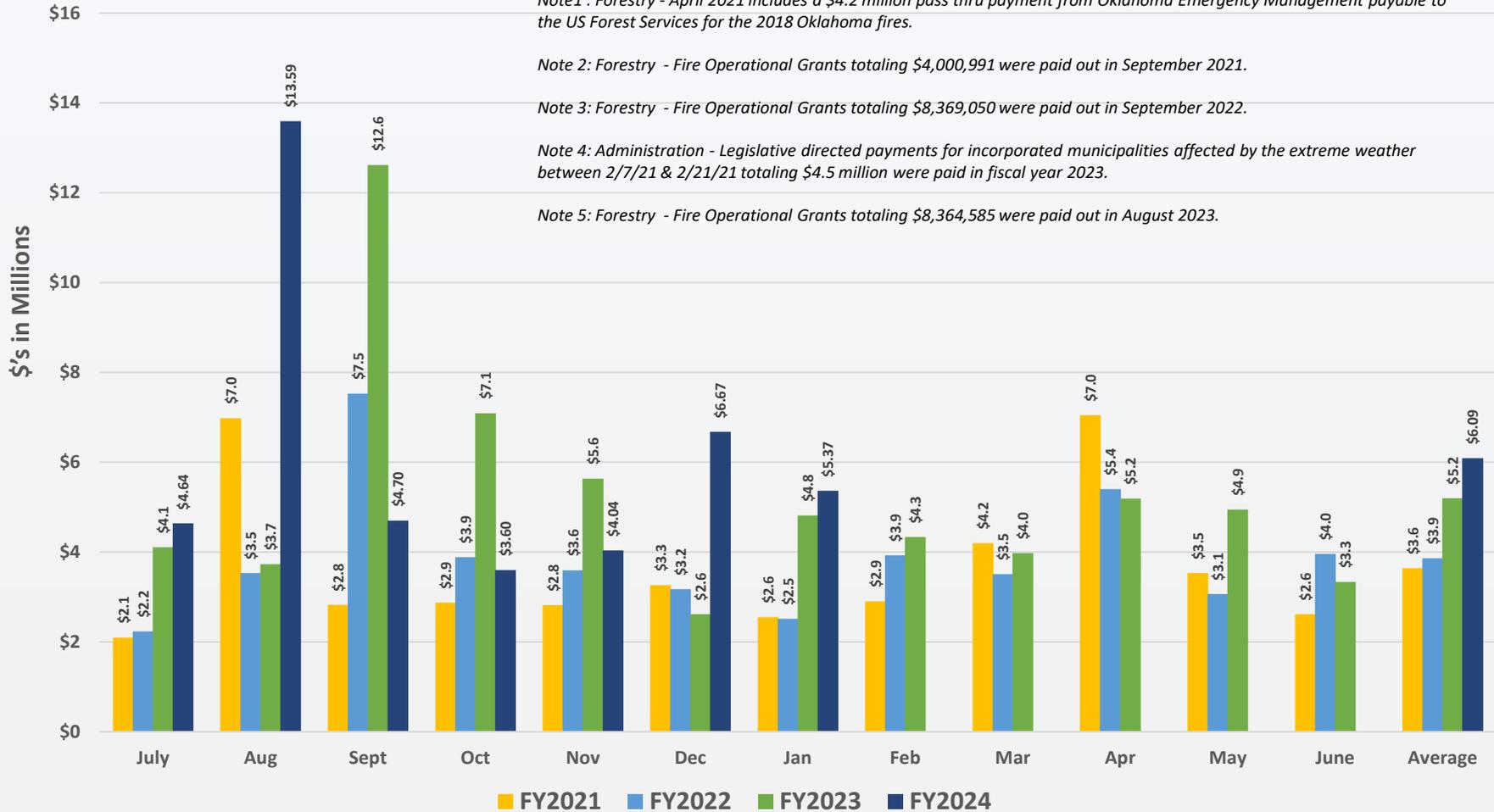
Note 1 : Forestry - April 2021 includes a \$4.2 million pass thru payment from Oklahoma Emergency Management payable to the US Forest Services for the 2018 Oklahoma fires.

Note 2: Forestry - Fire Operational Grants totaling \$4,000,991 were paid out in September 2021.

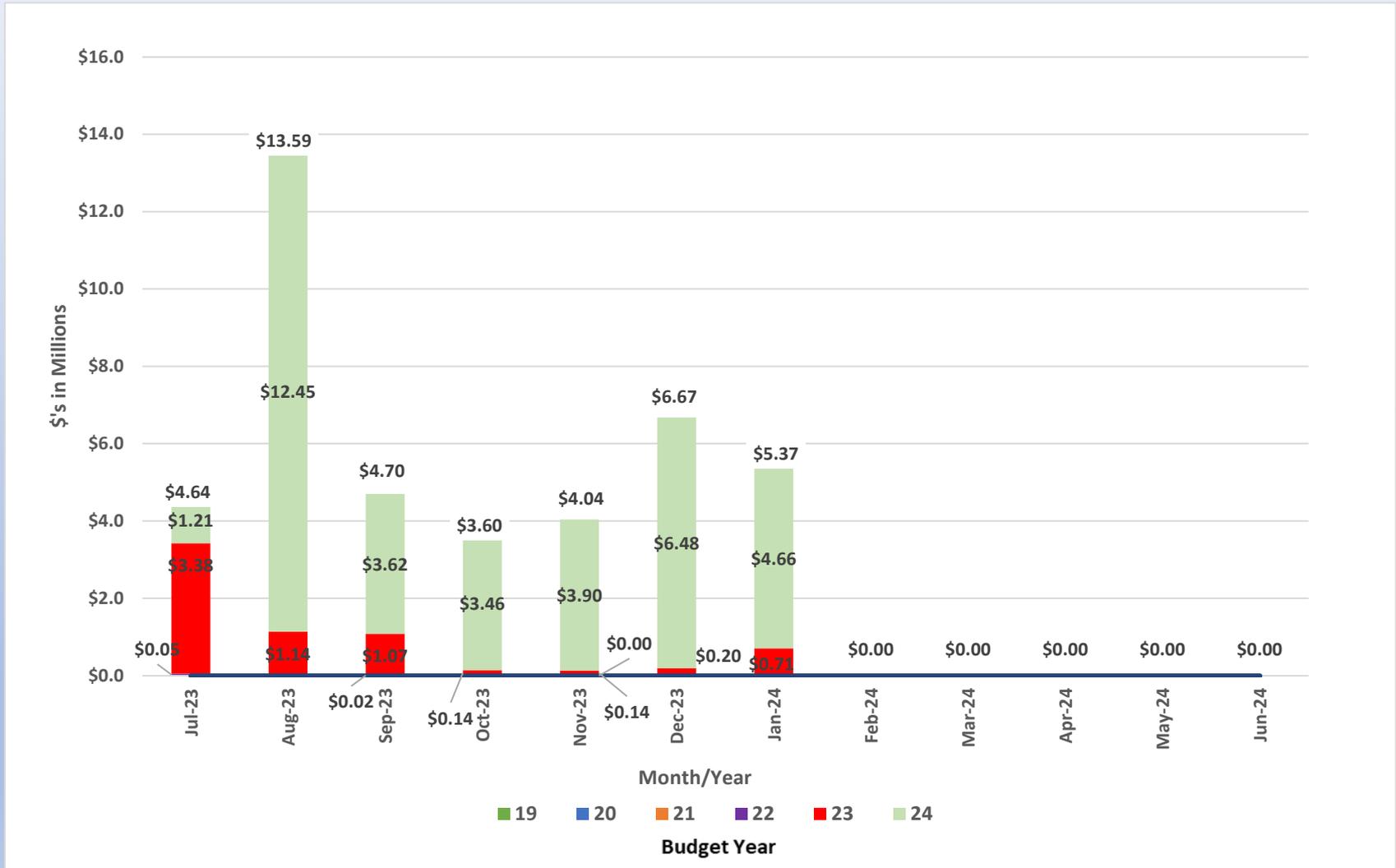
Note 3: Forestry - Fire Operational Grants totaling \$8,369,050 were paid out in September 2022.

Note 4: Administration - Legislative directed payments for incorporated municipalities affected by the extreme weather between 2/7/21 & 2/21/21 totaling \$4.5 million were paid in fiscal year 2023.

Note 5: Forestry - Fire Operational Grants totaling \$8,364,585 were paid out in August 2023.



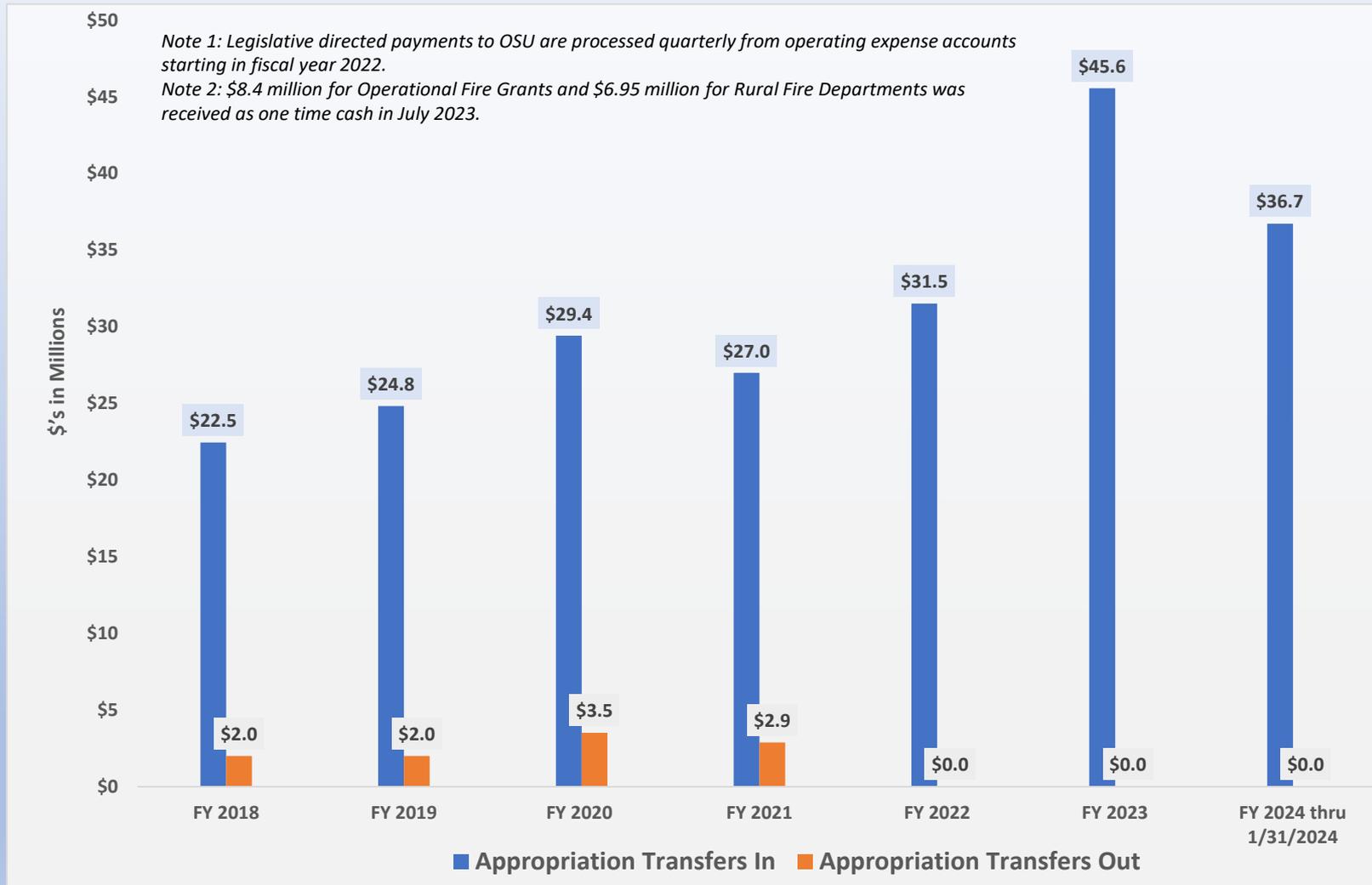
FY 2024 Total Expenses by Month with Budget Year



Administrative Services - Finance

- Total expenses for fiscal year 2024 thru January 2024 were \$42.6 million compared to \$40.6 million for the same period last fiscal year
- This was an increase of \$2 million and is primarily attributed to:
 - The timing of legislative directed payments
 - Local Food for School grant payments
 - Increased labor costs

Appropriations FY 2018 thru January 2024





Commodity Storage Indemnity Investment Report

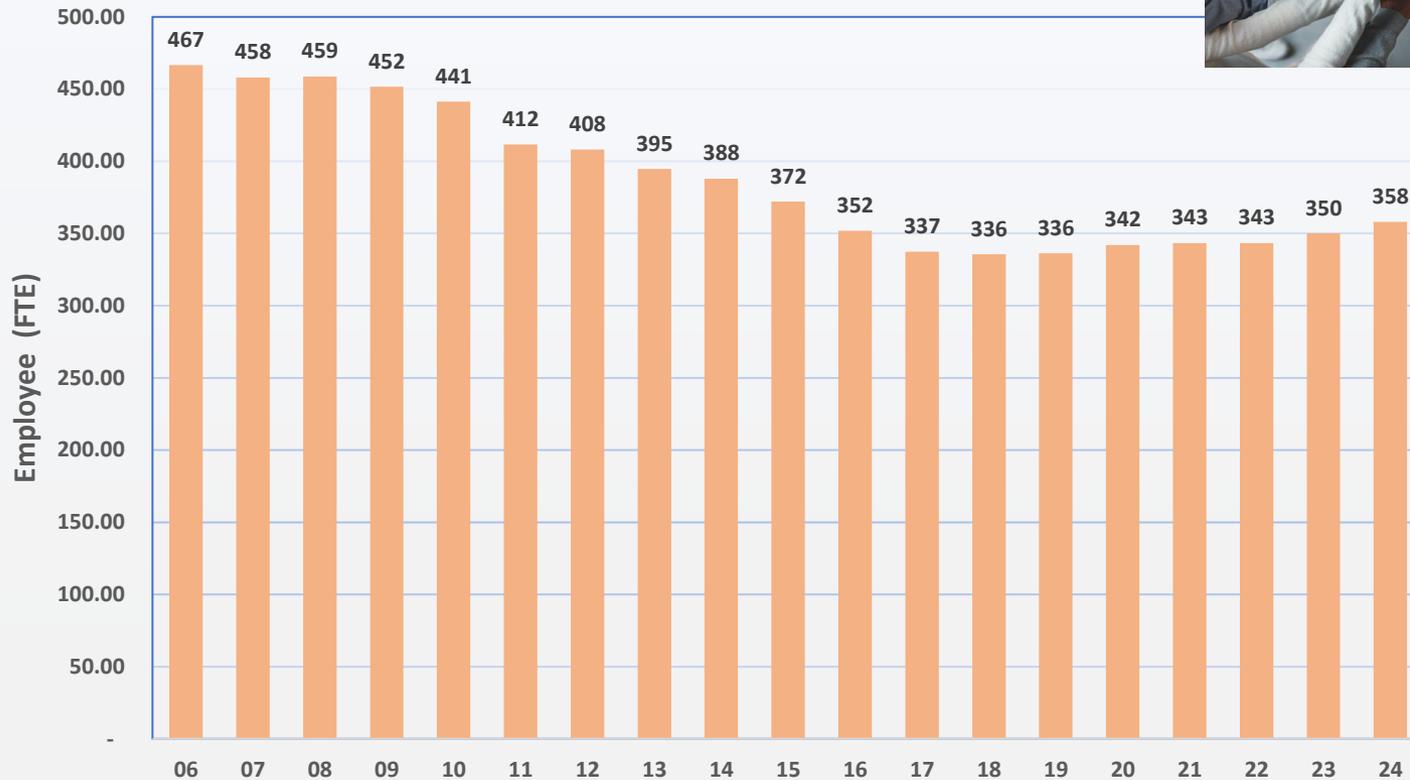
As of January 31, 2024			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,529,881
<u>FY-2024 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest Revenue		28,712	230,639
Reinsurance		-	-
ODAFF Support Services		-	(50,000)
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	28,712	180,639
		=====	=====

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

Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	22,838,350	11,368,940	15,043,812	(3,574,402)
512	Insur.Prem-Hlth-Life,etc	5,558,363	2,628,998	223,938	2,705,427
513	FICA-Retirement Contributions	5,597,514	2,662,470	1	2,935,043
515	Professional Services	3,169,160	965,653	2,274,266	(70,759)
519	Inter/Intra Agy Pmt-Pers Svcs	30,000	16,044	8,996	4,960
521	Travel - Reimbursements	518,530	121,781	-	396,749
522	Travel - Agency Direct Pmts	495,863	209,653	-	286,210
531	Misc. Administrative Expenses	1,355,557	472,799	227,740	655,018
532	Rent Expense	690,348	370,374	325,045	(5,071)
533	Maintenance & Repair Expense	1,987,084	503,947	301,667	1,181,470
534	Specialized Sup & Mat.Expense	1,585,302	418,143	581,813	585,346
535	Production,Safety,Security Exp	216,525	23,126	6,995	186,404
536	General Operating Expenses	316,154	69,652	-	246,502
537	Shop Expense	584,517	279,641	57,439	247,437
541	Office Furniture & Equipment	4,398,758	349,618	822,668	3,226,472
542	Library Equipment-Resources	982	371	-	611
543	Lease Purchases	1,697,171	986,851	710,320	0
552	Scholar.,Tuition,Incentive Pmt	340	663	-	(323)
554	Program Reimb,Litigation Costs	18,421,725	10,942,545	5,106,814	2,372,366
555	Pmts-Local Gov't,Non-Profits	12,189,156	2,276,153	1,059,559	8,853,444
559	Assistance Pymts to Agencies	3,594,000	794,377	2,763,555	36,068
561	Loans,Taxes,Other Disbursemnts	650	-	-	650
564	Merchandise For Resale	150,150	-	150,000	150
601	AFP Encumbrances	-	-	2,010,205	(2,010,205)
810	Req Only	-	-	1,199,572	(1,199,572)
	Operating Totals	85,396,199	35,461,800	32,874,405	17,059,994

Oklahoma Department of Agriculture, Food & Forestry					
Monthly Budget Report - Budget Year 2024					
As of January 31, 2024					
Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2024 thru January 31, 2024					
Class Funding	Class Fund Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
19401	GRF- Duties	35,940,203	17,056,244	14,890,617	3,993,342
20500	Rural Fire Defense Eqp Rev Fd	199,449	-	190,000	9,449
21000	Agriculture Revolving Fund	26,260,394	7,179,152	13,245,316	5,835,926
22500	Enhancemnt & Diversificatn Fnd	250,000	87,804	147,334	14,862
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	866	-	93,684
25500	Ag. Evidence Law Enforce Fund	4,000	-	-	4,000
25600	Ok Viticulture Enology Revl Fd	439,275	118,187	179,769	141,319
26200	Poultry Grading Revolving Fund	1,154,297	616,113	393,093	145,091
28500	Milk & Milk Prod Inspec Rev Fd	471,032	166,513	245,110	59,409
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	13,333	6,667	80,000
42000	Specialty Crop Federal Funds	1,140,000	289,849	775,922	74,230
43000	Farm and Ranch Stress Alliance	225,000	16,586	89,292	119,121
43500	Local Food for Schools Co-op	2,900,000	1,166,465	1,751,644	(18,110)
57901	Duties	15,773,999	8,602,388	687,940	6,483,671
	Totals	85,396,199	35,461,800	32,874,405	17,059,994

Employee FTE Totals Fiscal Year FY 2006 – FY 2024



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

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

Fiscal Year

MARCH 2024 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(January 2024 Activities)

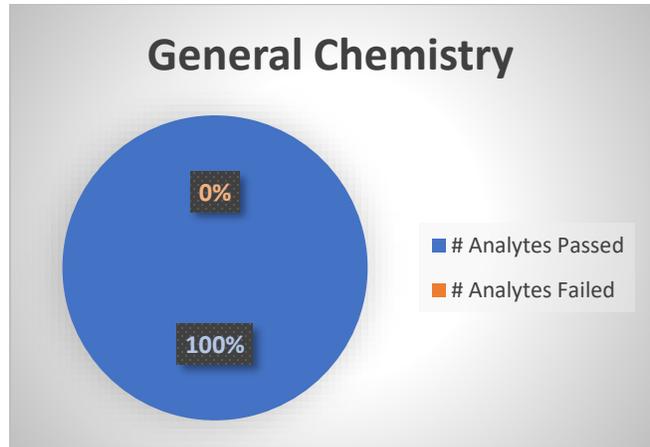
QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager)

The Internal Audit for the Dairy and Food Safety Section has concluded. The QA Manager will assist the Section in the correction of general issues found in the audit to ensure quality standards will be met going forward.

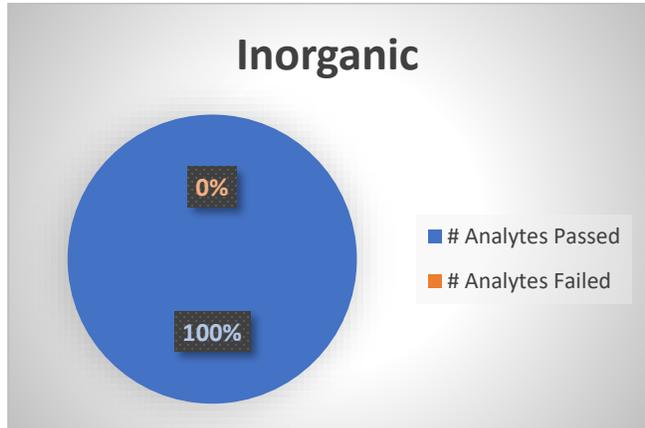
PT Results

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.

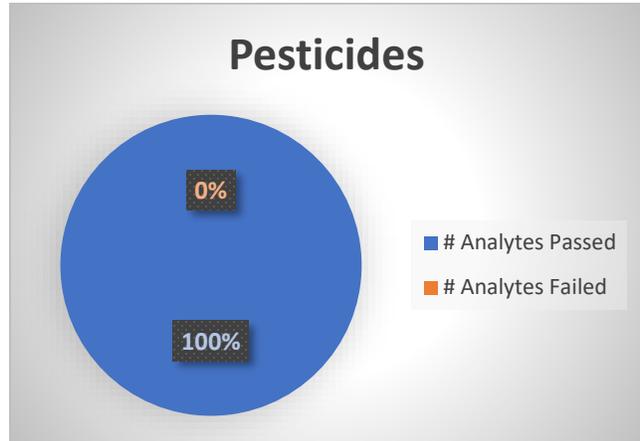
General Chemistry	
# Analytes Results Received	18
# Analytes Passed	18
# Analytes Failed	0



Inorganic	
# Analytes Results Received	18
# Analytes Passed	18
# Analytes Failed	0



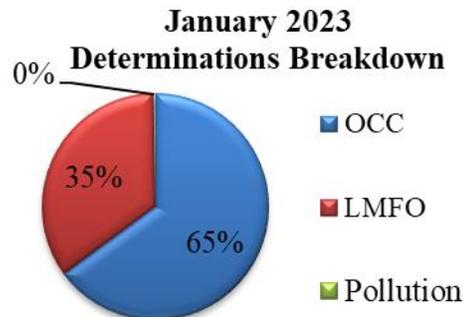
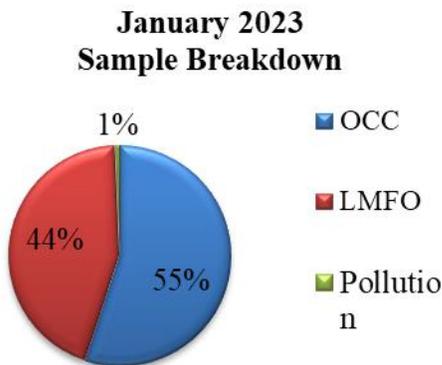
Pesticide	
# Analytes Results Received	6
# Analytes Passed	6
# Analytes Failed	0



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

In January of 2023 the Section completed 149 samples consisting of 1137 determinations, with the following breakdown:

OCC	82	738
LMFO	66	396
Pollution Service	1	3
Total	149	1137



Oklahoma Conservation Commission completed a customer survey and stated, the Section’s staff are courteous and attentive, are very helpful in keeping them in supplies and are accommodating when asked to help with unusual requests.

