

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

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

2800 N Lincoln Blvd
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of June 6, 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 – Justin Moore
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 Sellers
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 Certified Fire Departments for FY25 per the requirements outlined in Title 35:20-3-8(d).
**Document available upon request*

9. Consideration and Proposed Action on Cases Resolved by Stipulations

Agricultural Environmental Management Services

Arlene LeMaster, 37395 LeMaster Lane, Poteau, Oklahoma

Jackie Tackett, P. O. Box 551, Bokoshe, Oklahoma

Consumer Protection Services

Hawkins Weed Control, 407 W. Waterfront, Tuttle, Oklahoma

Skyland Grain, LLC, 13304 CR26, Spearman, Texas

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

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

Agricultural Environmental Management Services

Joel Hancock Jr., 51857 S. 630 Road, Colcord, Oklahoma

Jesus Hernandez, 21000 Summers Mountain Road, Lincoln, Arkansas

Animal Industry Services

Chance Baker, 15101 E. 6th Street, Yale, Oklahoma

Consumer Protection Services

XYLO Pellets, 14134 XYLO Lane, Wayne, Oklahoma

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11. Next Board meeting scheduled for **Wednesday, August 28, 2024**, at Oklahoma City.

12. Old Business

13. 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.

14. Adjournment

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

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

Oklahoma City, Oklahoma
June 6, 2024

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., June 6, 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 Clay Burtrum Joe Farris
Others Present:	Michaela Lembeck, Executive Secretary JanLee Rowlett, Deputy Commissioner Dan Ridings, Director, Administrative Services Wade Krivanek, Director, Laboratory Services Kenny Naylor, Director, Consumer Protection Services Riley Coy, Forestry Services Troy Marshall, Director, Agricultural Statistics Heather Schmidt, Animal Industries Teena Gunter, Director, Agricultural Environmental Management Services & Office of General Counsel Scott Yates, Director, Food Safety Justin Cooper, Director, Wildlife Services Meriruth Sellers, Director, Market Development Lee Benson, Public Information Officer Sarah Mullens, Executive Office Intern Katajah Johnson, Market Development Intern Cameron Billings, Market Development Intern Dylan Riddle, Office of General Counsel Intern London Crytzer, Office of General Counsel Intern Joseph Fickett, Office of General Counsel Intern Tyler Telly, Quorum Call Ben Felder, Investigate Midwest

Mr. Bolen called the meeting to order, and a quorum was declared.

A motion was made by Mr. Farris, seconded by Mr. Burtrum, to approve the minutes of the regular meeting of April 24, 2024, as presented.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Farris	Aye

The motion carried.

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

Agricultural Environmental Management Services

Kenneth Hauenstein P. O. Box 1151, Pryor, Oklahoma

Randal Vaugh, 64441 S. 4710 Road, Westville, Oklahoma

Consumer Protection Services

AAA Landscape & Irrigation, 11811 N. Western Ave., Oklahoma City, Oklahoma

D.O.A. Termite & Pest Control, LLC, 31165 Pottawatomie Road, Wanetta, Oklahoma

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

Farmers Coop Exchange, 200 8th Street, Bessie, Oklahoma

Arthur Graves, 306 Apache Trail, Burns Flat, Oklahoma

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

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

Orkin, LLC 45 N. E. 51ST Street, Oklahoma City, Oklahoma

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

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

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

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

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The vote was as follows:

BoLEN	Aye
BURTRUM	Aye
FARRIS	Aye

The motion carried.

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

Agricultural Environmental Management Services
Angela Forrest, 16027 W. 710 Road, Tahlequah, Oklahoma

Consumer Protection Services
Family Dollar, 30516 Highway 59, Wayne, Oklahoma
Carl Fletcher, 108099 N. 3880 Road, Henryetta, Oklahoma
Steve Lusk, 121539 White Tail Lane, Eufaula, Oklahoma
Southeast Pest Control, 10852 E. 34TH Street, Tulsa, Oklahoma

Food Safety Division
Joel Skip Mitchell, 406 Winona Blvd., Lindsay, Oklahoma

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

The vote was as follows:

BoLEN	Aye
BURTRUM	Aye
FARRIS	Aye

There is no old business presented for the Board to take action upon. Mr. Burtrum moved, Mr. Farris seconded, that the meeting be adjourned at 10:50 a.m.

By _____
President

ATTEST: _____
Executive Secretary

JUNE 6, 2024 BOARD MEETING

PURCHASES/CONTRACTS

AG STATISTICS

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

ANIMAL INDUSTRY

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

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

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

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

CONSUMER PROTECTION SERVICES

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

This is in addition to the original request of \$450,000.00 due to fertilizer tonnage revenue exceeding 1 million dollars for FY2024. Pursuant to 2 O.S. § 8-77.7 (A), ODAFF is required to collect an inspection fee of \$1.00 per ton of which \$0.50 per ton shall be forwarded directly to a special Soil Fertility Research Account in the Department of Plant and Soil Sciences of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University (OSU) for the purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops and forages and groundwater and surface water protection from plant food nutrients. Though tonnage amounts vary each year due to when a crop is planted, commodity prices, fertilizer prices and the weather we use the upper range of inspection fees paid annually to determine the amount of \$450,000.00 that could potentially be paid out to OSU. However, the actual amount paid to OSU will be based on the amount of inspection fees paid to ODAFF.

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

FY2024 Licensing Programmer --\$19,200.00

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

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

FY2025 Licensing Programmer --\$250,000.00

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

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

FOOD SAFETY

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

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

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

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

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

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

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

Contract employee for Dairy Services – \$40,000.00

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

FORESTRY SERVICES

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

Purchase one (1) heavy duty, tandem axle trailer with ramps. This trailer will be used to transport a skid steer with attachments for the purpose of treating hazardous fuels in and around communities at-risk from wildfire statewide. **Justification:** This program is part of the National Cohesive Wildland

Fire Management Strategy with the intent of developing fire adapted communities. Funding for this purchase will come from FY23 US Forest Service State Forest Action Plan funding.

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

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

FY25- \$250,000 Federal Funds

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

FY25- \$12,000 Land Lease

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

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

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

FY25- \$34,000 SE Area Utility Costs

Electric, phone/internet, utilities (natural gas, water, trash service, sewer, propane, etc..) for the following offices: SE Area office; SE Area complex; Antler's complex; Carter Tower complex; Sobol Tower repeater; Tom Tower repeater. **Justification:** Above is a necessary expenditure to operate the offices and communications infrastructure. The operation of these offices and radio repeaters is crucial to maintain emergency response radio communication, as well as serve as a location for Forest Rangers to maintain equipment so they can perform their assigned duties.

FY25- \$5,000 Office Furniture

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

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

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

FY 25 – Forest Inventory and Analysis all-terrain vehicle (ATV) \$17,363.50

(State Matching Cost Share – FIA Grant)

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

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

National Association of State Foresters is organization composed of the directors of forestry agencies in the states, territories, and the District of Columbia. Oklahoma has been a member of this organization for decades. This grant provides Oklahoma Forestry Services with the current policies and procedures regarding fire protection and forest management. (Federal Funds) **Justification:** Without this purchase we would lose our connections to other States and plans that emphasize forestry needs.

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

Contract with Oklahoma Association of Regional Councils for Rural Fire Coordinators to provide technical assistance and equipment placement services to new or established Rural Fire Departments within their districts to assure the capability of meeting local fire protection needs. **Justification:** Without this contract fire departments would lose technical support to acquire much needed funding, equipment, and operational assistance.

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

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

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

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

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

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

FY25 - \$24,750 EC Area Utility Costs

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

FY25 - \$110,00 EC Area Equipment / Building Repair Costs

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

LABORATORY SERVICES

FY24 - \$35,000.00 – Service Contract

Correction to purchase amount

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

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

(To be purchased by Consumer Protection Service)

FY24 - \$18,000.00 – Service Contract

Correction to purchase amount

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

(To be purchased by Consumer Protection Service)

FY24 - \$65,000.00 – LIMS System

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

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

(To be purchased by Consumer Protection Service and Administration)

FY24 - \$6,060.00 – PTU Environmental Readers

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

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

Correction to purchase amount

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

MARKET DEVELOPMENT

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

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

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

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

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

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

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

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

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

WILDLIFE SERVICES

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

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

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

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

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

Oklahoma Department of Agriculture, Food & Forestry

July 24, 2024, Board Report

Administrative Services

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES MAY 2024



INVESTIGATIONS		MAY	YTD	FYTD
LIVESTOCK		5	21	31
FIRE		0	9	12
PROPERTY		1	9	21
TIMBER		0	0	1
AGENCY ASSISTS	ODAFF	1	2	3
AGENCY ASSISTS	EXTERNAL		2	8
OTHER		2	5	15
TOTAL INVESTIGATIONS OPENED		9	48	91

CLOSED PENDING ADDITIONAL INFORMATION		1	8	20
NO CRIME		1	7	20
NO PROSECUTION			0	0
CLOSED - ASSIST CASE			1	8
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION			5	14
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		2	21	62

COUNTS FILED		9	14
VALUE OF LOSSES - ALL CRIMES	\$51,000	\$356,685	\$954,355
RECOVERED LOSSES - ALL CRIMES	\$5,000	\$164,600	\$1,019,850
NUMBER OF CATTLE REPORTED STOLEN	35	115	321
NUMBER OF CATTLE RECOVERED	2	27	92



Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES JUNE 2024



INVESTIGATIONS		JUNE	YTD	FYTD
LIVESTOCK		4	25	35
FIRE			9	12
PROPERTY		1	10	22
TIMBER			0	1
AGENCY ASSISTS	ODAFF	3	5	6
AGENCY ASSISTS	EXTERNAL		2	8
OTHER			5	15
TOTAL INVESTIGATIONS OPENED		8	56	99
CLOSED PENDING ADDITIONAL INFORMATION		1	9	21
NO CRIME		1	8	21
NO PROSECUTION			0	0
CLOSED - ASSIST CASE		3	4	11
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		2	7	16
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		7	28	69
COUNTS FILED		25	34	39
VALUE OF LOSSES - ALL CRIMES		\$87,348	\$444,033	\$1,041,703
RECOVERED LOSSES - ALL CRIMES		\$51,848	\$216,448	\$1,071,698
NUMBER OF CATTLE REPORTED STOLEN		54	169	375
NUMBER OF CATTLE RECOVERED		26	53	118

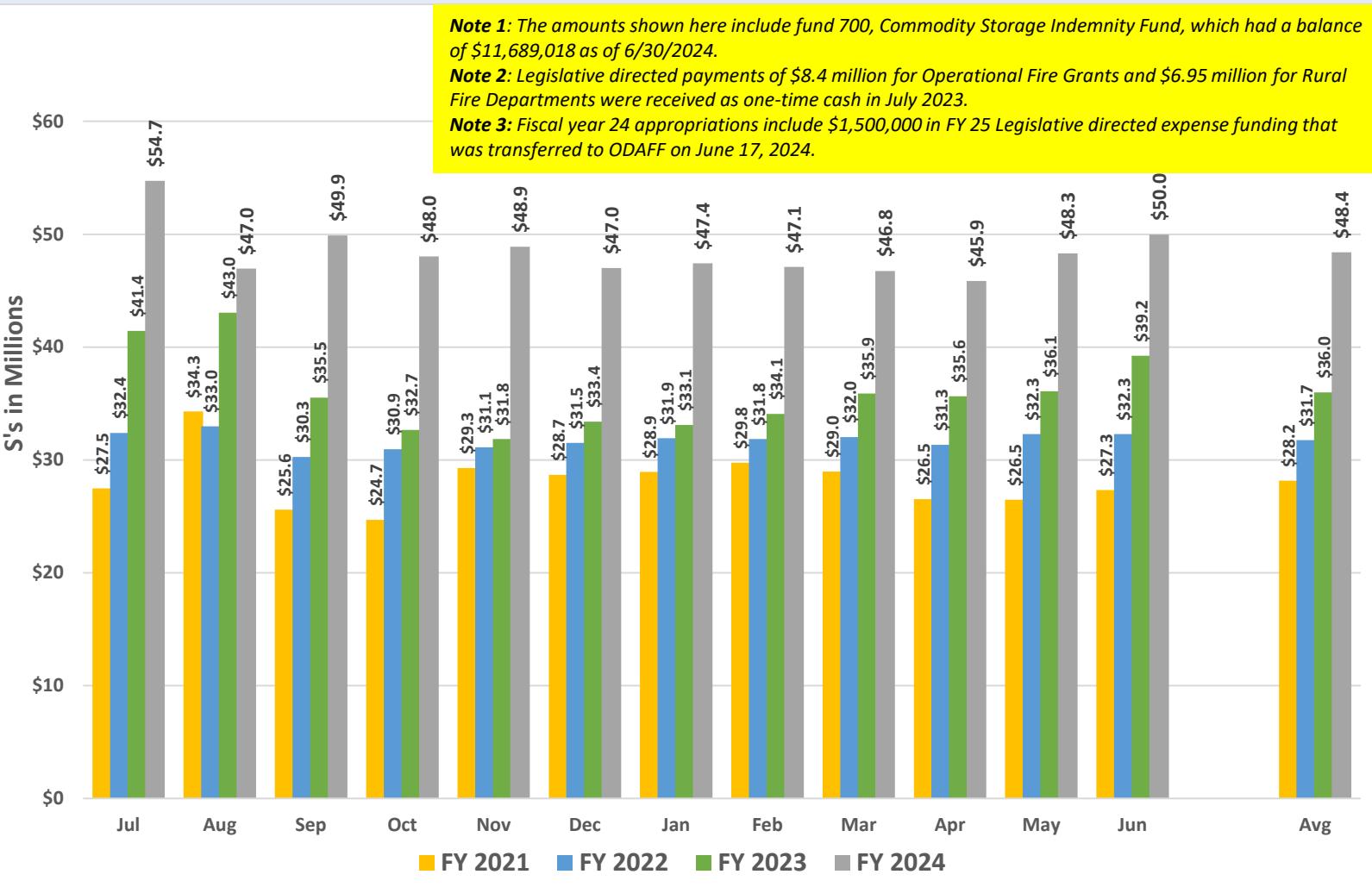




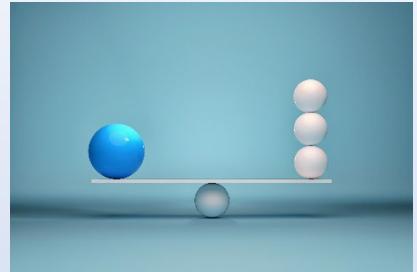
Available Cash at Month End

Months Ending: July 2020 – June 2024

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

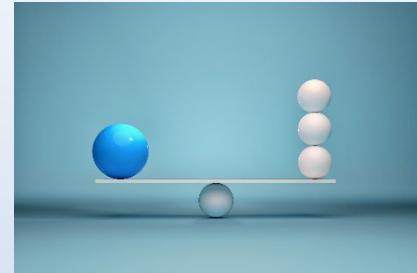


Administrative Services - Finance



- Cash balance as of 6/30/2024 was \$50 million compared to \$39.2 million as of 6/30/2023
 - Increase of \$10.8 million from the prior year and is primarily attributed to the following:
 - Legislative directed payments for rural fire departments for the replacement of equipment and gear burned during fires
 - \$6.95 million increase in appropriated cash

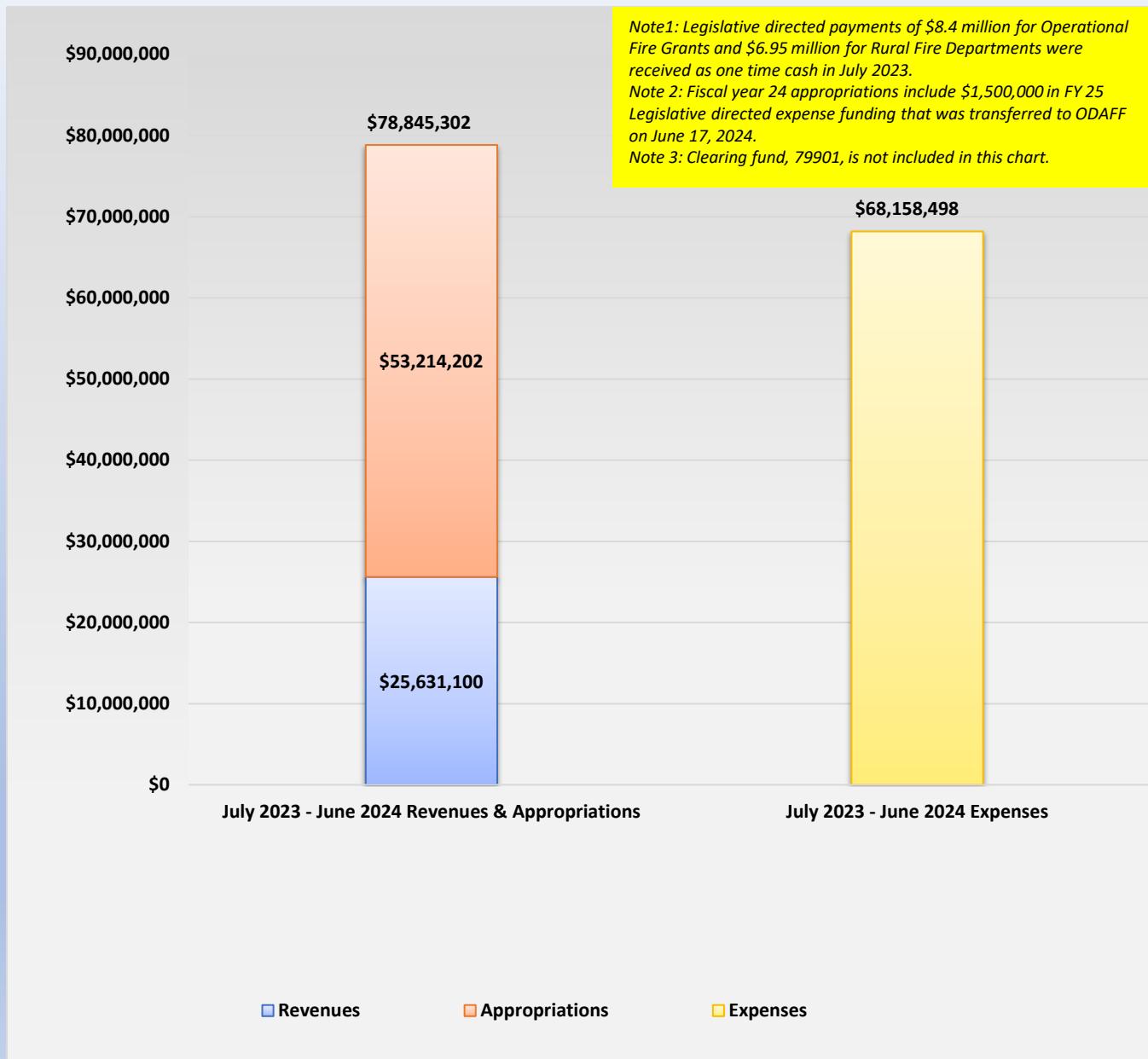
Administrative Services - Finance



- Receipt of \$1,500,000 in FY 2025 Legislative directed expense funding that was transferred to ODAFF on June 17, 2024.
- Increase in federal reimbursements

Total Revenues, Appropriations and Expenses

July 2023 – June 2024



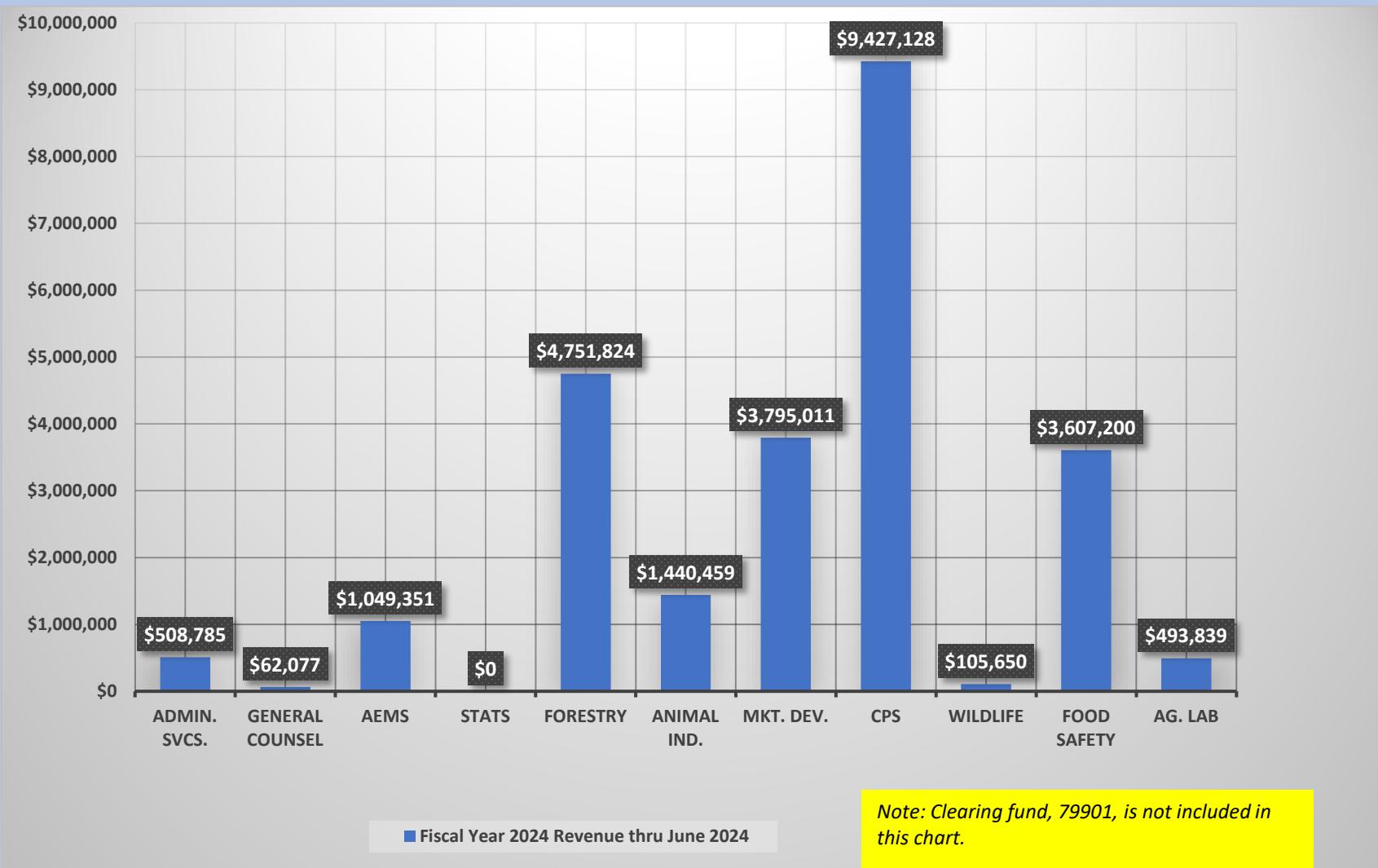
Revenue Summary by Division July 2023 - June 2024

Division	June 2024 Revenue	Fiscal Year 2024 Revenue thru June 2024
Admin. Svcs.	173,986	508,785
General Counsel	(290)	62,077
AEMS	102,278	1,049,351
Stats	-	-
Forestry	653,492	4,751,824
Animal Ind.	22,459	1,440,459
Mkt. Dev.	115,177	3,795,011
CPS	714,482	9,427,128
Wildlife	7,200	105,650
Food Safety	86,099	3,607,200
Ag. Lab	10,154	493,839
Division Total (see division receipts graph on next slide)	1,885,037	25,241,324
Commodity Storage Indemnity	32,442	389,776
Appropriations	4,495,016	53,214,202
Agency Total	6,412,495	78,845,302

Note 1: Clearing fund, 79901, is not included in the above table.

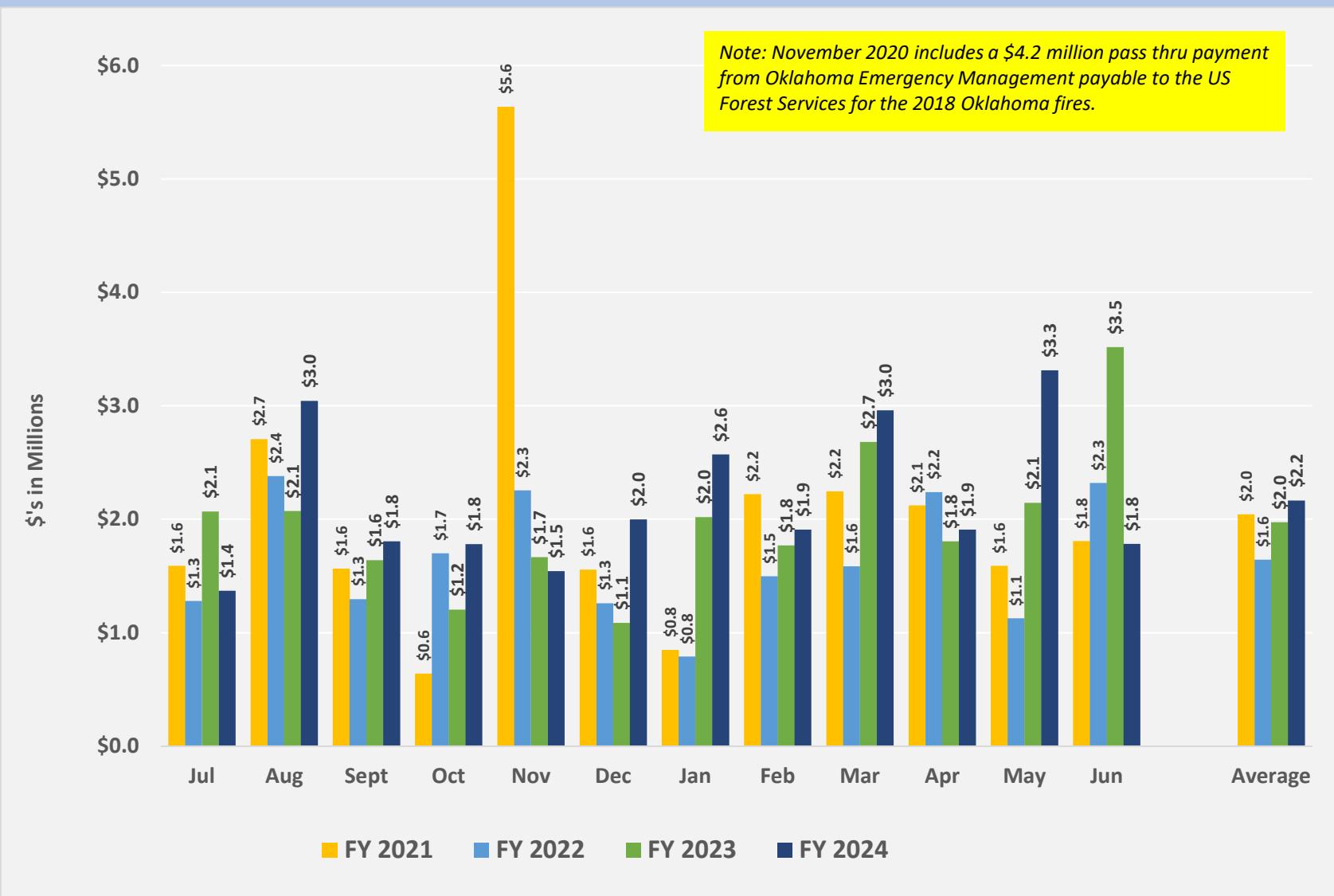
Note 2: The Appropriations amounts shown above include \$1,500,000 in FY25 Legislative directed expense funding that was transferred to ODAFF on June 17, 2024.