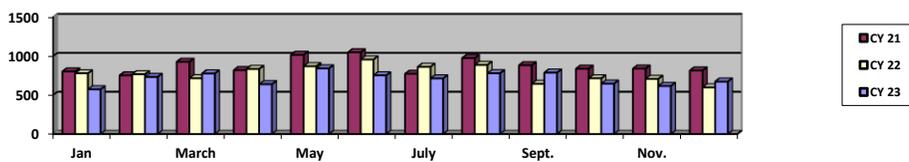
DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of January was a typical testing month for the Section. All dairies were tested, and two dairies closed. There are currently sixty-two dairies and the Section has been notified that two dairies are scheduled to close in February. In total there were ten dairies that closed in 2023.

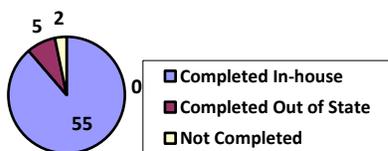
The Section was notified by the State Health Laboratory that there was a cluster of five *Campylobacter* cases in Rogers County on December 28th. After the Health Department investigated, it was determined it was from raw milk. An independent laboratory was able to get a presumptive positive on a sample. The original sample with the presumptive positive and the enrichment were taken to the Public Health Laboratory in Stillwater. The public health laboratory was able to isolate a colony and sent a sample to Nebraska for whole genome sequencing. Nebraska was able to Whole Genome sequence the colony and confirm that it was *Campylobacter jejuni*.

The FDA has released dates for the milk program training and the Southwest Regional Seminar. The seminar will be held in Golden, Colorado April 22-26th, 2024. The Laboratory Examination of Dairy Products training class is tentatively scheduled in Alameda, California in September 2024 and the LEO training course is also in Alameda in May 2024. At least one of the Section’s Microbiologists will be attending the training classes and two for the seminar.

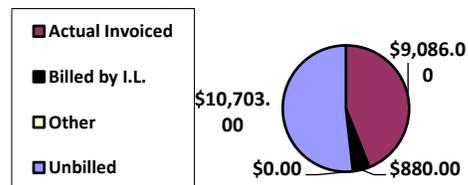
Total Determinations



Dairy Farms



Revenue Breakdown



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

A total of 88 seed samples were received for January. Most of the samples were submitted by CPS field inspectors as facilities begin increasing their inventories for the upcoming spring planting season. Crops being tested consisted primarily of spring and cool season turf grasses, native grasses, and hybrid sorghum. There was one seed law violation discovered this month. This resulted in three pounds of grass seed mix being put on stop sale due to the product being out of test date.

The Section successfully completed a proficiency test on pelleted coated and encrusted seed through the Association of Official Seed Analysts.

Oklahoma Crop Improvement (OCIA) held their Commodity Committee meeting on grass, peanuts, wheat, and other small grains, through zoom on January 25th. Members reported crops have greatly improved due to better moisture received. However, the moisture caused the start of leaf spot diseases on peanut crops. High temperatures in the fall slowed down the progression of the disease.

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

January was a tough but productive month for the Section. We had one chemist out for a couple of weeks. During this time we had to reach out to the QA manager for assistance and although he was able to approve the required samples it extended our working time. Once we returned to full staffing, we steadily cleared the backlog.

Feed rush is in full swing. We received 326 feed, six fertilizer and two lime samples from CPS, as well as 10 service feed samples. The Section was able to complete 445 samples for 2151 determinations, effectively correcting for any low numbers in December. We are working with CPS to shift toward more fertilizer samples as we move into the spring. Sampling is expected to pick up by the end of February and transition to the fertilizer rush by early March.

As mentioned, our turnaround time had a significant jump to 24.35 days exceeding our 18-day target. This is due to several factors including overall sample numbers, absences and overall delay in getting ICP Packets approved. By the end of January, we were more or less caught up and current on samples with all December samples being completed and reported out. I expect our February turnaround will be back under 18 days.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
Samples Received	336	6	0	344
Samples Completed	442	3	0	445
Determinations	2134	17	0	2151
Violations	161	2	0	163
Violation %	7.54%	11.76%	0	7.58%

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

Pesticide Section samples completed:

In the month of January, the Section completed 19 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 63 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	6	14	88	90
Residue Soil	11	20	71	52
Residue Water	1	3	11	86
Organic Act	-	-	-	-
Residue, Other	-	-	-	-
Concentrate	-	-	-	-
Tank Mix	-	-	-	-
Hemp	1	1	1	8

Average Residue Turnaround Time: 67 days

Average Formulation Turnaround Time: -- days

Average Hemp Turnaround Time: 8 days

Totals		
# of Samples	# of Tests	# of Determinations
19	38	171

Samples the Section received by month:

The Section received 17 samples this month. Most of the samples received were for Formulation Analysis (see Fig A).

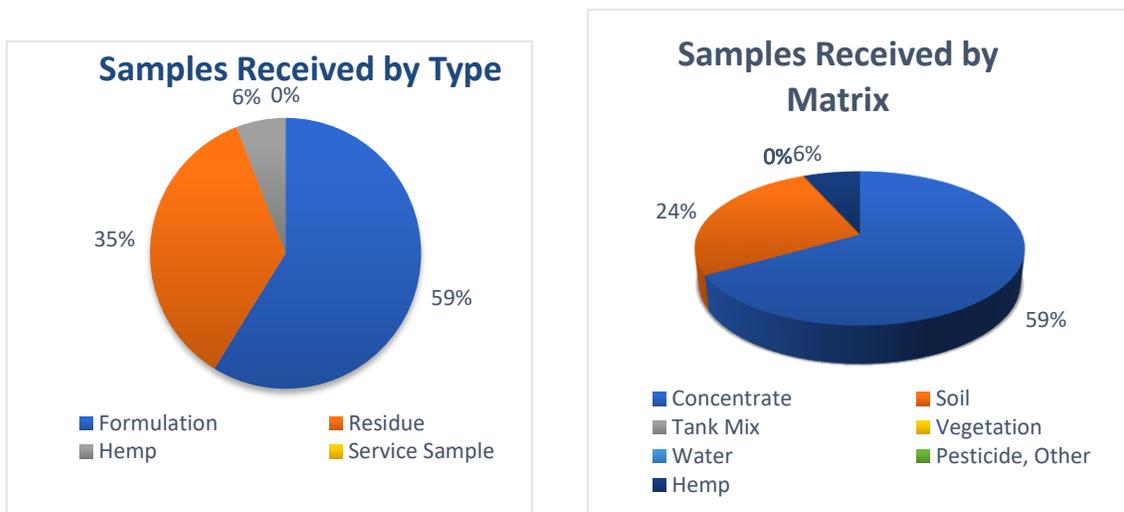


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

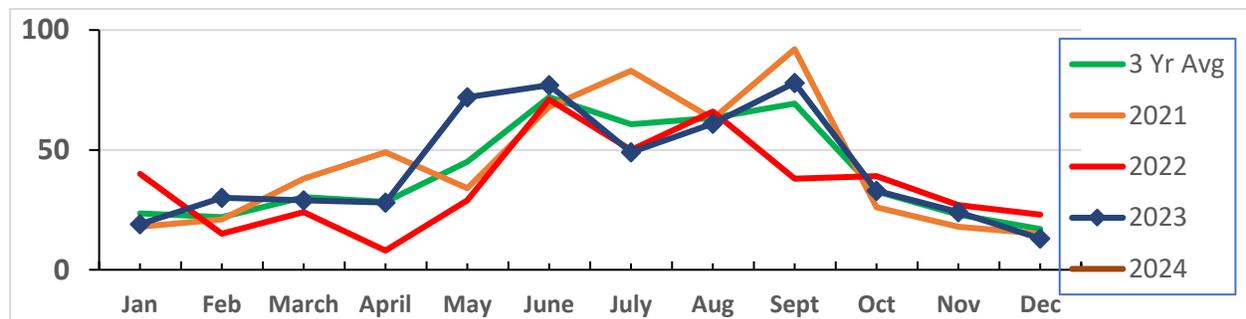


Fig B. Graph showing the number of samples received by the section each month.

Determinations the Section completed by month:

This month, the Section completed 171 determinations with most of the determinations on residue vegetation samples.

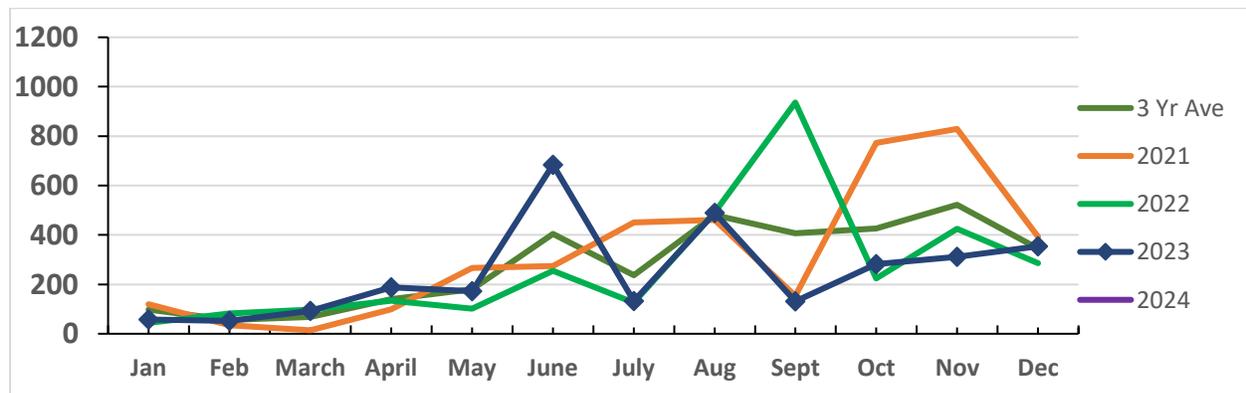


Fig C. Graph showing the number of determinations completed each month.

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

The following is a workload summary for the Oklahoma Bureau of Standards from January 1st to January 31st.

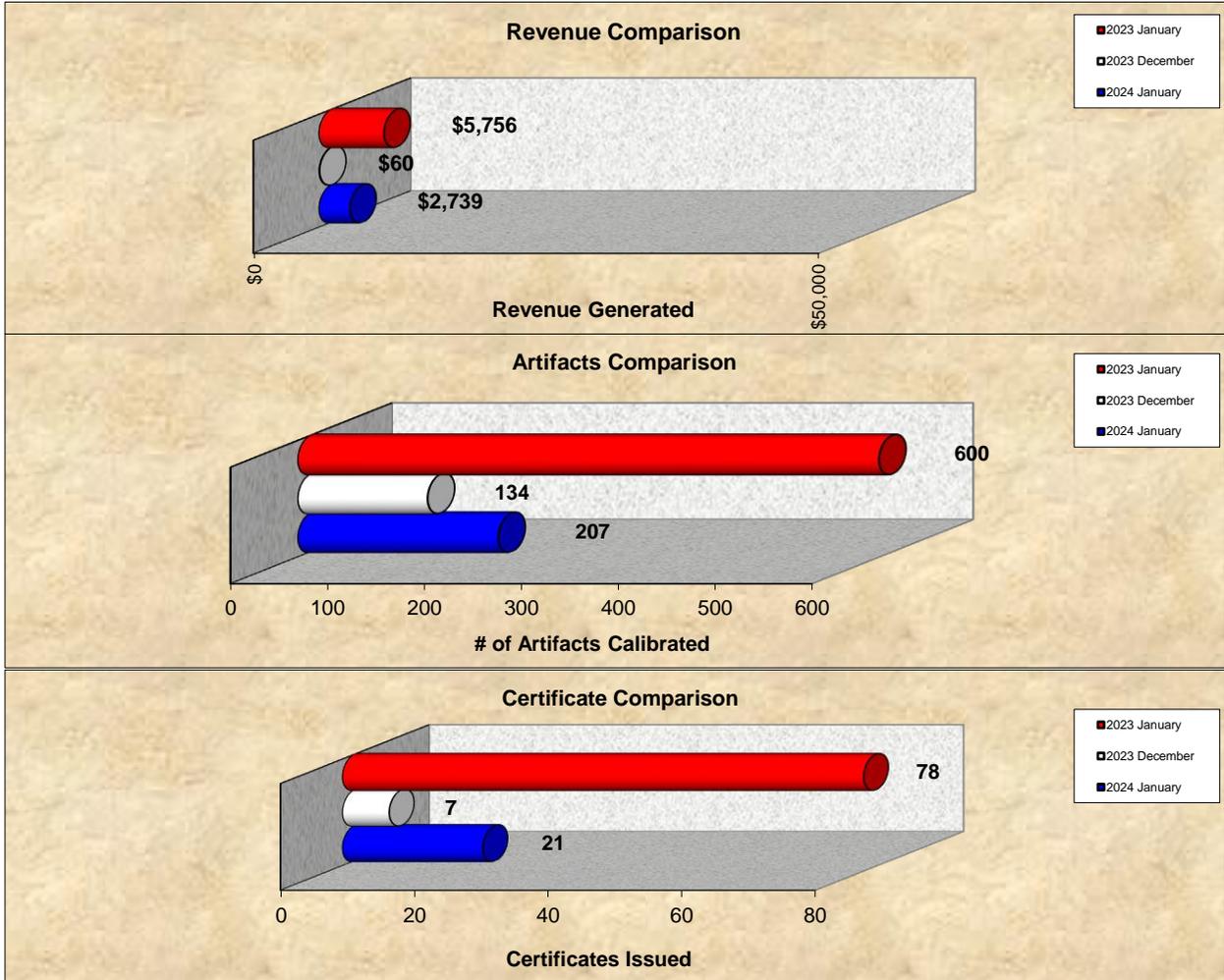
During the month of January, the Section’s workload was substantial compared to most recent months. Multiple client artifacts were seen by the Bureau in January. The appointments included an array of volume calibrations, as well as Mass III calibrations. William Krivanek and Termelia Hogg also had an opportunity to complete a proficiency test on a 5-gallon test measure from the National Institute of Standards and Technology (NIST). This is a necessary step to be able to acquire accreditation for volume calibrations. Communications have continued with NIST regarding accreditation and recognition, and the Section continues to work on providing documents to NIST to complete the accreditation process. The Bureau has high ambitions for 2024, and the year has started out in a positive fashion.



Pictured above: This is a weight kit that was calibrated by the Oklahoma Bureau of Standards during the last week of January. It consists of 31 weights ranging from 5 pounds to 0.001 pounds.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$0.00	0.00%	2	1.00%
In-State Customers	4	\$2,739.00	100.00%	205	99.00%
Totals	5	\$2,739.00	100.00%	207	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	\$1,861.00	5
Volume	\$120.00	0



Respectfully Submitted,

Wade Krivanek
 Laboratory Director
 Laboratory Services Division

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

FEED SAMPLES	336
FEED DETERMINATIONS	2134
POSSIBLE VIOLATIONS	161
FERTILIZER SAMPLES	6
FERTILIZER DETERMINATIONS	17
POSSIBLE VIOLATIONS	2
LIME SAMPLES	0
LIME DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
PESTICIDE SAMPLES	19
PESTICIDE DETERMINATIONS	171
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	149
DETERMINATIONS	1137
SEED SAMPLES	88
SEED DETERMINATIONS	102
POSSIBLE VIOLATIONS	1
BUREAU OF STANDARDS CERTIFICATES	21
NUMBER OF STANDARDS CALIBRATED	207
FEE CHARGES	\$2,739.00
DAIRY SAMPLES	215
DAIRY DETERMINATIONS	553
POSSIBLE VIOLATIONS	10
TOTAL SAMPLES	834
TOTAL DETERMINATIONS	4321
TOTAL POSSIBLE VIOLATIONS	174



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 January 8, 2024 thru February 23, 2024

FIRE MANAGEMENT

WILDFIRE ACTIVITY & OUTLOOK EXECUTIVE SUMMARY

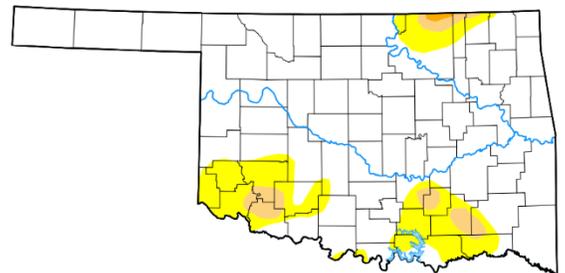
January was a calm month for wildland fire activity across Oklahoma. Adequate precipitation limited fuels receptiveness for much of the month and as a result Oklahoma Forestry Services responded to only 16 wildfires burning 168.3 acres. We are referencing records in the near 100-year history of Oklahoma Forestry Services, although we are fairly confident that those statistics may be the lowest response numbers for any month since we began wildfire suppression. During January, OFS conducted three prescribed burns treating 442 acres including a very large pile burn (0.5 mile long) of juniper (Eastern redcedar) as part of the fuels mitigation project at Turner Falls.

Moving into February, the middle part of the month has afforded a number of opportunities to complete prescribed burning. By mid-February, OFS had already treated more acres than we were able to treat in all of 2023. As of this report date, 25 prescribed fires have been completed treating 8,433 acres. Many more prescribed burns are on the docket for 2024, although prescribed burning will take a bit of a backseat to wildfire suppression as we move into March.

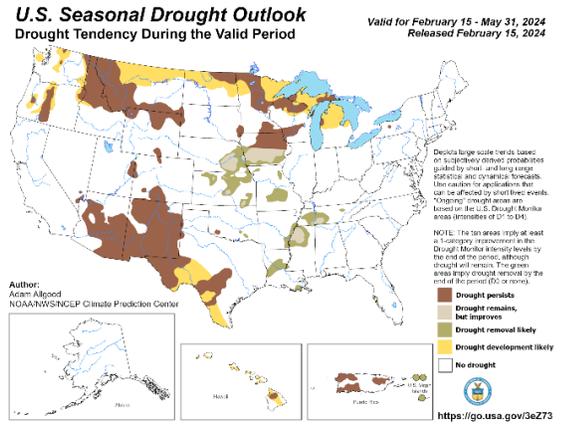
The month of March is when Oklahoma experiences the highest number of wildfires and very often the most acres burned. February, so far, has picked up where January left off in that the number of wildfire responses continues the below-average trend. OFS has responded to 68 wildfires burning 1,474 acres as of this report date.

The El Niño influence that brought much needed moisture early in the year is beginning to fade somewhat and climatology is beginning to have a stronger influence on day-to-day weather patterns. While the overall trend for below-normal wildfire activity is expected to continue, increasing activity at the end of February then into March is fully expected. There will likely be a handful of days with significant fire (>5,000 acres) potential that occur although current forecast guidance and trends do not support a high number of days when that threat will be on the landscape. Initial attack activity is expected to dominate the response type with wildfires noting that some large fire activity is fully expected. Large fires are those that burn more than 100 acres in timber dominated fuels, 300 acres in grass-dominated fuels and/or involve structure loss or casualty.

The **Drought Monitor** continues to express improvement with those beneficial precipitation events in January and early February. Slightly over 83% of Oklahoma has shifted out of the drought that was strongest during the late summer months, and only a small portion of Osage County continues to register Extreme Drought indices. The improvement comes with much of the western one-third of Oklahoma receiving more than 200% normal precipitation for the dormant season. In fact, much of the state is running well above normal precipitation for the season.



The **Drought Outlook** points to continued relief through spring for most of the areas currently reflected in the Drought Monitor. Near-term forecast data does point to the continued warm/dry trend through the end of February and into early March. Wildfire occurrence is expected to increase in the coming days. Initial attack activity will be largely successful, and some days will pose large fire occurrence threats. Overall, the consensus with interagency partners is that significant fire potential remains suppressed given respectable composite fuel moisture values, the expectation that El Niño influence will bring increased precipitation chances back into the mix, and the potential for good cool-season species green-up.



COMMUNITY FIRE ASSISTANCE

The Arnett Fire Department in Ellis County is better equipped to fight wildland fire in its area thanks to a collaboration with the [Oklahoma Economic Development Authority/OFS Rural Fire Defense Program](#). Arnett is the recipient of a 2001 Chevrolet 1-ton 6x6 which was converted into a Brush Truck.



Community Wildfire Defense Grants had a total of 9 applications submitted for the grant in 2023. Scoring of the grants was due March 5 and results will be back to the communities shortly thereafter. Even though this round has not opened for applications, we are continuing to reach out to communities throughout

Oklahoma that may have a need for fuels mitigation or Community Wildfire Defense Plans. This should give them more time to develop a successful grant application. The Turner Falls project, which is now in full swing, was the only CWDG grant in Oklahoma for the first round. We are hoping to help make mitigation available to all communities in Oklahoma.

COMMUNITY OUTREACH AND COMMUNICATIONS

FORESTRY EDUCATION

On January 20th, Education Coordinator Tony Pascall hosted a Project Learning Tree workshop for ten elementary and middle school teachers in Ada. These teachers will now have the tools to teach about forestry and important conservation topics in their classrooms and yearly outdoors camp.

On January 23rd, Tony led a PLT workshop for 12 nonformal educators in Claremore. These attendees volunteer with 4-H and Jr. Master Gardener programs, and will be able to incorporate forestry education into their programs.



On February 2nd and 3rd, Tony helped to host the Environmental Education Expo at the OKC Zoo. This event is put on by the Oklahoma Association for Environmental Education (OKAEE), which is a nonprofit organization Tony was recently made president of the board for. The event was attended by 115 environmental educators from different backgrounds such as formal classroom teachers, college professors, nonformal educators from state, local, and tribal agencies, and more. Tony presented two talks at the conference. One titled “Teaching Climate Science with Hope and Optimism” with Emma Kuster from the South Central Climate Adaptation Science Center and OU, and one titled “Trees & Me for Early Childhood” with Nikki Huckabee from OSU’s Early Childhood Education department. Tony also had a table sharing information about resources OFS has for environmental educators. The second day included a two-hour workshop on PLT for attendees, and 12 educators attended that workshop.



On February 10th, Tony hosted two workshops on Project Learning Tree at the OKC Zoo that were open to the public. The first was for K-8 educators, and had 10 attendees. The second was for early childhood educators, and had 7 attendees.

COMMUNICATIONS

In late January, Information Representative Keith Merckx joined Forest Management Chief Craig Marquardt at the Forest Heritage Center at Beavers Bend State Park to interview candidates for the Forest Heritage Center Director Vacancy.

Keith has been collaborating with with Urban and Community Foresters to promote the Managing and Restoring Storm Damaged Trees workshop which features OFS Foresters and is presented by close OFS partner Oklahoma Community Forestry Council.

OFS Urban and Community Forester Mark Bays has been coordinating with Keith to promote the Urban and Community Forestry Grant Assistance Program which is offering \$1.35 million in grants to Oklahoma non-profits, educational institutions, tribal entities and municipal governments.

Keith partnered with NOAA National Weather Service staff to coordinate a 2/16 media availability featuring NOAA NWS Director Ken Graham and OFS Director/State Forester Mark Goeller holding forth on the agencies partnership spearheading new ways to forecast and warn fire weather. Numerous media outlets were on hand and ran stories:

- [KOCO News 5](#)
- [KOKH Fox OKC](#)
- [Norman Transcript](#)
- [Ponca City Now](#)



OFS GIS Manager Chris Mask, Forest Ranger Don Cook, and Keith Merckx all presented on the Safe Stay OK website and spoke on the Hochatown Project before the [Hochatown Town Board](#) during the regularly scheduled board meeting on 2/7. The project was warmly received by those gathered and new relationships were forged as OFS works to raise awareness of the project and get Hochatown property owners and their guests better prepared for wildfire.



OFS conducted a prescribed burn on 2/19-2/20 at Lake Thunderbird State Park. Keith was on hand to meet with any members of the news media who might show up as well as to document the burn.



FOREST MANAGEMENT

FOREST TREE IMPROVEMENT CENTER/STATE NURSERY

The annual OFS Seedling Sale is winding down for the year with seedlings being harvested for distribution. As of 2/23 nursery staff had received 500 orders for 1.25 million seedlings with revenue of \$295K.



The regeneration staff at the Forest Regeneration Center in Goldsby continued to conduct field cultural practices in preparation for seedling harvest and processing. Prior to lifting the seedlings, the staff will go through the raised seedling nursery beds with the lateral root pruner, which actually prunes the later roots of the seedlings prior to lifting. By keeping the roots properly pruned and manageable to handle, this will allow for less plant stress at time of lifting and during planting once received by landowners.



Forest Inventory & Analysis

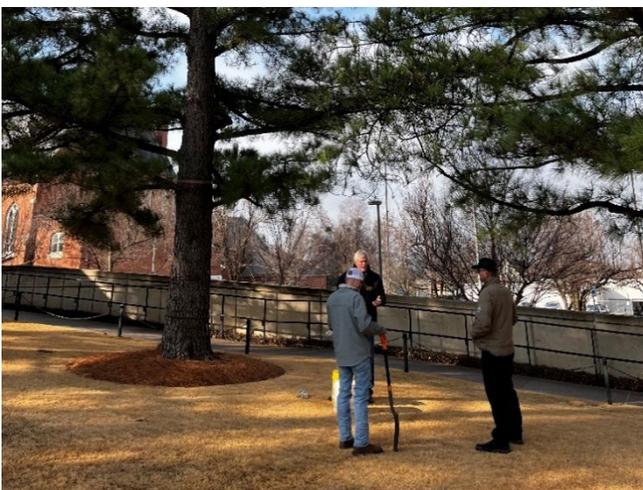
The Forest Inventory and Analysis (FIA) crew welcomes James Brown into the ranks of "Certified Cruiser." FIA foresters must pass an intense training period after hiring on with Oklahoma Forestry Services. During training, the FIA foresters become experts at identifying tree species during winter dormancy, traversing rugged terrain while taking meticulous forest measurements, and liaising with landowners to explain the important of the forest inventory program. James passed his certification test with the highest score in program history.

URBAN AND COMMUNITY FORESTRY

Program Highlights

On January 23rd, Forester Elizabeth Bland-Corbishley assisted with a complex FIA plot near Arcadia, OK by the Deep Fork River.

On January 24th, Riley Coy met with Capstone Forestry students from Oklahoma State University to assess a property in Central Oklahoma. This project requires seniors to perform a timber cruise to collect data and write a Forest Stewardship Plan for the property. This plan is a culmination of everything they've learned throughout their college careers.



January 25th, Elizabeth & Riley Coy met with Peter Erdoes and the HOA of Lake Hiwassee to discuss management of their 234 acres of forest and prairie land surrounding the lake community.

The week of January 29th, Riley Coy and Mark Bays attended the Southern Group of State Foresters' Urban Foresters annual winter meeting in Fort Worth, Texas. Urban Foresters from the 13 southern states and territories assembled at the winter meeting to work out details for programs occurring over the next year.

On February 5th, Mark Bays and Riley Coy met with staff at the Oklahoma City National Memorial to address concerns over the loblolly pine trees on site. Soil samples were collected and taken to Stillwater for testing to make the best recommendation for remediation.

On February 10th Mark Bays conducted a Tree Health and Disease workshop in partnership with Oklahoma City Beautiful at the Martin Park Nature Center. Part of this workshop was a was held in the field where participants removed almost 100 small non-native Chinese Pistache trees within the natural area. February 24th Mark was on hand for the Pruning and



Maintenance workshop. These workshops are part of a series of four workshops Oklahoma City Beautiful is coordinating as part of their newly organized Citizen Forester Program. Twenty-five students of all ages and backgrounds participated and now have the basic understanding of tree species commonly found in central Oklahoma, how to identify, plant and maintain them. Participants received a certificate of completion and are required to provide volunteer help on tree related projects Oklahoma City Beautiful is involved with.

February 21st, Urban Foresters Elizabeth & Riley had a table at the Oklahoma City JA Inspire Event (Junior Achievement) at the Oklahoma City Fairgrounds sharing information about careers in Forestry to 8th

grade students. This event was sponsored by the Tulsa Regional Stem Alliance and was attended by nearly 2,000 students from across the central and western part of the state.

Upcoming Events

On March 12th OFS and the Community Forestry Council will be co-hosting the kickoff for Arbor Week in Oklahoma celebrating all the cities, Air Force Bases, college campuses and utility companies recognized by the National Arbor Day Foundation for their good practices in tree care and planting. This year's event will be held at the Oklahoma History Center.

PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

NORTHEAST AREA

Forest Protection Highlights

From January 6th through February 21st, the Northeast Area responded to 44 fires that burned 1029.2 acres. NE Area completed their annual fire refresher and work capacity test on January 11th. Craig Longshore attended the red card committee meeting at Goldsby on January 18th. NE Area selected applicant Jake Johnson for the Proctor Forest Ranger I position. Jake's first day of duty is set for February 26th.

Prescribed Fire



NE Area has started working of prescribed burning in the Area. Below is a list of completed burns and acres treated.

- 2/15 Adair County – Cross Boundary – 86 acres
- 2/18 Sequoyah County – Cross Boundary – 50 acres
- 2/19 Adair County – Cross Boundary – 100 acres

More burns are planned and being prepared for the next burn window.

Forest Management/Program Highlights

Connie Robinson and Craig Longshore attended the OFARS training held in McAlester, on January 17th. Craig Longshore and Connie Robinson conducted two interviews for qualified applicants for the Tahlequah Forester position on February 15th. They selected applicant Ryan Pope for the position and his first day to report for work is February 26th.

Connie Robinson assisted nine landowners with forestry questions and site visits. Connie completed four plans, one Forest Stewardship Plan Delaware County for 191 acres, two management plans- one in Osage County and the other in Delaware County covering 94 acres, and one planting plan in Rogers County for two acres. She reviewed and provided comments on 15 LSR proposals. Connie attended Southern Group of State Foresters SUM committee winter meeting.

Administrative

Kaley Helton completed a webinar focusing on “Order of Precedence in State Purchasing” on February 22, 2024. This webinar will count for one credit towards her Certified Procurement Officer training.

Ongoing Issues/Upcoming Events

- Sallisaw Forester Interview – February 22nd

- NE Area Forest Fire Control Officer Interviews – February 29th
- Pack Test - March 7th
- FFA Forestry Competition – April 4th

EAST CENTRAL AREA

Forest Protection Highlights

Since the last board report date of January 9, 2024, EC has suppressed eleven fires on a total of 633 acres for an average fire size of 57.5 acres. Seven (7) structures were saved at a total value of \$263,353. No structures were lost on any of these fires.

Talihina rangers and forester met with SE ranger Don Cook to discuss and tour the Hochatown Wildland Urban Interface (WUI) project. This meeting was designed to familiarize Talihina personnel with the WUI area surrounding Hochatown to better prepare them for wildfire response within the WUI area.



Forest Management/Programs Highlights

OSU personnel installed maple syrup collection buckets on maple trees at the Talihina office along with a vacuum delivery system that is monitored weekly. This is an ongoing collaborative effort between OSU and OFS to study and assess the viability of maple syrup production in Oklahoma.

EC rangers Stacy Lovell and Clayton Hurst attended the annual Southern Area Incident Management Team meeting in Nashville, TN. Other OFS personnel attending were safety officer Rick O'Daniel and NE forest ranger Joe Leak.

Talihina rangers Jake Keen, Michael Gentry, and Kale Haney visited with high school students at a career fair at Carl Albert State College in Poteau, OK.

Prescribed Fire

EC rangers completed nine private landowner prescribed burns for a total of 1,017 acres treated. EC also constructed firelines on five additional properties in preparation for Rx fire activities. Nine (9) prescribed burn plans were completed on a total of 2,009 acres.

JT Allen, Bobby Eubanks, and Caleb Fields assisted with a prescribed fire at Lake Thunderbird State Park in Cleveland County. This is a collaborative effort between OFS, the Bureau of Reclamation, and Oklahoma State Parks. Some of the goals of the reintroduction of fire onto the landscape around Lake Thunderbird include hazardous fuels reduction, wildlife habitat and forest health improvement, and forest aesthetics.

Forester Eddie Woods completed four new forest stewardship plans since the last report covering a total of 765 acres. Forester JT Allen has ensured completion of site prep work in LeFlore county and the planting of approximately 87,000 bareroot loblolly pine seedlings will take place in late February or early March on 139 acres.

Safety/Training Highlights

A new employee, Austin Rice, obtained his Class A Commercial Driver License (CDL). Congratulations Austin and thanks to his fellow EC employee Garret Rowland for working with Austin on the Skills portion of the test. Again, the OFS-administered Entry Level Driver Training (ELDT) program is paying off in helping new employees obtain their Class A CDL.

Wilburton and Talihina offices both conducted monthly safety training with District personnel.

Multiple OFS personnel are set to participate in fire training classes that will be provided at the Arkansas River Valley Wildland Fire Academy in May. Several employees are also slated to help instruct some of the courses being offered to fire personnel from various agencies.



Employee Recognition/Other

Justin Hoopengartner, Forest Ranger II, resigned January 12th creating the newest vacancy in the EC area. EC announced two positions and has conducted interviews for the Whitesboro Forest Ranger I position (vacancy created by Hoopengartner resignation) and the Talihina Forester I position. Applicant selection is underway, and both positions are anticipated to be filled by mid-March.

Upcoming events/activities

Continuing to fill vacancies and new employee training will continue to be the most pressing issues entering the Spring 2024 fire season.

SOUTHEAST AREA

Forest Protection Highlights

In January the SE Area responded to eleven fires that burned 23.9 acres; no structures lost and one structure saved. February to date the SE Area responded to 25 fires that burned 516.6 acres with no structures lost and 4 primary structures saved. The Pickens Creek Fire in McCurtain County burned 300 acres. The SE Area approved 42 burn notices in the month of January and 62 to date in February.

Forest Management/Programs Highlights

Will Phifer had seven landowner assists in January. Tyler Hyatt had nine landowner contacts in January with various landowners to plan and conduct site visits for timber management and prescribed fire. Jacob Lewis had eight landowner contacts in January with various landowners to plan and conduct site visits for timber management, health and prescribed fire. He has also written two stewardship plans.

Prescribed Fire

The planning period for the prescribed burn at McGee Creek State Park and WMA have been completed and the following prescribed burns completed: McGee Creek WMA West Unit 1,800 acres; McGee Creek State Park Unit 1 for 1,395 acres; and the NSRA Rocky Point unit for 1,900 acres. Other prescribed burns have been completed: Margie Johnson RXB 32 acres; Kane Webb RXB 32 acres; Allen Reduction RXB 23 acres; Lowry RXB 15 acres; Ellis RXB 38 acres.

SE Rangers also assisted the USFS with some of their prescribed burns: Holly Creek RxB and the High Peak-Dryer Mountain RxB. Jacob Lewis completed five RxB plans in January and February. Bryden Walker, Chris Hutson, Colton Fuller assisted with prescribed burn at Thunderbird Lake/Park 67 acres.

Safety/Training Highlights

Sonny Jonson and Don Cook attended the McCurtain County Firefighters Association meeting in January. Tony Macon attended Pushmataha County Fire Chief's Meeting in January. SE Area staff attended monthly staff meeting in Broken Bow on January 2 and February 7. Leon Macon and JD Morris attended BK Radio training in OKC at HQ. Rick O'Daniel provided CPR training for new hires. Antlers district had the following safety meetings: Predicted and expected fire behavior; bloodborne pathogens; Wildfire Lessons Learned 2023 Incident Reports; ATV/UTV Operations.

Broken Bow district had the following safety meetings: Fire Shelter Checks and Inspections and Bloodborne pathogens. Don Cook, Sonny Johnson and Pat Wayman taught S130/190 to the new hires Brock, Anthony, and Jacob. Tama Lester attended CPO Webinar. Don Cook, Sonny Johnson, Bryden Walker taught S130/190 in Broken Bow to local fire departments. Jacob Lewis, Will Phifer, Tyler Hyatt attended training in McAlester over the OFARS recording software to receive updates on changes and to learn how to properly document Stewardship, Fuels Mitigation, and Landowner Assistance through Field Maps and ArcPro.

Upcoming events/activities

- Hochatown mapping ongoing.
- Retaining wall project at Antlers shop.
- Refresher courses for all employees.



The photos above are of Antlers rangers, Steve Painter, and Jared Burgett, removing dead trees from the grounds around the Antlers office and general maintenance of office and equipment.

STATE FORESTER ACTIVITIES from 13 January 2024 thru 23 February 2024:

- Attended three scheduled Director's Meetings
- Conducted two sessions of the *S-520 Advanced Incident Management* Course in Tucson, AZ (Goeller serves as a Subject Matter Expert/Cadre/Steering Committee member)
- Virtually attended a meeting of the National Wildfire Coordinating Group's Incident Management Team Course Steering Committee (IMTCSC). The intent of this meeting was to continue content development and review of the new *Introduction to Incident Management Teams* course, a new national-level training course. Goeller serves as the National Association of State Foresters (NASF) Southern Region representative to this Committee.
- Attended the Oklahoma Association of Regional Councils' monthly meeting in Oklahoma City.
- Attended a meeting with ODAFF Administration to outline employees eligible to receive hazardous duty pay.
- Virtually attended a meeting with the Southern Group of State Foresters' Executive Committee.
- Attended the NASF Wildland Fire Committee Meeting in Miramar Beach, Florida.
- Attended the ODAFF Agency Call hosted by Secretary Arthur.
- Attended the NASF Monthly All-Member Policy Call in January.
- Virtually attended the Northern Rockies Incident Management Team #1 Command & General Staff Update and Check-In meeting.
- Attended a drone demonstration at the Forest Regeneration Center at Goldsby.
- Virtually attended the IMTCSC Monthly Meeting to discuss course development progress.
- Attended three meetings of the Oklahoma Fire Council at the State Capitol Building.
- Attended the Oklahoma All-Hazards Incident Management Team Oversight Committee meeting.
- Toured Bridger Aerospace's Multi-Mission firefighting aircraft.

- Participated on the Southern Group of State Forester's Fire Management Chief's January Monthly Call.
- Attended the February OFS First Tuesday Meeting
- Attended a meeting and press conference with Ken Graham, Director of NOAA/National Weather Service at the Norman Weather Forecast Office to announce the nationwide use of Hot Spot Notifications and the Fire Warning process.
- Assisted with a prescribed burn on Bureau of Reclamation property at Lake Thunderbird.



CONSUMER PROTECTION SERVICES DIVISION

MARCH 13, 2024 BOARD MEETING REPORT FOR DECEMBER 2023/JANUARY 2024/FEBRUARY 2024

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for January 1st to February 28th in 2024 are presented in the following chart. A total of 3400 products were registered, of the products registered 3147 were renewals and 253 were new. There were 267 products cancelled.



Pesticide Samples

Pesticide samples taken December 2023-January 2024 are presented in the following chart. A total of 16 Residue, 1 Plant Food and 7 Concentration samples were taken.

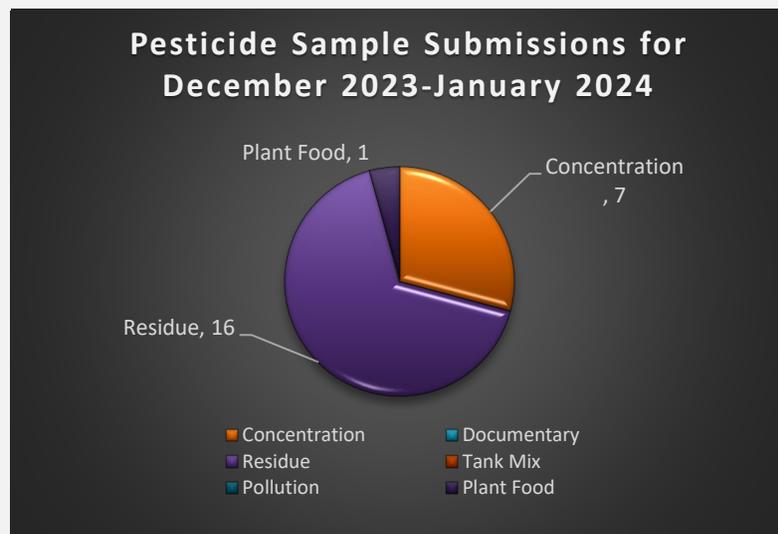


Table 1. Inspection Count for December 2023 - January 2024*

Inspection Type	Number of Inspections		
	December	January	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	44	75	119
Pesticide Applicator Facility	17	31	48
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	16	25	41
Container Containment Inspection	0	0	0
Producer Establishment	0	0	0
Use	39	64	103
Termite	0	0	0
Wood	0	0	0
Pre-treat	1	1	2
Drift Investigation	0	0	0
Pesticide Label	3585	5460	9045
Worker Protection	0	0	0
Total	3702	5656	9358

* 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 13 non agriculture use samples, 1 non agriculture follow up sample, 7 marketplace samples and 3 agriculture use follow up samples for a total of 24 samples.

Pesticide Testing & Updates

License Renewals

Approximately 1,933 company licenses have been renewed out of 2,400 company licenses that expired.

Private Applicator Renewals

There were about 7,400 private applicator licenses that expired on December 31, 2023, and approximately 1,997 applicators have renewed.

Meetings & Presentations

Attended the OAAA board meeting on February 26, 2024. I discussed the topic of UAVs (Unmanned Aerial Vehicles) and gave an ODAFF update.

Pesticide Complaints

PESTICIDE COMPLAINTS	January 9, 2024 – February 28, 2024			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	2	10	6	10
MUSK THISTLE:	0	0	0	0
PMR CASES:	9	12	6	12
CASES REFERRED TO OGC:	12			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Federal phytosanitary certificates Issued from January 1, 2024 – January 31, 2024.

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

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

Federal Phytosanitary Certificates (January 1, 2024 - January 31, 2024)			
Country	Product	Quantity	Phyts Issued
Cambodia	Logs	40 Logs	1
Germany	Black Walnut Logs	119 Logs	1
Indonesia	Miscanthus Seed	40 Totes	2
Mexico	Sesame Seed	514,698 Lbs	12
Netherlands	Bermuda Grass Seed	8,123 Kg	1
Thailand	Miscanthus Seed	40 Totes	2
		Total:	19

Companies applying for federal phytosanitary certificates:

Baillie Lumber	1
International Ingredient	4
Johnston Seed Company	1
Sesaco	12
QC Veneer	1

State phytosanitary certificates Issued from January 1, 2024 – January 31, 2024
57 phytosanitary certificates for 2,167 plants



A state phytosanitary template has been set up in the PCIT system to allow digital creation and management of state phytosanitary certificates. Kaci and Mary are currently in the process of testing this template and, if all goes well, will start using the system for certificates in January and February.



Figure 1: Talking with a participant at the Environmental Expo.

Environmental Expo for Educators

Kaci and Joe attended the Environmental Expo for Educators at the OKC Zoo on February 2, 2024. We met and connected with educators from across the state, providing them with materials on Oklahoma agriculture, regulatory pests of concern, and other educational materials.

Hemp

There are currently 25 hemp growers, 27 hemp processors/handlers, 53,503 licensed sq ft, and 400 licensed acres. There are approximately 10 applications that are in the process of being issued.

Kenny Naylor, CPS Division Director, and Caroline Nelson, Hemp Program Administrator, recently met with OBN and OSBI to discuss the future of THCa and Delta8 THC along with other hemp products.

Apiary

The results of the 2023 Honeybee survey have been sent to all participating beekeepers. The final report has not been posted on the USDA's website but hopefully the national data will be available to view soon.

AGRICULTURE RESOURCE SECTION

Weights & Measures Program

During this period the large capacity scale technicians tested 77 Vehicle scales and 14 of the scales were rejected.

CPS inspectors checked a total of 1445 small scales and 78 platform scales, 22 of the scales were rejected. There were 41 random pack inspections and 96 standard pack inspections conducted that resulted in 26 companies receiving letters of warning and 3 companies receiving a Stop Sale.

Additionally, 185 price verification inspections were conducted at various retailers that resulted in 2 companies receiving a letter of warning.

A total of 2 scale companies received a letter of warning for not properly servicing scales. One scrap metal dealer was issued a Stop Work Order for operating without a license while another scrap metal dealer was sent a letter of warning for records violations.

The 2024 ODAFF Ranch Scale testing program has begun. The fee for a ranch scale test is \$200. Call the Weights & Measures office at 405/522-5968 or email Gary Smith at gary.smith@ag.ok.gov to request a scale test.

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 January 1st through February 15th, 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	27	1
Lime	1	0

Investigation Type	Number
Dry Bulk Fertilizer Storage Facility	16
Liquid Bulk Fertilizer Storage Facility	14
NH ₃ Nurse Tank Inspections	30 (740 Total Tanks)
NH ₃ Storage Tank Inspections	21 (30 Total Tanks)

Feed Program

Program Performance

During this reporting period there were a total of 428 official feed samples analyzed, with 2063 feed determinations made from these samples. These determinations resulted in the issuance of 42 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violation includes Crude Fat, Calcium, Vitamin A, Crude Fiber, Zinc, Phosphorus, Copper, and Potassium. Twenty stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Ten stop sales were issued for products deficient in Vitamin A. Four stop sales were issued for products deficient in Crude Fat. Two stop sales were issued for products deficient in Crude Protein. Two stop sales were issued for products with excessive Crude Fiber. One stop sale was issued for a product deficient in Copper. One stop sale was issued for a product deficient in Calcium.