Revenue By Division July 2023 – June 2024



Total Revenue by Month

July 2020 – June 2024



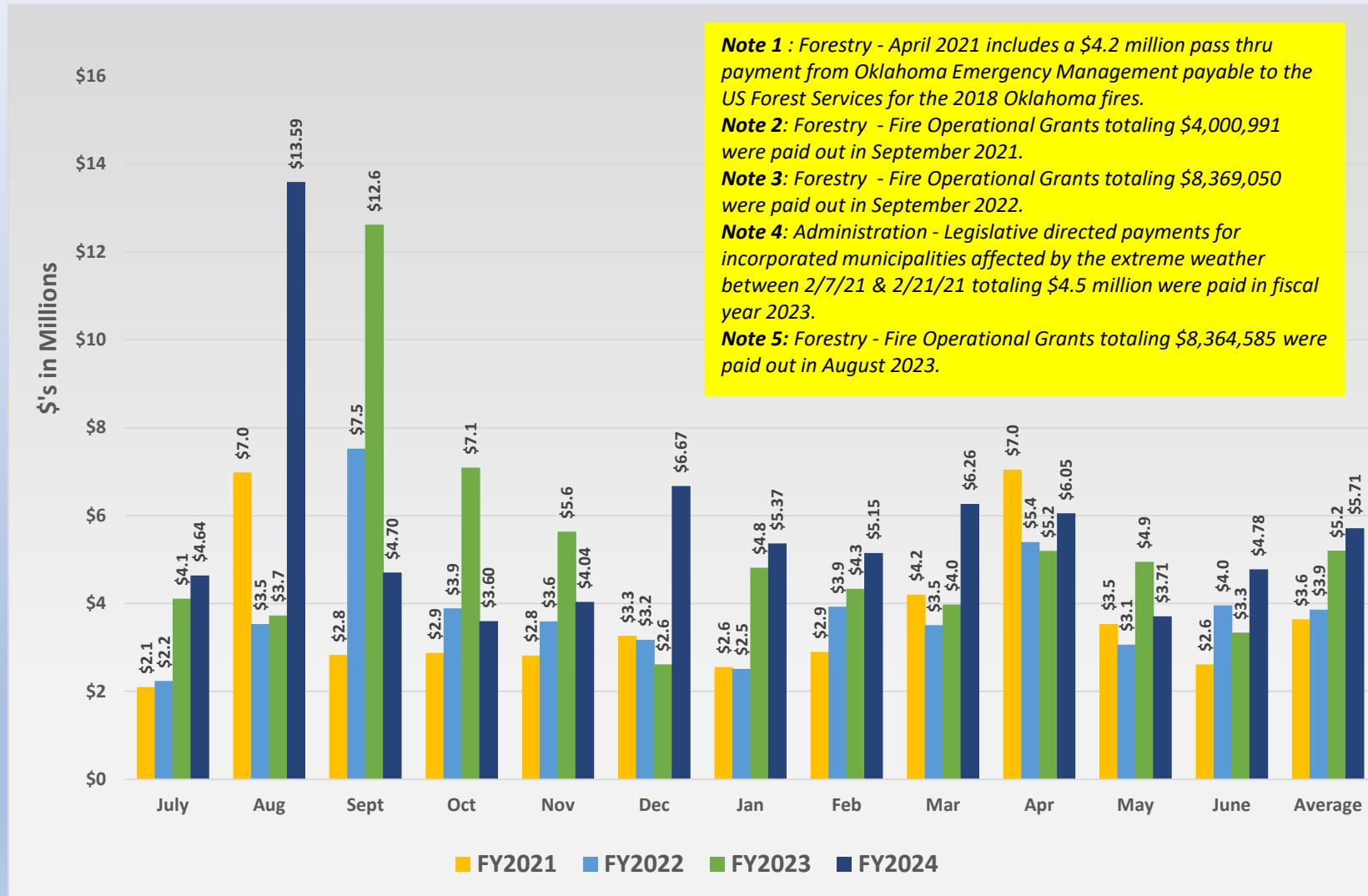
Administrative Services - Finance

- Revenues (excluding appropriations) for fiscal year 2024 were \$26 million compared to \$23.7 million in fiscal year 2023
 - This is an increase of approximately \$2.3 million and is primarily due to:
 - An increase in federal reimbursements
 - Timing of payments received



Total Expenses by Month

July 2020 – June 2024



FY 2024 Total Expenses by Month with Budget Year

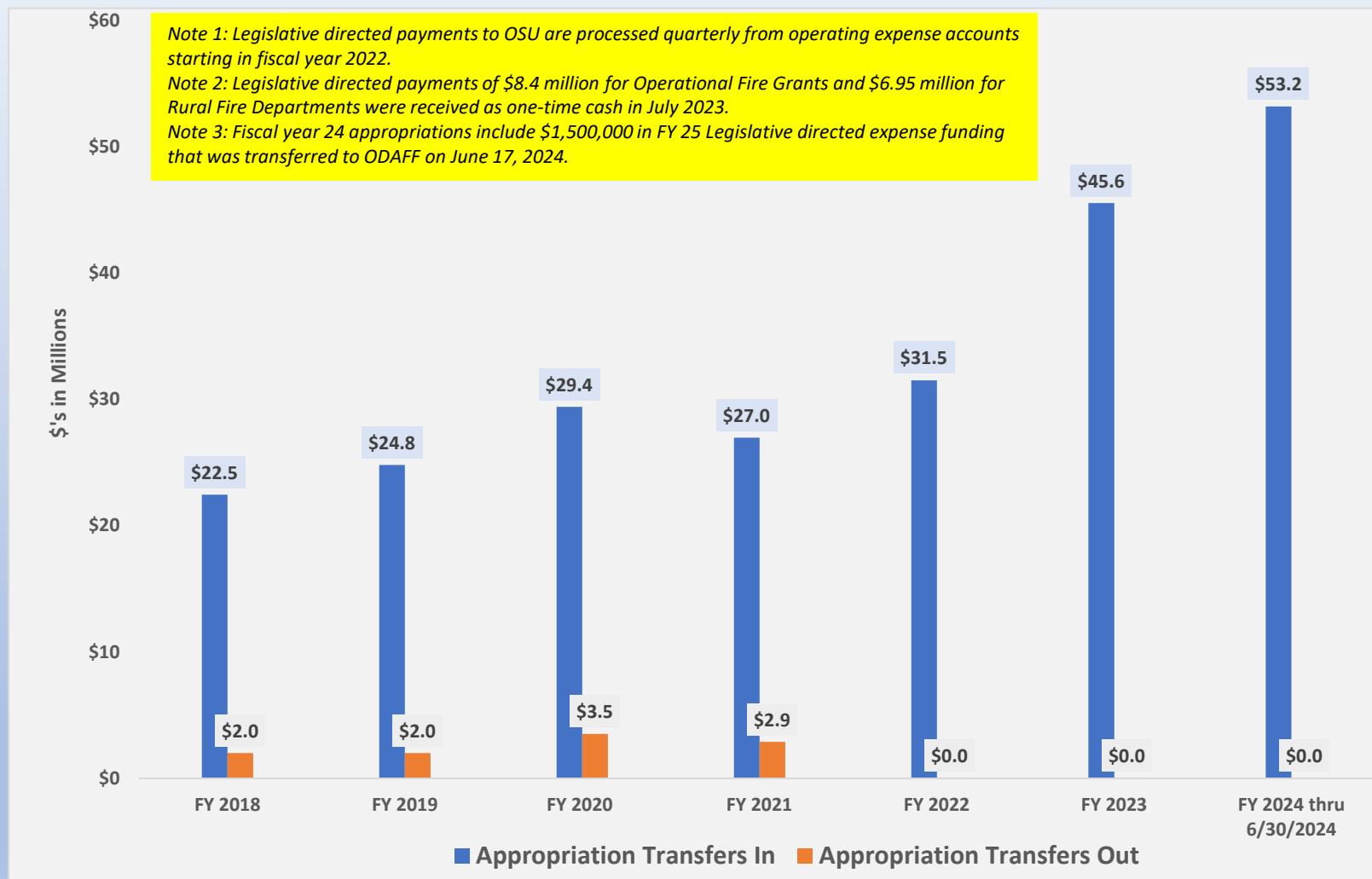


Administrative Services - Finance

- Total expenses for fiscal year 2024 were \$68.6 million compared to \$62.4 million fiscal year 2023.
- This was an increase of \$6.2 million and is primarily attributed to:
 - Increased payroll and benefit costs
 - Increased office furniture and equipment expenses
 - Vehicle purchases
 - Cubicle renovations

Appropriations

FY 2018 thru June 2024



Commodity Storage Indemnity Investment Report



As of June 30, 2024

Investments with Office of State Treasurer			
Cash Management Account:			\$11,689,018
<u>FY-2024 Receipts</u>			
	Current Month		YTD
New	-		-
Interest Revenue	32,442		389,776
Reinsurance	-		-
ODAFF Support Services	-		(50,000)
Recovered Salvage	-		-
Elevator Salvage	-		-
Matured Long Term Investments	-		-
	-----		-----
TOTALS	32,442		339,776
	=====		=====

Oklahoma Department of Agriculture, Food & Forestry

Monthly Budget Report - Budget Year 2024

As of June 30, 2024

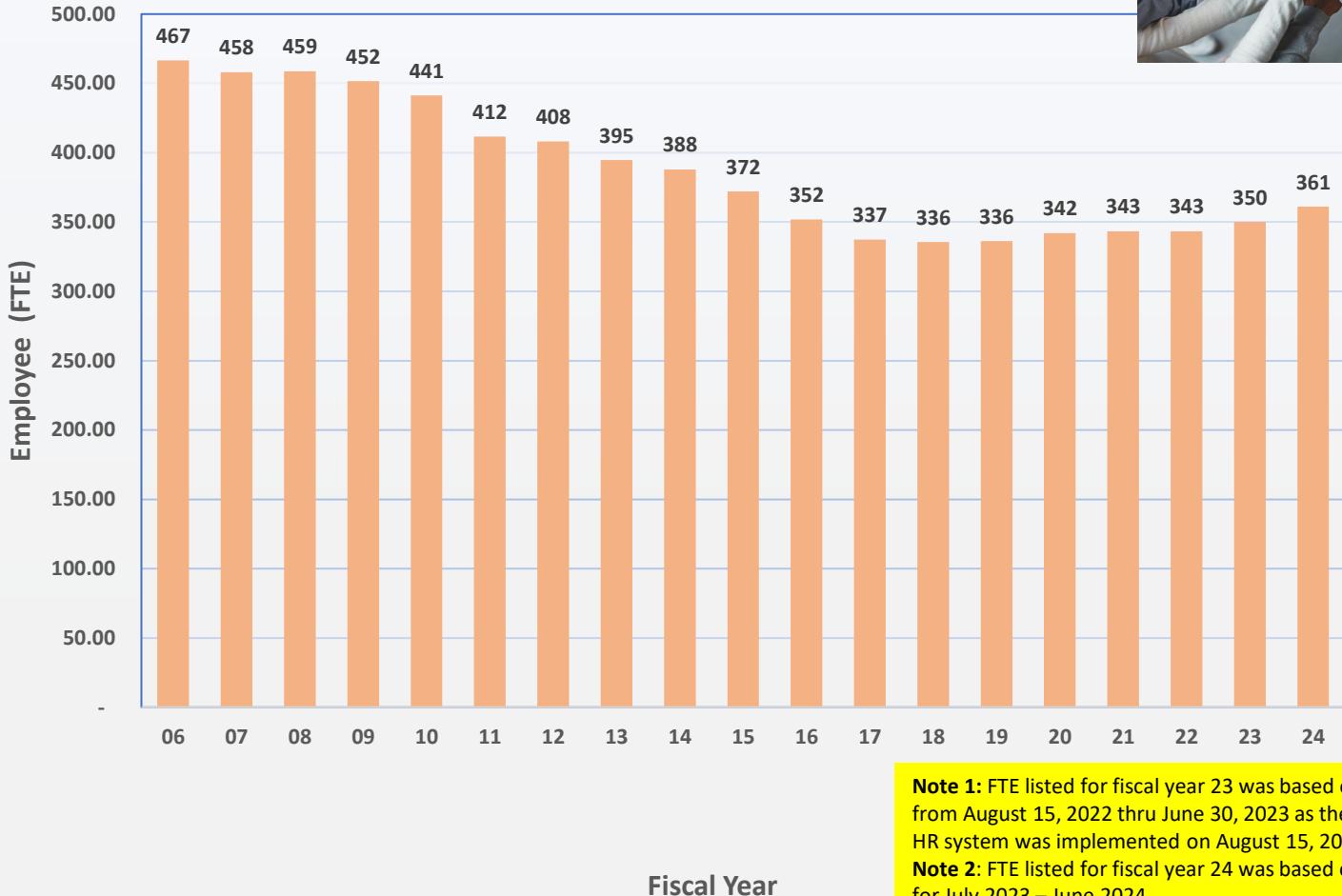
Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2024 thru June 30, 2024

Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	22,868,950	20,465,259	3,065,659	(661,967)
512	Insur.Prem-Hlth-Life,etc	5,558,363	4,658,853	131,395	768,115
513	FICA-Retirement Contributions	5,597,514	4,815,240	1	782,273
515	Professional Services	3,181,160	2,599,608	1,454,821	(873,269)
519	Inter/Intra Agy Pmt-Pers Svcs	30,000	(17,151)	999	46,152
521	Travel - Reimbursements	521,030	248,861	-	272,169
522	Travel - Agency Direct Pmts	498,363	459,257	-	39,106
531	Misc. Administrative Expenses	1,355,557	912,169	196,918	246,470
532	Rent Expense	690,348	450,047	379,549	(139,249)
533	Maintenance & Repair Expense	1,987,084	1,043,451	331,897	611,736
534	Specialized Sup & Mat.Expense	1,585,302	789,343	353,571	442,388
535	Production,Safety,Security Exp	216,525	121,403	1,799	93,323
536	General Operating Expenses	316,154	111,160	-	204,994
537	Shop Expense	584,517	511,821	48,517	24,179
541	Office Furniture & Equipment	4,398,758	2,373,377	1,134,586	890,795
542	Library Equipment-Resources	982	371	-	611
543	Lease Purchases	1,697,171	1,697,171	-	0
552	Scholar.,Tuition,Incentive Pmt	340	1,321	-	(981)
554	Program Reimb,Litigation Costs	18,521,725	14,050,554	2,237,532	2,233,640
555	Pmts-Local Gov't,Non-Profits	12,189,156	3,191,696	157,949	8,839,512
559	Assistance Pymts to Agencies	3,594,000	2,395,891	1,162,041	36,068
561	Loans,Taxes,Other Disbursements	650	-	-	650
564	Merchandise For Resale	150,150	154,238	-	(4,088)
601	AFP Encumbrances	-	-	875,545	(875,545)
810	Req Only	-	-	762,040	(762,040)
	Operating Totals	85,543,799	61,033,939	12,294,818	12,215,042

Oklahoma Department of Agriculture, Food & Forestry					
Monthly Budget Report - Budget Year 2024					
As of June 30, 2024					
Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2024 thru June 30, 2024					
Class Funding	Class Fund Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
19401	GRF- Duties	35,940,203	32,704,050	2,430,946	805,207
20500	Rural Fire Defense Eqp Rev Fd	199,449	154,238	692	44,519
21000	Agriculture Revolving Fund	26,307,994	13,548,841	8,285,995	4,473,158
22500	Enhancement & Diversificatn Fnd	250,000	145,458	97,389	7,152
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	204,554	145,446	-
24500	Rural Fire Revolving Fund	94,550	44,731	16,491	33,329
25500	Ag. Evidence Law Enforce Fund	4,000	-	-	4,000
25600	Ok Viticulture Enology Revl Fd	439,275	270,425	130,445	38,405
26200	Poultry Grading Revolving Fund	1,154,297	1,079,171	24,405	50,721
28500	Milk & Milk Prod Inspec Rev Fd	471,032	337,151	85,803	48,078
28600	Ag In The Classrm Educ Rvlv Fd	24,000	6,955	-	17,045
28700	Healthy Food Financing Revl Fd	100,000	29,229	9,615	61,156
42000	Specialty Crop Federal Funds	1,140,000	651,820	325,641	162,539
43000	Farm and Ranch Stress Alliance	225,000	16,586	89,292	119,121
43100	Marketing's Farm to School	100,000	5,537	33,480	60,983
43500	Local Food for Schools Co-op	2,900,000	2,456,309	439,835	3,856
57901	Duties	15,773,999	9,328,886	159,342	6,285,771
	Totals	85,543,799	61,033,939	12,294,818	12,215,042

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 – June 2024.

JULY 2024 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(May 2024 Activities)

QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager)

The Food and Dairy Section has successfully validated a cycle that can sterilize up to 4 liters of media dispensed throughout 250 ml jars in the autoclave. Prior to this autoclave validation, the Section could only sterilize approximately 3 liters of media using the previous autoclave. This will also allow the Section to operate more efficiently due to the increase in media output after a single cycle run.

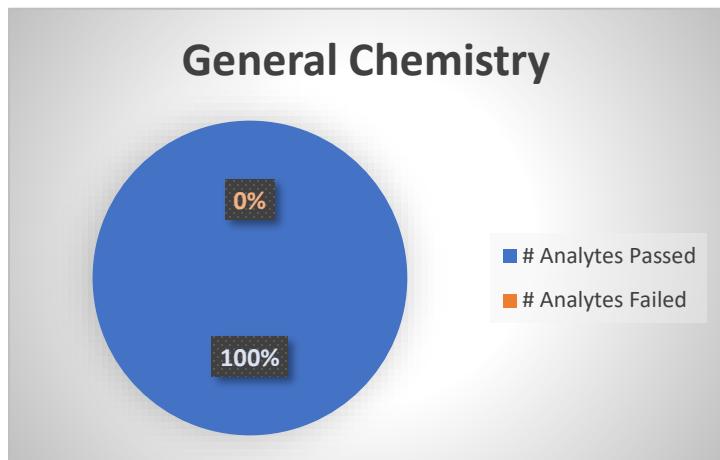
The QA Manager has sent the following equipment off for external calibration. The thermocouple, which is used to verify temperatures for thermometers, refrigerators, freezers, and incubators. The anemometer, that is used to verify that fume hoods maintain proper air flow, and UV meter, that is used to verify the strength of UV lamps, as it relates to the Food and Dairy Section's membrane filtration testing. Other items sent were the General Chemistry's Class 1 and Class 4 weight kits. These weight kits will be used by the entire Laboratory.

The QA Manager is still addressing the findings from the Food and Dairy Section's USDA/FSIS external audit. The Inorganic Section's internal audit is complete and the QA Manager is working up a tentative action plan and a presentation slide show for the findings.

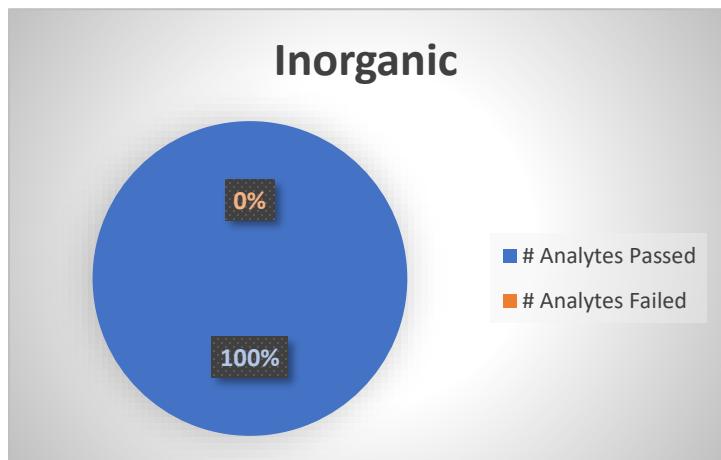
PT Results

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

General Chemistry	
# Analytes Results Received	3
# Analytes Passed	3
# Analytes Failed	0



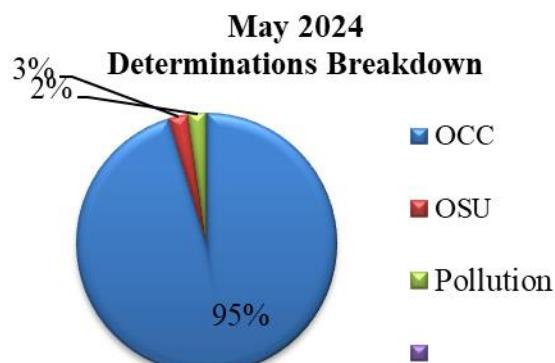
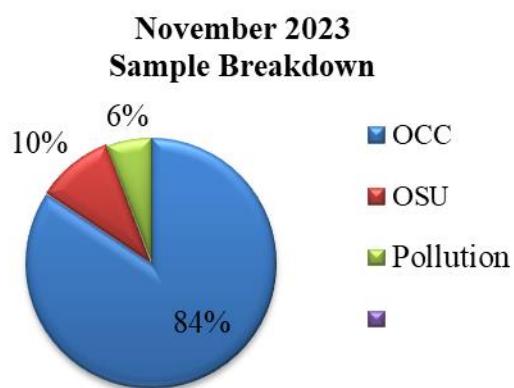
Inorganic	
# Analytes Results Received	12
# Analytes Passed	12
# Analytes Failed	0



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

In May of 2024 the Section completed 121 samples consisting of 960 determinations, with the following breakdown:

OCC	102	915
OSU	12	24
Pollution	7	21
Total	203	1794

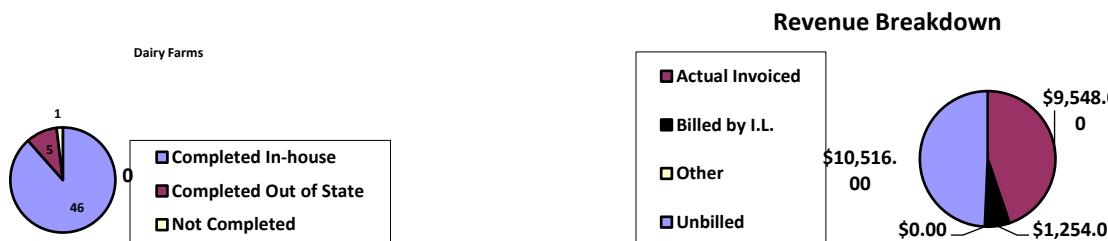
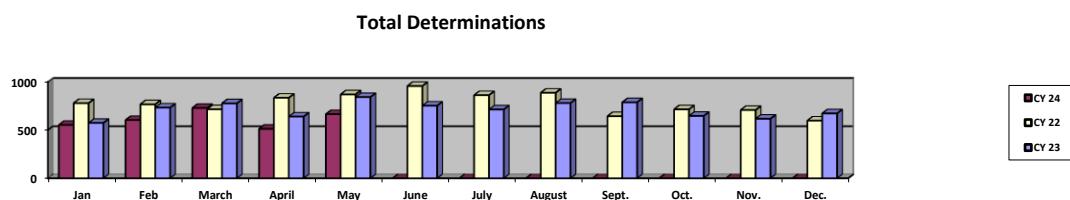


DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of May was a normal testing month for the Section. Only one dairy was not tested, and another dairy closed, which brings a total of seven dairies that have closed since the first of the year. There are currently fifty-six dairies tested monthly with five of these dairies tested out of state. The Section tested thirty-four meat samples and thirteen meat water samples this month.

There was a presumptive positive antibiotic this month at one of the plants. The sample was brought to the laboratory for confirmation. It was determined that the tanker had not been agitated before the sample was pulled at the plant. This causes the cream to rise to the top. The Dairy Section tested the fat content on the sample and determined that it was mainly cream. The Charm SL3 test, which the plant and the dairy section use, is not approved for cream. The tanker was rejected back to Kansas and retested there with a negative result.

The Section is working with the FDA on hosting the FD374 Milk Analyst Training Class, in September. They are anticipating having around 30 analysts from all over the US attend the class. The conference room will provide the classroom and the old serology lab, which is directly behind the conference room, will be used for the hands-on lab portion. The Section is directly across the hall from the old serology lab, which will be beneficial for use of the fume hood as well as any other instruments that would need instruction.



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

Activity in the Seed Section remained normal for the month of May. Records indicate a total of 152 samples received for testing. Crops being tested consisted primarily of summer crops including corn, cotton, soybeans, summer grasses and sesame. Most samples were taken by CPS inspectors following up on carry over seed needing updated germination tests. There were no Seed Law violations discovered during the month.

The Section has been working on updating the seed herbarium to help with identification of unknown seeds. As of now our herbarium consists of about 300 seeds. Our goal is to get up to 500 seeds.

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

May was a great month for the Section, we were able to get our new chemist (Savanna Henson) trained on several analysis making it much more feasible for chemists to work on other projects and take leave without interfering with turnaround times. We also received the FOSS DS3 scanner and it should be installed by the end of this June. We will be learning how to use the new unit and work with CPS to develop protocol for using it as a screening tool.

All equipment was working after the first week of the month allowing us to complete 295 samples with 1370 determinations. We are currently on track to exceed 3000 samples this year with just under 15000 determinations. The FOSS unit should allow us to expand on those numbers without increasing our consumables cost.

The Section's turnaround time is currently 20.41 days, slightly exceeding our target time. These times are up due to an increase in ICP testing which takes longer to run and report, and the back log associated with the LECO Analyzer that was down at the end of April.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
Samples Received	133	58	3	194
Samples Completed	160	122	13	295
Determinations	900	380	90	1370
Violations	59	48	13	120
Violation %	6.56%	12.63%	14.44%	8.76%

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

In the month of May, bid specifications for replacement gas generators have been reviewed and evaluated.

Pesticide Section samples completed:

In the month of May, the Section completed 38 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 49 days.

The Formulation TAT is due to catching up with the rush of samples received February-March.

*For **February Formulation** received 36 samples, accounting for 91 total tests, an average of 2.5 tests per sample. Four tests are outstanding for February. Three of those four tests are on hold due to unavailability of technical standard and/or analytical method for analysis. Sample completeness is 90%, test completeness is >95%

*For **March Formulation** received four samples, accounting for 14 total tests. One test is currently outstanding for March.

	Number of samples	Test	Det.	Average TAT (days)	
Residue Vegetation	2	5	24	35	Average Residue Turnaround Time: 29 days
Residue Soil	15	33	115	29	Average Formulation Turnaround Time: 88 days
Residue Water	3	9	39	26	Average Hemp Turnaround Time: 5 days
IFA Soil	1	1	6	28	
Residue, Other	-	-	-	-	
Concentrate	11	19	15	95	
Tank Mix	3	5	13	60	
Hemp	3	3	3	5	
Totals					
	# of Samples	# of Tests	# of Determinations		
	38	75	218		

Samples the Section received by month:

The Section received 84 samples this month, comprising 151 tests, an average of 1.8 different tests per sample. Most of the samples received are for Residue Analysis (see Fig A).

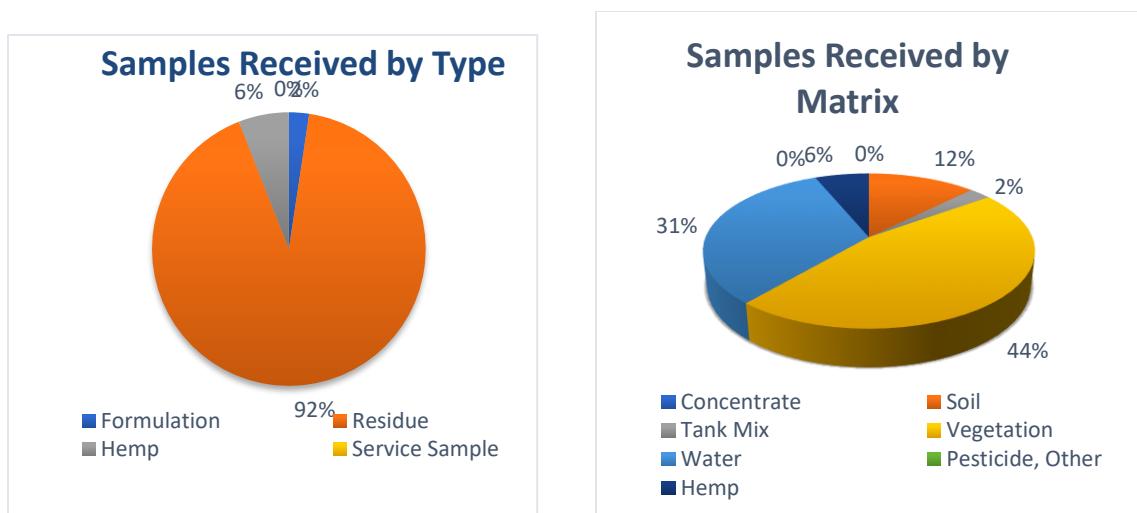


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

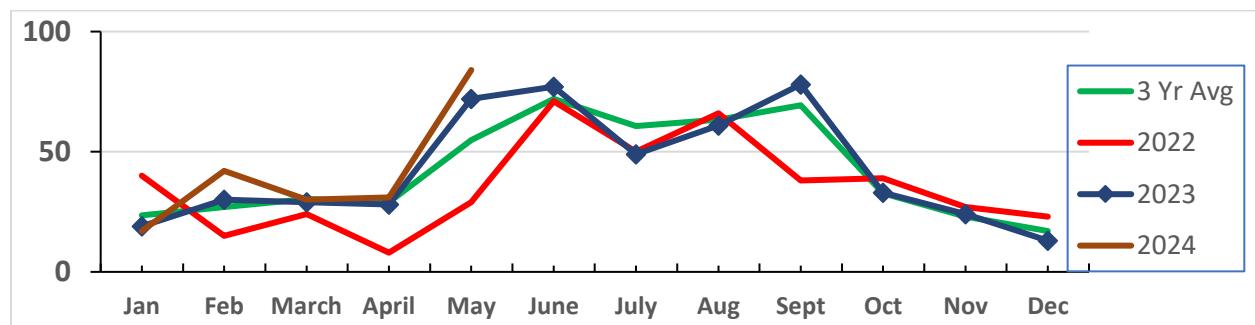


Fig B. Graph showing the number of samples received by the Section each month.

Determinations the Section completed by month:

This month, the Section completed 218 determinations and most of the determinations are done on residue soil samples. For May, the number of determinations has returned to 3-year average.

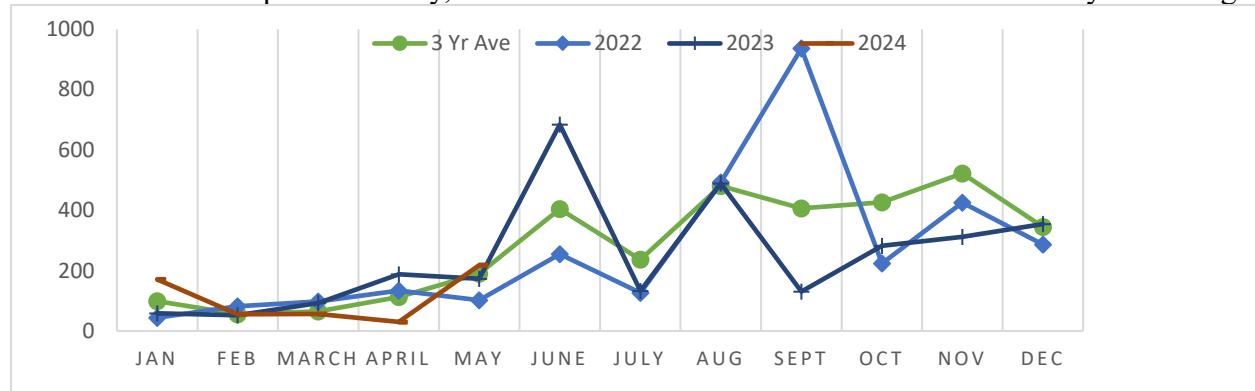


Fig C. Graph showing the number of determinations completed each month.

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

The following is a workload summary for the Section from May 1st through May 31st.

The Section generated a revenue of \$1,242.00 during the month of May 2024. The appointment that was completed during May was for a large scale truck. The Bureau expects for June to be a much busier month, as the Oklahoma Corporation Commission (OCC) will be delivering volumetric artifacts to the Section for their annual appointment. There are various other appointments that will be completed in June as well.



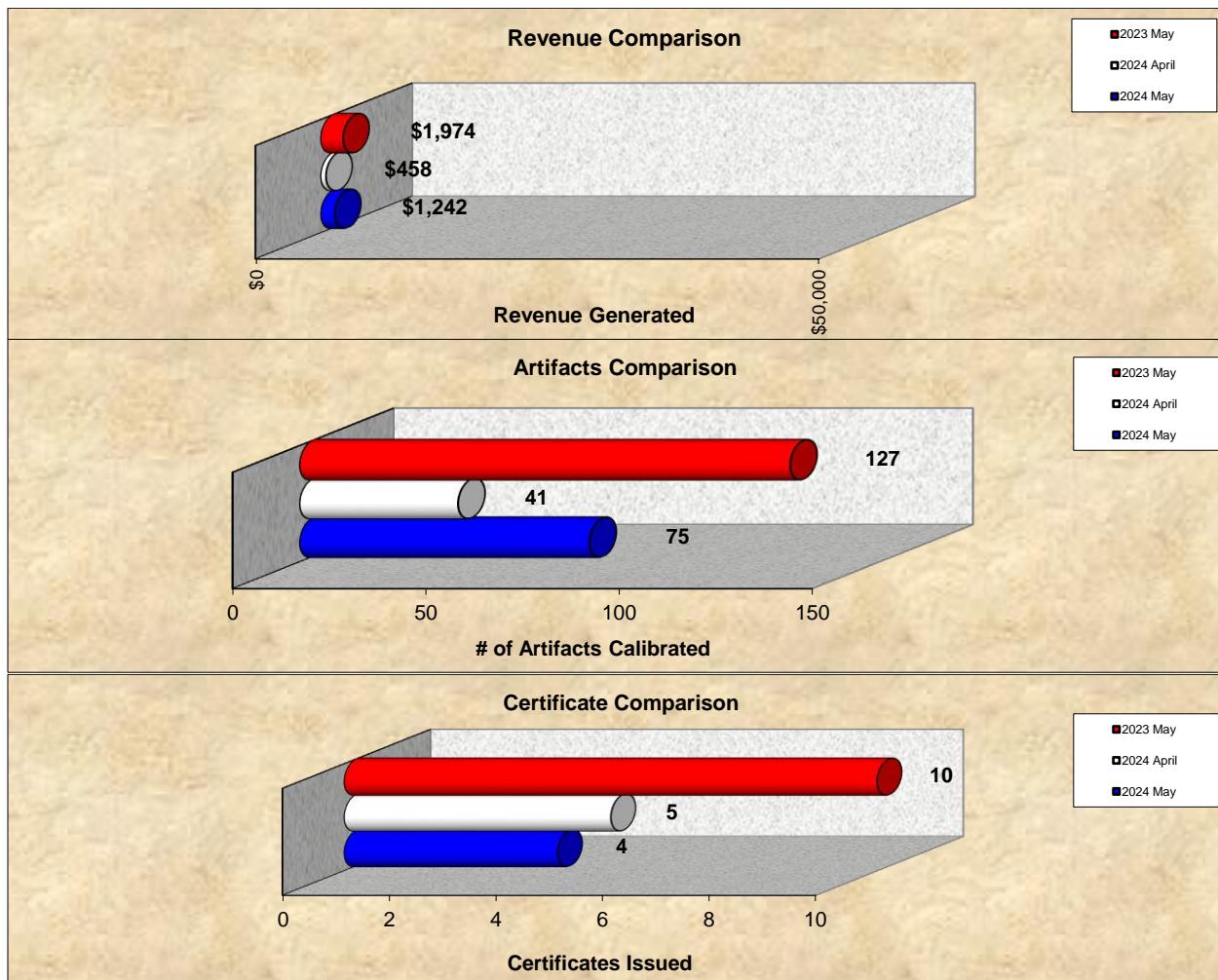
Pictured: This is a 50-gallon volumetric prover that the Bureau calibrates annually for OCC.



Pictured above: This is the Bureau's scaffold that is used when performing volumetric calibrations on large provers.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	0	\$0.00	0.00%	0	0.00%
In-State Customers	1	\$1,242.00	100.00%	75	100.00%
Totals	1	\$1,242.00	100.00%	75	100.00%

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



Respectfully Submitted,

Wade Krivanek
Laboratory Director
Laboratory Services Division

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

FEED SAMPLES	133
FEED DETERMINATIONS	900
POSSIBLE VIOLATIONS	59
FERTILIZER SAMPLES	58
FERTILIZER DETERMINATIONS	380
POSSIBLE VIOLATIONS	48
LIME SAMPLES	3
LIME DETERMINATIONS	90
POSSIBLE VIOLATIONS	13
PESTICIDE SAMPLES	38
PESTICIDE DETERMINATIONS	218
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLETIONS	0
INORGANIC LAB SAMPLES	121
DETERMINATIONS	960
SEED SAMPLES	158
SEED DETERMINATIONS	153
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	4
NUMBER OF STANDARDS CALIBRATED	75
FEE CHARGES	\$1,242.00
DAIRY SAMPLES	315
DAIRY DETERMINATIONS	665
POSSIBLE VIOLATIONS	9
TOTAL SAMPLES	830
TOTAL DETERMINATIONS	3441
TOTAL POSSIBLE VIOLATIONS	129



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 18 May thru 5 July 2024

FIRE MANAGEMENT

Wildfire Activity & Outlook Executive Summary:

Wildfire activity remains below normal overall, however as has been noted previously, a number of impactful fires have occurred during this calendar year. A trend of less wildfire occurrence but higher frequency of significant wildfires occurring is consistent across the country. Nonetheless, beneficial spring rains curtailed wildfire activity late-May through much of June although oppressive heat and building dryness across most of Oklahoma led to a spike in wildfire activity late-June and into the start of July. Observed fire behavior during that period merits some concern as a transition to La Niña (Warmer/Drier) weather pattern is anticipated toward the mid-summer time frame. Brush fuels have readily exhibited problematic fire behavior including single/group tree torching and short-range spotting during a time of the year when live-woody fuel moisture generally provides moderated fire behavior. The Cedardale Fire (right, credit M. Logan) in southeastern Woodward County (June 29-July 3) is indicative of the fire behavior observed in brush fuel types.



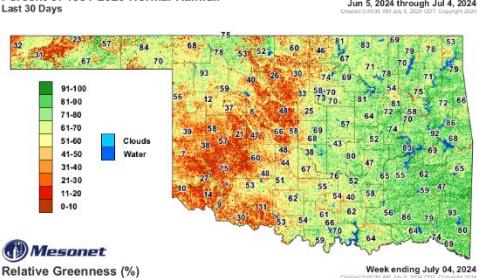
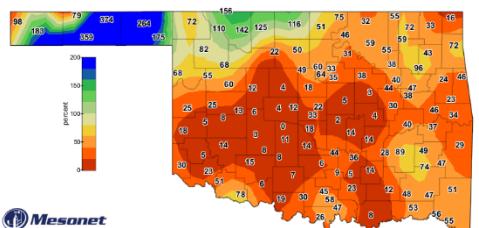
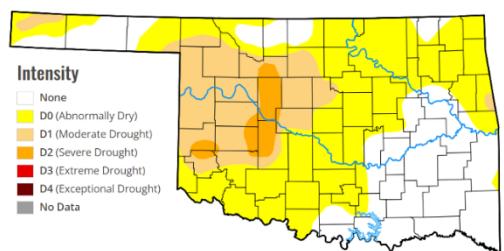
OFS Wildland Fire Activity Year-to-Date (As of 30 June 2024)

(Fires under OFS Command & OFS Assistance):

- 662 Wildfires Burning 220,268.4 Acres
- 51 Prescribed Fires Treating 17,726 Acres

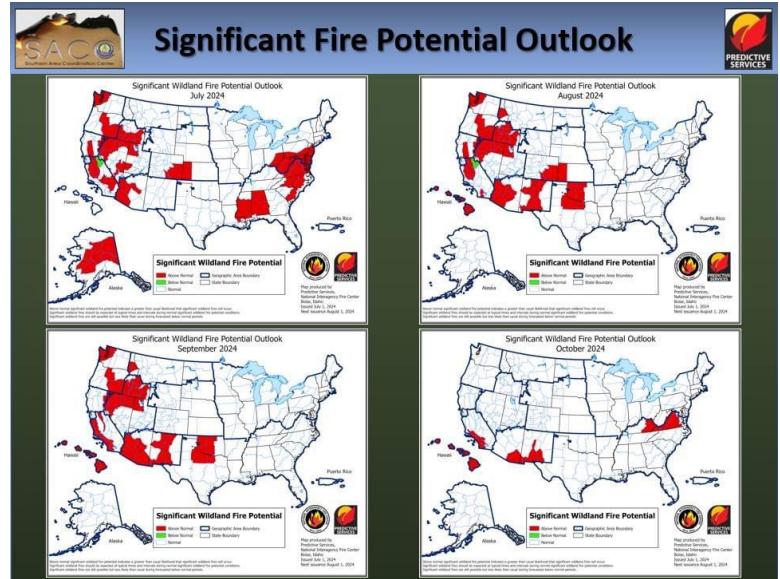
Late spring rainfall not only provided for a rapid transition into herbaceous green-up but also lessened drought impacts for a period of time. However, the oppressive heat in late June and overall lagging rainfall elevated evaporative demand, stressing both herbaceous and woody fuels. The drought monitor just three months ago logged 62% of Oklahoma with no drought concern and none of the state classified as severe or higher. The July 3rd update of the drought monitor picks up concern with the oppressive heat and moisture deficit that is building with only 32% of Oklahoma registering no drought indices. A large portion of western and west-central Oklahoma have regressed into moderate drought indices with areas emerging that meet severe drought criteria.

As this report is being written, wetting rains are falling in some of the areas where it is needed most. Nonetheless, the precipitation deficits that are building will require frequent soaking rains to overcome the abysmally low percentage of normal rainfall spanning most of the state. Soil moisture acquired in June generally supports the growing season through July and into August when hot and dry conditions build. The soil moisture deficit, if not overcome, will



support the expectation for both increased wildfire occurrence and severity. In other words, the demand on wildland fire resources (fire department and agency personnel/equipment) will be high with additional resource requirements to contain fires and longer duration of resource commitment to control them. Another way to look at the current state of the wildland environment is by examining relative greenness. There are no locations in the state registering 100% also pointing to the moisture deficit. The wheatbelt and rangelands in the western and southwestern areas of the state register concern moving into hotter period of summer.

OFS works closely with the Southern Area Coordination Center and the National Interagency Coordination Center to develop the Significant Fire Potential Outlook that is updated at the first of every month. Interagency predictive services staff assess the state of the fire environment and forecasts to develop a general expectation of significant fire potential including fire occurrence, fire severity and potential resource commitment. Given the current data analysis, western and central Oklahoma are currently highlighted for both August and September given the moisture deficits, state of fuels and fire behavior observations weighed against the forecast expectations. There is potential for mitigating factors to stave off this concern: 1) lowering of the jet stream providing more frequent chances of rainfall, 2) a 'named rain'... hurricane, and/or 3) lack of heat dome building.



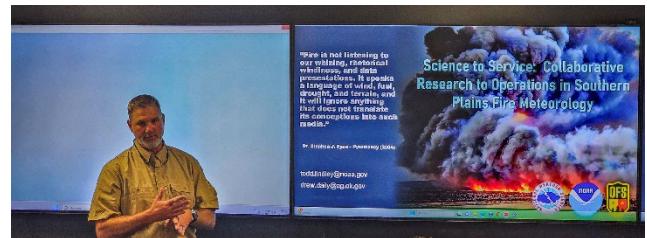
Fuels Mitigation:

Oklahoma Forestry Services' fuels mitigation program continues with successful implementation of mechanical fuel reduction and targeted application of prescribed fire. As of late, work in this area has been focused on the 'Tinker Project' that is occurring on land owned by the City of Oklahoma City adjacent to Tinker Air Force Base, private residences, and maintenance base for the new B-21 Raider stealth bomber. The work on this project has involved mechanical mastication and fuels manipulation. When conditions are within prescription, both pile burning and broadcast burning will be employed to enhance the mechanical work completed, further hazardous fuel reduction and provide the ecological disturbance necessary for maintaining this piece of the cross-timbers ecosystem. Later this summer, work will resume at Turner Falls to complete the grant-based project with operations shifting to both Turkey Mountain Urban Wilderness and Gilcrease Museum, both in the Tulsa Area.



Fire Weather Testbed:

Last month, OFS' Drew Daily, Deputy Fire Management Chief served as a Principal Investigator during NOAA's new Fire Weather Testbed's inaugural evaluation. The National Weather Service brought together meteorologists and state forestry fire analysts from across the country to evaluate the Integrated Warning Team and Fire Warning process that has been innovated on the Southern Plains by Oklahoma Forestry Services, Texas A&M Forest



Service and the National Weather Service. Specifically, participants were analyzing the replicability across the country to utilize the predictive service, satellite wildfire detection and the Integrated Warning Team approach that is currently utilized by OFS and the NWS offices serving Oklahoma. While a detailed report on the evaluation will be published this summer, the following rapid summary has been provided.

**Fire Weather Testbed Evaluation #002 Rapid Summary:
Next Generation Fire System (NGFS), Integrated Warning Team (IWT)
for Fire Operations and IWT Fire Warnings (FRW)**
Global Systems Laboratory at the David Skaggs Research Center
Boulder, Colorado: June 10-14th, 2024

Objectives: 1) Conduct a multifaceted evaluation of the Next Generation Fire System (NGFS), NOAA's new satellite-based fire detection capability; 2) identify how satellite-based hotspot detections are disseminated by NWS meteorologists to state land management partners through hotspot notification tools; and 3) understand the challenges, barriers, and benefits in building Integrated Warning Teams (IWT) to issue Fire Warnings collaboratively between the NWS and state land management agencies throughout the NWS service area. The IWT process for issuing Fire Warnings has been successfully demonstrated in Texas and Oklahoma but has yet to be applied elsewhere in the United States.

Executive Summary: In a significant milestone, the Global Systems Laboratory in Boulder hosted the first in-person evaluation facilitated by NOAA's new Fire Weather Testbed in June. This evaluation tested the effectiveness of new NOAA satellite-based fire detection tools and the NWS Integrated Warning Team for Fire Warnings. NWS forecasters and state forest land management partners were invited to emulate the IWT's role in disseminating hotspot notifications and issuing Fire Warnings for rapidly moving wildfires. Throughout the week, participants provided feedback through daily debrief discussions, surveys (including pre-and post-evaluation surveys), and guided focus groups.

Principal Investigators: Mike Pavolonis of NOAA National Environmental Satellite, Data, and Information Service (NESDIS) representing the Next Generation Fire System (NGFS), Todd Lindley from the National Weather Service in Norman, Oklahoma, and Drew Daily of the Oklahoma State Forestry, who represented the Integrated Warning Team for Fire Operations and Fire Warnings.

Participants: The success of this evaluation hinged on the active participation of individuals from California, Florida, Kansas, and North Carolina, who formed mock IWTs composed of an experienced NWS Fire Weather Meteorologist and a high-level state forestry fire management partner. Observers from NWS Headquarters, NWS Western and Central Region headquarters, NWS Storm Prediction Center, Southern Region Predictive Services, and the Lab@OPM were present, contributing to the comprehensive evaluation of the new fire detection technology and the Integrated Warning Team-approach for fire warnings.

Statistic of the Week: During the week of simulations based on archived data, 74 Fire Warnings were issued across the four Integrated Warning Team participant groups. In comparison, approximately 35 (exact figure unknown) IWT-initiated Fire Warnings have been issued in real-life partnerships between land managers and the NWS in Oklahoma and Texas since 2022. Issuing these new Fire Warnings in a simulated environment with researchers and NWS Partners allowed for feedback in the process and a better understanding of the challenges and benefits of this new service. This evaluation will help to inform the NWS roadmap for implementing this new warning service for the rest of the nation.

Next Steps: The Fire Weather Testbed staff is now poised to evaluate and analyze the data collected from five surveys, four informal roundtable discussions, and two formal focus groups, along with spatial data of the hotspot notification points and Fire Warning polygons. This comprehensive analysis will form the basis of a formal report published in the coming months. The report containing the evaluation findings will be shared with the Principal Investigators from NOAA Satellites and the National Weather Service and will be made available for public and agency consumption, marking the next phase of iteratively transitioning operations-informed research back into operations.

COMMUNITY OUTREACH AND COMMUNICATIONS

FORESTRY EDUCATION

On May 2nd, Education Coordinator Tony Pascall helped to score the Oklahoma FFA AgriScience Fair in Stillwater, OK. This fair brought students from around the state to showcase their research on various agriscience, conservation, and ecological topics.

On May 8th and 9th, Tony taught approximately 300 4th graders at the Kingfisher Outdoor Classroom. These students learned about the importance of trees to our ecosystem, as well as the role of forest habitats in Oklahoma.

From May 13th- 17th, Tony attended the national Project Learning Tree workshop in San Antonio, TX. At this conference, he co-presented to 30 state coordinators on the training that Oklahoma and Texas have implemented with our foresters and wildland firefighters and the success of that program.

On May 23rd, Tony and Forester Eddie Woods spoke to high school Ag teachers and FFA coaches about forestry education programing at the SE Area end of the year meeting in Howe.



On May 24th, Tony taught at the Guthrie Conservation Day at Mineral Wells Park. About 20 people came to learn about dendrochronology and how drought affects our forests.



On May 30th, Tony taught approximately 30 6th grade students at the Elk City Outdoor Classroom. These students learned about the benefits of forests in Western Oklahoma ecosystems, and gained some basic Tree ID skills.



On June 5th, Tony went to Stillwater to speak to about 40 educators in the Ag in the Classroom teacher tour about PLT and educational resources and opportunities through OFS.

On June 6th, Tony taught at Camp Discover in Beavers Bend. This camp is hosted through the Forest Heritage Center, and he taught 15 children how to nature journal and the importance of observation to a naturalist.