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 December 2023 - January 2024

Nutritional Guarantee	Number of Label Violations		
	January ¹	December ²	Two Month Total
Crude Protein	13	8	21
Non-protein Nitrogen	0	0	0
Crude Fat	9	4	13
Crude Fiber	4	1	5
Calcium	4	5	9
Phosphorus	1	2	3
Salt	0	1	1
Magnesium	0	0	0
Potassium	0	1	1
Copper	1	1	2
Manganese	0	0	0
Zinc	5	3	8
Vitamin A	5	6	11
Methionine	0	0	0
Total	42	32	74

¹ 428 feed samples analyzed with 2063 determinations; ² 126 feed samples analyzed with 524 determinations

Table 2. Feed Stop Sale Summary December 2023 - January 2024

Nutritional Guarantee	Number of Stop Sales		
	January ¹	December ²	Two Month Total
Crude Protein	2	4	6
Non-protein Nitrogen	0	0	0
Crude Fat	4	4	8
Crude Fiber	2	0	2
Calcium	1	2	3
Phosphorus	0	1	1
Salt	0	0	0
Magnesium	0	0	0
Potassium	0	0	0
Copper	1	2	3
Zinc	0	0	0
Vitamin A	10	11	21
Medicated Feed	0	0	0
Total	20	24	44

¹ 428 feed samples analyzed with 2063 determinations; ² 126 feed samples analyzed with 524 determinations

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
March 13, 2024
Activities January 1, 2024 – February 23, 2024

Animal Disease Traceability:

We continue to distribute the free RFID tags to interested veterinarians and producers. During this time, we shipped 13,900 tags to 13 veterinarians and 3 producers. We distributed three RFID readers to livestock market veterinarians and 1 RFID reader to a large animal veterinarian during this time.

We've had 16 new account requests for our no cost electronic CVI to make a total of 220 registered users.

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

During this time frame, TAHC contacted us to let us know about a load of cattle moving into Oklahoma that did not have a CVI. A letter of warning was issued to the producer.

Aquaculture:

We are finalizing aquaculture renewals. We currently have 12 facilities that have renewed their licenses. Final notice renewals have been sent out.

One new facility was licensed during this time.

Biologics:

During this time, biological product renewals were sent out automatically through the Kelly Registry System. Biological products expire March 20th of each year. Companies needing to renew products were given the option this year of renewing online through the Kelly System or mailing in renewal forms with payment. There is an additional fee for a company to renew online however the efficiency of using the Kelly System allows for timelier issuance of approved biological product permits.

Two new products were registered during this time.

Cattle Programs:

Brucellosis:

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

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.

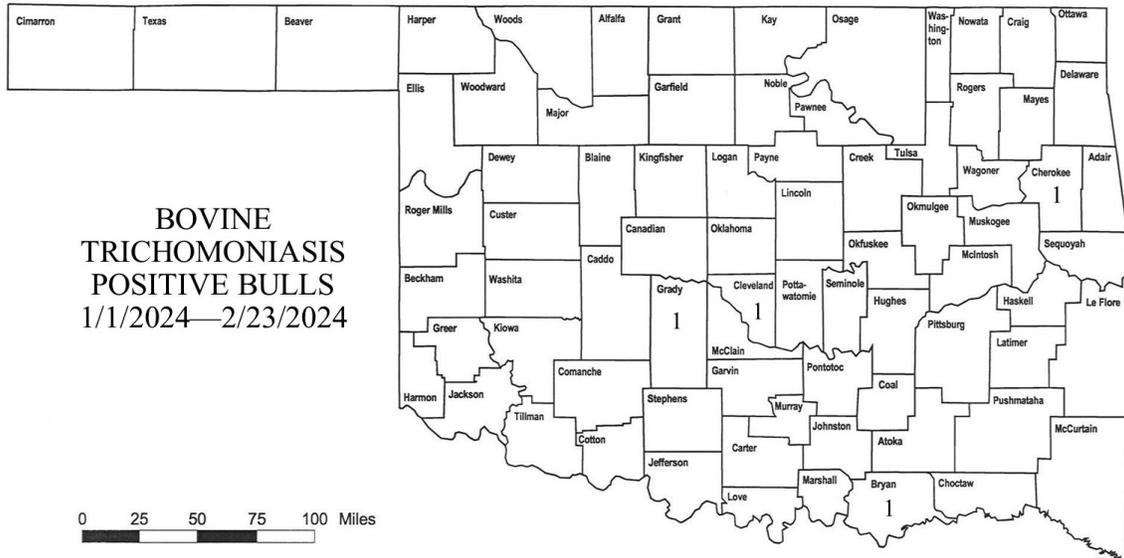
Johne's Disease:

For this period, we received seven positive reports for Johne's disease of which five are new premises. For the same reporting period since 2015 we average 15 positive reports and eight new premises. Our cattle positive reports are trending down, but sheep and goats are rising possibly due to awareness of the disease and the increase in the value of these small ruminants.

We do reach out to every owner to educate them about the disease, what they can expect and to help them change their management to reduce risk of disease spread.

Trichomoniasis:

During this period there were 2,971 Oklahoma bulls tested for Trichomoniasis with 4 positive individuals found.



2,971 bulls tested / 4 positive = 0.13% 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. Rules were put in place in 2017 that describe the process to become certified.

Tuberculosis:

The one remaining TB Accredited Free herd completed their renewal testing during this time.

Emergency Management:

On January 17-18, ICS 400 was held at ODAFF for AIS, AEMS, and Food Safety staff.

On January 19, Dr. Gorczyca met with John Kane and Annie Craig about the FBI's Joint Terrorist Task Force. Dr. Gorczyca will join the task force to ensure security threats are addressed for agriculture.

On February 7, Dr. Gorczyca attended the Utica Thunder Radiological Exercise in Tulsa, OK

Oklahoma is participating in a US SHIP traceability pilot project. The goal of the project is to utilize AgView or RABapp to see if either database is a suitable for capturing swine movement in real time. Traceability is one of the main pillars of the US SHIP program and being able to access movement data is critical during a disease response.

Equine Programs:

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

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

Farmed Cervidae Programs:

Cervidae imports have increased during this reporting period, as a result of the removal of import restrictions from the states of Texas, Pennsylvania and Indiana. There has been a total of 18 import permits during this period, most of them coming from Indiana. This compares to five import permits for the same period in 2023.

Dana Call attended the Chronic Wasting Disease Stakeholder and Tribal update virtual symposium that was held January 8 – 11. The symposium is a platform for all stakeholders and cooperative agreement participants to speak about their various projects, research, and outreach efforts for Chronic Wasting Disease.

AIS submitted the first quarterly report and funds disbursement, as required for the USDA cooperative agreement for selective genetics during this period. In total, 230 Whitetail females were bred using a sire possessing the genetic markers for resistance to chronic wasting disease. Once the fawns are born, they along with the females, will be genetically tested for CWD resistance.

Feral Swine:

It is renewal season for the feral swine facilities. AIS will process renewals over the next several weeks. There have been no feral swine complaints during this period.

Foreign Animal Disease:

There was one FAD investigations during this time. It was in a commercial swine herd in Woodward County. A number of pigs in a nursery developed foot lesions with some hoof sloughing. Samples were collected and sent to OADDL and Plum Island FAD Laboratory. No FADs were found. Diagnostics are being done to hopefully find the cause.

Livestock Market Audits:

During this period, staff has been assisting with the transfer of operations at the Hobart Stockyards. Longtime sale barn operator Rex Fleming has decided to retire and has sold his market to Ken Russ. Mr. Russ, the former operator of Overbrook Stockyards, has

completed all necessary paperwork and is awaiting Packers and Stockyards approval. Plans for the new Ken Russ' Hobart Stockyards include continuing a monthly goat and sheep sale, as well as a weekly cattle market. Saturday, March 2nd is the anticipated opening sale for the new owner.

This period also allowed for the completion of the annual livestock market renewals, a few meetings with individuals interested in market ownership as well as several custodial account reviews.

Livestock Auction Market Activities

Auction market licenses issued	0
Auction market licenses pending	0
Market custodial audits completed	9
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

Outreach:

Our Field Staff were on hand at the gates for Cattlemen's Congress beginning December 28 until January 9 to assist the CC interns in verifying ID, testing requirements, and documentation for the cattle from all over the United States and Canada as they entered the grounds.

January 7-9 Dr. Stone and our Field Staff were at the Canadian County Fairgrounds to monitor the livestock coming into the Simon's Bucking Stock Sale. Bucking stock from all over the US and Canada were consigned to this sale. The horses had to have negative EIA tests and CVIs, and the bulls had to have negative TB and Trichomoniasis tests and CVIs.

On January 10 we hosted a meeting of the ODAFF and USDA Veterinary Services veterinarians to discuss cases that the various veterinarians were working on and to discuss current threatening foreign animal and emerging diseases.

Also on January 10, our Field Staff was in to update laptops, go over assignments and celebrate Dr. Ruby's career move to USDA.

On January 11-13 Dr. Stone checked CVIs and tests on the livestock for the International Finals Rodeo at the Lazy E Arena in Guthrie.

On January 25, we hosted a full day of continuing education for veterinarians and veterinary technicians over regulatory topics in conjunction with the Oklahoma Veterinary Medical Association's Oklahoma Veterinary Conference. The following two days, January 26 and 27, we had a booth in the exhibit hall and visited with many veterinarians and answered questions.

On January 31 we submitted reports for the third quarter's activities of our USDA Cooperative Agreements.

On February 10 I submitted comments to a proposed rule in the Federal Code of Regulations to remove Brucellosis from the Select Agent List. This will allow more research to be performed on Brucellosis to hopefully find ways to reduce the prevalence of the disease in Yellowstone National Park.

On February 14 we hosted a meeting of the ODAFF and USDA Veterinary Services veterinarians to discuss cases that the various veterinarians were working on and to discuss current threatening foreign animal and emerging diseases.

On February 15, Dr. Stone and USDA VMO Zeke Proctor spoke at the Northeastern Oklahoma Veterinary Medical Association meeting. They answered questions and presented topics covering African Swine Fever history and the threat USA, Foreign Animal Disease awareness for agriterrorism, Oklahoma's Vet CVI, Trichomoniasis, and best practices for *Coxiella burnetii* (Q Fever), a zoonotic disease generally of low impact that can have severe outcomes and that is higher among veterinarians.

Poultry Programs:

There have been 18 sick or dead birds submitted for our sick bird/dead bird program since January 1st.

The quarantine on one of the backyard flocks that was diagnosed with HPAI last fall has been released, and the other two are due to be released soon pending final premises checks. We continue to respond to sick bird calls with testing of suspect birds.

The ongoing 2022 incursion of Highly Pathogenic Avian Influenza has affected domestic flocks in 48 states with the death or depopulation of over 70 million birds. This is the largest foreign animal disease incursion in US history. We continue to stress the importance of biosecurity in both commercial and backyard flocks through outreach such as emails, social media, and county extension officers. The number of cases has dwindled since the southward migration ended, but it is expected that as the waterfowl begin migrating north, we'll see more cases.

Public Health

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

Rabies in Livestock:

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

Sheep and Goat Programs:

Dr. Jill Duel, our USDA Area Epidemiologist has been working very hard with the ODAFF and APHIS Field Staff to increase the number of Scrapie samples tested to

ensure that Oklahoma meets our testing goals. Our expectation is that, with sufficient testing, in a few years the United States can be declared Scrapie Free.

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.

We have received the renewal applications for the Validated/Qualified herd certification program and the first quarterly test during this period. VQ herd inventories will be added to USA Herds. We have issued 64 swine show and sale permits during this reporting period.

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

Miscellaneous:

The application period for the Veterinary Medical Loan Repayment Program is open. We nominated seven areas in Oklahoma as shortage areas for food animal veterinarians. We hope veterinarians with veterinary school debt who practice in the shortage areas apply for the grants. Approximately 80% of the applicants receive the grants, which pay the veterinarian up to \$75,000 over three years and can be renewed for a second three years.

Dr. Dorrie Jordan-Parrott joined our team as a Staff Veterinarian on February 26, replacing Dr. Ruby. Dr. Parrott has a background that includes private mixed practice, practice ownership, research, and regulatory involvement. She managed the livestock at the Fort Reno USDA Research Station for several years and most recently has been in practice at Canadian Valley Animal Hospital in El Reno. We're excited to have Dr. Parrott on our team and look forward to helping her get up to speed with the poultry and equine programs.

Respectfully,



Rod Hall, DVM

Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for February 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 406 properties with an estimated 1,889,600 acres of land under agreement. Additionally, WS helped 81 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 \$373,742 during this period. Beaver damages accounted for losses totaling \$46,000. Predation, primarily coyotes and black vultures, were responsible for a number of damage requests, largely to livestock, with losses totaling \$62,295. Feral swine damages accounted for losses totaling \$265,197, while other species of wildlife were responsible for \$250 in damages to property, agriculture, and livestock.

Providing Wildlife Services

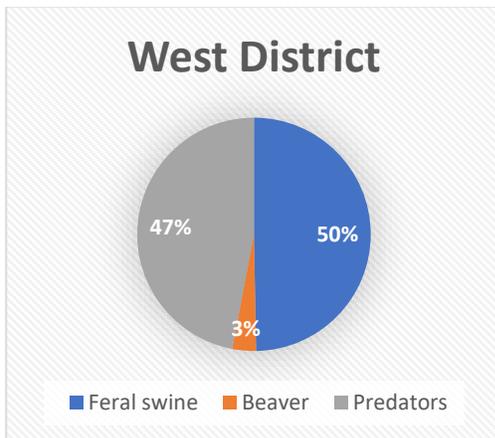


Figure 1: Species Removed in West District by percentage during February 2024

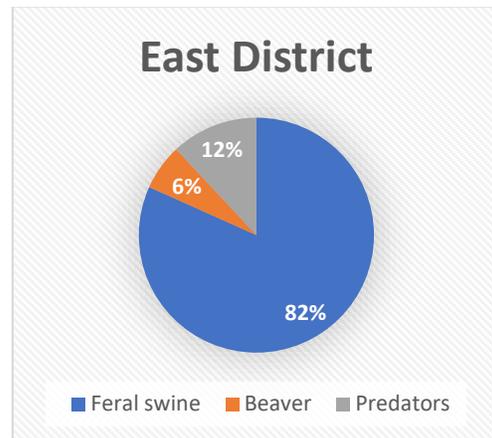


Figure 2: Species Removed in the East District by percentage during February 2024

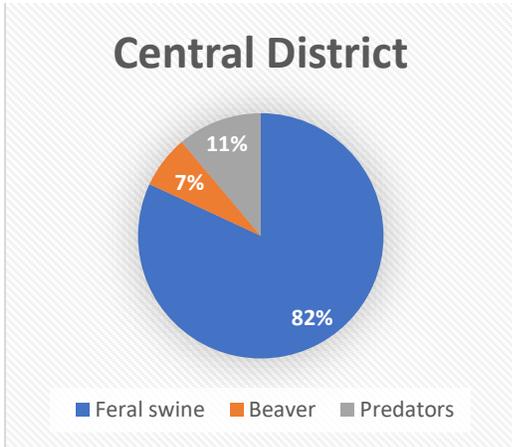


Figure 4: Species Removed in the Central District by percentage during February 2024

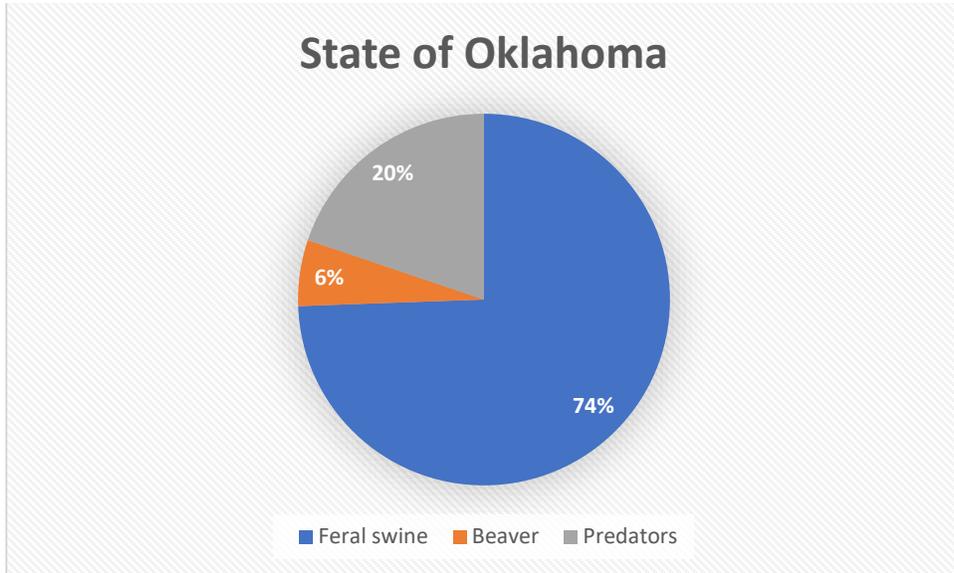


Figure 5: Species Removed in the State by percentage during February 2024

Predator Damage Management

Logan County landowner called WS with reports of coyotes killing one buffalo calf and running the herd through a fence with estimated losses of \$1800. WS Specialist met with the landowner and verified coyotes were causing the damage. Eight coyotes have been removed and work is ongoing.

Garfield County cow calf producer reported to WS' predation of a newborn calf that had been tagged the day before. The calf was valued at \$1000. WS found that coyotes were responsible for the depredation of the calf. Several methods were employed in removing twenty-one coyotes from the area. No further damage has been reported.

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

Major County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes killed two calves valued at \$1,762. The Wildlife Specialist assigned to Major County responded to the request and examined one of the carcasses and confirmed coyotes were responsible for the loss of the calf. Control efforts have removed twenty-two coyotes and are continuing to further reduce predation losses from coyotes.

Feral Swine Damage Management

Murray County landowner contacted WS with reports of feral swine rooting up their yard. WS responded to the call and determined the damage was caused by feral swine. The damages were estimated at \$1500. A cage trap was set on the property and twenty-two feral swine have been removed from the property. Work is ongoing currently.

Noble County landowner contacted WS with concerns regarding feral swine damage. The landowner reported seeing feral swine and seeing signs of damage in a wheat field. WS responded to the report and verified the damage estimated to be six acres of wheat totaling \$1000 in loss. WS Specialist utilized trapping to remove twenty-four feral swine from the property. Trapping efforts continue currently.

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

Greer County landowner contacted WS needing assistance with feral swine damaging his wheat fields and pastures. The landowner estimated that feral swine damaged ten acres of wheat fields valued at \$1,100. The Wildlife Specialist assigned to Greer County quickly responded to the request and verified the damage. A live trap was utilized to remove thirty-eight 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.

Le Flore County Archeological Society (Spiro Mounds) called WS for assistance with feral swine reporting rooting damage to the parks turf and public access areas. Spiro Mounds is a sacred



burial site and is considered an important historical location to Native Americans. The damage to the historical site was verified and estimated at \$5,000. After pre-baiting, a remote camera trap was placed, and thirteen feral swine were removed to alleviate the damages and conclude this project. The caretakers were advised on environmental changes that could deter future feral swine issues.

Figure 6: Damage from feral swine in LeFlore County at Spiro Mounds

Atoka County producer called WS for assistance with feral swine reporting damage to his hayfield. The damage was verified and estimated at \$7,000. After pre-baiting, a remote camera trap was placed, and thirty-two feral swine have been removed to date. This project is still being monitored.



Bryan County rancher called WS for assistance with feral swine reporting rooting damage to his pastures. The damage was verified and estimated at ten acres of rooting damage valued at \$10,000. After pre-baiting, A remote camera trap was placed on the property. Thirty-seven feral swine were removed to alleviate the damage and conclude this project. No further damage has been reported.

Figure 7: Damage from feral swine in Bryan County

Aerial Operations

Aerial operations were conducted in **Dewey County** in response to several farmers requesting feral swine management on wheat fields and pastures. Damage in the area flown was estimated at \$15,000. To reduce damage in this area, the helicopter was utilized for six flying hours to remove one hundred and ninety-one feral swine. This area will be closely monitored to determine if additional aerial operations are needed.

Aerial operations were conducted in **Cotton and Stephens Counties on Corp of Engineer property around Waurika Lake** in response to multi farmers requesting feral swine management on wheat fields, milo fields, pastures. Damage in the area flown was estimated at \$11,000. To reduce feral swine damage in this area the helicopter was utilized for six flying hours to remove two hundred and fifty-seven feral swine. This area will be closely monitored to determine if additional aerial operations are needed.

Aerial operations were conducted in **Greer and Beckham Counties** in response to several farmers requesting feral swine control on wheat fields, milo fields, peanut fields, and pastures. Aerial operations was conducted on approximately 10,000 acres where landowners reported \$20,000 in damages caused by feral swine. To reduce damage in this area the helicopter was utilized for six flying hours to remove four-hundred and eighty feral swine. This area will be closely monitored, and additional aerial operations are planned to further reduce feral swine damage to peanut fields with upcoming planting season.

Aerial operations were conducted in **Tillman County** on roughly 3,200 acres in response to a request with feral swine damaging pastures, milo, and corn fields. The helicopter was utilized for 2.6 hours with the removal of two hundred and forty-three swine. Additional flight operations are planned in this area prior to corn and peanut planting to further reduce populations and damage associated with feral swine.

Beaver Damage Management

Kingfisher County landowner contacted WS with reports of beavers damming up the creek on his property, flooding his road and pasture. WS met with the property owner and verified it was beavers damming up the creek. Seven beavers were removed, and work is ongoing at this time. Estimated damages were \$2000 in beaver dam removal cost.

WS contacted by one of our Municipal contracts in **Oklahoma County** with reports of beavers damming a relief pipe on a sediment pond. Workers were having to remove the blockage daily, with an estimated cost of \$80 to \$100 each day of loss. Due to high human traffic during daylight hours, night shooting was performed and resulted in one beaver being removed. Due to the nature of the location, close monitoring by Municipal and USDA personnel is required to maintain a clear relief pipe.

Washita County Road Commissioner contacted WS for assistance with beaver causing damage on one of the districts roads. The Specialist for Washita County responded and verified beaver were responsible for \$2,000 in damages to the road and culvert structure. The Specialist successfully used conibear traps to remove three beavers from the adjacent creek. Control efforts are completed currently.

Ellis County Road Commissioner requested assistance with beavers flooding one of the roads in his district. The Commissioner reported beavers were responsible for damages totaling \$1,700 to the bridge structure and roadbed. The Specialist for Ellis County responded to the request and verified the damage. Conibears were set to remove the beaver from the creek, and no further damage has occurred.

Muskogee County landowner called WS reporting beaver on his property. There had been a fuel spill on an adjacent property and an environmental company was trying to remediate the spill by placing absorbent booms across the ditch at the road culvert. The beavers kept damming up the culvert and the ditch. This elevated the water level, threatening to flood the farm fields with the contaminated water. The WS Specialist was able to locate the beavers in a pond and verified they were causing flooding damage and burrowing damage to the pond dam. The combined damages were estimated at \$2,750. Conibear traps were placed, and five beavers were removed to conclude this project.

McCurtain County producer called WS for assistance with beavers, reporting flooding damage to his property. The flooding damage was verified and estimated at \$1,800. The dam was removed by hand to alleviate the flooding and conibear traps were placed. Ten beavers have been removed and this project is still being monitored.

Okfuskee County property owner called WS for assistance with beavers after he found damage to the dam of his stock pond. The damage was verified, and the burrowing damage was estimated at \$2,000. Conibear traps were placed and six beavers were removed from this property.