On June 7th, Tony accepted the Oklahoma Science Teachers Association's "Informal Educator of the Year" Award. This is a reflection of the many contributions Tony has made to science education in Oklahoma. Tony's put in a lot of hard work planning and implementing education and outreach events for schools, clubs, and scout groups across the state.



The 66th Oklahoma Forestry Youth Camp took place June 10th – 15th in Beavers Bend. Forty-five youth aged 13-15 spent the week with us and learned about the different aspects of forestry. Learning sessions focused on ecology, forest management, wildfire, GIS, urban forestry, invasive species, and more. Each student learned new skills, and several youth are looking forward to careers in forestry.



On June 25th, Tony taught a forestry program for the Yale Public Library's summer engagement series. 20 kids and their parents participated in activities learning about forest health and nature journaling.

On June 29th, Tony led a train the trainer workshop on Project Learning Tree to six educators in Tulsa. These teachers are now able to deliver PLT material to other teachers throughout the state, increasing our capacity to reach more students in the long term.



COMMUNICATIONS

Information Representative Keith Merckx is developing a mobile app for the Hochatown "Safe Stay OK" project. A federal funding source has been identified and once final approval is granted the app will be completed, tested, and then submitted to the Apple App Store and Google Play. Download links will be added to the Safe Stay OK website for users that prefer to access the information via mobile app.



During the spring, Keith coordinated with his counterpart at the National Association of State Foresters (NASF) Annual Meeting to bring an exhibition of Smokey Bear paintings to the Forest Heritage Center Museum. The exhibition will run from July 22nd to August 2nd, featuring reproductions of nineteen classic

Smokey Bear paintings by artist Rudy Wendelin, creator of the Smokey Bear used for the past 80 years in fire safety messaging by NASF, USDA Forest Service, and the Ad Council.



Keith completed NWCG S-203 Incident Information Officer training at the Arkansas River Valley Wildland Fire Academy May 21st – 24th in Russellville, Arkansas.



Keith has been communicating with a Hochatown property owner from the DFW Metroplex on fire safety efforts. In late June, Keith and Broken Bow-based Forest Ranger Don Cook met with the cabin owner, Lou Zettler, to provide the results of a wildfire safety assessment of the cabin as well as to brainstorm on best engaging property owners, property management companies, elected officials, and other area stakeholders on the fire safety message.



URBAN AND COMMUNITY FORESTRY

On May 24th, Urban and Community Forester Elizabeth Bland-Corbishley and newly promoted Urban and Community Forestry Coordinator Riley Coy pruned the Survivor Tree Clone in Scissortail Park. With them were Mark Bays, Sam Grimmett with Scissortail Park, and other park staff.



May 28th, Elizabeth, Riley, Hazard Mitigation Coordinator Aaron Williams, and Forest Rangers Billy Riggs and Brian Ryles conducted a recon of Trosper Park with Steven Wright with OKC Parks. This is to help identify areas where OFS and OKC Parks can collaborate to conduct future timber stand improvement and/or prescribed burning at Trosper Park.

May 29th Elizabeth and Riley supervised fertilization being applied to pine trees at the OKC Memorial.



On June 4th Elizabeth and Riley visited Tinker Airforce Base to investigate issues with trees across the base.

On June 6th Elizabeth attended the Sunshine Nursery Field Day and Conference in Clinton, OK. Also in attendance from OFS were Justin Jones, Rebecca Dunkleberger, David Porterfield, and Tana Brown.

From June 9th – 15th Elizabeth presented at and attended the OFS Forestry Youth Camp. She presented on Urban Forestry to 60 teenagers alongside Arborist Mariah Menzie, and Norman City Forester Colin Zink.



On July 2nd Elizabeth, Riley, and Forest Health Specialist Dieter Rudolph went to Yukon to diagnose disease found in Austrian Pines in the city park.

FOREST INVENTORY AND ANALYSIS

Forest Inventory and Analysis completed work in Beaver, Cimarron, Dewey, Ellis, Rogers, Latimer, Major, Osage, Payne, Pawnee, Pittsburg, Texas, Woods, and Woodward counties. The yearlong data collection cycle is ending and beginning anew. Below is a photo of Noah Schaper at a data collection site in Cimarron County.



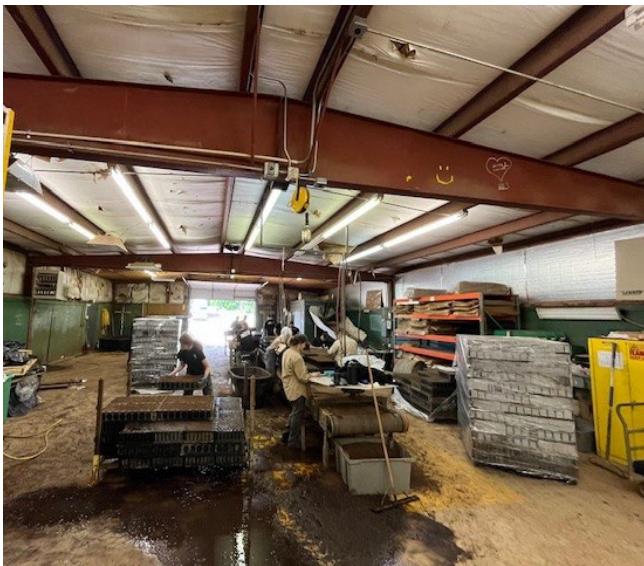
FOREST TREE IMPROVEMENT CENTER/FOREST REGENERATION CENTER

At the Forest Regeneration Center (FRC) in Goldsby, an end-of-year purchase in the form of a Kubota 4-passenger UTV will help offset the strenuous workload placed on fleet vehicles; the UTV also incorporates a larger passenger area, which will be used to shuttle nursery technicians to the numerous field activities that take place at the FRC on a daily basis.



Safety Coordinator Rick O'Daniel conducted safety training for FRC staff in the form of a UTV driving course. All participants were able to receive hands on training and obtain their individual safety ROV/UTV certifications.





The FRC staff has been hard at work planting next year's containerized seedling crop. Help for this activity is requested and received from other OFS administrative areas. Along with the current staff of Regeneration Specialists and Nursery Tech's, the Regeneration Center were assisted by OFS Forest Rangers that helped plant approximately 300,000 containerized pine seedlings. Through that effort and assistance, the containerized crop was planted in a timely fashion (*see photo on right above - green pine seedlings emerging from their individual containers*).

PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

NORTHEAST AREA

Forest Protection Highlights

From May 18th through July 5th, the Northeast Area had 0 fires in the Protection Area.

NE Area personnel attended defensive driving courses.

NE Area Rangers Tony Hadley, Dusty Ryals, and Heath Jones attended the Touch a Truck event held in Muskogee on June 1st- over 200 people reached with this event. Tony Hadley, Robbie Kirby, and Dusty Ryals conducted Wildfire Prevention event in Peggs, OK on June 7th which reached approximately 60 attendees.

Rangers Jake Johnson, Heath Jones, and Robbie Kirby attended the Arkansas Dozer Academy in June. Doug Duncan attended the Dozer Academy as an instructor to assist with the course. Craig Longshore attended the train-the-trainer at Wilburton for the emergency vehicle operation.

NE Area employees assisted Delaware County with the tornado damage that struck the area on May 26th. Delaware County needed assistance with tree removal on Cherokee Creek, approximately 13.5 air miles SE of Jay, OK. OFS was tasked with removing trees out of the creek due to concerns of damaging county road bridges and crossings downstream.

Craig Longshore, Andy James, and Drew Daily met with Brian Weatherford at Camp Gruber to discuss ways they could partner with each other on fire and training.

Rangers Isaac Merchant, David Jones, and Heath Jones assisted with fire response on the Cedardale fire near Mooreland, OK.



Forest Management/Program Highlights

Forester Ryan Pope worked on a property in northern Adair County and finished up a Forest Stewardship Plan for the property consisting of 800 acres, focusing on hazardous fuels reduction and timber harvesting. He re-measured two champion trees in the Area and visited landowners with sick tree issues. Connie Robinson attended the Forest Economic Workshop held in Idabel. She checked Emerald Ash Borer traps in the Area and conducted five landowners site visits. Connie attended Southern Group of State Foresters' Specialties, Utilization and Marketing Committee meeting in Wilmington, NC. She held a presentation for the 4-H club in Ponca City with 65 people attended this event.

On June 17th new forester Harris Groberg started his career with OFS and will be stationed at the NE Area's Sallisaw District office.

Administrative

Kaley Helton attended two CPO webinars in May & June discussing agency needs and updates on Real Estate & Leasing Services with other CPO's in the State. These webinars count two continuing education units toward her Certified Procurement Officer certificate. Craig Longshore & Kaley Helton also attended the First Tuesday meeting discussing new information within our agency on July 2nd.

Kaley Helton joined OFS's Incident Management Team and is working toward the required training to assist the team.

Ongoing Issues & Upcoming Events

- APO Meeting in OKC 7/11/24
- S-130/190 Sequoyah County – TBD
- OFS Emergency Vehicle Operation Meeting @ Tahlequah 7/24/2024



Isaac Merchant and Charles Kimble @ Smokey Bear Wildfire Prevention event in Stilwell

EAST CENTRAL AREA

Forest Protection Highlights

EC suppressed two fires on a total of 2.4 acres for an average fire size of 1.2 acres. Two primary structures were saved at a total value of \$280,000. Three secondary structures were saved valued at \$25,000. EC Rangers provided fire support in western Oklahoma on the Cedardale Fire in southeast Woodward County. As of this report, ten EC rangers provided out-of-state suppression response near Ft. Stockton, TX. EC also has one employee working in Colorado as a Heavy Equipment Boss (HEQB).



Hazardous Fuels Mitigation

Three prescribed burn plans were completed on three properties for a total of 2,149 acres. One OKIE locate request made for fireline construction for one property totaling 50 acres.

Forest Management Highlights

Forester Eddie Woods completed two forest management plans on two properties totaling 2,255 acres. Forester Brandon Faulkenberry inspected seedling survival on two properties totaling 240 acres.

Information / Education

East Central District 2 rangers conducted a Smokey Bear Wildfire Prevention school program at Fanshawe elementary school. They also participated in the Wister and Red Oak 4th of July parades.

Personnel Update

East Central is finishing up filling the last of the Area's funded positions as of this writing. East Central's newest employees are Brandon Faulkenberry (Talihina Forester I) and Tanner Rogers (Yanush Unit Ranger I) with Brayden Hoffman (Blanco Unit Ranger I) coming onboard on July 15th.

Brandon brings a wealth of knowledge to the Talihina Forester position having bought timber for several years, worked for the Soil Conservation Service, and operated his own logging crew. His timber background coupled with his experience working with the public will lend itself to him being well-equipped to do the job of a Service Forester.

Tanner has a solid background in heavy equipment operation and already had a Class A CDL prior to his hire with OFS. Upon completing S-130/190 Tanner should make a noticeable contribution to our efforts in wildfire suppression and prescribed fire in a short amount of time.



Safety / Training Highlights

- EC personnel participated in Defensive Driving and First Aid/CPR/AED training. The nature of our work tends to take us into remote areas of the state where emergency medical services are sometimes hours away. With the training our employees receive it will better help them respond to a medical emergency on the fireline should one arise.
- EC will be conducting S-130 and S-190 for our three newest employees. These courses are the basic courses that are required for personnel to be on the fireline during wildfire response and prescribed fire activities.
- Jordan Mings, Whitesboro Unit Ranger I, attended the week-long Dozer Operations academy in Arkansas.
- The Arkansas River Valley Wildland Fire Academy has concluded. This year's academy was a success and brings about the opportunity for even more interagency cooperation for future courses.

Ongoing Issues

For the first time in a long time, East Central Area has all funded positions filled. Thanks to Eve Hawkins, Taylor Centrella, Jesse Karaffa, Elizabeth Ortiz, and everyone else involved for helping in the hiring process. The process is starting to become more streamlined and helping to get new employees onboard more quickly. With the addition of the new staff, our most pressing issues will be new employee training and whittling down comp leave balances ahead of the potential summer and fall fire season. Summer and fall fire seasons in Oklahoma are very dependent on precipitation amounts and the extended forecasts show the likelihood of above normal fire occurrence through the summer months into early fall.



Summerfield Unit Ranger I Kale Haney and his wife Lexi welcomed their first child on June 11th. Kora Ruth Haney was born at 12:02 pm and was 8lb 2oz 19 3/4" long! Kora and Mama are both doing great.

Talihina Forest Ranger Ry Johnson and his wife Kaelin are awaiting the arrival soon of a baby girl.



SOUTHEAST AREA

Forest Protection Highlights

In Protection Fires: since the last Board Report the SE Area has suppressed eleven fires that burned 27.9 acres. Zero structures lost and three structures saved.

Tony Macon, assisted by Rodney Lovitt, Colton Fuller, Chris Hutson, Kent Kellogg, and Billy Reeves traveled to Gage, OK to conduct fireline rehab on a portion of the Catesby Fire.

Pat Wayman, Steve Painter, Derik Gee, Colton Fuller, Brock Marble, Tyler Hyatt, JD Morris, Sonny Johnson, Oley Walker and Bryden Walker traveled to Texas for an out-of-state fire detail in June.

Forest Management/Programs Highlights

Will Phifer had nine landowner assists in May and twelve in June. Tyler Hyatt had four landowner contacts in May and four in June with various landowners to plan and conduct site visits for timber management and prescribed burns. Jacob Lewis had four landowner contacts in May and four in June with various landowners to plan and conduct site visits for timber management, forest health concerns, and prescribed burns. Brock Hill met with Madison Gore and Aaron Black at the proposed Musket Mountain State Forest in Pushmataha County. During the visit Brock showed them access roads and creek crossings.

Prescribed Fire Assistance

No Cross Boundary prescribed fires were conducted in June.

Safety/Training Highlights

- Antler's District had the following safety meetings: Asbestos training hazards; Leadership – situations faced, challenges and the outcomes of those challenges; smoke ventilation and dispersal; and shelter deployment.
- Broken Bow district conducted safety meeting on Proper Vehicle Backing Procedures.
- Steve Painter, Adam Burleson, Tyler Hyatt, Leon Macon and Tama Lester attended the ICS-400 class at the Antlers fire training center.
- All SE employees have completed the Wildland Fire Safety Training Annual Refresher course.
- The following attended classes at the Arkansas River Valley Wildland Fire Academy May 13th – 23rd in Russellville, AR:
 - Jacob Lewis, Brock Marble, Blayne Hardaway, and Woodrow Wilson – S-270 Basic Air Operations
 - Tyler Hyatt, Leon Macon, and Josh Bates – S-390 Introduction to Wildland Fire Behavior Calculations
 - Jacob Lewis and Brock Marble - S-290 Intermediate Wildland Fire Behavior
 - Colton Fuller and Woodrow Wilson – S-230 Crew Boss/Single Resource Blended
- ROV/UTV Class = Jacob Lewis, Brock Marble, Blayne Hardaway
- Defensive Driving = Cory Kellogg, Josh Bates, Tony Macon, Rodney Lovitt, Brock Hill, Forrest Cave, Tanner Wilson, Pat Wayman, Billy Reeves, Adam Burleson, Kent Kellogg, Tama Lester, Will Phifer, Presley Byington, Don Cook, Paul Chambliss, Tony Tunnell, Mickey Tunnell
- First Aid/CPR = Leon Macon and Blayne Hardaway
- Anthony Williams, Blayne Hardaway, and Woodrow Wilson attended the 2024 FR-105 Dozer School in North Little Rock, AR at Camp Robinson.
- Tony Macon and Adam Burleson taught S130/190 at the Kiamichi Technology Center in Atoka for 15 attendees.
- Adam Burleson and Jacob Lewis presented a Smokey program to Lane School summer program; 45 students grades K-6.
- Several rangers provided security during Forestry Camp at Beavers Bend State Park.
- Brock Hill, Area Forester, attended the Emergency Vehicle Operation training in Wilburton.

Upcoming events/activities:

- Hochatown Cabin Mapping project ongoing.
- Multiple Smokey Bear Wildfire Prevention programs in the area for Smokey Bear's upcoming 80th birthday celebration.
- Preparing for summer fire season and potential out-of-state fire assignments.
- Cross Boundaries Prescribed Fires scheduled for this summer as conditions permit.
- County Firefighter Association Meetings.
- Site prep for landowners is planned for late summer/fall.
- Installing Evacuation Route signage in the Hochatown area.

STATE FORESTER ACTIVITIES from 18 May thru 10 June 2024

- Virtually attended a meeting with the Herzog Company regarding hazardous wildland fuel reduction and mitigation services provided by their company.
- Virtually attended a meeting with the Southern Group of State Foresters' Executive Committee regarding budget issues with the USFS Southern Research Station.
- Attended the 23 June & 30 June Director's Meetings
- Conducted interviews for the Forestry Services Urban Forestry Program Manager vacancy
- Virtually attended the Community Wildfire Defense Grant Recipient informational meeting
- Attended the Southern Group of State Foresters' Annual Meeting in Wilmington, NC
- Attended FY 25 Budget Meetings
- Attended a meeting to outline topics for a special project related to Rural Fire Funding vs. Wildfire Occurrence.
- Attended the 9 July Director's Meeting
- Completed the verification process for Oklahoma's Certified Fire Departments



CONSUMER PROTECTION SERVICES DIVISION

JULY 24, 2024, BOARD MEETING REPORT FOR MAY/JUNE 2024

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for July 1, 2023, to June 30, 2024, are presented in the following chart. A total of 18,782 products were registered, of the products registered 17,228 were renewals and 1,554 were new. There were 1,430 products cancelled.



Pesticide Samples

Pesticide samples taken May-June 2024 are presented in the following chart. A total of 159 Residue, 2 Tank Mix, 27 Pollution, 34 Documentary and 3 Concentration samples were taken.

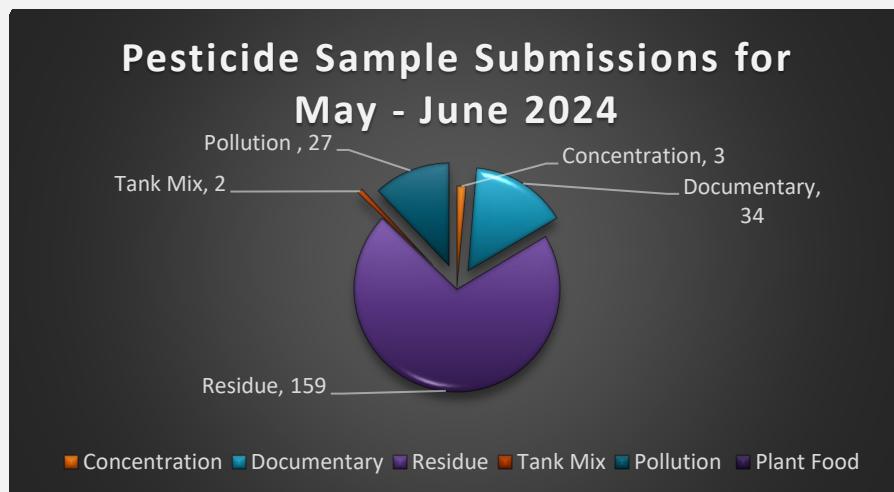


Table 1. Inspection Count for May - June 2024*

Inspection Type	Number of Inspections		
	May	June	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	15	8	23
Pesticide Applicator Facility	15	8	23
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	4	4	8
Container Containment Inspection	0	4	4
Producer Establishment	8	8	16
Use	35	36	71
Termite	0	0	0
Wood	0	0	0
Pre-treat	0	4	4
Drift Investigation	23	18	41
Pesticide Label	673	396	1069
Worker Protection	0	3	3
Total	773	489	1262

* 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 101 agricultural use samples, 59 agricultural use follow up samples, 21 nonagricultural use samples, 22 nonagricultural follow up samples, and 22 producer establishment samples for a total of 225 samples.

Region 6 FIFRA Inspector Training

The Texas Department of Agriculture hosted the Annual Region 6 Inspector Training June 10th-14th in Houston, TX. The training provided a forum for approximately 40 state lead agency inspectors and field personnel from Region 6 states to discuss and improve their tools to process issues found during field inspections. The workshop included several topics applicable to site inspections and incorporated situations commonly encountered in the field. Topics of discussion included structural pest inspections, structural & commodity fumigation, label interpretation, pollinator protection, pesticide safety, and potential environmental hazards. Four CPS inspectors attended this training as well as inspectors from Texas, New Mexico, Louisiana, and Arkansas.

State FIFRA Issues Research Evaluation Group (SFIREG)

Ryan Williams, CPS Assistant Director, represented Region 6 at the June 3rd & 4th, 2024 SFIREG meeting in Alexandria, VA.

The State Issues Research and Evaluation Group is a network of state officials interested in Federal/State “co-regulation” of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It was established by the Association of American Pesticide Control Officials (AAPCO) with financial support from the U.S. Environmental Protection Agency (EPA). As part of its cooperative agreement with AAPCO, EPA is substantially involved in SFIREG.

SFIREG plays a valuable role in maintaining information exchange and cooperation between the states and EPA to enable states to play a meaningful role in the development of pesticide policies and regulations. SFIREG identifies issues, analyzes them, and provides oral and written comments to the Office of Pesticide Programs (OPP) in EPA's Office of Prevention, Pesticide & Toxic Substances (OPPTS) on pesticide matters impacting the states in such areas as: registration, training and certification, water quality, endangered species, disposal, and other areas of environmental concern related to pesticide manufacture, registration, use and disposal. SFIREG performs the same function for the Office of Compliance in EPA's Office of Enforcement and Compliance Assurance (OECA) with regard to compliance with and enforcement of FIFRA and regulations pursuant thereto. In addition, SFIREG provides a mechanism for states to obtain regular updates on EPA's pesticide regulatory program.

Pesticide Complaints

PESTICIDE COMPLAINTS	May 21, 2024 – July 8, 2024			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	46	1	4	1
MUSK THISTLE:	15	0	0	0
PMR CASES:	13	0	0	0
CASES REFERRED TO OGC:	4			

Pesticide Regulatory Education Program (PREP)

Damardray Williams, Pesticide Complaint Administrator, attended the PREP course provided by EPA for Compliance and Enforcement Management June 24-27, 2024, in Davis, CA.

A hot topic of discussion for EPA and the states was the problems everyone is having with companies selling products through eCommerce that are unregistered federally and by the states. Speakers from EPA gave presentations discussing what they are doing to track companies selling unregistered pesticides online. Many of these companies are outside of the US and those pesticide products are being imported into the USA without proper labeling and registration through the EPA. As a result, EPA has developed a web crawler that can do deep dives into websites and gather information on the people responsible for creating these sites. This web crawler was developed because before its use the creators of these websites could detect when someone was probing their site, and they would take the site down before EPA could gather information needed for regulatory action.

EPA also provided attendees with updated information on the Endangered Species Act Mitigation (ESAM) and Enforcing Bulletins Live Two (BLT). EPA explained to participants how a criminal FIFRA investigation is conducted. Important notes from this program explanation were the fact that EPA has agents in the Office of Criminal Enforcement, Forensics, and Training. These agents are similar to FBI agents and can help states with criminal investigations by carrying out searches and property seizures on companies or individuals who are not complying with states FIFRA, wildlife, or environmental enforcement actions.

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Federal phytosanitary certificates Issued from June 1, 2024 – June 30, 2024

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

35 Federal phytosanitary certificates issued @ \$106.00 each

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

2 Federal phytosanitary Certificates issued @ \$61.00 each

<u>Federal Phytosanitary Certificates (June 1, 2024 - June 30, 2024)</u>			
Country	Product	Quantity	Phyto Issued
Canada	Chrysanthemum Plants	100 Plants	1
China	Eastern Red Cedar Logs	474 Logs	2
China	Barrelclover Seeds	20 G	1
Indonesia	Miscanthus Seed	20 Totes	1
Mexico	Sesame Seed	1,032,000 Lbs	24
Republic of Korea	Rye Seed	100,000 Kgs	1
Spain	Bermuda Grass Seed	5.5 Kgs	1
Thailand	Miscanthus Seed	80 Totes	4
Uruguay	Agricultural Equipment	3 pieces	2
		Total:	37

Companies applying for federal phytosanitary certificates:

Aquifor Seeds LLC	1
Alpha Sud	2
Baillie Lumber	2
International Ingredient	5
King's Mums	1
OSU Bioscience	1
OSU Plant & Soil	1
Sesaco	24

State phytosanitary certificates Issued from June 1, 2024 – June 30, 2024

95 phytosanitary certificates for 6,542 plants



Licensing

The Nursery program is working with IT to develop the new licensing system through Ideagen. This platform will provide program administrators with more control over the license database and renewals, which should help keep the licensing data more accurate and useful. CPS is hoping to send out the Nursery Grower renewal, which would be the first renewal using the system next month.

Nursery Grower

Select Another Program
Select an option

[Pending Tasks](#) [Renewals](#) [Reports](#) [Administration](#)

Company Licenses

[Add License](#) [Accept Payment](#) [Miscellaneous Payments](#)

Company Search Input

Company Name:

Phone Number:

License Number:

Email Address:

AGN Number:

Contains Starts With

[Search](#) [Clear](#)

[View All Licenses](#)

[EXTERNAL] Test Email

DoNotReply@mi-corporation.com To David Lawrence

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Mon 7/8/2024 9:20 AM

 OKLAHOMA Dept. of Agriculture, Food and Forestry

2024 - NURSERY GROWERS LICENSE RENEWAL

Mailing Address: Test Company
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105

Address_1
Address_2
Oklahoma City, OK 73105

Location Address:

License #: License Id
Contact: John Doe
Email: Email

AGN: AGN Number
Phone: 555-555-5555
Fax: 555-555-5554

Please complete this area ONLY if there are corrections to the above information:

Business Name _____ Phone # _____

Location Address _____ County _____

City _____ Zip Code (9 Digit) _____

Mailing Address _____

City _____ Zip Code (9 Digit) _____

Email _____ Fax # _____

UserField3 _____ Nursery Dealer License @ \$38.00 Per Location _____ UserField6 _____

Type of Operation (mark all that apply)

Farmer/Flea Market Retail

Hemp

Kenny Naylor and Caroline Nelson from the CPS Division attended the grand opening of Panda Biotech, a hemp fiber processing plant in Wichita Falls, Texas. Kenny and Caroline had the opportunity to tour the processing facility and were able to talk with Oklahoma producer, Matt Little, about this year's fiber crop.