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

County	Beaver	Predators	Feral swine	District
Adair				E
Alfalfa				W
Atoka	7		150	E
Beaver		46		W
Beckham		27	17	W
Blaine	4	5	4	W
Bryan	13		186	E
Caddo				W
Canadian	7	2		C
Carter				C
Cherokee				E
Choctaw	4		442	E
Cimarron		8		W
Cleveland				C

Coal			C
Comanche	3	2	83 W
Cotton			50 W
Craig			25 E
Creek			E
Custer			33 W
Delaware			E
Dewey		34	W
Ellis	2	19	9 W
Garfield		15	C
Garvin			C
Grady			W
Grant			C
Greer		1	21 W
Harmon			W
Harper		29	W
Haskell			E
Hughes	3		65 E
Jackson		8	W
Jefferson			C
Johnston			139 C
Kay			C
Kingfisher	11	6	C
Kiowa			W
Latimer			E
Leflore		140	E
Lincoln			30 C
Logan		15	29 C
Love	8		C
Major	1		W
Marshall			C
Mayes			E
McClain			C
McCurtain	18		E
McIntosh			37 E
Murray			C
Muskogee			E
Noble			29 C
Nowata			52 E

Okfuskee	4	1	E
Oklahoma	2	7	C
Okmulgee	6		E
Osage			37 E
Ottawa			E
Pawnee			87 C
Payne			17 C
Pittsburg		19	57 E
Pontotoc			C
Pottawatomie			C
Pushmataha	24		E
Roger Mills	5	15	40 W
Rogers			E
Seminole	4		44 E
Sequoyah			E
Stephens	2		W
Texas		10	W
Tillman		19	W
Tulsa	2		E
Wagoner			E
Washington			E
Washita		4	W
Woods		10	W
Woodward		6	W
TOTAL	130	448	1683

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

Respectfully submitted,

Justin Cooper
Acting Division Director
Wildlife Services Division

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

General

Rainfall totals in Oklahoma averaged 0.01 inches for the **last week of February**. According to the February 20th US Drought Monitor Report, drought conditions were rated 17 percent abnormally dry to exceptional drought, down 64 points from last year. Additionally, 3 percent of the state was in the moderate drought to exceptional drought categories, down 72 points from the previous year. Statewide, temperatures averaged in the lower to upper 50's. Topsoil moisture and subsoil moisture conditions were rated short to adequate.

Small Grains: In the Central part of the state small grains were looking good. Winter wheat grazed reached 57 percent, down 6 points from the previous year but unchanged from normal. Rye grazed reached 46 percent, up 6 points from the previous year. Oats grazed reached 8 percent, down 30 points from the previous year.

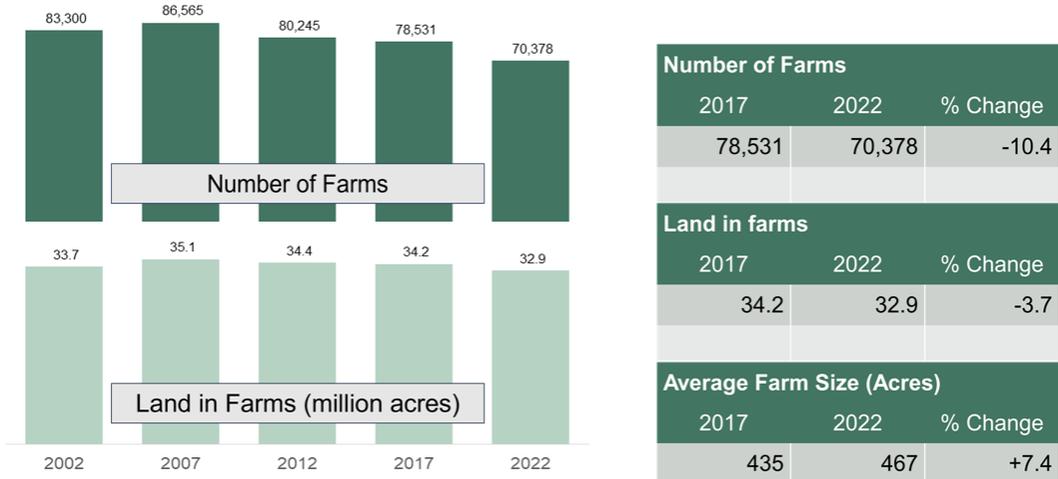
Pasture and Livestock: Pasture and range condition was rated at 79 percent fair to good. Livestock condition was rated at 93 percent fair to good.

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

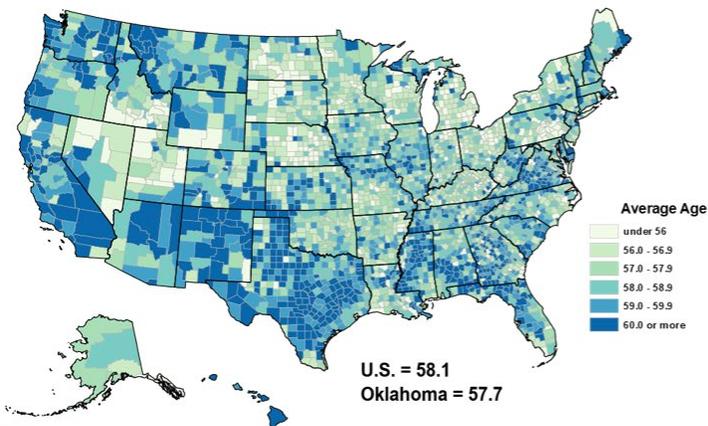
Survey	Enumerated by:	Survey Dates
Cotton Ginnings	DCC	2/1 –2/5
Cattle on Feed	DCC	2/1 –2/8
Grain Prices	DCC	2/2 –2/9
NFI Slaughter	DCC	2/6 –2/8
Berry PDI	DCC	2/20 –3/18
March Ag Survey	DCC	2/29 –3/13
March Hogs and Pigs	DCC	2/29 –3/13
Cotton Ginnings	DCC	3/1 –3/5
Cattle on Feed	DCC	3/1 –3/8
Grain Prices	DCC	3/4 –3/11
NFI Slaughter	DCC	3/6 –3/8

Statistics: On February 13, 2024, the 2022 Census of Agriculture was release. Highlights include:

Number of Farms and Land in Farms, 2002 - 2022



Average Age of Producers By County, 2022



All Producers, 2012 - 2022	
Year	Average Age
2012	56.2
2017	57
2022	57.7

Other Data Available

- Number of farms with Cattle and Calves in 2022: 43,223
- Down 17% from 52,048 in 2017

Farms count with Cattle and Calves Inventory			
Head per farm	2022	2017	Change
1 to 9	8,294	10,055	82.5%
10 to 19	7,728	9,156	84.4%
20 to 49	11,878	13,829	85.9%
50 to 99	6,594	7,851	84.0%
100 to 199	4,204	5,466	76.9%
300 to 499	2,902	4,141	70.1%
500 to 999	994	1,068	93.1%
1,000 to 2,499	518	382	135.6%
2,500 to 4,999	81	71	114.1%
5,000 or more	30	29	103.4%



According to the 2022 Census of Agriculture, released by the United States Department of Agriculture (USDA) National Agricultural Statistics Service (NASS) on February 13, 2024, Oklahoma had significant increase in the amount of income from Agri-tourism activities on Oklahoma farm to \$11.14 million dollars in 2022, up 71 percent from the 2017 Census of Agriculture

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 46.

Releases for February:

Crop Production
 Census of Agriculture
 Farms and Land in Farms
 Cattle on Feed
 Corn, Soybean, Sorghum County Est.
 Agricultural Prices

Relating Dates:

February 1, 2023
 December 31, 2022
 2023 Crop Year
 February 1, 2023
 2023 Crop Year
 February 15, 2023

Release Dates

February 8, 2023
 February 13, 2023
 February 16, 2023
 February 23, 2023
 February 23, 2023
 February 29, 2023

Releases for March:

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

Relating Dates:

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

Release Dates

March 8, 2023
 March 11, 2023
 March 22, 2023
 March 28, 2023
 March 28, 2023
 March 28, 2023
 March 28, 2023

Meetings and Events:

ARMS 3 Enumerator Training
Lincoln County CD
OKC Economic Roundtable
2022 Census of Agriculture Embargo
2022 Census of Agriculture Briefing
OLAC Monthly Board Meeting
Oklahoma Peanut Commission Meeting
Wheat Commission Meeting
AFR Convention
OACD Annual Conference
AYC Session 5
ODAFF Director’s Retreat
State Emergency Board Meeting
Crop Progress Meet & Greet
OLAC Monthly Board Meeting
AYC Session 6

Date:

January 31-February 2, 2024
February 5, 2024
February 7, 2024
February 12, 2024
February 13, 2024
February 13, 2024
February 14, 2024
February 20, 2024
February 23-24, 2024
February 26-27, 2024
February 28, 2024
March 1, 2024
March 5, 2024
March 6, 2024
March 12, 2024
March 25, 2024

Location:

Altus, OK
Chandler, OK
OKC, OK
OKC, OK
OKC, OK
Virtual
OKC, OK
OKC, OK
Norman, OK
OKC, OK
OKC, OK
Edmond, OK
Stillwater, OK
Virtual
Virtual
OKC, OK

Respectfully Submitted,



Troy Marshall

MARKET DEVELOPMENT SERVICES

March 13, 2024

Report to the State Board of Agriculture

AG IN THE CLASSROOM

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

- The AITC monthly email is delivered to 17,265 accounts.
- The AITC Facebook page now has 9,766 followers.
- The AITC Twitter page now has 580 followers.
- Oklahoma AITC Instagram account now has 807 followers.
- Oklahoma AITC Pinterest account now has 220 followers.
- The AITC YouTube channel now has 9,514 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
49 Oklahoma City Public Schools Elementary Science and Social Studies LEAD teachers	Oklahoma City Public Schools	AITC website and resources; Pig Personality test icebreaker; Flat Stanley preview; Red Dirt Symbols Kahoot; Grady's in the Silo, Recipes in a bag; Couple of activities out of Ag Badging Field Guide	Barn full of resources for each teacher
8 Pre-service teachers	Oklahoma Christian University	Temple Grandin	Barn Full of resources
20 Pre-service teachers	Northwestern OSU	Grady's in the Silo; Pig Personality	Barn Full of resources
20 PreK-12th teachers	Ada Public Schools	AITC website and resources; Dusti McCartney led other half of PD with lots of simple activities and resources for teachers	Barn with resources appropriate for each grade level

Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
150 Elementary students	Union Public Schools Health Event	Fruit and Veggies	Coloring Books, Ag on Rt 66, Seeds
200 Elementary students - recognized 2 contest winners	Hinton Elementary School	Oklahoma AITC Art and Photography Contest Winner Presentation - Coloring Contest First grade 1st Place and 2nd place winner	Framed Picture, AITC Medal, Gift Card (all sponsored by Oklahoma Beef Council), Legislator Citations

Ag in the Classroom- Resources Mailed or Delivered

Locations where Resources are Mailed or Delivered	
Empire Elementary - Duncan	Kingsgate Elementary - OKC
Hubbard Elementary - Noble	Stratford Elementary
Northern Hills Elementary - Edmond	Mills Elementary - Owasso
Drummond Public Schools	Winding Creek Elementary - Moore
Homeschool - edmond	Woodland Elementary - Moore
Project ACCEPT - Tulsa	Salina Elementary
Coleman Public Schools	Grove Lower Elementary
Cushing Upper Elementary	Kiefer Elementary
Payne Co 4H	Lindsay Elementary
Summit Christian Academy	Konawa Elementary
Yale High School	Stratford Elementary
Tulsa youthworks	Oologah High School
Cornerstone Christian Academy	Family Resource Center - Stillwater
Wilson Elementary	Fort-Cobb Broxton Elementary
Boise City Elementary	Idabel Central Elementary
Carl Albert Middle School	OSU Extension - Tahlequah
Greenwood Elementary - Tahlequah	Duncan Middle School
Hennessey Elementary	Prairie Queen - Oklahoma City
Cleveland Elementary OKC	Spencer Elementary School
Adams Elementary - OKC	Coolidge Elementary - OKC
Van Buren Elementary - OKC	Quail Creek Elementary - OKC
ML King Elementary - OKC	Filmore Elementary - OKC
St Andrews Christian School - OKC	Garfield Elementary - Enid
John Ross Elementary - Edmond	4C Ag Service and Farm Camp
OKC Public Schools - Bryant Elementary	Oklahoma Cattle Womens - Conner State College
Tulsa Public Schools - Nutrition Director	

Ag in the Classroom- Other Events

Event	Highlights
National Ag in the Classroom Book Club Professional Development	Oklahoma Ag in the Classroom Coordinators are participating in a Book Club study with Ag in the Classroom staff from around the nation. The book is Sharing Books, Talking Science: Exploring Scientific Concepts with Children's Literature by Valerie Bang-Jensen and Mark Lubkowitz. We have weekly discussion board assignments where we can discuss concepts within the book and how to use them when working with students and teachers.
Oklahoma Agricultural Leadership Program	Emily Ague is a member of OALP Class XXI. During January, the seminar included a trip to Enid, OK and Wichita, KS exploring the regional perspectives of Ag Credit/Finance and Agribusiness.
NAITCO Outreach Coordinator Hiring Committee & NAITCO Executive Committee Work	Emily Ague is serving on the NAITCO Executive Committee as the Southern Regional Representative and the treasurer. The committee has started planning for NAITCO Leadership summit in March in Dallas. Emily also served on the NAITCO Outreach Coordinator Hiring Committee.
I Love AITC Chocolate Contest on Social Media	<p>Teachers were asked to do the following on social media: Tell us what you LOVE about AITC, Agriculture, or Farmers and YOU will have the opportunity to win a basket full of chocolate from Oklahoma (Bedre) and Puerto Rico (Chocolate Cortez).</p> <p>How to win: 1. Share a post about what you love most about AITC, Agriculture, or Farmers 2. Use #ILOVEAITC2024 and #okagclass to be entered into drawing!</p> <p>“National Ag in the Classroom Chocolate Taste-testing Resource” https://agclassroom.org/matrix/resource/754/</p>
Oklahoma Ag in the Classroom 2024 Teacher of the Year announced	<p>OK AITC teacher of the year: Jackie McGolden, PreK teacher at Cornelsen Elementary in Fairview, OK.</p> <p>From her application: "You're in Mrs. McGolden's class next year, bub! You'll get to go to the Sale Barn." These were the words spoken to a 4 year old boy last summer at a baseball game. His sister couldn't wait to tell her brother that I would soon be his teacher. I laughed and wondered if that was how past students viewed me and then I realized that is exactly how I want to be viewed. I want to be known as the teacher who is going to take their students to the sale barn for an agricultural lesson and one that teaches about the importance of agriculture. I let my parents know from the start of school that we are going to go on many learning adventures throughout the year. I want my students to see agriculture up close and personal and learn to love and appreciate the agricultural way of life. There is no better way to learn than through a hands-on approach and Ag in the Classroom offers that exact teaching."</p>
Oklahoma 2023 TOY is named 2024 National Excellence in Teaching about Agriculture award winner	Jennifer Crosthwait, our 2023 Teacher of the Year, submitted her application for the National Excellence in Teaching about Agriculture Award in mid-January. We were notified that she was selected as a winner! There is a total of 6 Elementary and 2 Secondary teacher winners across the nation, so it is a very prestigious award. She will get an all-expense paid trip to the National Ag in the Classroom Conference in Salt Lake City, UT and will be recognized at the Conference.

Oklahoma Ag in the Classroom Teacher of the Year, Jackie McGolden



National Excellence in Teaching about Agriculture Award Winner, Jennifer Crosthwait



AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Chester's Party Barn	Piedmont	Pumpkin Picking, Wedding, Teachable Moments	OKLAS Farm to Table dinner, OKLAS Stop on Agritourism Bus Tour
Stonecloud Stillwater Patio & Taproom	Stillwater	Brewery	Meeting with CBAO, MIO, and Agritourism
Lakeview Market	Yukon	Farmers Market Hub	OKLAS Stop on Agritourism Bus Tour
Clauren Ridge Vineyard & Winery	Edmond	Vineyard/Winery	OKLAS Stop on Agritourism Bus Tour
Oklahoma Tulips	Harrah	U-Pick, Horticulture	OKLAS Stop on Agritourism Bus Tour

Social media

Facebook

- 22,890 likes
- 25,457 followers

Instagram

- 2,641 followers

Agritourism - Other Activities

- Farmer Market Apps: Scissortail FM, Moore FM, OK Roots, Lawton FM, Farm Hippie FM, Marble City FM, Skiatook FM, Rooted Harmony FM, Quinton FM

Hosted the Oklahoma Local Ag Summit at the Edmond Conference Center. OKLAS included a workshop day with 19 sessions and 150 participants, breakout session day with 20 sessions, 1 keynote, and about 400 participants, farm to table dinner with about 70 guests, and an agritourism bus tour with about 40 participants.

Other Agritourism:

- Send list of agritourism venues to OSU Ag Comm professor for class project
- NE Tech Agribusiness Presentation in Pryor
- Craft Beer Meeting with Craft Beer Asso. of Oklahoma, Made in OK Program, Made in OK Coalition, Agritourism,
- Mid America Technology Center Presentation at Norman FM
- Attend NAFDMA in Boston. Participate in bus tour, expo hall, meeting with other agritourism coordinators across the US, and educational sessions
- Meeting with OKC Food Hub and Made In Oklahoma Program about OK Grown
- Send agritourism app to Kansas Agritourism

FARM TO SCHOOL

F2S Contact Meetings and Events	Highlights
Heather Thomas: Pioneer Library System Outreach Specialist	Most of the libraries within the Pioneer Library System and the Metro Library System have gardens. Heather reached out to see how and if the Oklahoma Farm to School Program can partner with the libraries for gardening resources and trainings.
Soybean Board Meeting	Discussed the F2S program and how it's helping local producers and students around OK.
Worm Bin Composting Workshop	This workshop taught us the basics of vermicomposting (composting with worms) and how easy it is to do in small spaces such as the classroom.
Tribal Head Start Directors Meeting	Shared the F2S Program and how we can be a resource to the cafeteria personnel and the different programs and resources we offer.
USDA - Oklahoma State Agency Farm to Child Nutrition Meeting	The USDA F2S Specialists, ODAFF and Jennifer Weber met to discuss the Farm to Child Nutrition work happening in Oklahoma.
Tracy Little: Federal Program Specialist for the Tribe in the state of Oklahoma	Introduce the F2S Program at a training for the tribal Head State Directors.
Lisa Griffin: Former Child Nutrition Director for Union Public Schools	Discussed the F2S Formula Grant and presented Lisa with the opportunity to work with the F2S Program as a consultant. Lisa has agreed to be a part of the F2S Formula Grant as a Procurement Consultant.
Cheri Long	Met with Cheri to discuss the F2S Formula Grant and how she can help. Cheri will be hired on as a garden consultant through this grant. As a garden consultant, Cheri will be able to mentor and train school garden supervisors, along with updating gardening resources.
Sheri Glazier: Nutritionist	Met with Sheri to discuss the F2S Formula Grant and see if she was interested in helping with nutrition trainings. As the F2S Nutrition Consultant, Sheri will help with nutrition trainings for cafeteria personnel, along with building lunch menus and recipes.
Tamara Frawley: Broken Arrow Staffing Coordinator Melodie Royall: Broken Arrow Child Nutrition Specialist	Broken Arrow Schools is hosting a cafeteria personnel training and wants to incorporate the F2S program. During this planning meeting, we discussed possible dates, and types of training they want us to provide.
Casey Hale: Healthy Schools Oklahoma led by the Bethany Children's Health Center, School Health Manager	Healthy Schools OK works with 60 elementary schools across the state to promote health and wellness and was interested in the F2S Program and how we can partner in the future. Casey has invited me to host a F2S breakout session for the HSOK Summer Health Institute
Dairy Max Telling Your Story Training February 13-14, 2024	This two-day training focused on how to properly tell your story compellingly both in-person and through online interactions.

Angus Martin: Better Day Farms Taryn Dewitt: Frontier Produce February 15, 2024	This meeting was to touch base on the LFS grant and discuss how we can help schools with a variety of marketing resources.
AITC Advisory Board Meeting February 20, 2024	Attended the February AITC Advisory Meeting.
Cass Ring: Cooking for Kids	Cass gave me a brief overview of the program, how the programs have partnered in the past, and how we can partner moving forward.

School/Site Visits:

January 11, 2024	East Side Elementary Chandler, OK Mrs. Morgan's Kindergarten Class	MyPlate activity
January 26, 2024	Stratford Elementary School	Delivered School Garden Sign and garden tour.
January 31, 2024	South Oklahoma City Library, Moore Library	Library garden tour.

F2S Resources	# of Posters	# of Cookbooks
Kim Whiteside	2	2
Vicki Wagner	10	144
Natiezka Lopez	5	5
Amber Bales	2	2
Tammy Coffee	2	2
Kassi Turner	1	1
Jessica Stewart	1	1
Sterrette Coffman	3	3

New F2S Logo:



Oklahoma
FARM TO SCHOOL



Oklahoma
FARM TO SCHOOL

INTERNATIONAL

Activity	Action
Certificate of Free Sale	<ul style="list-style-type: none"> • Lopez Foods-updating all for 2024 • QSM
Food Export	<ul style="list-style-type: none"> • Completed the Focused Trade Mission for Feed in Colombia taking place Feb 20-22nd in Bogota, Colombia. 8 Midwest companies took part in the activity which included a briefing with FAS a field visit to a local feed store and a tour of Grupo feed manufacturing, one of the largest processors and purchasers of US feed ingredients • Continuing to recruit companies for the 2024 brand program, with the ending of ATP it is possible we will not have as many funds this year so recommending getting application in earlier the better, we currently have 12 applications for activities for 2024 • Food Export's Oklahoma Liaison will be visiting the MIO Expo and we will be visiting some key companies utilizing Food Exports programs • Attended the Food Export Directors Meeting at NASDA in DC
USLGE	<ul style="list-style-type: none"> • Attended the 2024 Annual Meeting in Monterrey Mexico- Country updates, went over 2023 activities and results and planning for 2024 • Currently working on our 2025 application, met with several states and organizations to possibly collaborate on a few projects for Equine and small ruminants
GIT (Governor's International Team)/ODEC	<ul style="list-style-type: none"> • Oklahoma World Trade Conference planning April

Misc Meetings	<ul style="list-style-type: none"> • Euromonitor Refresher Course and updates • FAS Spotlight on India • FAS Spotlight on Brazil
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MADE IN OKLAHOMA COALITION

Made in Oklahoma Coalition – Advertising, Web and Social Traffic

Type	\$ Spent and Information	Highlights
MIO Featured Monthly Recipes in Tulsa World and Oklahoman	\$500/month each	Featured press release and 1-2 showcased recipes in food section
Marketing, Consulting and Graphics Retainer with Krush	\$6,750	Social media posts, digital presence, analytics, management of content and creation of digital footprint, graphic design, etc.
MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 & 9 in OKC	OKC – 8 appearances Tulsa – 4 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
Restaurants of the Month	Each month staff, along with Food Service Committee present the restaurant with their award and eat lunch as a group at their establishment.	January – The Paycom Center/Levy Food Service, OKC, OK February – The Pioneer Woman Mercantile, Pawhuska, OK
Edible OKC Giveaways	\$100/giveaway	Each month MIO partners with Edible OKC to give away a \$100 gift card to our restaurant of the month.

MIO Monthly Newsletter		o 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.	January – - Sheet Pan Pasta with Spinach, Tomato and Bacon - Mini Baked Frittatas - Blackeyed Pea Cakes February – - Hot Link Waffle Sandwich - Bedre Dark Chocolate Cheesecake - Slow Cooker Bourbon Meatballs - Okie Breakfast Spread
January Retailer of the Month	Williams Foods	Statewide locations
February Retailer of the Month	Homeland	Statwide locations

Made in Oklahoma Coalition – Other Activities

Activity	Information
Meeting with Buffalo Wild Wings Marketing Director - January 16 th	Staff and the MIO Marketing and Food Service Committee finalized the concept for the Made in Oklahoma branded bar areas for 7 Oklahoma Buffalo Wild Wings locations. We are working with Marketing Director Crystal Farnsworth to get approval to move forward and install these displays and signage in each location.
Chef dinner for 100 at The Will Rogers Theatre feat. Chef Kurt Fleischfresser and Chef Kevin Lee - January 18 th	Staff and MIO Food Service Committee Chair worked closely with Chef Kurt Fleischfresser and MIO members to plan a dinner for 100 at the Will Rogers Theatre highlighting all MIO member products. We sold out the event and it was a huge success. The chef stations were fantastic and guests enjoyed participating and learning more about the great food and beverage products made here in Oklahoma.
Meeting with the Craft Brewers Association of Oklahoma - January 19 th	Staff along with fellow Market Development staff members attended a meeting with Amber Hinkle the new Executive Director for the CBAO to discuss ways in which we can partner moving forward.
MIO Member Photography Session - January 19 th	MIO set-up a cost share opportunity with Krush Digital Marketing to provide low-cost product photography for our members. 6 members participated in this opportunity. This was the 3 rd shoot of the year that MIO offered.
Food Resource Committee Meeting at the Regional Food Bank of Oklahoma - January 24 th	Staff was invited to join the RFBO’s Food Resource Committee. The committee discussed hunger needs for the coming year and how we can mobilize our resources to help fill the gap in Oklahoma.
MIO Legislative Reception Handouts at the State Capitol - January 29 th	Staff, along with MIO Board members met at the State Capitol to visit with legislators and invite them to the upcoming MIO Legislative Reception. We had a great response from legislators and legislative staff and look forward to hosting another great reception this March.
Planning meeting with Homeland Corporate office	Staff met with Homeland’s new Marketing Director Christin King to discuss deepening the MIO partnership at Homeland from a marketing perspective. They are interested in featuring new members each week for a “MIO Monday”

- February 15 th	promotion as well as implementing shelf tags and signage statewide. Additionally, staff met with Chris Rogers, Homeland's VP of Merchandising to plan a year-long end-cap program where various MIO products will be rotated throughout the year. Each endcap will have accompanying signage and marketing materials. This is a fantastic opportunity for members that are carried in AWG and those that are self-distributed to get into the Homeland SOLO warehouse.
MIO Member Town Hall Meeting - February 16 th	40 MIO members met at the Hamm Institute for American Energy at OSU to gather for networking and learning purposes. Staff presented a panel discussion on serving on the MIO board of directors and then members were served lunch and broke out in subcommittee meetings.
MIO Breakfast at AWG - February 22 nd	Staff along with MIO leadership coordinated a MIO breakfast at the Associated Wholesale Grocers (AWG) Corporate office. This breakfast was held for a meeting of 50 + wholesale, distribution, and grocery store partners. The upcoming Oklahoma Food and Beverage Expo was discussed.
MIO Recipe Photoshoot - February 22 nd	Staff worked with MIO food photographer and food stylist to shoot our March-June MIO recipes. 8 recipes were photographed and will be utilized in a variety of digital and print media in the upcoming months.

MADE IN OKLAHOMA PROGRAM

Events	Date	Location	Details
OCBA Meeting	Jan. 19	Stillwater	Met with new Craft Beer Association rep to discuss program and ways to support each other
Cowlad Cowlass Meeting	Jan. 29	OKC	Met with owner of Cowlad Cowlass to discuss product development and joining program
Main Street Meeting	Feb. 1	Virtual	Met with Kerry Barrick of Oklahoma Main Street to discuss support of Main Street with Made in Oklahoma companies and events
OKC Food Hub Meeting	Feb. 12	Virtual	Met with Jenna Moore to talk about program, connecting producers, becoming a retailer, etc.

New Producers:

AshLeeRae LLC	To Glass Unknown	AnnaBears
The Curious Bison	Hidden Life Designs	Ladybug Lane Flower Farm
SY Beef Market	Shelter Creek Cattle Company	Hazy Design Studio
Jodi Wood Artisans, LLC	Holt Custom Creations	Tipton Ranch Meat Co.
Baths and Crafts by Rae	Fay West Designs	3J Farms OK
Simple Simons Pizza	Bit and Byte's Adventures in Coding	Una Belle Townsend
Nanyehi Candle Company	God's Natural Touch	Cimarron Soap Shoppe
Beaver Street Goods	Esro Food Group	Dysart Goods Co.
Rockin' D Soap	Spellbound Trinket Company	Jonker and Sons
C4 Manufacturing, LLC	Sweet Sips & Sticks	HeavenLee BBQ & Catering
MiLK HOUSE CRMX	Tulsa Clay	Bubbles & Squeak Dog Treats

Heather Louise Jewelry	Abundant Microgreens	Two Feathers Stained Glass
Melissa Smith Art	Okie Dog Jewelry Co	418 Ranch
Fire Wrangler	The Crooked Wick Candle Company	Copperhead Holler Farm
Mera Sona		

Other Made in Oklahoma Activities:

- Planning for 2024 Tulsa Home and Garden Show
- Planning for 2024 Ag Day at the Capitol
- Planning for 2024 Made in Oklahoma Showcase
- Planning for 2024 MIO Store at Oklahoma State Fair
- Attended Plan. Produce. Profit webinar discussing value added products in Arkansas

VITICULTURE & ENOLOGY

Viticulture & Enology - Site Visits

Producer	Location	Category	Highlights
OSU	Stillwater	Education	Co-taught Wine Faults class for Oklahoma producers/general public. Lead lectures on Brettanomyces and Acetaldehyde.
Clauren Ridge	Edmond	Winery	Delivered wine trails passports and explained to Kim Ingmire how the process works.
OGIC Quarterly Meeting	OKC	Networking	Attending and spoke at annual Oklahoma Grape Industry Council Meeting. Updated group on laws currently going through Oklahoma Legislature and projects here at ODAFF.
C&H Vineyard	Jones	Winery	Picked up a donated case of wine for the farm to table dinner.
Pecan Creek	Muskogee	Vineyard/Winery	Picked up donated case of mead for the farm to table dinner.
Chester's Party Barn	Piedmont	Agritourism	Met with event coordinator and discussed the final details for the farm to table dinner.
Stonecloud	OKC	Brewery	Picked up donated beer for Farm to Tble dinner.
Hardwick Winery	Massachussetts	Winery	Discussed agritourism practises and marketing of wine mde from hybrid grape varietals rather than vinifera.
Vernost Wine Co.	Hennessey	Winery	Dropped off wine trails passports. Met the owner and discussed plans to come back out for updated pictures.
Plymouth Valley	Fairview	Winery	Dropped off wine trails and visited with the owner.

Viticulture & Enology - Other Activities

- Met with Derek Duty from Wanderfolk Spirits to discuss state of liquor industry as well as goals and plans for the distilling side of Oklahoma.
- Attended NAFDMA conference in Boston where we met with producers and service providers from all over the United States.
- Discussed viticultural practices with producers in Greece.
- Attended an OSU pruning workshop where extension and I assisted with guiding producers on how to properly winter prune grapevines.

MARKET NEWS SERVICES

January 5, 2024 - February 22, 2024

- **Grain Report:**

	January 5, 2024,	February 22, 2024	DIFFERENCE
WHEAT: (bu)	\$5.13-\$5.89	\$4.59-\$5.35	\$0.54 to \$0.54 Lower
MILO: (bu)	\$4.51-\$4.71	\$3.91-\$4.08	\$0.60 to \$0.63 Lower
SOYBEANS: (bu)	\$11.51-\$12.11	\$10.47-\$11.05	\$1.04 to \$1.06 Lower
CORN: (bu)	\$4.41-\$4.86	\$3.86-\$4.41	\$0.55 to \$0.45 Lower
COTTON: (lb)	75.69 cents	87.46 cents	\$11.77 Higher

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

FEEDER STEERS

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

- (2-21-23) \$206.00-248.00 Wtd. Avg \$227.00
- (2-20-24) \$294.00-334.00 Wtd. Avg. \$314.00

HEIFERS

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

- (2-21-23) \$175.00-221.00 Wtd. Avg \$198.00
- (2-20-24) \$242.00-307.00 Wtd. Avg. \$274.50

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 11,334 subscribers January 5, 2024, February 22, 2024 (**up from 200 subscribers last report**).

- **Voice Messaging System:**

- The market news voice messaging system during
- Monthly Total: January 5, 2024, February 22, 2024, **6,877 Accessed Times**
- Last Report November 14,2023, January 5, 2024, **6,824 Accessed Times**
- Compared to Last Month: **Accessed Times-is UP 53 on Accessed times**

- **Oklahoma Agriculture Market News**

- **Facebook Page**
 - Likes/Followers 572
 - **UP 14 Likes/Followers**
 - People reached through pasted report: 717 people

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

This Month: January 5, 2024, February 22, 2024, Hay Traded 29,626
Last Year January 6, 2023, February 17, 2023, Hay Traded 8,385
UP 4,679 Bales Reported

OKLAHOMA HAY MARKET REPORT
2-16-24

Receipts: 4,575 Last Reported: 10,915 Year Ago:2,410

Compared to the last report: The demand remains low and most of our hay producers are still not trading much hay and only delivering to long-time customers.

Trends:
 Alfalfa Large squares \$180-\$200 a ton
 Alfalfa Rounds - No Trend
 Grinding hay - No Trend
 Bermuda 5x6 rounds - \$70-\$100 a bale
 Bermuda Large Squares - No Trend
 Grass Hay 4x5-4x6 - \$60-\$70 a bale
 Grass Hay 5x6 - \$70-\$80 a bale

The Oklahoma Mesonet Drought Monitor shows we are at 0 percent in exceptional drought, 0 percent in an extreme drought, 1.36 percent in severe drought, 7.18 percent in moderate, 22.45 percent in abnormally dry conditions, and 77.55 percent that has no drought conditions.

*** The next report release will be on March 1st ***

Central

Alfalfa: Premium/Supreme (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		200.00		F.O.B
Alfalfa: Good/Premium (Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	800	150.00	150.00	Delivered
Sudan Grass: Fair/Good(Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	1050	70.00	70.00	Delivered

North Central

Bermuda Grass: Premium/Supreme (Trade/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	220	100.00	100.00	F.O.B
Bermuda Grass: Premium/Supreme (Trade/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Square	125	12.00	12.00	F.O.B
Bermuda Grass: Premium(Trade/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	180	90.00	90.00	F.O.B
Bermuda Grass: Fair/Good(Trade/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used

Large Round	320	80.00	80.00	F.O.B
Prairie/Meadow Grass: Good (Ask/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		70.00		F.O.B.

Northeastern

Prairie/Meadow Grass: Good (Trade/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	920	65.00	65.00	F.O.B.

Northwestern

Alfalfa: Good/Premium (Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	400	180.00	180.00	Delivered

Alfalfa: Fair/Good(Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Ground		130.00		F.O.B

Bermuda Grass:Fair/Good (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		120.00		Delivered

Grass:Fair/Good (Trade/Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	80	80.00	80.00	Delivered

Oat:Premium(Trade/Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	160	155.00	155.00	Delivered

Prairie/Meadow Grass: Good (Trade/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	280	130.00	130.00	Delivered



**Oklahoma Department of Agriculture,
Food, and Forestry
March Board Report for the
Agricultural Environmental
Management Services Division
January 1, thru February 20, 2024**

AEMS Division Activities

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

AgPDES Permitting Activities

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

Complaints and Inspections

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

16	Complaints received and investigated this reporting period.
11	Complaints closed this reporting period.
Complaints Received - Breakdown	
	Cattle - 2
	Swine -4
	Poultry-2
	Misc. Animal - 0
	Other - 1
	Animal Shelter -0
	Pet Breeder- 7
72	Year-to-date complaints received in FY 24
46	Year-to-date complaints closed in FY 24
103	LMFO/CAFO inspection and technical assistance.
283	Poultry inspections and technical assistance.
17	Pet Breeders/Shelters inspections and technical assistance.

CAFO and LMFO Activities - Month and Fiscal Year 2024

	Jan 1-Feb 20	FY 24 Total
Complaint or Compliance Follow-ups	11	66
Annual Inspections	77	394
Technical Assistance with Contacts	26	137
Site Visit/Review – No contact made	19	48

Poultry Activities – Month and Fiscal Year 2024

	Jan 1-Feb 20	FY 24 Total
Complaint or Compliance Follow-ups	4	14
Annual Poultry Inspections	105	290
Poultry Technical Assistance	177	1071
Site Visit/Review – No contact made	48	281
Eucha-Spavinaw CNMP Written	19	70

Pet Breeders Activities – Month and Fiscal Year 2024

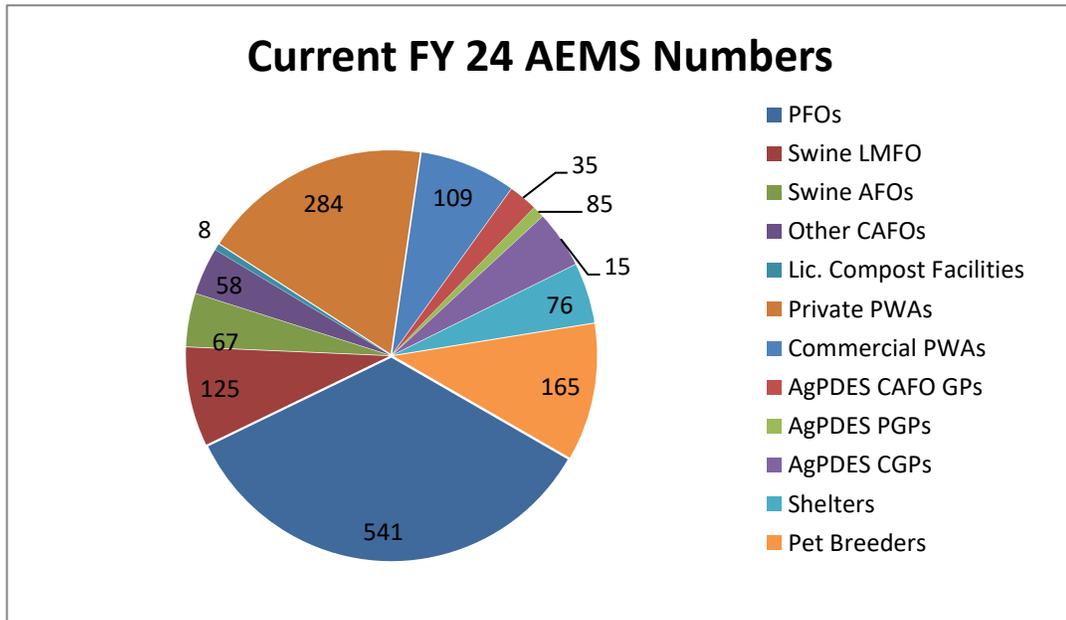
	Jan 1-Feb 20	FY 24 Total
Complaint or Compliance Follow-ups	15	78
Breeder/Shelter Technical Assistance provided to owner/operator	11	173
Breeder/Shelter Annual Inspections	6	85
Breeder/Shelter Close out	1	10

AGPDES – Month and Fiscal Year 2024

	Jan 1-Feb 20	FY 24 Total
Complaint or Compliance Follow-ups	0	0
Site Inspections (Annual or Compliance Follow-ups)	11	15
Technical Assistance provided to owner /operator	1	13

Composting Activities – Month and Fiscal Year 2024

	Jan 1-Feb 20	FY 2 Total
Complaint or Compliance Follow-ups	3	28
Site Inspections (Annual or Compliance follow-up)	1	8
Technical Assistance provided to owner /operator	3	20



Respectively,

Teena G. Gunter
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE
 OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
 MARCH 2024 BOARD REPORT
 REGARDING JANUARY 8, 2024 THROUGH FEBRUARY 25, 2024 ACTIVITIES
 OF THE OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (2023)	Amount of Fines for this Board Meeting
\$0.00	\$13,800.00
\$372,095.00	2023
\$207,400.00	2022
\$57,475.00	2021 Total (5/31-12/31/2021)

CONTRACTS REVIEWED OR DRAFTED (52):

Marketing: 15
CPS: 5
Forestry: 14
Admin: 1
Wildlife: 5
Food Safety: 3
AEMS: 3
Exec: 1
Animal Industry: 5

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 124
Total Number of New Cases: 11
Total Number of Cases Closed: 9
NOVs Sent: 24

OTHER ACTIONS AND PROCEEDINGS:

<i>Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry</i> , Pittsburg County District Court, Case No. CJ-2020-111: Lawsuit involves vehicle accident between plaintiff and ODAFF employee. Attorney General’s Office is handling this claim.
<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.
<i>William Grossman v. Lori Howard et al.</i> , Cherokee County District Court, Case No. CJ-2020-111: Lawsuit filed on the agency and Forestry Services requesting damages for a car wreck that occurred during a prescribed burn. The prescribed burn was not performed by ODAFF and the agency was not involved with the circumstances. The Attorney General's Office is handling this claim.
<i>Spring Creek Coalition v. ODAFF and Trong</i> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<i>Spring Creek Coalition v. ODAFF and Phan, et al.</i> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed. Discovery ongoing. Responded to Motion for Summary. Motion to Dismiss filed. Hearing had March 2, 2023. Supplement brief filed regarding Motion to Dismiss. Oral arguments held. Awaiting decision by the Court

MEETINGS:

Date	Activity
January 8, 2024	AEMS Legal
January 8, 2024	Employee Assistance Program
January 10, 2024	OBA Women in Law
January 10, 2024	Food Freedom Act Seminar
January 11, 2024	AALA Seminar Right to Farm laws
January 11, 2024	Docket
January 12, 2024	Webinar for Administrative Rules
January 18, 2024	Director's Meeting
January 18, 2024	NASDA/NASS Winter Policy Virtual Session
January 19, 2024	OAMP Board
January 22, 2024	AEMS Legal
January 23, 2024	Directors
January 23, 2024	ODAFF Agency Wide Call
January 24, 2024	Attorney Interviews
January 24, 2024	OGC Staff
January 25, 2024	State Board of Agriculture
January 25, 2024	AgPDES
January 29, 2024	NASDA/FSMA Winter Policy Conference Session
January 29, 2024	Poultry Federation
January 29, 2024	AEMS Legal
January 29, 2024	ODAFF/DEQ Composting
January 30, 2024	Directors
February 1, 2024	Oklahoma Wheat Commission
February 2, 2024	Prairie Dirt Composting
February 2, 2024	OBA Legislative Kickoff

February 5, 2024	SASDA
February 5, 2024	AEMS Legal
February 5, 2024	MASDA
February 6, 2024	NASDA Plenary
February 6, 2024	OMES Open Records
February 6, 2024	OBA Government and Administrative Law Section
February 6, 2024	NASDA Natural Resources and Environment
February 6, 2024	House Agriculture Committee
February 7, 2024	NASDA Food Export MW
February 7, 2024	NASDA Plenary and Business Meeting
February 8, 2024	OBA Legislative Monitoring Committee
February 8, 2024	Docket
February 11, 2024	Employee Assistance Program
February 12, 2024	AEMS Legal
February 12, 2024	Senate Agriculture Committee
February 13, 2024	Directors
February 14, 2024	OU Government & Public Interest Career Fair
February 15, 2024	TU Resources, Energy, and Environmental Law Career Fair
February 15, 2024	OMES HCM
February 15, 2024	EPA Meat and Poultry ELG Proposed Rule
February 20, 2024	House Agriculture Committee
February 21, 2024	Ag Building Safety Committee
February 22, 2024	Directors
February 22, 2024	OBA Legislative Monitoring Committee

RULE ACTIVITIES:

<p>Chapter 10. Agricultural Products (Permanent FY 2024): 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>Chapter 15. Animal Industry (Permanent FY 2024): 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>Chapter 17. Water Quality (Permanent FY 2024): 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</p>

place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024.
Chapter 20. Forestry (Permanent FY 2024): 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.
Chapter 30. Consumer Protection (Permanent FY 2024): 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.
Chapter 37. Food Safety (Permanent FY 2024): 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.
Chapter 40. Market Development (Permanent FY 2024): 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.
Chapter 45. Water Quality Standards Implementation Plan (Permanent FY 2024): 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.
Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2024): 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 (35):

AEMS: 4
CPS: 15
AIS: 8
Pet Breeders: 3
Forestry: 3
Food Safety: 1

Market Development: 1

OTHER ACTIVITIES:

Phone calls or emails with the public: 17
Assistance to industry: 9
Assistance to AEMS: 9
Assistance to CPS: 14
Assistance to Wildlife Services: 2
Assistance to Forestry: 17
Assistance to AIS: 8
Assistance to Admin: 11
Assistance to Human Resources: 3
Assistance to Market Development: 7
Assistance to other state agencies: 7
Assistance to federal agencies: 0
Assistance to Food Safety: 10
Assistance to NASS: 0
Assistance to Executive Office: 20
Assistance to Lab: 0
Assistance to Investigative Services: 6
Assistance to Legislature: 7
Assistance to Attorney General: 0
Assistance to Public Information: 2

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY BOARD REPORT

JANUARY 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 2,345,928 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA shell egg grading on 81,578 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. Child Nutrition Labeling Program Review was conducted under the USDA cooperative agreement at Mitchell's Sausage Rolls in Claremore. Also, routine egg quality inspections under the Oklahoma egg law were conducted.

ORGANIC FOODS SECTION

Organic inspectors completed compliance and certification inspections at:

- Five organic crop producers
- Two organic processors
- Fourteen retail organic inspections
- The organic section had requests for 2,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States.
- The organic section had 2 requests for organic crop applications, 1 request for an organic livestock application and 2 requests for organic processing applications.
- Jeff Stearns, Bryan Buchwald and Dee Raper attended the National Organic Program Certifier Training & Accredited Certifier Association Professional Development Training in San Antonio, TX

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

PRODUCE SAFETY SECTION

- Justin McConaghy attended the Southern Region Integrated Produce Safety Conference
- Conducted outreach and education at the Oklahoma Local Agriculture Summit, Grand Nation Beyond the Backyard Conference, Scissortail Farmers Market vendor training, and The Well Farmers Market training
- Assisted 6 farms with remote technical assistance
- Assisted 2 farms with on-site technical assistance
- Sent an e-mail newsletter to inform farms of the latest information on Produce Safety
- Regular conference calls with TX, LA, AR, NM, MO, MS

HOMEMADE FOOD FREEDOM ACT

Homemade Food Freedom Act Board Report for January-February 2024

- Received 22 complaints on Homemade Food Freedom Act businesses.
- Sent 3 warning letters.
- Meat compliance assisted with 7 complaints.
- Taught a class about the law at Central Tech in Sapulpa
- Outreach at Oklahoma Local Agriculture Summit, Grand Nation Beyond the Backyard Conference, Scissortail Farmers Market vendor training, and The Well Farmers Market training

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

Planned Compliance Reviews	10
Random Compliance Reviews	121
Person-to-Person Contacts	81
Special Investigations and/or Projects	06
Reports of Apparent Violations	00
Detentions	00
Consumer Complaints	14
Verbal Warnings Issued	07
Letters of Warning Issued	00
Samples Submitted to Lab for Analysis	00
Accident Investigations	00
Administrative Procedures Act (Pending)	02 <i>(Enid Packing) (The Forum Group LLC)</i>

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

See details below:

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

Highlighted Activities

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

Leave: Ron- 16 hours

Wayne- 16 hours

Brad- 52 hours

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

SLAUGHTER MEAT INSPECTION

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

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

PROCESSED BOXED MEAT INSPECTED

Processed Red Meat	650,564 lbs
Condemned on Reinspection	0 lbs
Poultry (Portions)	302,237 lbs
Condemned on Reinspection	0 lbs
Rabbit Meat	0
Condemned on Reinspection	0 lbs
Exotic Deer Meat	0
Condemned on Reinspection	0 lbs
TOTAL PROCESSED MEAT INSPECTED	952,801 lbs

MEAT SAMPLE ACTIVITY

14 Samples Submitted for Analysis
 14 Samples Analyzed
 14 Samples Negative Analysis

 0 (Heat) Samples Not Analyzed
 0 Samples Non-Compliant

2/9- Dr. Hardage and Nick Prince performed the final walk through at the Whiskey Creek plant in Madill. We received the grant of inspection on Feb. 27th.