Figure 1: Cottonized Hemp Fiber Bales



Figure 2: Hemp Bales



Figure 3: Hurd Hemp Fiber Bags



Figure 4: Hemp processing machinery

The Hemp Program currently has 45 licensed hemp processors/handlers and 78 licensed hemp growers comprising 157,930 licensed sq. ft. and 7,091 licensed acres. This represents a significant increase in Hemp Program numbers over the past several years, which had been trending downwards.

Apiary

The Apiary program planted a pollinator friendly flower bed this year at the Department. The Department also promoted awareness of national pollinator week, which was June 17-23, 2024. Next year Caroline Nelson, Apiary Program Administrator, plans to work to encourage additional awareness of pollinators and their importance to agriculture including items that were addressed as part of the Oklahoma Managed Pollinator Protection Plan.



Figure 5: Pollinator Friendly Flower bed

AGRICULTURE RESOURCE SECTION

Feed Program

Program Performance

During this reporting period there were a total of 91 official feed samples analyzed, with 416 feed determinations made from these samples. These determinations resulted in the issuance of 14 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein and Calcium. Other violations included Zinc, Crude Fiber, Crude Fat, Magnesium, Magnesium, and Vitamin A. Six stop sale orders were issued for feed products with severe deviations from

their guaranteed analysis. Four stop sales were issued for products deficient in Vitamin A. Two stop sale were issued for products deficient in Crude Fat.

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 June 2024 – May 2024

Nutritional Guarantee	Number of Label Violations		
	June ¹	May ²	Two Month Total
Crude Protein	3	6	9
Non-protein Nitrogen	0	0	0
Crude Fat	1	3	4
Crude Fiber	1	1	2
Calcium	3	1	4
Phosphorus	0	0	0
Salt	0	2	2
Magnesium	1	1	2
Potassium	0	1	1
Copper	0	2	2
Manganese	1	1	2
Zinc	2	2	4
Vitamin A	2	1	3
Methionine	0	0	0
Total	14	21	35

¹91 feed samples analyzed with 416 determinations; ² 154 feed samples analyzed with 870 determinations

Table 2. Feed Stop Sale Summary June 2024 – May 2024

Nutritional Guarantee	Number of Stop Sales		
	June ¹	May ²	Two Month Total
Crude Protein	0	0	0
Non-protein Nitrogen	0	0	0
Crude Fat	2	0	2
Crude Fiber	0	1	1
Calcium	0	0	0
Phosphorus	0	0	0
Salt	0	3	3
Manganese	0	1	1
Potassium	0	0	0
Copper	0	2	2
Zinc	0	1	1
Vitamin A	4	2	6
Medicated Feed	0	0	0
Total	6	10	16

¹91 feed samples analyzed with 416 determinations; ² 154 feed samples analyzed with 870 determinations

Fertilizer Program

Program Performance

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

Sample Type	Number	Deficiency Penalty/SS
Fertilizer	91	8
Lime	17	0

Investigation Type	Number
Facility Pre-Site Inspections	1
Dry Bulk Fertilizer Storage Facility	3
Liquid Bulk Fertilizer Storage Facility	6
NH ₃ Nurse Tank Inspections	0
NH ₃ Storage Tank Inspections	0

Sample Type	Number	Deficiency Penalty/SS
Fertilizer	678	61
Lime	76	4

Investigation Type	Number
Facility Pre-Site Inspections	10
Dry Bulk Fertilizer Storage Facility	153
Liquid Bulk Fertilizer Storage Facility	124
NH ₃ Nurse Tank Inspections	68 (1,674 Total Tanks)
NH ₃ Storage Tank Inspections	43 (74 Total Tanks)

Fertilizer Notes

Per the Oklahoma Fertilizer Act & Rules, the state currently splits the classification of fertilizer materials and products into two categories: Commercial and Specialty. Commercial fertilizer products are defined as fertilizer sold in bulk quantities or packages greater than 30 lbs. Specialty fertilizer products are defined as fertilizer sold in packages of less than 30 lbs.

Commercial fertilizer product registrations currently require only a one-time registration; however, specialty fertilizer products require an annual renewal of their registrations and a registration fee of \$100 per product formulation.

As of the end of fiscal year 2024 (July 1, 2023 – June 30, 2024), there were 10,018 registered fertilizer products (5,816 commercial & 4,202 specialty).

Weights & Measures Program

During this period the large capacity scale technicians tested 145 vehicle scales and 5 livestock scales, 20 of the vehicle scales were rejected.

CPS inspectors checked a total of 1,781 small scales and 37 platform scales, 31 of the scales were rejected. There were 50 random pack inspections and 39 standard pack inspections conducted that resulted in 12 companies receiving letters of warning and 1 company receiving a stop sale. Additionally, 151 price verification inspections were conducted at various retailers that resulted in 1 company receiving a letter of warning.

Three scale companies received a letter of warning for not properly servicing scales.

During FY24 our field staff inspected a total of 14,474 scales and 1,270 scanners.

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
July 24, 2024
Activities May 18, 2024 – July 5, 2024

Animal Disease Traceability:

We continue to distribute the free RFID tags to interested veterinarians and producers. During this time, we shipped 26,260 tags to 13 veterinarians and 12 producers.

Even though the official metal ID tags will not be able to be applied after November 4, we distributed 49,100 of them to veterinarians.

Two electronic readers for the RFID tags were distributed to livestock market veterinarians.

We've had seven new account requests for our no cost electronic CVI to make a total of 244 registered users.

During this timeframe, Dr. Gorczyca has been working with Gina Becker, Datawise Up, LLC, to discuss modifying a livestock market software program that Datawise developed for the Kansas Department of Agriculture. AIS received one time funding to assist with the purchase of a software program and computers to provide to the cattle livestock markets to assist with the EID transition beginning November 5.

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

Aquaculture:

There was no significant activity in the Aquaculture Program during this period.

Biologics:

During this period, all stop sales notices were released as all products have been renewed or cancelled. One new biological product was registered. Expired biologicals were found in a store and the store manager was educated on the importance maintaining inventory in such a means to not allow for expired products to be offered for sale.

Cattle Programs:

The outbreak of Highly Pathogenic Avian Influenza in dairy cattle is continuing. It has now affected over 140 herds in 12 states. USDA has implemented testing requirements for lactating dairy cattle moving across state lines. NASDA, State Animal Health Officials, and industry have worked with USDA to develop protocols to have as little impact on the industry as possible.

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

ODAFF Dairy Inspectors continue to interact with our dairies to educate them about the various programs offered by federal agencies to assist with testing and management of the disease in both cattle and humans.

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

On June 26, Dr. Gorczyca and Dr. Parrott participated in a presentation provided by researchers at the University of Oklahoma who have been testing water out of wastewater treatment plants within the state for H5N1. H5N1 has currently been detected in Norman, Woodward, and Anadarko.

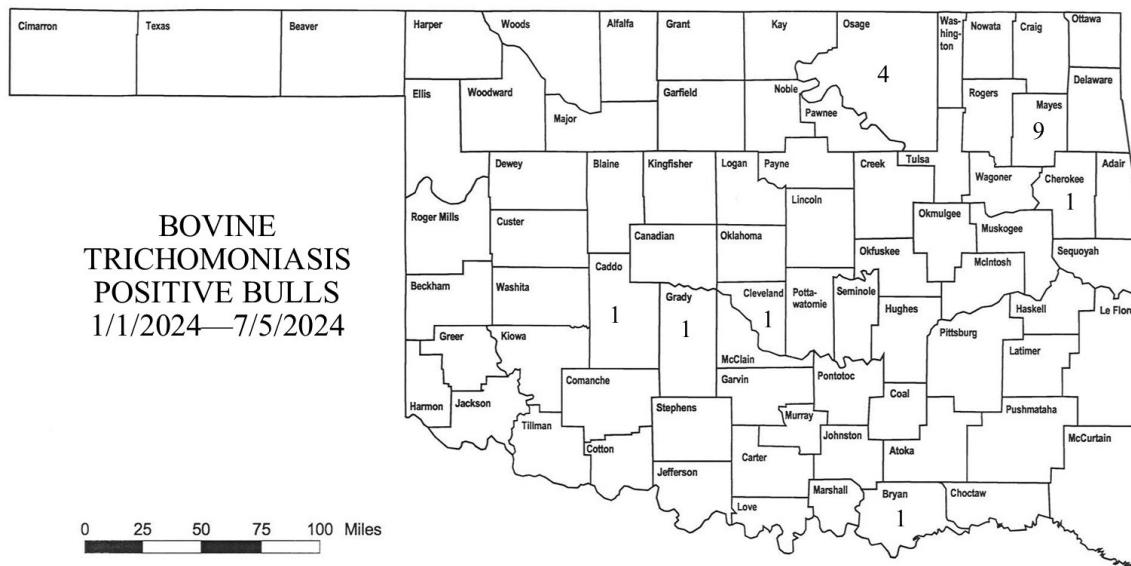
Brucellosis:

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

While there is very little need to test for *B abortus* any longer, this means we have very little or no surveillance for *Brucella suis* (Swine Brucellosis) in cattle, which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. *B suis* can, and does, infect cattle occasionally.

Trichomoniasis:

During this period there were 1,353 Oklahoma bulls tested for Trichomoniasis with 0 positive individuals found.



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

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

Tuberculosis:

No significant activities in the TB program.

Johne's Disease:

For the reporting period we have received 13 positive reports, seven of which are new premises. Year to date there have been 47 positive reports, of which 29 are newly infected premises. Comparison with the last 10 years over the same reporting period we have averaged 52 positive reports, of which 34 are new premises.

Emergency Management:

Dana Call, Marissa McLaughlin and Austyn Fuss participated in several secure food supply training webinars specifically for secure milk and secure beef supply program plans. The webinars included industry representatives from both dairy and beef producers. Dana Call completed a USDA Safeguarding Animal Health training course on May 29-31. All office staff participated in an EMRS training exercise on June 17, offered by Dr. Beth Ruby of the USDA.

On May 29, Dr. Gorczyca and I participated in a Showable/AgView discussion with OK Pork and the National Pork Board along with Dr. Ruth Inman, developer of Showable. Showable has unique features that could assist with capturing animal movement data that would comply with US SHIP and Secure Pork Supply planning movement recording requirements. These movements could then be shared via an API to AgView to allow the State Veterinarian to have access during peacetime sharing or during a disease response. AgView and Showable will continue to work together to develop out the API for both platforms to communicate to capture movement data.

On May 30, an after-action review meeting was held to discuss the outcome of the ASF full scale exercise from August 2023 as well as the ASF tabletop exercise held in November 2023.

On June 17, Dr. Gorczyca participated in the US SHIP traceability pilot project overview meeting. Following the conclusion of the pilot, it was discovered that additional work needs to occur with both traceability platforms that were utilized in order for SAHOs to be comfortable with the movement data within the platform in lieu of traditional movement records.

On June 25, Dr. Gorczyca participated in a planning call for the FMD in a livestock market working group.

Equine Programs:

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

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

Farmed Cervidae Programs:

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

The USDA has changed the import requirements for all farmed cervidae. As of May 1, 2024, all Certified herds under the Canadian CWD Herd Certification Program must comply with two-tissue testing for 60 months before they are eligible to export to the United States. State animal health officials may request a derogation under certain circumstances put forth by the USDA. ODAFF has been working with Fraser Deer USA owner, Hamish Fraser, who is relocating his closed herd from Canada to his two breeding facilities and hunting preserve here in Oklahoma. On behalf of Mr. Fraser, Dana Call submitted a derogation request to the USDA to allow Mr. Fraser to continue to move the remainder of his Canadian herd to Oklahoma. The request was granted with the understanding that the remaining animals will all be relocated by September 30, 2024 and will remain as a closed herd. As part of the CWD herd certification program requirements, Mr. Fraser is aware that he will be required to have all hunter harvested cervidae from his hunting preserve tested for CWD. ODAFF is working with Mr. Fraser to assure that he will have the sample collection support he will need for this endeavour. Dr Stone has been training a local veterinarian for CWD sample collection and ODAFF is considering additional training of Fraser Deer LLC staff to obtain tissue samples for timely submission of hunter harvested deer and elk.

On June 10, Dr. Gorczyca submitted a second cooperative agreement grant proposal for predictive genetics in white tail deer to help with herd management. The initial proposal submitted in 2023 was successfully awarded and the work will be finishing up September 30, 2024. We are hopeful the proposal just submitted will allow for the predictive genetics work to continue.

Feral Swine:

There has been no significant activity in the feral swine programs during this time.

Foreign Animal Disease:

There were two FAD investigations during this time. One was a beef cow from Cleveland County that exhibited oral lesions compatible with FMD. The other was a horse from McClain County that exhibited oral lesions compatible with Vesicular Stomatitis. FAD Investigations were completed on both cases and thankfully both were confirmed to not be caused by FADs.

Livestock Market Audits:

During this period, staff received no new market applications. Although no new market licenses were applied for, staff has been working with an individual that has managed a cattle, horse, and goat sale in the past. Clint Smith of Wister is preparing to start a monthly horse sale to be operated out of the Fort Smith Stockyards facility. Mr. Smith is not planning to have his first sale until September 21st, but has started the registration process with our agency as well as USDA Packers and Stockyards.

In addition to this new horse sale activity, staff also sent packets to a couple of individuals interested in sale barn ownership. This period also allowed for a market orientation as well as a number of custodial account reviews.

Livestock Auction Market Activities

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

Outreach:

On May 24 I was interviewed by Kolby Terrell of KOCO about the Salmonella outbreak in poultry and poultry husbandry.

On June 3, Dr. Gorczyca was interviewed by Anna Pope, a reporter for KOSU, about HPAI in dairy cattle.

On June 13, we had our monthly Veterinary Medical Officer meeting, where AIS and APHIS veterinarians meet to get updates on the activities across the state, discuss new programs and progress on existing programs.

On June 26 our Field Staff was in for our quarterly meeting. We discussed with the group HPAI in dairy cattle, program updates, and EID transition for livestock markets.

Brianna Howard, an USDA Saul T Wilson Scholar recipient, will be shadowing ODAFF on and off this summer as she fulfills her work obligations with USDA while she is in veterinary school. Bree spent the week of July 1-5 with Dr. Stone and participated in several field visits.

On June 7 representatives from the Quapaw Nation reached out to us concerning USDA funding research projects the tribe was applying for. Dr. Stone was able to answer the immediate questions, but the answers stimulated more discussion. This led to an invitation to see the work the tribe was doing. On July 5, Dr. Stone and USDA VMO Dr Zeke Proctor along with USDA summer intern Brianna Howard met with members of the Quapaw Nation. The projects discussed were:

- CWD genetic testing for potential disease resistance
- Potential research into CWD environmental binding: (this is an environmental super fund site and CWD is known to be within 50 miles of tribal lands)
- Licensed slaughter plant desire for a waste disposal by natural processes
- Swine Tissue sample harvest training for students and tribal members. The tissue is to be used in nanoparticle human glaucoma research projects
- CWD sample training.

On July 22 Drs Stone and Proctor will return for sample collection training and follow up with waste disposal SOP development.

Poultry Programs

There have been 34 sick or dead birds submitted for our sick bird/dead bird program since last report and a total of 81 since January 1st.

There has been no further Avian Metapneumovirus diagnosed in Oklahoma since the last report.

We have had no detections of HPAI so far this year in Oklahoma and we continue to respond to sick bird calls with testing of suspect birds. Furthermore, we are actively engaged in HPAI surveillance, which includes testing of avian populations at live bird markets, auctions, and feedstores.

The ongoing 2022 incursion of Highly Pathogenic Avian Influenza has affected domestic flocks in 48 states with the death or depopulation of over 80 million birds and 1160 confirmed premises. This is the largest foreign animal disease incursion in US history. Even though in June, July, and August we typically see a decline in cases we are continuing to stress the importance of biosecurity in both commercial and backyard flocks through outreach such as emails, social media, and county extension officers.

Public Health

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

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

Rabies in Livestock:

During the week of May 31st, we were informed of a positive case of rabies in a skunk that had bitten a horse in Comanche County. The horse was examined at a local veterinary office and received a rabies vaccination. Although the horse had been previously vaccinated for rabies, it was not current on its vaccinations. Fortunately, no additional livestock were found to have been exposed to the rabid skunk or the horse. To mitigate the

risk of further spread, we have implemented a quarantine protocol for the horse. The health department conducted an investigation to determine if any human exposure had occurred.

The Lincoln County goat herd containing the rabies positive nursing kid remains in quarantine. The mother of the positive kid had been potentially exposed by the normal nursing of the kid. This is an unknown risk factor. This doe was vaccinated and continues clinically normal at this time. We will continue to monitor the flock.

The horse in Kiowa County that bit its owner and tested positive for rabies remains under quarantine. Due to the aggressive biting behavior exhibited by this horse, the other livestock it was housed with are also under quarantine and are being continually monitored. These livestock received rabies vaccinations following the diagnosis in the horse.

In Kingfisher County, a cow with a nursing calf that tested positive for rabies remains under quarantine. While transmission of rabies from livestock to livestock is extremely rare, even in situations with a suckling calf, quarantine is still recommended due to the severity of the disease and its zoonotic potential. The entire herd is under surveillance.

Two farms in Payne County are under quarantine after a heifer was diagnosed with rabies. The heifer, just before showing clinical signs and receiving a diagnosis, was moved from one herd to another herd. Due to the difficulty in determining the farm where the heifer was exposed to rabies, both herds have been placed under quarantine.

Sheep and Goat Programs:

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

Swine Programs:

There were no significant activities in the Swine Programs during this time.

Miscellaneous:

On June 26, Dr. Gorczyca participated in a CDC webinar discussing the new import requirements for dogs entering the United States from rabies endemic countries. The new rules will also affect US origin dogs traveling abroad and returning home. These rules go into effect August 1st.

I smoked a brisket and ribs to feed our office staff and a couple of our field staff on May 28 in the hopes they wouldn't forget me during the four weeks I was gone on my motorcycle trip to Alaska.

I was gone from June 30 till July 1 on a motorcycle trip with my friend Bob Highsmith through Canada to Alaska, and back again. We rode 10,000 in 27 days of riding. I appreciate Secretary Arthur allowing me to take the time off, and I appreciate Dr. G and the rest of my team taking care of things so I can enjoy the time off without worrying. It's awesome to see the land and animals that God created up close and personal.



First morning leaving Amarillo, June 3



Middle of the trip, Seward, Alaska, June 16



End of ride together, Amarillo, June 27 – Quite a bit worse for the wear-both the bike and me!



We have had two interns working with us this summer. Aiden Davis from Lindsay is a Pre-Vet student at OSU, and Callie Roberts is an Ag Major at OSU from Prague. We've enjoyed getting to know them, and they've done a great job helping us get caught up on several ADT tasks.

Respectfully,

A handwritten signature in cursive ink that reads "Rod Hall DVM".

Rod Hall, DVM

Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for June 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 453 properties with an estimated 951,431 acres of land under agreement. Additionally, WS helped 52 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 \$277,535 during this period. Beaver damages accounted for losses totaling \$113,350. Predation, primarily coyotes were responsible for a number of damage requests, largely to livestock, with losses totaling \$16,485. Feral swine damages accounted for losses totaling \$111,400, while other species of wildlife were responsible for \$36,300 in damages to property, agriculture, and livestock.

Providing Wildlife Services

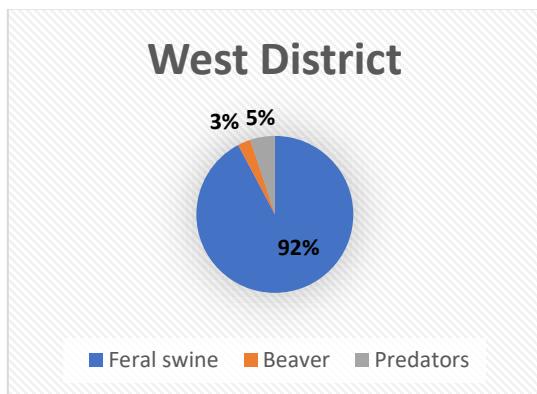


Figure 1: Species Removed in West District by percentage during June 2024

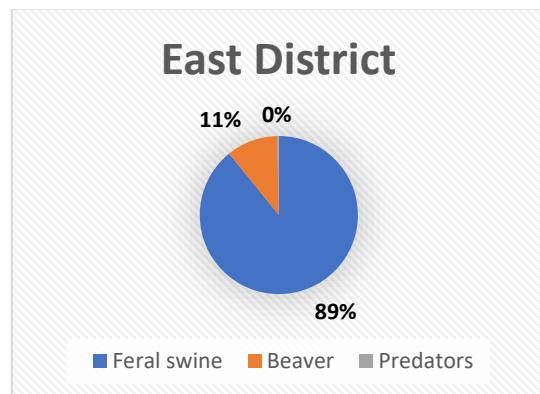


Figure 2: Species Removed in the East District by percentage during June 2024

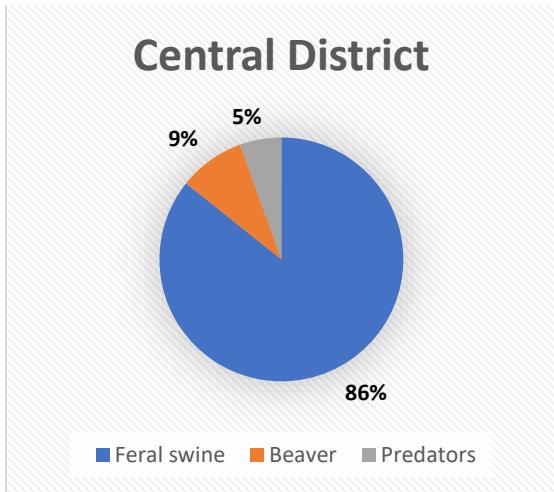


Figure 4: Species Removed in the Central District by percentage during June 2024

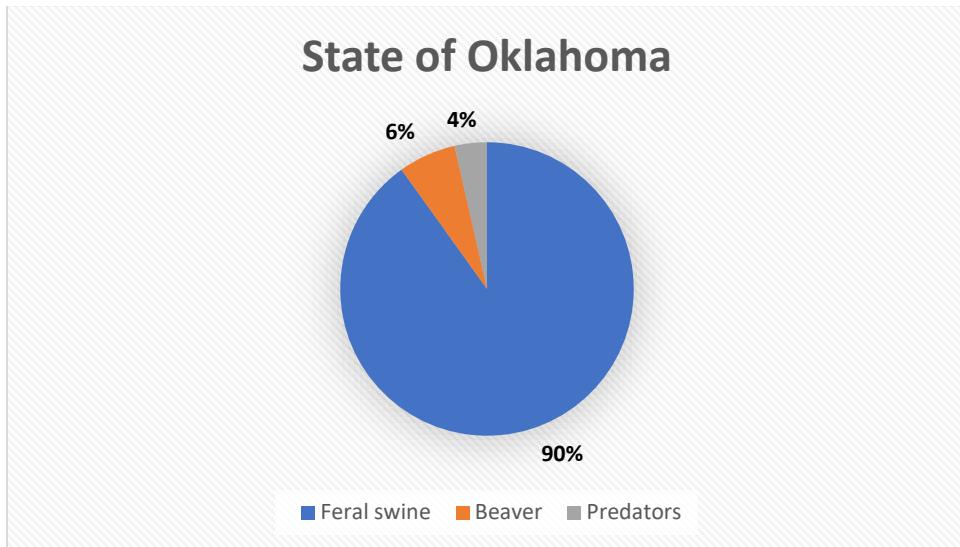


Figure 5: Species Removed in the State by percentage during June 2024

Predator Damage Management

Garfield County cooperator contacted WS with a report of losing a duck to coyotes in their yard. Technical assistance was provided along with devices being set. Two coyotes have been removed to date with work continuing.

Garvin County rancher contacted WS and reported that a skunk had got under his shed. WS responded to the call and determined signs of a skunk were present. Cage traps were set, and one

skunk was removed. Control efforts are ongoing with no further damage being reported. Damages to the shed were estimated at \$500.

Texas County livestock producer requested assistance with coyotes depredating on his lambs. The producer reported that coyotes killed three lambs valued at \$602.40. The Wildlife Specialist assigned to Texas County responded to the request and examined one of the carcasses and confirmed coyotes were responsible for the losses. The Specialist recommended non-lethal methods of carcass removal, night penning, shed lambing, and guarding animals to help reduce future lamb losses to coyotes. Control efforts have removed six coyotes and are continuing currently to further reduce predation losses from coyotes for the producer.

Comanche County landowner requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued \$1,500. The Wildlife Specialist assigned to Comanche County examined the carcass and verified coyotes were responsible for the loss. Damage management efforts were successful in removing four coyotes from the property. Control efforts continue to help further reduce the threat to the cooperator's calves.

Ellis County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed three calves valued at \$4,500. The Wildlife Specialist assigned to Ellis County responded to the request and examined one of the carcasses, confirming coyotes were responsible for the loss of the calves. The Specialist used leg hold traps, calling/shooting and snares to remove three coyotes. Control efforts continue to prevent additional losses.

Feral Swine Damage Management

Pawnee County farmer was having issues with feral swine destroying newly planted soybeans in multiple fields. A WS Specialist talked with the farmer and confirmed the damage of \$2051 reported. Traps have been set on multiple fields and several groups of feral swine have been removed at the different locations. Twenty-nine feral swine were removed from the location with the most damage. Trapping is currently ongoing to prevent further damage to the sprouting beans.