2/21- Dr. Hardage, Nick Prince, and Tommy Stephens performed the final walk through at the 3 Rivers plant in Smithville.

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.

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

FDA Milk Specialist, Clinton George, conducted several FDA Check Ratings the week of February 12th: DFA Central Council 18 (BTU 40-018), Red Ridge Creamery (PMO 40-131) and Steve Koehn Dairy (BTU 40-135). Each check rating will receive passing scores. While in town, FDA visited Hiland Dairy in Norman to train a new Milk Specialist and for State Rating Officer recertification inspections.

Continuing our efforts, Dairy Services will be sampling Swan Bros. Dairy Inc. for *Listeria*, *E. coli*, *Salmonella*, and *Campylobacter* monthly after receiving notification from the Oklahoma State Department of Health of increased *Campylobacter* cases in Rogers county during the month of January.

AFDO grant payments were made to ODAFF on behalf of the dairy program in the amount of \$5,339.10 and \$82.00 on Feb 16th, 2024. These payments are to reimburse the agency for dairy training and select sampling in 2023.

Dairy services conducted interviews in the month of February and hired a new dairy inspector that will start March 11, 2024.

Sincerely,



Scott Yates

Director of Food Safety

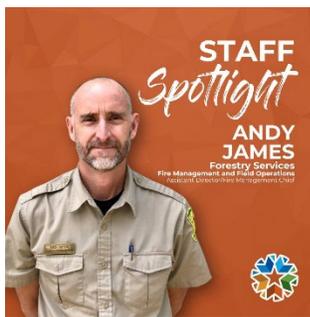
Communications

Compiled 2/29/24

Social Media Highlights

AYC Gets a “Beef Day” for January Session – Jan. 25 | The Ag Youth Council members toured the Oklahoma National Stockyards, and met with the Oklahoma Beef Council and Oklahoma Cattlemen’s Association during their January session.

The group also got a chance to meet with the State Board of Agriculture for help with their group projects.



ODAFF Staff Spotlights – February | ODAFF Staff Spotlights debuted in February on social media. Executive Intern Mickinzi Ferguson has done an excellent job on this project as we’re happy to showcase the great people who work at ODAFF.

ODAFF Debuts Podcast – February | The “Young Ag Achievers” podcast also debuted in early February. The podcast focuses on highlighting successful youth in Oklahoma agriculture.

Stay tuned for more episodes featuring Oklahoma’s young ag achievers!



OFS Partners with NWS – Feb. 16 | OFS Director Mark Goeller joined NOAA National Weather Service Director Ken Graham in announcing a collaborative partnership to save lives with new forecast tools and integrated fire warnings.

The US National Weather Service and OFS will work together to predict, detect with NOAA satellites, warn, and communicate one message on fires.

Social Media Impact

Facebook

22,129 followers (up 145 followers since last period)

Since January 25, 2024:

-Posts and content reached 67,566 users (up 8.3% from last period)

Instagram

3,506 followers

Since January 25, 2024:

-Posts and content reached 3,099 users (down 19.8% from last period)

-63 new Instagram users have followed the account

News & Notes

Skillathon promotion at OYE | Began promoting the Skillathon contest that will be administered at OYE. Students will be competing for \$10k in scholarship money.

2022 Census of Agriculture Released | We shared statistics gathered from the 2022 Census of Agriculture, including Oklahoma value of production rising by \$1B from 2017 to 2022.

FFA Day at the Capitol – Feb. 20 | Sec. Arthur was proud to show off her blue jacket on FFA Day at the Capitol. Many FFA students from all over Oklahoma gathered as they celebrated their hard work during National FFA Week.

MARCH 13, 2024 BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATIVE SERVICES

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

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

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

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

AGRICULTURAL ENVIRONMENTAL MANAGEMENT SERVICES

FY25 A request of \$48,276

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

FY25 A request of \$108,540.00

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

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

To employ two (2) Oklahoma Department of Agriculture, Food and Forestry (ODAFF)

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

ANIMAL INDUSTRY SERVICES

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

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

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

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

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

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

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

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

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

FORESTRY SERVICES

FY 24- \$767,202.40

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

FY24- \$49,000

Emergency purchase for aerial wildfire detection due to increased fire activity and significant fire weather impacting Oklahoma. High to extreme fire danger across the state required increased aerial which has exhausted the \$49,900 budgeted for this purpose. In the last week, we have seen a spike in fire activity within our eastern Oklahoma Protection Areas resulting in 146

fires burning over 23,000 acres. Without the emergency purchase OFS will not be able to provide adequate aerial fire detection to minimize the potential for loss of life, property, and natural resources. It is critical we establish funding for our aerial detection program to allow our Protection Areas to fly when fire weather conditions are adverse, and the fire environment is receptive to large fire growth. The requested amount will ensure we have detection capabilities through the remainder of our spring fire season.

FY 24 \$20,000- Utility Vehicle

Purchase one 4WD utility vehicle for Forest Regeneration Center for hauling conservation seedlings and soil material to and from fields and shipping building. Forestry staff are currently moving these materials by hand which is labor-intensive and time-consuming. Justification: Without the purchase of a UTV, material will need to be moved manually which may impact the schedule of delivery of conservation seedlings to landowners.

FY 24 \$10,000- New Well

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

FY 24 \$45,000- Seedling Cooler

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

LABORATORY SERVICES

FY24 - \$14,351.00 – Battery

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

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

- Flask scrubber Glassware Washer – Dishwasher
- Low Temperature Refrigerated Incubator
- Benchtop Laboratory pH Meter
- Nitrogen Generator
- Hydrogen Generator
- Hot Plates (2)
- Single Sample Cryoscopy
- Seal BD50 Block Digestion System

- Real Time PCR Calibration Kit I
- Real Time PCR Calibration Kit 2
- Instrument Verification Plates

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

MARKET DEVELOPMENT

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

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

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

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

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

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

OFFICE OF GENERAL COUNSEL

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

WILDLIFE SERVICES

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

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

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

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

APPROVAL OF CASES

ON THIS 13th day of March 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 13th day of March 2024.

Blayne Arthur
President
State Board of Agriculture

**Exhibit A
Board of Agriculture
March 13, 2024**

Cases Resolved by Stipulation

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Linda & Cecil Archey	OGC-23-896	AEMS	\$200.00
Michael Archey	OGC-23-894	AEMS	\$200.00
Anne-Marie Burrows	OGC-23-1335	AEMS	\$100.00
Dal Mung	OGC-23-1298	AEMS	\$100.00
Byron Sherman	OGC-23-1395	AEMS	\$100.00
Robert Sherman	OGC-23-1396	AEMS	\$100.00
Tun & Niang Lun Tuang	OGC-23-878	AEMS	\$200.00
Kane Webb	OGC-23-831	AEMS	\$200.00
Devin Welch	OGC-23-1386	AEMS	\$100.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Baer Enterprises, LLC	OGC-23-1489	CPS	\$500.00
Presto-X, LLC	OGC-23-1136	CPS	\$3,000.00
Sonja Torres	OGC-23- 969	CPS	\$500.00

Consideration and Proposed Action Resolved by: Consent Order

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Garber Coop	OGC-23-1355	CPS	\$4,000.00
Deterding Aerial	OGC-23-997	CPS	\$2,000.00
Security Pest Control, Inc.	OGC-22-44	CPS	\$7,500.00

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. LINDA AND CECIL ARCHEY

Case File No. OGC-23-896

**Linda and Cecil Archey
11043 Duboise Rd.
Cameron, OK 74932**

Summary of Facts: Respondent failed to timely submit their updated Nutrient Management Plan for their Poultry Feeding Operation.

Statute or Rule Violation: 2 O.S. § 10-9.7(E)(1)

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

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, 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 owning or operating a Poultry Feeding Operation (“PFO”), located in Oklahoma.

16. Pursuant to the Oklahoma Poultry Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9 *et seq.* (“the Act”), ODAFF has authority to regulate persons who own or operate PFOs.

17. The Act at Okla. Stat. Tit. 2 § 10-9.7(E)(1) states: *“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.”*

ALLEGATIONS OF FACT

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

19. Nutrient Management Plans (“NMP”) for PFOs expire every six (6) years and must be renewed with the updated NMP submitted to the Department.

20. On or about June 27, 2023, the Agricultural Environmental Management Services (“AEMS”) Division of the Department sent Respondent a Letter of Warning regarding their expired NMP.

21. Respondent’s NMP expired May 30, 2018.

22. To this date, Respondent has failed to respond to their Letter of Warning or submit their updated NMP to the Department.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent violated Okla. Stat. Tit. 2 § 10-9.7(E)(1) by failing to submit their renewed and updated NMP to the Department.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

28. Pursuant to 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. 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 updated NMP.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may submit the 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 13 day of September, 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
Brady Robinson, OBA #33600
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 4 day of OCT., 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

LINDA & CECIL ARCHEY
11043 DUBOISE RD.
CAMERON, OK 74932



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.)
)
LINDA & CECIL ARCHEY)
11043 DUBOISE RD.)
CAMERON, OK 74932)
)
RESPONDENT.)

Case No: OGC-23-896

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY

v. MICHEAL ARCHEY

Case File No. OGC-23-894

**Michael Archey
27906 Archey Drive
Cameron, OK 74932**

Summary of Facts: Respondent failed to timely submit their updated Nutrient Management Plan for their Poultry Feeding Operation.

Statute or Rule Violation: 2 O.S. § 10-9.7(E)(1)

Proposed Administrative Penalty: The penalty was assessed at \$200. 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,)
)
)
MICHAEL ARCHEY)
27906 ARCHEY DRIVE)
CAMERON, OK 74932)
)
RESPONDENT.)

Case No: OGC-23-894

FILED
FEB 06 2024
STATE BOARD OF AGRICULTURE

STIPULATION

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

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

RESPONDENT:


Signature

Michael Archey
Printed Name and Title:

Date: 1-24-24

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(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 owning or operating a Poultry Feeding Operation (“PFO”), located in Oklahoma.

16. Pursuant to the Oklahoma Poultry Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9 *et seq.* (“the Act”), ODAFF has authority to regulate persons who own or operate PFOs.

17. The Act at Okla. Stat. Tit. 2 § 10-9.7(E)(1) states: *“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.”*

ALLEGATIONS OF FACT

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

19. Nutrient Management Plans (“NMP”) for PFOs expire every six (6) years and must be renewed with the updated NMP submitted to the Department.

20. On or about June 27, 2023, the Agricultural Environmental Management Services (“AEMS”) Division of the Department sent Respondent a Letter of Warning regarding their expired NMP.

21. Respondent’s NMP expired May 30, 2018.

22. To this date, Respondent has failed to respond to their Letter of Warning or submit their updated NMP to the Department.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent violated Okla. Stat. Tit. 2 § 10-9.7(E)(1) by failing to submit their renewed and updated NMP to the Department.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

28. Pursuant to 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. 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 updated NMP.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may submit the 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 13 day of September, 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
Brady Robinson, OBA #33600
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 4 day of Oct., 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

MICHAEL ARCHEY
27906 ARCHEY DR.
CAMERON, OK 74932



Gina Blaylock

OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY

v. ANNE-MARIE BURROWS

Case File No. OGC-23-1335

**Anne-Marie Burrows
1946 Bailey Rd.
Broken Bow, OK 74728**

Summary of Facts: Respondent failed to timely submit their Annual Report for their Poultry Feeding Operation.

Statute or Rule Violation: 2 O.S. § 10-9.7(J)

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

FILED
FEB 05 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-23-1335

ANNE-MARIE BURROWS PFO# 1828)
1946 BAILEY ROAD)
BROKEN BOW, OK 74728)

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:

Anne Marie Burrows
Signature

Anne-Marie Burrows Owner/Operator
Printed Name and Title:

Date: 1/16/2024

**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.)

Case No: OGC-23-1335

**ANNE-MARIE BURROWS PFO# 1828)
1946 BAILEY ROAD)
BROKEN BOW, OK 74728)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. February 8, 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.**

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, § 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 owning or operating a Poultry Feeding Operation 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 § 10-9.7(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.”*

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 19, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Poultry Feeding Operation annual reports.

20. The Warning was accompanied by a blank annual report for Respondent to submit along with the deadline of October 20, 2023.

21. Respondent failed to submit their annual report for 2023.

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

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated Respondent has violated Okla. Stat. Tit. 2 § 10-9.7(J) 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. 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 One Hundred Dollar (\$100.00) administrative penalty and **submission of the missing reports**.

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 reports** 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 _____ day of _____, 20__, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

ANNE-MARIE BURROWS
1946 BAILEY ROAD
BROKEN BOW, OK 74728

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-23-1335

**ANNE-MARIE BURROWS PFO# 1828)
1946 BAILEY ROAD)
BROKEN BOW, OK 74728)**

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. DAL MUNG

Case File No. OGC-23-1298

Dal Mung
30663 Prairiebell Rd.
Keota, OK 74941

Summary of Facts: Respondent failed to timely submit their Annual Report for their Poultry Feeding Operation.

Statute or Rule Violation: 2 O.S. § 10-9.7(J)

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

FILED
JAN 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-23-1298

DAL MUNG PFO# 1147)
30663 PRAIRIEBELL RD)
KEOTA, OK 74941)

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

Dal Khan Mung
Printed Name and Title:

Date: 1/8/2024

**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.)

Case No: OGC-23-1298

**DAL MUNG PFO# 1147)
30663 PRAIRIEBELL RD)
KEOTA, OK 74941)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. February 8, 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.**

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, § 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 owning or operating a Poultry Feeding Operation 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 § 10-9.7(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.*”

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 19, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Poultry Feeding Operation annual reports.

20. The Warning was accompanied by a blank annual report for Respondent to submit along with the deadline of October 20, 2023.

21. Respondent failed to submit their annual report for 2023.

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

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated Respondent has violated Okla. Stat. Tit. 2 § 10-9.7(J) 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. 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 One Hundred Dollar (\$100.00) administrative penalty and **submission of the missing reports.**

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 reports** 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 _____ day of _____, 20__ , a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

DAL MUNG
30663 PRAIRIEBELL RD
KEOTA, OK 74941

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-23-1298

**DAL MUNG PFO# 1147
30663 PRAIRIEBELL RD
KEOTA, OK 74941**)
)
)
)
)
)
)

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. BYRON SHERMAN

Case File No. OGC-23-1395

**Byron Sherman
525 Sherman Ln.
Noel, MO 64854**

Summary of Facts: Respondent failed to timely submit their 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.)

BYRON SHERMAN)
525 SHERMAN LN)
NOEL, MO 64854)

RESPONDENT.)

Case No: OGC-23-1395

FILED
FEB 13 2024
STATE BOARD OF AGRICULTURE

STIPULATION

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

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

RESPONDENT:


Signature

Byron Sherman
Printed Name and Title

Date 2/5/24

Original
is your copy
- the live check
is with safe

**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.)

**BYRON SHERMAN)
525 SHERMAN LN)
NOEL, MO 64854)**

RESPONDENT.)


JAN 18 2024
STATE BOARD OF AGRICULTURE

Case No: OGC-23-1395

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. March 14, 2024**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, § 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 18th day of Jan, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

BYRON SHERMAN
525 SHERMAN LN.
NOEL, MO 64854



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.)
)
BYRON SHERMAN)
525 SHERMAN LN)
NOEL, MO 64854)
)
RESPONDENT.)

Case No: OGC-23-1395

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. ROBERT SHERMAN

Case File No. OGC-23-1396

**Robert Sherman
619 Sherman Ln.
Noel, MO 64854**

Summary of Facts: Respondent failed to timely submit their 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

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-23-1396

ROBERT SHERMAN)
619 SHERMAN LN)
NOEL, MO 64854)

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

Robert Sherman

Printed Name and Title:

Date: 2-4-21 _____

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JAN 23 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-23-1396

ROBERT SHERMAN)
619 SHERMAN LN)
NOEL, MO 64854)

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. March 14, 2024**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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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.

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

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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., 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

ROBERT SHERMAN
619 SHERMAN LN.
NOEL, MO 64854



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-23-1396

**ROBERT SHERMAN)
619 SHERMAN LN)
NOEL, MO 64854)**

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. TUN & NIANG LUN TUANG

Case File No. OGC-23-878

**Tun & Niang Lun Tuang
26150 Conser Landing
Heavener, OK 74937**

Summary of Facts: Respondent failed to timely submit their updated Nutrient Management Plan for their Poultry Feeding Operation.

Statute or Rule Violation: 2 O.S. § 10-9.7(E)(1)

Proposed Administrative Penalty: The penalty was assessed at \$200. 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.)
)
TUN & NIANG LUN TUANG)
26150 CONSER LANDING)
HEAVENER, OK 74937)
)
RESPONDENT.)

Case No: OGC-23-878

JAN 11 2024
STATE BOARD OF AGRICULTURE

STIPULATION

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

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

RESPONDENT:

[Handwritten Signature]
Signature

Suan Khan Post Office
Printed Name and Title

Date: 1.11.2024

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(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 owning or operating a Poultry Feeding Operation ("PFO"), located in Oklahoma.

16. Pursuant to the Oklahoma Poultry Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9 *et seq.* ("the Act"), ODAFF has authority to regulate persons who own or operate PFOs.

17. The Act at Okla. Stat. Tit. 2 § 10-9.7(E)(1) states: "*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.*"

ALLEGATIONS OF FACT

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

19. Nutrient Management Plans ("NMP") for PFOs expire every six (6) years and must be renewed with the updated NMP submitted to the Department.

20. On or about June 27, 2023, the Agricultural Environmental Management Services ("AEMS") Division of the Department sent Respondent a Letter of Warning regarding their expired NMP.

21. Respondent's NMP expired February 27, 2023.

22. To this date, Respondent has failed to respond to their Letter of Warning or submit their updated NMP to the Department.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent violated Okla. Stat. Tit. 2 § 10-9.7(E)(1) by failing to submit their renewed and updated NMP to the Department.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

28. Pursuant to 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. 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 updated NMP.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may submit the 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 12 day of September, 2023.

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

Wendi Morse

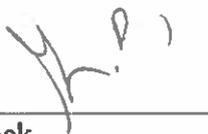
Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Brady Robinson, OBA #33600
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 1st day of Sept., 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

TUN & NIANG LUN TUANG
26150 CONSER LANDING
HEAVENER, OK 74937



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.)
)
TUN & NIANG LUN TUANG)
26150 CONSER LANDING)
HEAVENER, OK 74937)
)
 RESPONDENT.)

Case No: OGC-23-878

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. KANE WEBB

Case File No. OGC-23-831

**Kane Webb
PO Box 52
Watson, OK 74963**

Summary of Facts: Respondent failed to timely submit their Nutrient Management Plan for their Poultry Feeding Operation.

Statute or Rule Violation: 2 O.S. § 10-9.7(C)

Proposed Administrative Penalty: The penalty was assessed at \$200. 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.)
)
KANE WEBB)
PO BOX 52)
WATSON, OK 74963)
)
RESPONDENT.)

Case No: OGC-23-831

JAN 11 2024
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (\$200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-1298.

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

[Handwritten signature and date: 1-10-24]

RESPONDENT

[Handwritten signature]
Signature

Kane Webb Owner
Printed Name and Title

Date 1-9-24

[Handwritten note: Gina here is your copy the 11/11 check is in the safe...]

**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-23-831

**KANE WEBB)
PO BOX 52)
WATSON, OK 74963)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on February 8, 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.**

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of owning or operating a Poultry Feeding Operation (“PFO”), located in Oklahoma.

16. Pursuant to the Oklahoma Poultry Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9 *et seq.* (“the Act”), ODAFF has authority to regulate persons who own or operate PFOs.

17. The Act at Okla. Stat. Tit. 2 § 10-9.7(C) states in part: “*Every poultry feeding operation shall have a Nutrient Management Plan...*”

ALLEGATIONS OF FACT

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

19. All PFOs are required to have a Nutrient Management Plan (“NMP”) on file with the Department.

20. On or about June 27, 2023, the Agricultural Environmental Management Services (“AEMS”) Division of the Department sent Respondent a Letter of Warning regarding the fact that the Respondent has not provided a NMP as required.

21. To this date, Respondent has failed to respond to their Letter of Warning or submit their NMP to the Department.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, Respondent violated Okla. Stat. Tit. 2 § 10-9.7(C) by failing to submit their NMP to the Department.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

27. Pursuant to 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

28. 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 Respondent's NMP.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

35. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may submit your 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 22 day of September, 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
Brady Robinson, OBA #33600
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this _____ day of _____, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

KANE WEBB
PO BOX 52
WATSON, OK 74963

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-23-831

**KANE WEBB)
PO BOX 52)
WATSON, OK 74963)**

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY

v. DEVIN WELCH

Case File No. OGC-23-1386

**Devin Welch
130 McFarland Rd.
Eagletown, OK 74734**

Summary of Facts: Respondent failed to timely submit their 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.)

Case No: OGC-23-1386

**DEVIN WELCH
130 MCFARLAND RD.
EAGLETOWN, OK 74734**)

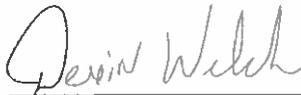
RESPONDENT.)

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

Devin Welch

Printed Name and Title:

Date: _____

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


JAN 18 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case No: OGC-23-1386

**DEVIN WELCH)
130 MCFARLAND RD.)
EAGLETOWN, OK 74734)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. March 14, 2024**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, § 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 18th day of Jan, 2021 a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

DEVIN WELCH
130 MCFARLAND RD.
EAGLETOWN, OK 74734

Y 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.)

**DEVIN WELCH
130 MCFARLAND RD.
EAGLETOWN, OK 74734**)

RESPONDENT.)

Case No: OGC-23-1386

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. Baer Enterprises LLC

Case File No. OGC-23-1489

**Baer Enterprises LLC
1629 Fourth Ave. SE
Ste #138
Decatur, AL 35601**

Summary of Facts: An investigator conducted a routine inspection at a nursery in Harrah, OK. During the inspection Respondent's product was located on the store shelf for retail sales. The investigator found that the product is not currently registered for sale in Oklahoma.

Statute or Rule Violation: Respondent violated 2 O.S. §3-82(H)(B) by failing to register pesticide.

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
FEB 21 2024
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
Baer Enterprises LLC)
1629 Fourth Ave. SE)
Ste #138)
Decatur, AL 35601)
)
RESPONDENT.)

Case No: OGC-23-1489

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Five Hundred Dollars (\$500.00) and submit product renewals 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

Brian Baer, CEO
Printed Name and Title:

Date: 2/14/2024

**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.)

Case No: OGC-23-1489

**Baer Enterprises LLC)
1629 Fourth Ave. SE)
Ste #138)
Decatur, AL 35601)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 14th day of March 2024** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial pesticide production, located at Decatur, AL.

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 5th day of April 2023, the Consumer Protective Services Division of the Department conducted a routine inspection of a nursery in Harrah, OK.

19. During this inspection, your product, “Zone Insect Repellent Deet Free-Light Pleasant Scent” was located on the store shelf for retail sales.

20. A subsequent search for this product revealed that it was not currently registered with Oklahoma for sales.

21. All pesticide products must be registered with the State in order to enter the market. Our records indicate that this product was previously registered, but that registration had not been renewed since March of 2019.