Coal County landowner notified WS about feral swine rooting up hayfields and pastures. A WS Specialist met with the landowner and confirmed feral swine were causing the damage estimated at \$2,500. A live trap was placed on the property and twenty-one feral swine have been removed from the property. Work on property is ongoing currently.

Nowata County rancher called WS for assistance with feral swine when he found rooting damage to his cattle pastures. The damage was verified, and 8 acres was heavily damaged estimated at \$8,000. After pre-baiting, a remote camera trap was placed on the property. Sixteen feral swine were removed to alleviate the damages. The owner was advised of fencing methods that could deter future feral swine issues.

Osage County producer called WS for assistance after feral swine damage was found in the cattle pastures. The rooting damage was verified and estimated at \$1,200. After pre-baiting, a remote camera trap was placed on the property. However, the feral swine were trap shy and wouldn't enter the trap. A night shoot using a thermal scope was conducted and three large boars were removed. Baiting and monitoring efforts continue to confirm the feral swine concern is resolved.

Le Flore County rancher called WS for assistance with feral swine after he found rooting damage to his hay meadow. The damage to the hay meadow was verified and estimated at \$500. After pre-baiting with corn, a remote camera trap was placed. Nine feral swine have been removed and this project is still being monitored.

Woodward County landowner contacted WS needing assistance with feral swine rooting in his wheat fields. The landowner estimated feral swine rooted up ten acres valued at \$1,100 in damages. The Wildlife Specialist assigned to Woodward County responded to the request and verified the damage. A live trap and aerial operations were conducted to remove twenty-two feral swine from the property. No additional damage has occurred, and the population in the area is being monitored to determine if additional management is needed.

Greer County landowner contacted WS needing assistance with feral swine damaging his milo field. The landowner estimated the damage to the fields at \$800. The Wildlife Specialist assigned to Greer County responded to the request and verified the damage. A live trap was utilized to remove twenty-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.

Harmon County farmer requested assistance with feral swine causing damage in his wheat fields and pastures. The farmer reported feral swine were responsible for damaging ten acres of wheat valued at \$1,000 and ten acres of pasture valued at \$500. The Wildlife Specialist assigned to Harmon County responded to the request and his field inspection verified feral swine were responsible for the damages to the wheat fields and pasture. The Specialist utilized a live trap to remove thirty-two feral swine and aerial operations to remove an additional twenty-one feral swine from the property. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

Aerial Operations

Aerial operations were conducted in **Custer County** in response to several farmers requesting assistance from feral swine damage to corn and milo fields. Historically farmers in this area have significant losses to corn and milo fields during planting and again during harvest time. To reduce feral swine damage in this area the helicopter was utilized for 16 flying hours to remove three hundred and seventy-two feral swine. This area will be closely monitored to determine if additional aerial operations are needed.

Aerial operations were conducted in **Tillman** in response to landowners' request for assistance from feral swine damages around corn and milo fields. The helicopter was utilized for 5.2 flying hours to remove one hundred and twelve feral swine from the area. Additional aerial operations are planned in these areas to further reduce damage associated with feral swine.

Beaver Damage Management

Noble County landowner called WS regarding beavers plugging the drain of a large pond on their property. The beavers were also damaging fruit trees in their yard. A WS Specialist met with the

landowner and verified the damages estimated at \$500. Two beavers were removed and after activity slowed down, traps were removed.

The **County of Kingfisher** called WS with reports of beavers damming up an easement on the county road. A WS Specialist met with county officials and verified beavers were damming up the easement. Devices were set on the adjoining property and two beavers were removed. The dam has been removed and drainage to easement has been restored. Estimated cost of damage is \$500 to remove dam and fix the roadway.

Pontotoc County landowner notified WS about beavers chewing trees down and digging holes into the dam of a pond. A WS Specialist met the landowner and confirmed beavers were causing the damages estimated at \$1,500. Devices were set and thermal scopes/firearms were used to remove three beavers.

Adair County landowner called WS for assistance reporting beavers had dammed up a creek on his property. The flooding damage was verified and estimated at \$200. Trapping the beavers was ruled out due to local children playing along the creek. A night shoot was planned, and three beavers were removed. This project has concluded, and no further damage has been reported.

Wagoner County producer called WS for assistance with beavers when he found girdling damage to the trees around his stock pond, as well as damage to his pond dam. The damage was verified and estimated at \$1,500. A night shoot was conducted on two different nights and seven beavers were removed with this project being monitored.

Pittsburg County producer called WS for beaver assistance when he found flooding to his pasture and burrowing damage to his pond dam. The damage was verified and estimated at \$8,000. Conibear traps were placed, and five beavers were removed.

Dewey County landowner contacted WS for assistance with beaver that were responsible for damming up the creek on his property and flooding his pasture. The landowner estimated the damage to the pasture to be valued at \$2,000. The Specialist for Dewey County responded and verified beaver were responsible for damage. Control measures employed by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to pasture.

Custer County landowner contacted WS for assistance with beaver responsible for girdling and cutting down trees on his property. The landowner estimated the damage to the trees to be at \$800. The Specialist for Custer County responded and verified beaver were responsible for damage. Control measures employed by the Specialist were successful in removing the beavers from the pond to help reduce any additional damage to standing trees around his pond.

Roger Mills County landowner contacted WS for assistance with beaver responsible for burrowing into his pond dam on his property. The landowner estimated the damage to the pasture to be valued at \$2,000. The Specialist for Roger Mills County responded and verified beaver were responsible for damage. Control measures employed by the Specialist were successful in removing the beavers from the pond to help reduce any additional damage to the pond dam structure.

Special Projects Canada Geese

Bryan County Corps of Engineers on Lake Texoma called WS for assistance with Canada Geese in and around the public use and swimming areas. The geese were likely contributing to the elevated levels of E. Coli found in recent water samples taken at the public use areas. After pre-baiting at three public use areas, a goose round-up was conducted and two hundred sixty-three geese were removed during the round-up. The reduced goose numbers will make these three areas a safer environment for the public to enjoy.

To reduce the risk of human health and safety at public parks and ponds, WS conducted goose roundups within **Oklahoma City and surrounding areas**, Up to five hundred geese were removed from four locations in the Metro area alone. More round ups are planned in the coming days to keep the geese numbers manageable.

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

County	Beaver	Predators	Feral swine	District
Adair				E
Alfalfa				W
Atoka	6		70	E
Beaver				W
Beckham				W
Blaine	1		4	W
Bryan	4		22	E
Caddo			19	W
Canadian	1			C
Carter	1			C
Cherokee				E
Choctaw				E
Cimarron				W
Cleveland				C
Coal	1			C
Comanche	3	3	42	W
Cotton		1	5	W
Craig	2		33	E
Creek	4		64	E
Custer		1	117	W
Delaware				E
Dewey	1		20	W
Ellis				W
Garfield		3		C
Garvin				C

Grady				W
Grant	2			C
Greer		1	26	W
Harmon				W
Harper	1	4		W
Haskell	2			E
Hughes			90	E
Jackson				W
Jefferson				C
Johnston				C
Kay		1		C
Kingfisher				C
Kiowa			25	W
Latimer	8			E
Leflore	3			E
Lincoln				C
Logan	1	3	29	C
Love	1		35	C
Major			11	W
Marshall				C
Mayes	1		6	E
McClain	3			C
McCurtain	9		28	E
McIntosh	2			E
Murray				C
Muskogee				E
Noble	2			C
Nowata			49	E
Oklfuskee	2		60	E
Oklahoma	6	8		C
Okmulgee			13	E
Osage		2	6	E
Ottawa			11	E
Pawnee			170	C
Payne				C
Pittsburg	3			E
Pontotoc	7			C
Pottawatomie				C
Pushmataha				E
Roger Mills		2	97	W
Rogers	3		24	E
Seminole	1		10	E

Sequoiah				E
Stephens	4	12		W
Texas		5		W
Tillman			306	W
Tulsa	2			E
Wagoner	5			E
Washington				E
Washita	5		53	W
Woods	4	5		W
Woodward	2	6	3	W
TOTAL	103	57	1448	

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

Respectfully submitted,

Justin Cooper
Acting Division Director
Wildlife Services Division

**June 2024 Activity Report
for
July 2024 Board Meeting**

Agricultural Statistics Division

General

Rainfall totals during the **first week** of June in Oklahoma averaged 1.58 inches. According to the June 4th US Drought Monitor Report, drought conditions were rated 27 percent abnormally dry to exceptional drought, down 38 points from last year. Additionally, 15 percent of the state was in the moderate drought to exceptional drought categories, down 36 points from the previous year. Statewide, temperatures averaged in the upper 70's to lower 80's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals during the **second week** of June in Oklahoma averaged 0.14 inches. According to the June 11th US Drought Monitor Report, drought conditions were rated 27 percent abnormally dry to exceptional drought, down 38 points from last year. Additionally, 16 percent of the state was in the moderate drought to exceptional drought categories, down 33 points from the previous year. Statewide, temperatures averaged in the upper 70's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals during the **third week** of June in Oklahoma averaged 0.59 inches. According to the June 18th US Drought Monitor Report, drought conditions were rated 37 percent abnormally dry to exceptional drought, down 36 points from last year. Additionally, 21 percent of the state was in the moderate drought to exceptional drought categories, down 21 points from the previous year. Statewide, temperatures averaged from the upper 70's to the lower 80's. Topsoil and Subsoil moisture conditions were rated adequate to short.

Rainfall totals during the **fourth week** of June in Oklahoma averaged 0.82 inches. According to the June 25th US Drought Monitor Report, drought conditions were rated 52 percent abnormally dry to exceptional drought, down 25 points from last year. Additionally, 20 percent of the state was in the moderate drought to exceptional drought categories, down 16 points from the previous year. Statewide, temperatures averaged from the lower to the upper 80's. Topsoil and subsoil moisture conditions were rated adequate to short.

Small Grains: Rye harvested reached 95 percent, up 3 points from the previous week and up 24 points from normal. Oats harvested reached 58 percent, up 11 points from the previous week and up 22 points from normal.

Row Crops: Corn silking reached 41 percent, up 10 points from previous week and up 18 points from normal. Sorghum planted reached 95 percent, up 4 points from previous week and up 9 points from normal. Sorghum headed reached 9 percent, up 9 points from previous week and up 5 points from normal. Soybeans planted reached 91 percent, up 8 points from previous week and up 17 points from normal. Soybeans emerged reached 70 percent, up 13 points from previous week and up 15 points from normal. Upland Cotton planted reached 97 percent, up 6 points from previous week and up 1 point from normal. Upland Cotton squaring reached 20 percent, up 15 points from previous week and up 2 points from normal.

Hay: The second cutting of alfalfa hay reached 60 percent, up 30 points from previous week and up 4 points from normal. The first cutting of other hay reached 95 percent, up 8 points from previous week and up 15 points from normal. The second cutting of other hay reached 19 percent, up 13 points from previous week and up 14 points from normal.

Pasture and Livestock: Pasture and range condition was rated at 76 percent good to fair. Livestock condition was rated at 86 percent good to fair.

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

Survey	Enumerated by:	Survey Dates
Cash Rents	DCC	4/17-6/22
June Ag Yield	DCC	5/30-6/7
June Crops APS	DCC	5/30-6/15
Cherry AP	DCC	5/30-6/6
Cattle on Feed	DCC	6/3 –6/10
Grain Prices	DCC	6/6 –6/14
July Ag Yield	DCC	7/29-7/9
Cattle on Feed	DCC	7/1-7/8
Grain Prices	DCC	7/5 –7/12

Statistics: On July 12, 2024, the July Crop Production report was released. Highlights for Oklahoma include:

Winter Wheat production for Oklahoma is forecast at 105.3 million bushels, up 54 percent from last year. This forecast is up 6.5 million from the Oklahoma June forecast. Yield per acre is expected to average 39.0 bushels, up 11.0 bushels from the previous year. Acres expected to be harvested for grain, at 2.70 million acres, are up 10 percent from 2023.

On June 28, 2024, the June Acreage Report was released. Highlights for Oklahoma include:

Oklahoma upland cotton is estimated at 460 thousand acres, up 10 percent from last year.

Oklahoma corn growers planted 370 thousand acres of corn, down 5 percent from last year. Harvested acreage, at 320 thousand acres, is down 6 percent from last year.

Oklahoma sorghum producers planted 340 thousand acres, down 17 percent from last year. Producers expect to harvest 260 thousand acres, down 26 percent from 2023.

Oklahoma rye acreage decreased 4 percent from last year, to 250 thousand acres.

Soybean acreage, at 460 thousand acres, is unchanged from last year. Canola acreage is estimated at 21.0 thousand, up 700 percent from 2023.

Planted acreage for peanuts is estimated at 15.0 thousand, down 6 percent from the previous year.

Oklahoma hay harvested acres is estimated at 3.3 million acres, down 19 percent from 2023.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 43.

Releases for June:

Crop Production
Cattle on Feed
Hogs and Pigs
June Acreage
Grain Stocks
Agricultural Prices

Relating Dates:

June 1, 2024
June 15, 2024

Release Dates

June 12, 2024
June 21, 2024
June 27, 2024
June 28, 2024
June 28, 2024
June 28, 2024

Releases for July:

Crop Production
Cattle County Estimates
Cattle on Feed
Farm Production Expenditures
Agricultural Prices

Relating Dates:

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

Release Dates

July 12, 2024
July 13, 2024
July 19, 2024
July 26, 2024
July 31, 2024

Meetings and Events:

Individual Elevator Meeting
SEB/FAC Meeting
OLAC Advisory Board Meeting
Lincoln County CCD
APRES Peanut Tour
US Wheat Associates Meeting
National FFA Chapter Award Judge
Sac and Fox Nation Fair
Oklahoma Cattlemen's Conference
ITEC Conference
OCC Crossroads Conference

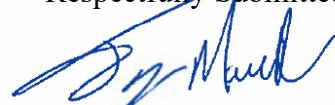
Date:

June 3, 2024
June 5, 2024
June 11, 2024
July 1, 2024
July 8, 2024
July 10, 2024
July 8 – 14, 2024
July 11, 2024
July 19-20, 2024
July 23-24, 2024
July 30, 2024

Location:

Enid, OK
Stillwater, OK
Stillwater, OK
Chandler, OK
Caddo County, OK
OKC, OK
Virtual
Stroud, OK
Norman, OK
Tulsa, OK
Enid, OK

Respectfully Submitted,



Troy Marshall

MARKET DEVELOPMENT SERVICES

July 24, 2024

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 1,102
- Total Number of Pre-service Teachers Impacted: 1
- Total Number of Extension Educators Impacted: 3
- Total Number of Students Directly Impacted by Coordinators: 1,845
- Total Number of Resources Given: 3,642
- Total Number of Teachers/PreService Teachers Resources Given to: 942
- Total Number of PreK-12th Grade Students Resources Given to: 1,765

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

- The AITC monthly email is delivered to 17,354 accounts.
- The AITC Facebook page now has 9,934 followers.
- The AITC Twitter page now has 579 followers.
- Oklahoma AITC Instagram account now has 832 followers.
- Oklahoma AITC Pinterest account now has 225 followers.
- The AITC YouTube channel now has 9,753 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
125 Educators (PreK-12th)	Choctaw Professional Learning Conference	Oklahoma AITC Booth with our resources, accurate ag books	Oklahoma Ag Magazine, Red Dirt Symbols, Beef Early Childhood Tear Sheets; Strawberry Early Childhood Tear Sheets; Pumpkin Elementary Tear Sheets, Wheat Elementary Tear Sheets, Dairy MS/HS Tear Sheets, Corn MS/HS Tear Sheets
50 Oklahoma Educators (Pre-K - 12th grade)	Oklahoma Ag in the Classroom “The Bedlam Series” Road Trip	Three days of traveling included the following stops:	All teachers received a “Teacher Request Sheet”

		<ul style="list-style-type: none"> ● Petal Pushers Flower Farm ● National Weather Service ● Half Diamond J - Carrie Jansen and Jenna Brinlee ● DJ Horton Farms ● L C Land and Cattle Company ● Clay and Kendra Burtrum's ● OSU Veterinary School ● Kerr Food and Agricultural Products Center ● OSU Greenhouse Tour ● Agronomy Research Station ● OSU Swine Facility ● OSU Botanical Gardens ● O'Brate Baseball Stadium ● OSU Cross Country Course ● OSU Ferguson Robotic Dairy ● Bolay Farms 	where they could request all the resources they need for the upcoming school year.
16 High School Agricultural Education Teachers	OAETA Ag Teacher Workshop in Hinton, OK	AITC Resources, Journey 2050	Oklahoma Ag Magazine, Five different types of MS/HS Tear Sheets, Financial Literacy Cards
20 Oklahoma Educators (4th-9th grade)	Sage STEAM camp	AITC website, resources, pumpkin chunkin' activity	Oklahoma Ag Magazine, 2 different types of tear sheets in Elementary and MS/HS, financial literacy cards, Red Dirt Symbols
100 Educators	A Plus Conference	Booth set up sharing AITC resources	N/A
16 Teachers PreK-12th	Morrison - Soybean Board How to Have an Ag Day Workshop	Scatter Square Dance	N/A
200 School Administrators	COSSA - OKC Convention Center	Booth	Oklahoma Ag Magazine
575 Educators from across the United States and Puerto Rico	National Ag in the Classroom Conference in Salt Lake City, Utah	<p>Oklahoma AITC was well represented with the following workshops and award winners:</p> <p>National Excellence in Teaching about Agriculture Award Winner (Jennifer Crosthwait)</p> <p>Oklahoma AITC State Teacher of the Year (Jackie McGolden)</p> <p>8 workshops presented by Oklahoma AITC team or teachers: (AITC Team, Johnnie Keel, Kim Schooler, Jacey Duncan, Amber Bales, Teresa Brunnemer, Tammy Will, Pamela Hamman, Lousondra Waltz)</p> <p>3 CHS scholarship Winners (Tammy Will, Michelle Markham, and Laura Wood)</p> <p>1 NAITCO Early Career/Pre-service Teacher</p>	Several Oklahoma AITC resources were given out at sessions

	Scholarship Winner (Bobbi Pratz-Razcliff)	
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Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
1,750 students of all ages and families	Chuck Wagon Festival at the Cowboy and National Western Heritage Museum	Betsey the Cow and butter making	Early Childhood, Elementary, and MS/HS Dairy Educational Tear Sheets
50 8th grade students	Sage STEAM camp for girls in Weatherford, OK at SWOSU	The Chemistry of Butter and Pumpkin' Chunkin'	N/A
15 students	Oklahoma Youth Leadership Academy - OK Farm Bureau	Strawberry rocks; Ag Careers	Oklahoma Ag Magazines
30 Early Childhood students	Iowa Tribe Early Childhood Center in Perkins, OK	Flat Aggie and Annie - Quiver 3D augmented reality; sensory box; making butter; and pattern blocks	Flat Aggie and Annie Quiver Links

Ag in the Classroom- Resources Mailed or Delivered

Locations where Resources are Mailed or Delivered	
Kim Cox - Ninnekah Public Schools	McLoud Summer Reading Camp
Hollie Skinner - Ft. Cobb Broxton Schools	Strother Public Schools - Jenny Smith
Tulsa Public Schools	Central Elementary in Haskell, OK - Reading Tutor

Ag in the Classroom- Other Events

Event	Highlights
Oklahoma Ag in the Classroom Advisory Board Meeting	The OK AITC Advisory Board met for their meeting at Mowdy Ranch Mustangs in Coalgate, OK. After our meeting, our lunch was sponsored by the Rural Water Association and then we went on a tour of Mowdy Ranch.
Oklahoma Farm Bureau Book of the Year Judging	One of the Oklahoma AITC Coordinators had the opportunity to judge 5 accurate ag books in the running for the Oklahoma Farm Bureau Book of the Year.
Oklahoma Agricultural Leadership Program	Emily Ague is a member of OALP, Class XXI, and had a seminar June 20-21st. This seminar was based in Stillwater, OK and was focused on Family Relationships and Community Concerns. We had several tours in Stillwater, including a wonderful dinner at the Burtrum's!
National Ag in the Classroom Conference - Business Meeting	Emily Ague was elected to the position of President Elect (Vice President) on the National Ag in the Classroom Executive Committee. Oklahoma is also set to host

	the National Ag in the Classroom Conference when it returns to the Southern Region - June 27-July 1, 2027.
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AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Petal Pusher Farm	Goldsby	Horticulture, U-Pick	AITC Bus Tour
Endicott Farms	Liberty-Mounds	U-Pick, Farm-to-table	Took intern to take photos
Outback Farm	Pryor	U-Pick, Farm-to-table, Vineyards/Wineries	Took Sec. Arthur and team to tour the farm
The Peach Barn Orchard & Bakery	Porter	Farm-to-table	Took Sec. Arthur and team to tour the bakery and eat lunch
Livesay Orchards	Porter	U-Pick, Farm-to-table, Teachable Moments	Took Sec. Arthur and team to tour the farm
Dakota Star Ranch	Checotah	Farm-to-table, Fiber	Filmed Simple Snacks with Farm Fresh Food grant video about lettuce
Agape House Berry Farm	Mustang	U-Pick, Farm-to-table	Talked with owner about season and took an intern to learn about berries
N40 Berries	Stillwater	U-Pick, Farm-to-table	Talked with owner about season and took interns to learn about berry production
Thunderbird Berry Farm	Broken Arrow	U-Pick, Farm-to-table	Took interns to create social media video of farm
Owasso Christmas Tree & Berry Farm	Owasso	U-Pick, Farm-to-table	Took interns to create social media video of farm
Red Bird Farm	Enid	U-Pick, Farm-to-table, Teachable Moments	Filmed Simple Snacks with Farm Fresh Food grant video about blackberries
Mowdy Ranch	Coalgate	Country Stays	Attended AITC Advisory Meeting and toured the ranch
Peach Tree Farms	Ada	Farm to Table	Delivered OK Grown Bags

Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
Laketop Farms	Barnsdall	Petting Farms, Teachable Moments	Site visit, added into program
Jose Quiroz	Watonga	U-Pick, Country Stays, Pumpkin Patch	Site visit, still in development, Jose has lots of idea, but currently building two barns and hoping to plant strawberries and grapes, also building multiple cabins, goal is to open spring/summer 2025

Social media

Facebook

- 22,994 likes
- 25,667 followers

Instagram

- 2,755 followers

Agritourism - Other Activities

- Phone consult/conversations with: OK EAT, Matt Stahl – Rooted Harmony, Jace Dunagan – Dunagan Farms, Dewayne Hall, Kelly Atkins, Jose Quiroz, Norman Farmers Market, Tori Shipley, Tim Blackburn
- Coordinated OK Grown bags/stickers picked up from office/warehouse: Edmond FM, Chesters, Enid farm hub, NE OK, Cleveland Co, Lakeview Market, Duncan Farmers Market, Kelly Atkins, Loretta Merritt, Peach Tree Farms, Valliant Farmers Market
- Send out newsletter to consumers about berry season, 5,456 views
- Design projects
 - Update produce postcard, bringing farm to market guide, and organic produce postcard
 - Send Bringing Farm to Market guide and Produce Postcard to print
- Meeting with Stacy Tomas and OSU student About agritourism summer research project
- Planning field day
- Speak at Southwest Tech Center Altus about agritourism
- Attended NAFDMA Summer Bus Tour. Toured 7 agritourism farms in the Grand Rapids, Michigan area.
- Attend Regional Tourism Meeting at Tulsa's Gathering Place
- Judged National Junior Braunvieh Cattle contests – graphic design and writing
- Farm Hub Roundtable Meetings
 - Hosted two farm hub roundtable meetings to answer questions from managers and producers and listened to success stories, challenges and suggestions for the future
 - Communicated through email an action plan for farm hubs moving forward
 - Created Facebook group for farm hub managers
- Coordinated next Edible OKC feature story
- Designed Agritourism sign for registered producers
- Designed farmers market liability signage
- Sent all registered markets and hubs an official certificate for registering with ODAFF

FARM TO SCHOOL

F2S Contact Meetings and Events	Highlights
Audrey McIntyre: MPact Creative	Met with Audrey to discuss AITC and F2S marketing materials.
Chuck Wagon Festival	Help with the AITC Better Making booth at the Chuck Wagon Festival.
AITC Summer Road Trip	Many new contacts made
Tribal Head Start Health, Nutrition and Cooks Cluster Training	The F2S Program was invited to present at the Tribal Head Start Health, Nutrition and Cooks Cluster Training held in El Reno. There were 66 attendees from the following programs: <ul style="list-style-type: none"> - Kiowa Tribe Head Start - Iowa Tribe - Cherokee Nation ECU - Kickapoo Head Start - Seminole Nation Head Start - Chickasaw Nation

	<ul style="list-style-type: none"> - Cheyenne & Arapaho - Central Tribes of the Shawnee Area Head Start - Cheyenne River Sioux Tribe Head Start - Otoe-Missouria Tribe Head Start - Tishomingo Head Start - Concho Head Start <p>Sheri Glazier: Exploring The Why of Child Nutrition</p> <ul style="list-style-type: none"> - The Importance of Child Nutrition from the Start - Identifying Nutrition Gaps and how CACFP addresses those - Why Does Feeding Kids Matter? - Better Understanding How Food is Raised and Grown - The Impact of a Positive Eating Environment <p>Mikael Harp: Cooking Demo</p> <ul style="list-style-type: none"> - How to add common kitchen spices to your dish for flavor enhancement - Sweet potato curry mash with a cilantro yogurt garnish <p>Farm Bus Tour for attending Cooks and Cook Aides:</p> <ul style="list-style-type: none"> - Scott Cattle Meat and Processing - Growing Paynes
CCOSA Summer Leadership Conference	AITC and F2S had an informational booth at this year's CCOSA Summer Leadership Conference.