22. Selling a non-registered product in Oklahoma is a violation of Oklahoma State Statutes.

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(H)(B) which states: “All pesticide registrations shall be issued for a period of one (1) year. The registration shall be renewed annually and shall expire on a date to be determined by the Board. Pesticide registrations may be renewed for the ensuing year, without penalty, if a properly completed application is filed with the Board not later than the fifteenth day of the month first following the date of expiration. If the application is not received by that date, a penalty of twice the amount of the renewal fee shall be charged for renewal of the pesticide registration.”

PRAYER FOR RELIEF

24. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Five Hundred Dollars (\$500.00)** administrative penalty and submit product renewals.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

28. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
29. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
30. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

33. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
34. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
35. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Five Hundred Dollars (\$500.00) and submit product renewals.

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

DATED THIS _____ day of _____, 2023.

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

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

CERTIFICATE OF MAILING

This is to certify that on this _____ day of _____, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

Baer Enterprises LLC
1629 Fourth Ave. SE
Ste #138
Decatur, AL 35601

Brady Robison

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-1489

**Baer Enterprises LLC)
1629 Fourth Ave. SE)
Ste #138)
Decatur, AL 35601)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Five Hundred Dollars (\$500.00) and submit product renewals 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. Presto-X LLC

Case File No. OGC-23-1136

Presto-X LLC

7720 N. Robinson Ave. Ste. B7

Oklahoma City, OK 73116

Summary of Facts: An investigator conducted a complaint investigation at the Santa Fe Family Life Center in Oklahoma City, OK. The investigation revealed that Respondent spot treated the interior common areas and exterior doors at Santa Fe Family Life Center. The treatment of the areas was made against the Onslaught Fastcap Spider and Scorpion Insecticide labeling requirements. Additionally, Rentokil is the company name on the application records Respondent supplied to ODAFF but is not on file with ODAFF as being a commercial applicator company.

Statute or Rule Violation: Respondent violated 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(4) by applying a pesticide product in a manner inconsistent with the product label and making commercial pesticide applications under an unlicensed company name.

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

JAN 26 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-23-1136

Presto-X LLC)
7720 N. Robinson Ave. Ste. B7)
Oklahoma City, OK 73116)

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: _____

*GINA HEALY IS
YOUR COPY
- SHE FILE
CHECK IS IN
THE STATE TRAY*

**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-23-1136

**Presto-X LLC)
7720 N. Robinson Ave. Ste. B7)
Oklahoma City, OK 73116)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 8th day of February 2024** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial pesticide applications, located at Oklahoma City, Oklahoma.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

ALLEGATIONS OF FACT

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

18. On or about the 10th day of July 2023, the Consumer Protective Services Division of the Department conducted a consumer complaint follow-up investigation at the Santa Fe Family Life Center in Oklahoma City.

19. During this investigation our inspectors learned that you had performed a treatment in the gym facility on or about the 29th day of June 2023.

20. This area is for the patrons to use and is where patrons of the facility exercise.

21. Inspectors requested records from you and learned that, according to those records, your application was on June 29th, 2023, between 12:58PM and 1:22PM your company made spot

treatments in the interior of the facility in the common areas and the exterior doors using Onslaught Fastcap Spider and Scorpion Insecticide.

22. The label instructions specifically state to not make applications in the immediate area where occupants are present.

23. Additionally, the label requires that all people and pets are kept out of the area and to restricts access to these areas until all surfaces are dry.

24. According to our investigation and your application records, you made this application in violation of Onslaught Fastcap Spider and Scorpion Insecticide label requirements.

25. Finally, your company, Rentokil, the name supplied on the application records, is not on record with the Department as being a commercial applicator company.

26. Applying a pesticide product in a manner inconsistent with the product label and making commercial pesticide applications under an unlicensed company name are violations of the Oklahoma Combined Pesticide Law & Rules: 2 O.S. § 3-82 (A) and 2 O.S. § 3-86 (A)(4).

ALLEGED CONCLUSIONS OF LAW

27. 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)(4) which are stated below:

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

- 2 O.S. §3-86(A)(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.”

ATTORNEY CONFERENCES

28. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
29. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
30. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

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

d.) Civil actions.

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

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

PRAYER FOR RELIEF

34. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Three Thousand Dollar (\$3000.00)** administrative penalty.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

40. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Three Thousand Dollars (\$3000.00)**.

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

DATED THIS _____ day of _____, 2023.

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

Brady Robison

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

CERTIFICATE OF MAILING

This is to certify that on this _____ day of _____, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

Presto-X LLC
7720 N. Robinson Ave. Ste. B7
Oklahoma City, OK 73116

Brady Robison

Brady Robison

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-1136

**Presto-X LLC)
7720 N. Robinson Ave. Ste. B7)
Oklahoma City, OK 73116)**

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. SONJA TORRES

Case File No. OGC-23-969

**SONJA TORRES
228 N. K ST.
EL RENO, OK 73036**

Summary of Facts: An investigator conducted a complaint investigation at 226 N. K St. in El Reno, OK. The inspector took a sample of the residue and Fipronil was detected in the sample. The product Respondent purchased on Amazon is not registered with the EPA, which makes it illegal to sell and use in the United States.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86 (A)(2) by applying an unregistered pesticide product.

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

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

COMPLAINANT,)

v.)

SONJA TORRES)
228 N. K ST.)
EL RENO, OK 73036)
RESPONDENT.)

Case No: OGC-23-969

FILED
FEB 07 2024
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Sonja Torres
Signature

Sonja Torres
Printed Name and Title:

Date: 2/7/24

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-969

**SONJA TORRES)
228 N. K ST.)
EL RENO, OK 73036)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on the 8th day of February 2024** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial pesticide applications, located at El Reno, Oklahoma.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

ALLEGATIONS OF FACT

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

18. On or about the 31st day of May 2023, the Consumer Protective Services Division of the Department conducted a consumer complaint inspection located at 226 N. K Street in El Reno, OK. The occupant complained of an unknown substance/pesticide being used in the residence and causing him respiratory issues.

19. This property belongs to you and you operate it as a rental property; you informed our inspector that prior to the tenant moving in, you had treated the property with a pesticide purchased off of Amazon.

20. The tenant supplied our inspector with the remaining pesticide found under the sink.

21. These packages had an Asian writing on them with a white powder residue inside.

22. Our inspector took a sample of the residue and submitted to out lab for testing.
23. This sample came back positive for Fipronil.
24. Registered Fipronil products have very limited indoor uses.
25. This product you purchased from Amazon was not registered with the EPA and is therefore illegal to sell and use within the United States.
26. Applying an unregistered product is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. §3-86(A)(2).

ALLEGED CONCLUSIONS OF LAW

27. Based upon the application of the above law to the aforementioned facts, your use of an illegal product is a violation of 2 O.S. §3-86(A)(2) which states: “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 2. A person has negligently used methods or pesticides that are ineffective or improper for the purpose for which they have been employed.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

PRAYER FOR RELIEF

34. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Five Hundred Dollar (\$500.00)** administrative penalty.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

40. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00)**.

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

DATED THIS _____ day of _____, 2023.

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

Brady Robison

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Brady Robison, OBA # 33600*
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this _____ day of _____, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

SONJA TORRES
228 N. K ST.
EL RENO, OK 73036

Brady Robison

Brady Robison

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-969

**SONJA TORRES)
228 N. K ST.)
EL RENO, OK 73036)
RESPONDENT.)**

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. GARBER COOP

Case File No. OGC-23-1355

**GARBER COOP
102 E. RAILROAD
GARBER, OK 73738**

Summary of Facts: An investigator conducted a complaint investigation at 8500 E. Phillips Rd. in Enid, OK. This residence is across the road north of the field that Respondent applied Gramoxone SL 3.0 on July 17, 2023. The Breckenridge, OK Mesonet Weather Station recorded the winds being south at 16-19 mph during the time of Respondent's application. The investigation found that the application was made against the labeled precautions and resulted in an off-target movement/drift onto the property north of your application area.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86 (A)(3) and 2 O.S. § 3-86 (A)(4) by applying a pesticide in a manner inconsistent with the product label and allowing a pesticide product to drift off-target.

Proposed Administrative Penalty: The proposed penalty for this case was Five Thousand Dollars (\$5000.00).

Deviations: This matter was settled through a Settlement and Consent Order. The monetary penalty was reduced to \$4,000.00 in order to remain consistent with other cases and Respondent agreed to consent order reflecting that reduction

Other Actions Required: None.

OGC Attorney: Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JAN 30 2024
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
GARBER COOP)
102 E. RAILROAD)
GARBER, OK 73738)
)
RESPONDENT.)

Case No: OGC-23-1355

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Garber Coop and its and his past, present, and future partners, affiliates, employees, pilots, members, agents, subcontractors, attorneys, predecessors in interest, successors, and assigns (the "Respondent"). The Department and the Respondent will collectively be referred to herein as the "Parties".

AUTHORITY

2. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4 (A)(3).

DEPARTMENT'S NOTICE

3. On November 30, 2023, the Department issued a Notice of Violation in Case No's. OGC-23-1355 (the Notice) to the Respondent, which are attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law contained in the Notice are incorporated herein by reference but are specifically and generally denied by Respondent.

ORDER AND AGREEMENT

4. In compromise and full settlement of this matter, respondent shall pay to the Department an administrative penalty of Four Thousand Dollars (\$4000.00).

5. Payment to be mailed to the following address:

Office of General Counsel
Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

EFFECT OF THE AGREEMENT

6. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, subcontractors, pilots, customers, servants, employees, members, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's First Notices and Second Notices. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
7. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the Parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of these Actions. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
8. The Department does not by entering into this Agreement concede that its factual basis for initiating the Actions, and alleged violations found based upon those facts, are not true and accurate. Respondent, denying the truth of said factual averments and having previously contested and denied the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this Agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the First Notices and the Second Notices. The Department and Respondent are avoiding further contention, including litigation of the Actions, through settlement of the Actions by this Agreement.

NO ADMISSION

9. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of the Parties. The Parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in the Actions and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

NON-ADMISSIBILITY

10. These settlement negotiations have been undertaken by the Parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in the Actions, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

11. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

NOTICE

12. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Hamill
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For Garber Coop:

Vance Nye
Gungoll, Jackson, Box, Devoll, P.C.
101 Park Ave.
Suite 1400
Oklahoma City, OK 73102

MISCELLANEOUS

13. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both Parties, and shall be incorporated into this Agreement.
14. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.

15. Payment for the administrative penalty shall be presented within 10 days of the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
16. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
17. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
18. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
19. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

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

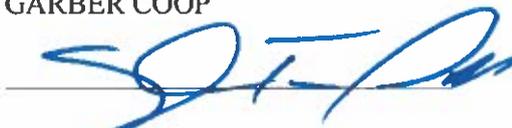


Kenny Naylor, Director
Consumer Protection Services
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

COMPLAINANT

Date: _____

GARBER COOP



Vance Nye
Gungoll, Jackson, Box, Devoll, P.C.
Counsel for Respondent
101 Park Ave.
Suite 1400

Oklahoma City, OK 73102

Phone: 405-272-4710

Fax: 405-272-5141

Counsel for Respondent

Date: 1-30-24

Exhibit A

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-1355

**GARBER COOP)
102 E. RAILROAD)
GARBER, OK 73738)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 8th day of February 2024 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial pesticide applications, located at Garber, 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 20th day of July, the Consumer Protective Services Division of the Department conducted a consumer drift complaint.

19. Our inspectors conducted this investigation at 8500 E. Phillips Rd. in Enid, OK. This residence is across the road of a field you sprayed in the N ½ of section 29-23N-5W.

20. During this inspection our inspectors noted herbicide effects on the complainant's property. Our inspectors took samples of the vegetation on the drift and target properties.

21. According to your application records Gramoxone SL 3.0 was applied on July 17, 2023, from 3:45 pm to 5:30 pm during a 21-mph southwest wind.

22. The Breckenridge, OK Mesonet Weather Station recorded the winds being south at 16-19 mph during the time of your application.

23. The Gramoxone SL 3.0 label states to only apply product when the wind is blowing away from adjacent sensitive areas such as a residential area, and to not apply the product in wind speeds over 10-mph.

24. Sample test results indicated that Paraquat was detected in both samples. Your application is the source of the Paraquat.

25. According to our investigation your application was made against the labeled precautions and resulted in an off-target movement/drift onto the property north of your application area.

ALLEGED CONCLUSIONS OF LAW

26. Based upon the application of the above law to the aforementioned facts, applying a pesticide in a manner inconsistent with the product label and allowing a pesticide product to drift off-target are violations of the Oklahoma Combined Pesticide Law & Rules: 2 O.S. § 3-86 (A)(3); 2 O.S. § 3-86(A)(4) which are 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.”

- 2 O.S. §3-86(A)(4): “4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”

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 **Five Thousand Dollars (\$5000.00)** 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 **Five Thousand Dollars (\$5000.00)**.

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 _____ day of _____, 2023.

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

Brady Robison

Teena C. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Brady Robison, OBA # 33600*
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this _____ day of _____, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

GARBER COOP
102 E. RAILROAD
GARBER, OK 73738

Brady Robison

Brady Robison

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-1355

**GARBER COOP)
102 E. RAILROAD)
GARBER, OK 73738)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Thousand Dollars (\$5000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. DETERDING AERIAL

Case File No. OGC-23-997

**DETERDING AERIAL
701 W. CEDAR DR.
PUBLIC AIRPORT, WEST HANGER
POND CREEK, OK 73766**

Summary of Facts: An investigator conducted a complaint investigation at 6101 E. Canteen Rd. in Newkirk, OK. The investigation revealed that Respondent made applications on May 20 and then again on May 27th, 2023, to a pasture approximately ½ mile east of the complainant's property. The Newkirk, OK Mesonet weather station on May 20th recorded the wind blowing NNW at 7mph and on May 27th recorded it at 8mph blowing ESE. Both days the wind was blowing towards the complainant's property. The investigation found that Respondent's applications on May 20th and May 27th drifted off-target.

Statute or Rule Violation: Respondent violated 2 O.S. §3-86(A)(3) by allowing a product to drift off-target.

Proposed Administrative Penalty: The proposed penalty for this case was Five Thousand Dollars (\$5000.00).

Deviations: This matter was settled through a Settlement and Consent Order. The monetary penalty was reduced to \$2,000.00 in order to remain consistent with other cases and Respondent agreed to consent order reflecting that reduction

Other Actions Required: None.

OGC Attorney: Kiersten Hamill

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

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

COMPLAINANT,)

v.)

DETERDING AERIAL)
701 W. CEDAR DR. PUBLIC AIRPORT)
WEST HANGER)
POND CREEK, OK 73766)

RESPONDENT.)

Case No: OGC-23-997

FILED
JAN 31 2024
STATE BOARD OF AGRICULTURE

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Deterding Aerial (the "Respondent").
2. The facility which is the subject of this Agreement is owned and operated by Deterding Aerial and located at 701 W Cedar Drive, Pond Creek OK 73766 (the "Facility").

AUTHORITY

3. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(A)(3).

DEPARTMENT'S NOTICE

4. On the 29th day of November 2023, the Department issued a Notice of Violation in Case No. OGC-23-997, ("Notice") to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

ORDER AND AGREEMENT

5. In compromise and full settlement of *this matter*, respondent shall pay to the Department an administrative penalty of Two Thousand Dollars (\$2000.00).
6. Payment to be mailed to the following address:

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

2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

EFFECT OF THE AGREEMENT

7. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
8. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
9. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

NO ADMISSION.

10. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

NON-ADMISSIBILITY.

11. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

12. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

NOTICE

13. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Hamill
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For Dcterding Aerial:

Patrick Hullum
Phillips Murrah P.C.
101 N Robinson Ave Suite 1300
Oklahoma City, OK 73102

MISCELLANEOUS

14. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
15. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
16. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
17. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.

18. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.

19. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.

20. This Agreement shall be governed by the laws of the State of Oklahoma.

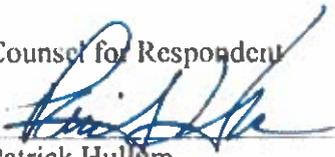
Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY, CONSUMER
PROTECTION SERVICES


Kently Naylor, Director
Consumer Protection Services
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-0625

Date: _____

- and by -

Counsel for Respondent

Patrick Hullum
Phillips Murrah P.C.
101 N Robinson Ave Suite 1300
Oklahoma City, OK 73102

Date: 1/25/24

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-997

**DETERDING AERIAL)
701 W. CEDAR DR. PUBLIC AIRPORT)
WEST HANGER)
POND CREEK, OK 73766)**

RESPONDENT.)

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 8th day of February 2024** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial aerial pesticide applications, located at Pond Creek, 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 6th day of June 2023, the Consumer Protective Service Division of the Department conducted a consumer complaint investigation located at 6101 E. Canteen Rd. in Newkirk, OK. The nature of this complaint was a possible off-target drift.

19. Inspectors conducted this investigation and observed herbicidal effects on garden plants, fruit trees, and grape vines.

20. According to requested records supplied by your company, you made applications on May 20 and then again on May 27th, 2023, to a pasture approximately ½ mile east of this property in sections 3-27N-3E and 34-28N-3E.

21. The Newkirk, OK Mesonet weather station on May 20th recorded the wind blowing NNW at 7mph and on May 27th recorded it at 8mph blowing ESE. Both days the wind was blowing towards the complainant's property.
22. According to your application records you were applying Brash, MSM60, and 2,4-D LV6.
23. A vegetative sample was collected from the drift property and the samples showed that trace amounts of 2,4-D, Dicamba, and Metsulfuron-Methyl were present.
24. Samples taken from the target field were taken and results showed that 2,4-D (1.90ppm), Dicamba (.617ppm) and Metsulfuron-methyl (.143ppm) were detected.
25. According to the investigation, your applications on May 20th and May 27th, 2023 drifted off-target.
26. Allowing a product to drift off-target is a violation of the Oklahoma Combined Pesticide Law and Rules: 2 O.S. § 3-86(A)(3).

ALLEGED CONCLUSIONS OF LAW

27. 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 quoted below:
 - “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

28. The Department is seeking an administrative penalty in the amount of Five Thousand Dollars (\$5000.00).

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 **Five Thousand Dollars (\$5000.00)**.

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

DATED THIS _____ day of _____, 2023.

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

Brady Robison

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

CERTIFICATE OF MAILING

This is to certify that on this _____ day of _____, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

DETERDING AERIAL
701 W. CEDAR DR. PUBLIC AIRPORT
WEST HANGER
POND CREEK, OK 73766

Brady Robison

Brady Robison

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-997

**DETERDING AERIAL)
701 W. CEDAR DR. PUBLIC AIRPORT)
WEST HANGER)
POND CREEK, OK 73766)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Thousand Dollars (\$5000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. SECURITY PEST CONTROL INC.

Case File No. OGC-23-44

SECURITY PEST CONTROL INC.

**10323 E. 50TH ST.
TULSA, OK 74146**

Summary of Facts: An investigator conducted a pretreat inspection at 7525 E. 157th. Pl. S. in Bixby, OK. The two vertical barrier samples were below ODAFF's acceptable Imidacloprid residue threshold level of 10 ppm for vertical barriers.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86(A)(2) by using a pesticide in an ineffective manner.

Proposed Administrative Penalty: The proposed penalty for this case was Six Thousand Dollars (\$6000.00).

Deviations: This matter was settled through a Settlement and Consent Order. The monetary penalty was reduced to \$2,500.00 in order to remain consistent with other cases and Respondent agreed to consent order reflecting that reduction

Other Actions Required: None.

OGC Attorney: Kiersten Hamill

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

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

COMPLAINANT,)

v.)

**SECURITY PEST CONTROL INC.)
10323 E. 50TH ST.)
TULSA, OK 74146)**

RESPONDENT.)

Case No: OGC-23-44

FILED
JAN 31 2024
STATE BOARD OF AGRICULTURE

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Security Pest Control, Inc. (the "Respondent").
2. The facility which is the subject of this Agreement is owned and operated by Security Pest Control, Inc. and located at 10323 E. 50th St., Tulsa, OK 74146 (the "Facility").

AUTHORITY

3. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(7).

DEPARTMENT'S NOTICE

4. On the 3rd day of February 2023, the Department issued a Notice of Violation in Case No. OGC-23-44, ("Notice") to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

ORDER AND AGREEMENT

5. In compromise and full settlement of *this matter*, respondent shall pay to the Department an administrative penalty of Two Thousand Five Hundred Dollars (\$2500.00).
6. Payment to be mailed to the following address:

Office of General Counsel
Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.

EFFECT OF THE AGREEMENT

7. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based on or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
8. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
9. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

NO ADMISSION.

10. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

NON-ADMISSIBILITY.

11. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

12. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

NOTICE

13. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Hamill
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For Security Pest Control:

Daniel J. Gamino
Daniel J Gamino & Associates, PC
Jamestown Office Park
3035 NW 63rd Street, Suite 214
Oklahoma City, OK 73116
405-840-3741

MISCELLANEOUS

14. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
15. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
16. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
17. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.

18. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.

19. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.

20. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY, CONSUMER
PROTECTION SERVICES

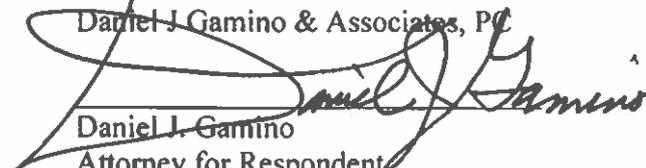


Kenny Naylor, Director
~~Assistant General Counsel~~ **CPS**
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-0625

Date: _____

- and by -

Daniel J Gamino & Associates, PC



Daniel J. Gamino
Attorney for Respondent
3035 NW 63rd Street, Suite 214
Oklahoma City, OK 73116
405-840-3741

Date: 1-29-2024

**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.)

Case No: OGC-23-44

**SECURITY PEST CONTROL INC.)
10323 E. 50TH ST.)
TULSA, OK 74146)**

RESPONDENT.)

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 11th day of January 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.**

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial pesticide applications, located at 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 17th day of November, the Consumer Protective Services Division of the Department conducted a pretreat inspection located at 7525 E. 157th Pl. S. in Bixby, OK.

19. During the course of this investigation our inspector noted that One of the two horizontal barrier samples had a sufficient residue level of 7.77 ppm while the other sample did not have a sufficient level at 2.62 ppm. The two vertical barrier samples had residue levels of 2.32 ppm and 2.97 ppm.

20. These vertical samples were below ODAFF's acceptable Imidacloprid residue threshold level of 10 ppm for vertical barriers and the one horizontal sample of 5.0 ppm.

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, using a pesticide in an ineffective manner is a violation of Oklahoma Statute, specifically 2 O.S. §3-86(A)(2) which states:

- “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 2. A person has negligently used methods or pesticides that are ineffective or improper for the purpose for which they have been employed.”

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

- a.) Administrative fines or penalties;

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

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

27. Any person, holder or non-holder of a valid license violating any of the provisions of 2 O.S. §3-86(A)(1)-(22) shall be guilty of a misdemeanor and shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00), imprisonment in the county jail for not less than thirty (30) days and not more than one (1) year, or both.

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Six Thousand Dollars (\$6000.00)**.

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

DATED THIS 15 day of December, 2023.

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

Brady Robison

Teena C. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Brady Robison, OBA # 33600*
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 15 day of December, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**SECURITY PEST CONTROL INC.
10323 E. 50TH ST.
TULSA, OK 74146**

Brady Robison

Brady Robison