Farm Visits:

- N40 Berries, Stillwater

Sent F2S Resources:

Name	School/Organization	# of Posters	# of Cookbooks
Shannon Baker	Assistant Coordinator, TSET Healthy Living Program serving Craig County	1	252
Azure Lutz	Putnam City North High School: 10th-12 th grade	2	1
Jessica Ramer	Lomega Elementary: pk-6 th grade	2	1
Sarah Gilbert	Sarah Gilbert Homegrown Families Coop	3	1
Lisa Nicholson	Mayes County OSU Extension	1	1
Misty Bender	Kickapoo Head Start	3	1

F2S Social Media:

FB Followers	1.1K
FB Post Reach	9.3K
FB Impressions: This metric counts impressions of your Facebook content, including posts, stories, and ads. It also includes impressions from other sources, such as tags, check-ins, and Page or profile visits.	3.7K
FB Engagement: Post reactions, comments and shares	222

INTERNATIONAL

Activity	Action
Certificate of Free Sale	<ul style="list-style-type: none"> Lopez
Food Export	<ul style="list-style-type: none"> Food Show Taipei June 26-29th Kick-off Call for Food Show Plus! Fine Food Australia in September- Go over recruitment, timelines etc. Euromonitor Webinar Submitted UES recommendations for 2025 application
USLGE	<ul style="list-style-type: none"> Staff attended the National Reining Horse Association NRHA Derby event at the OKC Fairgrounds. We toured the show and were able to talk about the impact of the sport at this major event, the NRHA Futurity in November and other reining events across Oklahoma. <p>Continuing coordination on the upcoming outbound mission to Palermo La Rural Show in Argentina. The show hosts many breeds in cattle and equine but our mission is mostly focused on Angus breed, some Hereford. This will be our first outbound mission with USLGE. Both New Mexico and Idaho will be attending with their own delegations. OK companies attending:</p> <p>Erin Dorsey, Oklahoma Cattlemen's Congress Mike Marlow, Premium Beef Genetics Kelly Kimmey, 7K Red Angus Anne Kimmey, 7k Red Angus Ben Weise, Linz Angus</p>
GIT (Governor's International Team)/ODEC	<ul style="list-style-type: none"> Global Oklahoma board meeting, met in Enid at the Autry Tech Center
Misc Meetings	<ul style="list-style-type: none"> Continuing collaborations with ODOC, staff met with 2 of the 3 contractors for the Global Oklahoma Program, one covering Mexico/Canada and one covering Europe. Food companies that have joined this temporary program are Ransom's BBQ, Esro Food Group, and Enterprise Grain. This program provides consultation services only. OKIE Board Meeting

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.	May – Rococo on Western, OKC June – Leo's BBQ, OKC July – Sun Cattle Co, OKC
MIO Spring Recipe Guide	Members were able to participate in this guide for \$250. This is the third of three installments (winter, fall and spring). This guide will run from mid-March – June.	https://urldefense.com/v3/_https://drive.google.com/file/d/1Vae4VDbWLhe9nqpvitRxyr7GIAezM_view?usp=drive_web ;!!NZFi6Ppv9YRQw!ooRdnora73KMK-BoYtRjfKOuf-n7SB6ou15UpGDVhWwr3-fxaOaS1NHm2isNzc0X5rF-HQlISYWp3_6aGcbSzy8ae0ll\$
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		<ul style="list-style-type: none"> ○ 5700+ distribution list
OK Living Partnership highlighting MIO Recipes	Highlights 2-3 MIO recipes per month <ul style="list-style-type: none"> - 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.	<p>May:</p> <ul style="list-style-type: none"> - Spinach and Bacon Quiche - Classic Club Sandwich - Okie Cola Cake <p>June:</p> <ul style="list-style-type: none"> - Southern Style Blackberry Cobbler - Spinach and Berry Salad with Candied Pecans - Summer Grilling Platter <p>July:</p> <ul style="list-style-type: none"> - Crazy Milkshakes - Summer Corn Salad - Easy Grilled BBQ Chicken Thighs - S'mores Pizza
May Retailer of the Month	General feature on all retailers	Statewide Locations
June Retailer of the Month	Loves, QuikTrip and OnCue Express	Statewide Locations
July Retailer of the Month	Reasor's	Tulsa OK

Made in Oklahoma Coalition – Other Activities

Activity	Information

Oklahoma Food and Beverage Expo (formerly OK Super Trade Show) <ul style="list-style-type: none"> - June 4th - OKC Convention Center 	38 MIO members participated in the MIO booth at the OK Food and Beverage Expo. This show was a big success for all participating members, as well as for MIO. This show is focused on retail grocery stores and convenience stores. All MIO's major retail partners were in attendance and visited our booth. This show was a "selling show", meaning members could write orders to stores on-site. It was the first "selling show" that many MIO members have participated in.
MIO June Membership Meeting <ul style="list-style-type: none"> - June 7th - ODAFF 	18 MIO members gathered in person at ODAFF, and 22 members gathered online for the June membership meeting. End of year reporting was shared with the membership regarding the performance of MIO cost share campaigns. The primary topic of discussion was preparation for the upcoming MIO Market at Scissortail Park.
MIO Market at Scissortail Park <ul style="list-style-type: none"> - June 9th 	2024 marked the inaugural MIO market at Scissortail Park event. 40 MIO Coalition and MIO Program members participated in this event. 2500 event attendees came out and shopped, walked around, and listened to the live music at this event. The event was a big success and will be pursued again next year by the Events Committee.
MIO Member Photoshoot <ul style="list-style-type: none"> - June 18th - Krush, OKC 	This photoshoot was the third cost-share photography opportunity offered to members to participate in for this fiscal year. 6 companies participated in the shoot. Companies were able to get high-resolution headshots and product shots of their product lines. Cost for members was \$100.
Reasor's Open Call for Local Vendors <ul style="list-style-type: none"> - June 20th - Tulsa, OK 	Staff assisted Reasor's and Brookshire Grocery Company employees and management team in recruiting local vendors to participate in their "Open Call" opportunity. Reasor's/BCG is actively preparing for the grand opening of their Broken Arrow store and is searching for great local brands to bring into this location as part of their community engagement initiative. Staff and the community engagement team worked closely together to promote this event and get as many local vendors there as possible. Shark Tank style interviews were set up to vet potential new vendors for this store and all Reasor's locations. <ul style="list-style-type: none"> - Over 50 MIO Coalition and Made in OK Program companies were interviewed
MIO Annual Financial Planning Meetings and Board of Directors Retreat <ul style="list-style-type: none"> - June 27-28th - Pawhuska, OK 	Staff led the 2024-2025 MIO Coalition Board of Directors retreat in Pawhuska, OK. This event is where the MIO board gathers and reviews all activities and expenditures from the past fiscal year and allocates funds for the upcoming fiscal year. Each MIO committee received budget approval for their planned activities and promotions from the MIO board of directors.

MADE IN OKLAHOMA PROGRAM

Meeting	Date	Location	Details
MIO Coalition Meeting	June 7	Virtual	Monthly coalition meeting
Made in Oklahoma Presentation	June 12	Altus	Shared about MIO Program, benefits and becoming a member to group at technology center
Basic Training	June 13	Stillwater	Shared about MIO Program, benefits and becoming a member to group at FAPC

New Producers:

Joyfully Crafted	CN Bees & Woodworking	Kirby Land and Cattle
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K Carrow Art	Olde Oak Glen, LLC	Navarro Family Farms
ChloeBella Handcrafted	Veterans Wife Hustles	Country Bird Bakery
Holy Hands Rosaries & Accessories	Okie Ridge Trading Co	D & W Designs
Revamped Native	Alchemist Pottery	Babbsela's Designs
Enchantments & Oddities	Bryan Agri Products	Nach – Yo Mamas Beef Jerky
Blue Door Essentials	Chelsea Nicole Creations	American Heritage Beef Co
Sherry Scott	Rock House Enterprises LLC	Augustine Acres LLC

Events:

Wines of the West	June 1	8 vendors were at the Made In Oklahoma Market, held in conjunction with Wines of the West at OKC Stockyards
Upcoming:		
Oklahoma State Fair	Sept. 12-22	MIO Store: planning 64 vendors
Tulsa State Fair	Sept. 26 – Oct. 6	Vendor section + Cafe
Stockyards Stampede	Oct. 19	MIO Market at Stampede

Other Made in Oklahoma Activities:

- Organized and presented horse workshop for Ag in the Classroom Road trip
- Arranging food/snacks for International Finals Youth Rodeo & Rep. Kerbs

VITICULTURE & ENOLOGY

Viticulture & Enology - Site Visits

Producer	Location	Category	Highlights
Backyard Winery	Oklahoma City	Winery	Officially added Backyard Winery to our Agritourism program.
Fruit Set and Growth Class	Perkins	Viticulture	Walked the experimental vineyard afterwards and learned the parts of a grapevine and a bit about growing grapes for wine.
Dancing Skeleton	Sapulpa	Meadery	Site visit with interns, social content creation
Arri'bin Hills	Owasso	Winery	Site visit with interns
Tidewater	Drumwright	Winery	Site visit with interns
Southwest Career Tech	Altus	Presentation	
NAFDMA Farm Tour	Michigan	Agritourism	Toured seven farms and saw many different forms of agritourism in action.

Viticulture & Enology - Other Activities

- Continued working with ABLE Commission to write infographic to better understand law
- Working on rewriting V&E grant rules in order to allow accessible funds to producers

- Worked with the interns to create a needs assessment for all Oklahoma wineries in reference to their social media presence and quality photography
- Visited a soon to open Agritourism location in Western Oklahoma that is interested in growing grapes

MARKET NEWS SERVICES

May 20, 2024-June 24, 2024

- **Grain Report:**

	May 20, 2024,	June 24, 2024,	DIFFERENCE
WHEAT: (bu)	\$6.08-\$6.68	\$4.91-\$5.41	\$1.18 to \$1.27 Lower
MILO: (bu)	\$4.35-\$4.50	\$4.08-\$4.23	\$0.27 to \$0.27 Lower
SOYBEANS: (bu)	\$11.33-\$11.73	\$10.80-\$11.12	\$0.53 to \$0.61 Lower
CORN: (bu)	\$4.30-\$5.05	\$4.08-\$4.98	\$0.22 to \$0.07 Lower
COTTON: (lb)	66.03 cents	61.28 cents	4.75 cents Lower

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

FEEDER STEERS

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

- (6-20-24) \$246.00-275.00 Wtd. Avg \$260.50
- (6-24-24) \$289.00-348.00 Wtd. Avg. \$318.50

HEIFERS

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

- (6-20-24) \$225.00-264.00 Wtd. Avg \$244.50
- (6-24-24) \$252.00-282.00 Wtd. Avg. \$267.00

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 11,681 subscribers May 20, 2024, June 24, 2024 (**up from 57 subscribers last report**).

- **Voice Messaging System:**

- The market news voice messaging system during
- Monthly Total: May 20, 2024, June 24, 2024, **6,305 Accessed Times**
- Last Report April 9, 2024, May 20, 2024, **6,266 Accessed Times**
- Compared to Last Month: **Accessed Times-is UP 79 on Accessed times**

- **Oklahoma Agriculture Market News**
 - **Facebook Page**
 - Likes/Followers 613
 - **UNCHANGED Likes/Followers**
 - People reached through pasted report: 721 people
- **Oklahoma Hay Directory**
 - Hay Directory
 - **85 people are on the Oklahoma Hay Directory.**
- **Hay Report**

This Month: May 24, 2024, June 21, 2024 Hay Traded 10,059
Last Year May 26, 2023, June 23, 2023 Hay Traded 4,020
UP 6,039 Bales Reported

OKLAHOMA HAY MARKET REPORT

6-21-24

Receipts: 4,414 Last Reported: 2,120 Year Ago: 2,025

Compared to the last report: Hay trade is slow to steady. After a couple of weeks of no moisture, hay producers could start baling and selling the hay. Oklahoma still has a lot of 2023 hay, which is being sold and still stacked in barns. Even with all of the rain we have had, we have started to see drought creeping back across the state due to high temperatures and high winds.

Trends:

Alfalfa Large squares \$175-\$200 a ton - New Crop

Alfalfa Rounds - No Trend

Grinding hay - No Trend

Bermuda 5x6 rounds - \$70-\$90 a bale - New Crop

Bermuda 5x6 rounds - \$50-\$55 a bale - Year Old Hay

Bermuda Large Squares - No Trend

Wheat Hay 5x6 Round/Large Squares - \$80-\$100 a Ton - New Crop

Grass Hay 4x5-4x6 - \$45-\$55 a bale - New Crop

Grass Hay 5x6 - No Trend Rough

Grass Hay any size \$30-\$40 a bale - Year Old Hay

The Oklahoma Mesonet Drought Monitor shows we are at 0 percent in exceptional drought, 0 percent in an extreme drought, 1.20 percent in severe drought, 20.82 percent in moderate, 37.17 percent in abnormally dry conditions, and 62.83 percent that has no drought conditions.

*** The next report release will be on July 12th ***

Central				
Alfalfa: Supreme(Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	1040	200.00	200.00	F.O.B/New Crop
Alfalfa: Good(Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	120	150.00	150.00	F.O.B

Bermuda Grass: Good(Trade/Per Bale)				
Size Medium Round	Qty 80	Price Range 70.00	Wtd.Avg. 70.00	Freight/Used F.O.B
North Central				
Bermuda Grass: Premium/Supreme (Trade/Per Bale)				
Size Large Round	Qty 320	Price Range 90.00	Wtd.Avg. 90.00	Freight/Used F.O.B
Bermuda Grass: Good/Premium(Trade/Per Bale)				
Size Large Round	Qty 98	Price Range 80.00	Wtd.Avg. 80.00	Freight/Used F.O.B
Bermuda Grass: Good(Trade/Per Bale)				
Size Large Round	Qty 56	Price Range 70.00	Wtd.Avg. 70.00	Freight/Used F.O.B
Northeastern				
Alfalfa: Supreme(Trade/Per Ton)				
Size Large Round	Qty 240	Price Range 200.00	Wtd.Avg. 200.00	Freight/Used F.O.B
Prairie/Meadow Grass: Good (Ask/Per Bale)				
Size Medium Round	Qty 1500	Price Range 45.00	Wtd.Avg. 45.00	Freight/Used F.O.B. Out of Field
Northwestern				
Alfalfa: Supreme(Trade/Per Ton)				
Size Large Round	Qty 200	Price Range 200.00	Wtd.Avg. 200.00	Freight/Used F.O.B
Alfalfa: Supreme(Trade/Per Ton)				
Size Large Squares	Qty 400	Price Range 200.00	Wtd.Avg. 200.00	Freight/Used F.O.B
Alfalfa: Premium(Trade/Per Ton)				
Size Large Square	Qty 120	Price Range 170.00	Wtd.Avg. 170.00	Freight/Used F.O.B/New Crop
Alfalfa: Good(Trade/Per Ton)				
Size Ground	Qty 80	Price Range 90.00	Wtd.Avg. 90.00	Freight/Used F.O.B
Bermuda Grass: Good/Premium(Trade/Per Ton)				
Size Large Round	Qty 80.00	Price Range 80.00	Wtd.Avg.	Freight/Used F.O.B
Wheat: Good (Trade/Per Ton)				
Size Large Round1	Qty 160	Price Range 80.00	Wtd.Avg. 80.00	Freight/Used F.O.B



June Board Report

May 16 thru June 30, 2024

Agricultural Environmental Management Services (AEMS)

Division Activities

General Activities

- AEMS Staff attended the 4th Public Meeting for the Illinois River Watershed Management Plan.

Complaints

	Received	Closed*
This Reporting Period	16	25
Total FY24	115	188

*These numbers include closing of older complaints.

Complaint Breakdown for this Reporting Period

Cattle:	1
Swine:	3
Poultry:	1
Misc Animal:	1
Other:	3
Animal Shelter:	2
Pet Breeder:	5

Program Activities

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

CAFO & LMFO ACTIVITIES

	May 15 - June 30	FY 24 Total
Complaint or Compliance Follow-ups	20	117
Annual Inspections	86	620
Technical Assistance with Contacts	24	234
Site Visit/Review – No contact made	10	108

POULTRY ACTIVITIES

	May 15 - June 30	FY 24 Total
Complaint or Compliance Follow-ups	4	75
Annual Inspections	11	727
Technical Assistance with Contacts	157	585
Site Visit/Review – No contact made	79	314
OSU Poultry Education Classes Attended	1	21
Eucha-Spavinaw CNMP Written	6	140

PET BREEDER & SHELTER ACTIVITIES

	May 15 - June 30	FY 24 Total
Complaint or Compliance Follow-ups	12	124

Annual Inspections	44	236
Technical Assistance with Contacts	7	120
Close Outs	3	15

AGPDES ACTIVITIES

	May 15 - June 30	FY 24 Total
Complaint or Compliance Follow-ups	2	7
Site Inspections	11	27
Technical Assistance with Contacts	4	26

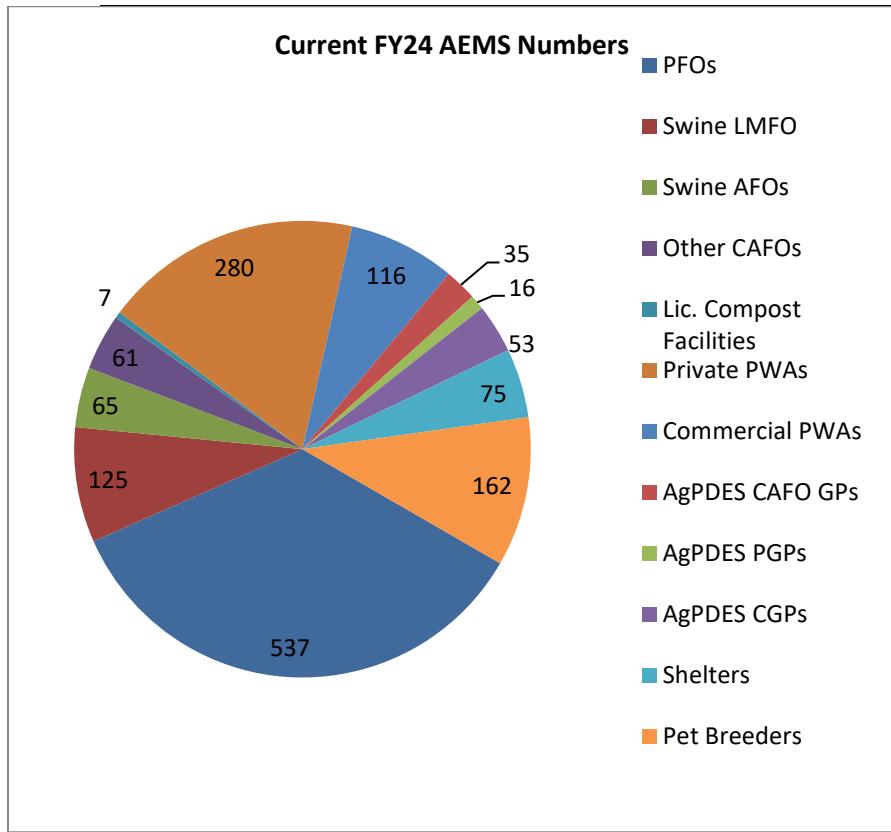
COMPOSTING ACTIVITIES

	May 15 - June 30	FY 24 Total
Complaint or Compliance Follow-ups	0	39
Site Inspections (all)	0	9
Technical Assistance with Contacts	0	24

AgPDES Permitting Activities

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

Active Licenses/Registrations/Certifications/Permits



Respectively,

Teena G. Gunter
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
JULY 2024 BOARD REPORT
REGARDING MAY 18, 2024 THROUGH JULY 7, 2024 ACTIVITIES OF THE
OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (2024)	Amount of Fines for this Board Meeting
\$80,330	\$9,330
\$372,095	2023
\$207,400	2022

CONTRACTS REVIEWED OR DRAFTED (64):

Marketing: 28
CPS: 10
Forestry: 8
Admin: 7
OGC: 1
Animal Industry: 7
Wildlife Services: 3

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 83
Total Number of New Cases: 13
Total Number of Cases Closed: 12
NOVs Sent: 9

OTHER ACTIONS AND PROCEEDINGS:

<i>Upton's Naturals Co v. Stitt and Arthur</i> , District Court, W.D. Oklahoma, Case No. 5:20-cv-00938: Lawsuit against Governor Stitt and Secretary Arthur in their professional capacities. Upton's Naturals challenges a state law that prohibits food manufacturers from using terms like "hot dogs," "burgers," or "bacon" on labeling for meat-free products. The case was dismissed in June, 2024.
<i>Stitt v Drummond, Oklahoma County Case Number CV-2024-606</i> : Lawsuit by Governor and certain Cabinet Secretaries against the Attorney General's Office regarding AG Opinion 2024-5. Oral arguments on Motion for Summary Judgment

occurred May 9, 2024. Judge Ogden ruled for the Attorney General. A motion for reconsideration is currently pending with the court as well as a motion for new trial.

Spring Creek Coalition v. ODAFF and Trong, Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.

Spring Creek Coalition v. ODAFF and Phan, et al., Delaware County Case Number CJ-2021-33: Petition Seeking Declaratory and Injunctive Relief. Order Granting Partial Summary Judgement entered June 28th, 2024. Motion to Reconsider pending.

MEETINGS:

Date	Activity
May 13, 2024	TSET
May 15, 2024	National Ag Law Center: The Deal with Dicamba
May 16, 2024	Radical Candor supervisor training
May 20, 2024	AEMS Legal
May 21, 2024	Oklahoma Source Water Collaborative
May 22, 2024	The Thorny Rose: Federal H-2A Program Compliance and Policy Implications
May 23, 2024	AALA 2024 Symposium Planning Committee
May 23, 2024	Directors
May 28, 2024	OGC Staff
May 28, 2024	AgPDES
May 30, 2024	Animal Agriculture and Water Quality EPA Subcommittee
May 30, 2024	Directors
May 30, 2024	Status Conference Spring Creek
May 31, 2024	Animal Agriculture and Water Quality EPA Subcommittee
June 3, 2024	AEMS Legal
June 4, 2024	OBA GALPS CLE
June 6, 2024	Commissioners of Land Office Audit Committee
June 6, 2024	Board of Agriculture
June 10, 2024	EPA Animal Agriculture and Water Quality Subcommittee
June 10, 2024	AEMS Legal
June 10, 2024	Employee Assistance Program
June 11, 2024	Sovereignty Symposium
June 12, 2024	Sovereignty Symposium
June 12, 2024	EPA Call
June 12, 2024	Directors
June 13, 2024	ALJ Docket
June 14, 2024	ELS CLE
June 19, 2024	Commissioners of Land Office
June 19, 2024	ODAFF Safety Committee
June 24, 2024	AEMS Legal

June 25, 2024	USEPA Webinar Super Emitter Program
June 25, 2024	OCC 4 th Illinois River Watershed Management Public Meeting
June 26, 2024	EPA Animal Agriculture and Water Quality Subcommittee
June 27, 2024	OGC Staff
June 27, 2024	AgPDES
June 27, 2024	AALA Planning Committee
June 28, 2024	Legislative Monitoring Committee
July 1, 2024	AEMS Legal
July 2, 2024	Inter Agency Executive Order Meeting
July 2, 2024	OLETS

RULE ACTIVITIES:

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. On June 21, 2024, the Governor issued a Declaration approving ODAFF's proposed rules. The rules will be published on August 1, 2024, and will be effective on August 11, 2024.

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. On June 21, 2024, the Governor issued a Declaration approving ODAFF's proposed rules. The rules will be published on August 1, 2024, and will be effective on August 11, 2024.

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 place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024. On June 21, 2024, the Governor issued a Declaration approving ODAFF's proposed rules. The rules will be published on August 1, 2024, and will be effective on August 11, 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. On June 21, 2024, the Governor issued a Declaration approving ODAFF's proposed

rules. The rules will be published on August 1, 2024, and will be effective on August 11, 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. On June 21, 2024, the Governor issued a Declaration approving ODAFF's proposed rules. The rules will be published on August 1, 2024, and will be effective on August 11, 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. On June 21, 2024, the Governor issued a Declaration approving ODAFF's proposed rules. The rules will be published on August 1, 2024, and will be effective on August 11, 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. On June 21, 2024, the Governor issued a Declaration approving ODAFF's proposed rules. The rules will be published on August 1, 2024, and will be effective on August 11, 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. On June 21, 2024, the Governor issued a Declaration approving ODAFF's proposed rules. The rules will be published on August 1, 2024, and will be effective on August 11, 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. On June 21, 2024, the Governor issued a Declaration approving ODAFF's proposed rules. The rules will be published on August 1, 2024, and will be effective on August 11, 2024.

OPEN RECORDS REQUESTS (26):

AEMS: 5
CPS: 4
AIS: 9
Pet Breeders: 6
Market Development: 1
Investigative Services: 1

OTHER ACTIVITIES:

Phone calls or emails with the public: 10
Assistance to industry: 5
Assistance to AEMS: 7
Assistance to CPS: 9
Assistance to Wildlife Services: 0
Assistance to Forestry: 12
Assistance to AIS: 3
Assistance to Admin: 10
Assistance to Market Development: 2
Assistance to other state agencies: 5
Assistance to federal agencies: 0
Assistance to Food Safety: 6
Assistance to NASS: 0
Assistance to Executive Office: 6
Assistance to Lab: 2
Assistance to Investigative Services: 3
Assistance to Legislature: 1
Assistance to Attorney General: 0
Assistance to Public Information: 7
Assistance to Governor: 6

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY BOARD REPORT

JULY 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 2,300,825 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat.

ODAFF inspectors provided USDA Shell Egg grading on 97,143 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:

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

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

PRODUCE SAFETY SECTION

- Staff attended the Association of Food and Drug Officials (AFDO) Annual Conference in Grand Rapids, MI
- Conducted outreach and education about the Produce Safety Rule at 5 industry events
- Submitted annual report, budget, 20.88 agreement, and OSU education contract to FDA
- Visited 29 farmers markets/market hubs providing outreach and education to producers and to collect farm inventory
- Completed 2 produce farm inspections for the Produce Safety Rule
- Conducted 4 farm inventory visits
- Sent e-mail newsletters to inform farms of the latest information on Produce Safety
- Regular conference calls with TX, LA, AR, NM, MO, MS

HOMEMADE FOOD FREEDOM ACT

- Received 16 complaints on Homemade Food Freedom Act businesses.
- Meat compliance assisted with 5 complaints.
- Sent 5 warning letters
- Taught about the law at a Farmers Market Hub and did outreach at an OLAC workshop.

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

Planned Compliance Reviews	01
Random Compliance Reviews	163
Person-to-Person Contacts	88
Special Investigations and/or Projects	09
Reports of Apparent Violations	02
Detentions	01
Consumer Complaints	09
Verbal Warnings Issued	114
Letters of Warning Issued	02
Samples Submitted to Lab for Analysis	00
Accident Investigations	00
Administrative Procedures Act (Pending)	02

(Enid Packing) (The Forum Group LLC 2nd Violation)

The Oklahoma Highway Patrol notified Meat Inspection Compliance with zero (0) truck accidents in the month of June 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 two (2) Letter of Warning for Violations of the Oklahoma Meat Inspection Act and/or State Statutes

OKLAHOMA MEAT INSPECTION SERVICES

INVESTIGATIONS AND COMPLIANCE ACTIVITIES

SLAUGHTER MEAT INSPECTION

Number of Cattle	1,670
Total Beef Condemned	13,360 lbs
(Beef heads & livers)	(avg. H wt 20 lbs, avg. L wt 10 lbs)
Number of Swine	192
Total Pork Condemned	1,308 lbs
(Pork heads & livers)	(avg. H wt 10 lbs, avg. L wt 2 lbs)
Number of Sheep and Goats	5,452
Total Condemned	0 lbs
Number of Chickens	0
Number of Rabbits	0
Total Condemnations	0 lbs
Number of Buffalo	8
Total Condemnations	160 lbs
TOTAL MEAT INSPECTED	1,271,350 lbs
AVG. CARCASS WT Beef 700 lbs, Pork 250 lbs, Sheep/Goat 100 lbs	AVG. SWINE HEAD/LIVER Head 10 lbs / Liver 2 lbs
AVG. BEEF HEAD/LIVER Head 20 lbs / Liver 10 lbs	AVG. LAMB/GOAT HEAD Head 2 lbs

PROCESSED BOXED MEAT INSPECTED

Processed Red Meat	681,528 lbs
Condemned on Reinspection	0 lbs
Poultry (Portions)	240,327 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	921,855 lbs

MEAT SAMPLE ACTIVITY

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

DAIRY SECTION

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

Additionally, Dairy Services conducted dairy farm surveys for DFA SE Council 85 (BTU 40-085) in North-East Oklahoma and DFA SE Council 16 (BTU 40-016) in Stillwell. These Farm surveys received passing scores and information regarding these surveys is available on FDA's Interstate Milk Shippers List website.

FDA Milk Specialist, Clinton George, conducted an official FDA Dairy Plant Check Rating at Hiland Dairy (PMO 40-024) in Chandler the week of June 25th. These check ratings are significant inspections that allow listed processors to remain on the IMS list. Hiland will receive a passing score from FDA.

Oklahoma Dairy Services will be hosting an ORA FD577 'Special Problems in Milk Course' in Catoosa the week of September 9th. This is a required course for State Milk Sanitation Rating Officers and FDA Milk Specialists. We expect 40 participants from across the country to attend.

Under the direction of the State Veterinarian, Dairy staff has implemented additional bio-security protocols when visiting dairy farms throughout the state. This information is being shared with our producers and they are encouraged to contact the State Veterinarian if their herd show symptoms related to HPAI. It should be noted that milk from sick cows is routinely separated and discarded. Also, pasteurization deactivates viruses and pathogens. Milk from affected herds does not pose a health risk to the public if it has been pasteurized. Consuming pasteurized dairy products is always recommended.

FDA conducted a recent pasteurization study for HPAI in retail milk samples throughout the country that included several Oklahoma dairy processors. It was concluded that the current pasteurization process is effective against deactivating the HPAI virus and our milk supply is safe for human consumption.

Sincerely,



Scott Yates

Director of Food Safety

Communications

Compiled 7/12/24

Social Media Highlights

Showcasing OK Wheat Harvest – June 17 | “It’s something I wanted to do my whole life. That’s how I grew up – chasing my dad and grandpa around. It’s not a job to me, it’s a way of life.”

We got a first-hand look at Board of Agriculture member Nocona Cook’s wheat harvest in Washita County.



Tony Pascall Honored – June 17 | OFS Education Coordinator Tony Pascall was named Oklahoma Informal Science Educator of the Year in June. Tony has made many contributions to science education in Oklahoma and has represented OFS tremendously along the way.

Congratulations Tony!

AgHERculture Conference Registration Open – July 1 | Registration opened this month for the fourth annual conference. This event is aimed at young women with a passion for agriculture. The high school conference on Aug. 23 sold out in 48 hours. Tickets are still available for the collegiate conference on Aug. 24.



ODAFF Hosts Ag-Partner Summer Interns – July 11 | ODAFF welcomed college summer interns from ag partners to gain career knowledge from key members of the Oklahoma ag industry. The day also included a tour of C&H Garden Vineyard.

Social Media Impact

Facebook

22,763 followers (up 238 since last period)

Since June 6, 2024:

-Posts and content reached 105,441 users (up 41 percent from last period)

Instagram

3,761 followers

Since June 6, 2024:

-Posts and content reached 15,159 users (up 495 percent from last period)

-110 new Instagram users have followed the account

JULY 24, 2024 BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATIVE SERVICES

FY25 Factor 110 – Walnut Storage Facility - \$30,000

Storage building for agency supplies. Without this contract, the agency would be required to store supplies in the headquarters building, which currently has very limited storage capacity. The cost associated with this purchase is shared between the Administration, Forestry, and Market Development.

OMES Lab Service Management Agreement for FY24 & FY25 – We are requesting approval to increase the previously approved amount of \$365,505.72 to \$438,606.86 for fiscal year FY2024 and fiscal year FY2025

Oklahoma State University - Agriculture Leadership Program for FY25 - \$50,000

This purchase represents a significant investment in the future of the Oklahoma Agriculture Industry. It aims to educate and train young leaders and provide a better understanding of economic and governmental systems. The curriculum covers various topics, including leadership development, communication, economics, marketing, and major issues affecting Oklahoma and US agriculture. This is a legislative-directed expenditure.

Oklahoma State University for FY25 - \$1,300,000

To provide science-based research information developed with Oklahoma State University Agricultural Extension Service and Experiment Stations. The Oklahoma Agricultural Experiment Station researches to develop technology/practices to address the needs of Oklahomans. This is a legislative-directed expenditure.

Oklahoma State University for FY25 - \$4,200,000 – To provide funding to Oklahoma State University (OSU-DASNR) for the delivery of Agriculture Research and Education Extension program support in all extension program offices. This is a legislative-directed expenditure.

Oklahoma Horse Racing Commission (OHRC) - \$15,000 – Contract for ODAFF to provide shared services to the OHRC. ODAFF provides financial services limited to functions related to payroll processing and assistance in managing the Workday time administration system.

Oklahoma State University – Robert M. Kerr Food and Agricultural Products Center for FY25 - \$7,000,000 – To allocate funding to Oklahoma State University for various capital improvements, equipment requirements, and operational activities at the Food and Agricultural Products Center. This is a legislative-directed expenditure.

Oklahoma FFA Alumni Association for FY25 - \$9,500,000 – To allocate funding to improve housing conditions and operations at the FFA camp in Wagoner, Oklahoma. This funding will purchase maintenance equipment and renovate and improve campground buildings and facilities. This is a legislative-directed expenditure.

Langston University for FY25 - \$2,500,000 – To allocate funding to Langston University for the continued implementation of the Agriculture Research and Education Extension program and support of its Cooperative Extension and Outreach Programs. This is a legislative-directed expenditure.

Oklahoma City National Memorial Foundation for FY25 - \$3,000,000—To allocate funding for the continued education of Oklahoma school children about the importance of the Oklahoma City bombing. This appropriation would give every Oklahoma ninth grader an opportunity to learn this story in Oklahoma history. In 2010, the Oklahoma Legislature passed, and the Governor signed a bill requiring this story and the lessons learned to be taught to every Oklahoma school student. This is a legislative-directed expenditure.

FY24 - United States Forest Service Reimbursement - \$8,387

This payment to the United States Forest Service was to correct a grant reimbursement that we received. The correct grant will be charged on the next quarter's billing.

FY25 - USDA Reimbursement - \$10,449

Payment to the United State Department of Agriculture due to over-billed meat inspection grant invoices per the federal fiscal year 2021-2023 review.

FY25 - Grant Training for Staff - \$17,000

This training is for two Administrative Services staff to obtain Grants Management Certification. This training will greatly improve their knowledge and understanding of federal grant regulations and reporting requirements. Federal grants/operating agreements make up a significant portion of our budget and it is very important that our staff receive the necessary training. This training will help ensure that we continue to stay in compliance with all federal grant regulations and that we account for federal grants accurately and efficiently. Full funding for this purchase will come from the Forest Stewardship and Rural Forestry grant.

FY25 – AgHERculture Summit – Need to set up facility rental and purchase of food and supplies to put on the event at the venue – \$20,000.00

ANIMAL INDUSTRIES

FY25 One time funding-Animal Disease Response - \$162,000.00 – Used to purchase equipment to respond in animal disease outbreaks.

FY25 One time funding-Livestock Disease Preparedness- \$118,000.00 – Purchase of IT equipment for livestock disease preparedness and response equipment.

AGRICULTURAL ENVIRONMENTAL MANAGEMENT SERVICES

FY25 - \$46,000.00 – New Inspector Truck

Chevy 4WD 1500 Crew Cab

AEMS has a new inspector starting with ODAFF on July 15, 2024.

The truck will be used in the field to conduct required inspections and complaint investigations of animal feeding operations, pet breeders/shelters, and agricultural environmental complaints across a multi-county jurisdiction.

CONSUMER PROTECTION SERVICES

FY2025 Vehicle Scale Truck --\$150,000.00

Pursuant to 2 O.S. § 14-35 (6)(7), ODAFF is required to inspect vehicle scales for accuracy. ODAFF currently uses two trucks to check all vehicle scales in Oklahoma. It is time to replace one of the trucks that is used for inspections. The replacement of the truck would be \$150,000.

Checking vehicle scales is a statutory requirement of the Weights and Measures Law and needs to be done to assure that vehicle scales are weighing accurately.

FORESTRY SERVICES

FY25 \$20,000 Federal Funds

Award Federal pass-through funding to assist Oklahoma communities, non-profit organizations, educational institutions, civic groups, and neighborhood associations with tree inventories, tree planting projects, staffing, and educational projects for urban forestry. These grants support projects related to helping lower income neighborhoods and non-profit organizations. Without these projects, Forestry Services would lose an avenue of community support and education. This money will be refunded to the Agency through Federal funding.

FY25 Pass Through Grants, Community Wildfire Defense Grant (CWDG) - \$6,317,630

Funding will come from the FY25 US Forest Service Community Wildfire Defense Grant. Three applicants below will receive project funding from the second round of CWDG funding:

- **City of McAlester Wildfire Prevention Project - \$5,842,630**
Establish a sustainable wildfire prevention approach with a dedicated Wildfire Mitigation Unit, assets to facilitate mitigation efforts, clearing of combustible materials and vegetation, establishing firebreaks & conducting controlled burns and ongoing public outreach & community engagement.
- **Comanche County Emergency Management Community Wildfire Protection Plan - \$225,000**

Create a Comanche County CWPP to effectively plan for and mitigate the risk of wildfires. CWPPs and their equivalents are collaborative planning efforts intended for providing the community, however it may be defined in the plan, a way for reducing their wildfire risk and building resiliency to the impacts of wildfires. CWPP's are an integral piece of helping communities implement the three goals of the National Cohesive Wildland Fire Management Strategy.

- **Tulsa County Regional Wildfire Planning and Preparedness Plan - \$250,000**

Coordinate, plan, write, and implement a Multi-Jurisdictional Community Wildfire Protection Plan (CWPP) which will incorporate and cover all fire districts within Tulsa County. CWPPs and their equivalents are collaborative planning efforts intended for providing the community, however it may be defined in the plan, a way for reducing their wildfire risk and building resiliency to the impacts of wildfires. CWPP's are an integral piece of helping communities implement the three goals of the National Cohesive Wildland Fire Management Strategy.

FY25 \$451,000 Federal Funds

Award Federal pass-through funding to assist financially disadvantaged cities, neighborhoods, and communities for heat mitigation, promotion of food forests, increase equitable access to urban/community tree canopy, and promote other value and benefits of trees in communities – Up to \$451,000. These grants support projects related to helping lower income neighborhoods and non-profit organizations. **Without** these projects, Forestry Services would potentially lose an avenue of community support and education. This money will be refunded to us through Federal funding.

FY 25 Forest Inventory and Analysis (FIA) All-Terrain Vehicle (ATV) \$17,363.50 (State Matching Cost Share – FIA Grant)

Purchase of an all-terrain vehicle equipped with 4-wheel drive, skid plates, winch, safety features, etc. for off-road access to remote forest research plots. The ATV will be used in remote forest health monitoring, wildfire risk assessment, and timber inventory purposes and will multiply the efforts of foresters as they visit some of the state's most wild and distant forests. Funding for this purchase matches a cost-share in salary/supplies from the US Forest Service FIA Grant – State Fiscal Year 2025.

FY25 Firefighting Bulldozer - \$1,350,000 (245 Fund & State appropriated – Wildland Response Resources)

Purchase six (6) Type 3, John Deere 650P bulldozers that will be used for state-wide wildfire response, suppression, and mitigation activities. These bulldozers are specifically outfitted for wildland firefighting with a horsepower engine and hydrostatic transmission suited for the rigors of fighting wildfire in the diverse wildland fuels and terrain present across of Oklahoma. The size allows for easy transport on a truck with a dovetail bed, enabling access to remote locations where fires occur. Funding for this purchase will come from the OFS Fund 245 & Oklahoma Legislative Session, FY25 appropriations.

FY25 Type 6 Engines - \$536,068 (State appropriated funds – Wildland Fire Response Resources)

Purchase nine (9) Type 6 wildland firefighting engines. These engines will include the cab/chassis, slip-on firefighting unit, toolboxes, emergency lighting, mobile radios, and miscellaneous firefighting supplies. These engines will be used primarily for fire suppression response on a statewide level but will also support national response if requested. These engines will be replacing aging/high mileage engines approaching twelve years being in service. Funding for this purchase comes from the Oklahoma Legislative Session, FY25 appropriations.

FY25 Transport Trucks, \$800,000 (SFA Response, SICF & 245 Fund)

Purchase of seven (7) Class 8 Truck Tractors that will be used to transport Type 3 firefighting bulldozers. These are mission critical pieces of equipment that will respond to wildfires and all-hazard situations throughout the entire state. With new transports in service, OFS will be able to provide timely and reliable responses, limiting the threat to life and property. The transports will be replacing trucks that are undersized, has excessive mileage and require frequent, costly repairs. Funding for this purchase will come from SFA Response, SICF Federal Grant the OFS Fund 245.

FY25 \$6,000 Drug and Alcohol Testing Fees

Random and pre-hire Drug and Alcohol testing for all CDL drivers OFS employees to comply with DOT Requirements. If we do not perform drug screening, we will not be up to DOT regulations with CDL drivers and keep testing throughout the fiscal year. The amount asked for will is the estimated cost for one-time testing of all Forestry Services employees currently holding a CDL. This purchase is needed for policy and procedures.

FY25 \$50,000

Local & Long-Distance Telephone service for Headquarters, State Cell Phones for all offices, State iPads for all offices, & Forest Heritage Center Offices necessary for communication to the public and governmental agencies. **Justification:** required for continuity in communication of operations at these office complexes.

FY 25 \$6,000 Video Capable Desktop Computer

Purchase of a Video Capable Computer for our Public Information Officer who does videography and photography that contains the massive files are not supported by our normal state issued laptops. The computer that we are requesting will accommodate a larger video capable hard drive, larger memory space, and better graphics card. **Justification:** This will allow him to continue to create logo branded advertisement for the OFS Division. This will assist in Forest Outreach, Forest Management, Fire Readiness, & Fire Preparedness across multiple platforms.

FY25 Radios \$600,000 (SFA Response, SICF , IIJA St Fire Asst Rspns GR, & 245 Fund)

Purchase handheld radios, mobile radios, communication equipment, antenna hardware, and repeaters. These radios will be replacing handhelds and mobiles that are no longer being manufactured or supported by the vendor. The radios will be used by our Fire Management program to support wildfire/emergency response, fuels mitigation projects and communication with federal, state, and local cooperators. These radios will be P25 compliant and purchased from the NASPO contract. Funding for this purchase will come from SFA Response, SICF Federal Grants, IIJA St Fire Asst Rspns GR Federal Grants and 245 Funds.

FY25 Dovetail Equipment beds \$200,000 (IIJA St Fire Asst Mtgtn GR & 245 Fund)

Purchase five (5) custom dovetail beds that will be permanently mounted to Class 8 truck tractors for the purpose of hauling firefighting bulldozers. Beds will include headache rack, emergency lighting, blade rest, toolboxes, and hydraulic ramps. These specialized beds will allow OFS to safely secure and transport bulldozers responding to wildfires and all-hazard situations. Funding for this purchase will come from IIJA St Fire Asst Mtgtn GR and the OFS Fund 245.

FY25 \$200,000.00 Firefighting Equipment for Rural Fire Departments

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 departments costs to purchase necessary equipment and supplies would increase.

FY25 Rural Fire Department Truck Replacements - \$200,000.00

ODAFF Forestry Services is requesting approval for the purchase of three (3) truck cab and chassis to replace a Rural Fire Department's fire truck burned and destroyed during fires. From the funds appropriated to the Oklahoma Department of Agriculture, Food, and Forestry in Enrolled House Bill No. 1004 of the 1st Extraordinary Session of the 59th Oklahoma Legislature, the sum of Six Million Nine Hundred Fifty Thousand Dollars (\$6,950,000.00) shall, under the direction of the Commissioner of Agriculture, be allocated to rural fire departments for replacement of equipment and gear burned during fires including truck chassis.

FY25 ½-Ton Pickup Trucks - \$120,000.00 (245 Fund)

Purchase two (2) ½-Ton pickup. The ½ 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 OFS Fund 245.

FY25 1-Ton Pickup Truck \$160,000 (245 Fund)

Purchase a two (2) 1-ton pickup. The 1-ton truck will include a toolbox, mobile radio, 4-wheel drive and brush guard for cross country and off-road work. This truck will be used in support of the Firefighter Property Program (FFP) both for picking up and dropping off surplus property. Funding for this purchase will come from the OFS Fund 245.

FY25 UTVs w/ slip-on firefighting units, \$85,000 (245 Fund)

Purchase two (2) Polaris Ranger UTVs. These UTVs will be replacing units that were acquired through the Firefighter Property Program (FFP) but are no longer in service due to age and mechanical issues. Each UTV will be equipped with a slip-on skid unit that can handle spot fires and support mop-up throughout the duration of a wildfire. In addition, these UTVS configured with windshields, canopies and seatbelts can safely and efficiently transport fire line personnel to areas where pickups/engines are unable to access. Funding for this purchase will come from the OFS Fund 245.

FY25 Laptop Computers, \$20,000 (SFA Response)

Purchase of laptop computers that will be used for supporting various Fire Management Programs including fire suppression, prescribed burning, dispatching and hazardous fuels mitigation. These machines will be replacing outdated models, equipping newly hired personnel or positions that now require virtual duties. Acquisition cost for each unit is estimated at \$3,200. Funding for this purchase will come from the SFA Response Grant FY24.

FY25 \$80,000 Aerial Detection Contract Forestry Services' Protection Area (Fire Readiness & State appropriated – Wildland Response Resources)

Detection of wildfires in the Forestry Services Protection Area is primarily accomplished utilizing fixed-wing aircraft provided through a contract with a private vendor. This contract will require detection on high fire danger days in the East Central and Southeast Areas with an option for call-when-needed detection services in the Northeast Area. **Justification:** Without this contract new wildfires will go undetected for a longer period resulting in larger fire sizes,

increased numbers of response personnel needed to control the wildfire, and possible increased loss of life, residences, and natural resources. Funding for this entire purchase will come the Fire Readiness & Oklahoma Legislative Session, FY25 appropriations.

FY25 Skid Steer - \$160,000 (IIJA St Fire Asst Mtgtn GR)

Purchase of a tracked, high-flow skid steer with mulching head that will be used for mitigating hazardous wildland fuels. This is a mission critical piece of equipment that will remove surface and aerial fuels around designated Communities at Risk throughout all of Oklahoma. By eliminating these fuels, responders will have a much safer work environment and have conditions in place that will enhance suppression operations limiting impacts to communities, structures, and infrastructure. Funding for this entire purchase will come the US Forest Service, IIJA St Fire Asst Mtgtn GR & Oklahoma Legislative Session, FY25 appropriations.

FY25 UTV Trailers \$15,000 (SFA Response)

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 2024 SFA Response. 100% of this purchase will be reimbursed.

LABORATORY SERVICES

FY25 - \$600,000.00 – Lab Equipment

HPLC Quadrupole Mass Analyzer (LC-MSMS)

This instrument is responsible for the great majority of testing for the Pesticide Section and provides analytical testing to CPS for residue complaint samples, and also provides valuable data of suspected overspray and drift cases in complaint investigations for Oklahoma farmers and citizens.

Justification: This machine is critical for ODAFF's role in consumer protection and replaces the previous unit that is no longer usable.

FY25 - \$5600.00 – Refrigerator

Purchase of a 19 cu. Ft. refrigerator to hold formulation samples for the Pesticide Section. (Pre-approval request attached)

FY25 - \$32,335.00 – Quant Studio 5 with the SimpiAmp Thermal Cycler

This instrument is required by the FDA to test the Big 6 (non-O157) E. coli (O26, O45, O103, O111, O121 and O145), to accommodate the increased identification requirements.

Justification: Testing for this requirement would have to be outsourced which would cause an additional increase in expenditures to the Section.

MARKET DEVELOPMENT

FY2025 – Red Angus Association – Ag Enhancement & Diversification Event Grant – \$25,000.00

FY2025 – Oklahoma Limousin Breeders Association – Ag Enhancement & Diversification Event Grant – \$25,000.00

FY2025 – Oklahoma Youth Expo Junior Livestock Show & educational scholarship program – Legislative Directed Spending - \$85,000.00

Justification: This amount of \$85,000.00 will directly support the 2025 state-wide spring junior livestock show. For 106 years, the youth of the state of Oklahoma have exhibited some of the finest livestock in the country at OYE, which carries the title of “The World’s Largest Junior Livestock Show” with participants from all 77 Oklahoma counties. OYE also provides agricultural scholarships and leadership-training programs for Oklahoma students. The 10-day OYE generates an economic impact of \$24.5 million to the OKC economy and provides hundreds of youth with scholarships to continue their education at a collegiate level. If this purchase is not approved, there is negative impact on conducting the 2025 Oklahoma Youth Expo (OYE) as well as a reduction of show ring achievement and academic scholarships to the youth of Oklahoma.

FY2025 – Tulsa County Public Facilities Authority 2024 Junior Livestock Show – Legislative Directed Spending - \$50,000.00

Justification: The amount of \$50,000.00 goes directly for the purpose of promoting the Oklahoma agriculture industry through national agriculture events, Tulsa State Fair Junior Livestock Auction, and the Tulsa State Fair Livestock Scholarship Program. If this purchase is not approved, there will be a negative economic impact to Tulsa and surrounding communities with the loss of national ag events hosted at Expo Square. In addition, there would be a negative impact on conducting the 2024 Tulsa livestock show and a reduction of scholarships to the youth of Oklahoma.

FY2025 – Made in Oklahoma Coalition – Legislative Directed Spending - \$513,325.00

Justification: The amount of \$513,325.00 goes directly to support a unique public/private partnership that establishes a marketing program for the purpose of promoting food brand awareness, trade and consumer loyalty for Oklahoma food products through a variety of cooperative marketing activities. In addition, MIO promotes business retention, increase of sales to retail and foodservice outlets and business expansion. If this support is not provided, there is a negative impact on the seventy MIO members who employ over 26,000 Oklahomans who have reported increased sales directly related to the MIO marketing campaigns. In addition, the momentum of new, small businesses benefiting from MIO resources and connections will be impaired.

FY 2025 – Board of Regents of the University of Oklahoma Health Sciences Center on behalf of Oklahoma Nutrition Information & Education Project (ONIE) – contractual services – Oklahoma Local Ag Summit – Funded entirely by Specialty Crop Block Grant - \$18,151.00

FY2025 – Edible OKC – Agritourism print advertising - \$9,900.00

FY2025 – Oklahoma Local Ag Summit – facility rental – funded entirely by Specialty Crop Block Grant - \$35,000.00

Justification: This project is entirely funded by the USDA Specialty Crop Block Grant Program. The purpose of this grant is to enhance the competitiveness of specialty crops in the state. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the specialty crop industry through the economic impact, but also runs the risk of not being awarded money from the USDA Specialty Crop Block Grant Program in the future.

FY2025 – Tulsa Home and Garden Show – booth rental – cost share basis for 10 Made in Oklahoma companies - \$12,000.00

FY2025 – Joe Cooper Chevrolet – 2024 Chevy Equinox – funded entirely by the Viticulture & Enology Revolving Grant Fund - \$26,327.00

Justification: The viticulture and enology coordinator needs a car of their own in order to efficiently perform their job duties in the field. The vehicle will be used to deliver Wine Trail promotional materials to all the wineries in the state, set up promotional booths at wine events and support other programs within the division such as OKC and Tulsa State Fair, Made in Oklahoma Shows, Ag in the Classroom trips and Agritourism Field Days. They will also assist grape growers and wine makers through field days, correspondence, and site visits. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the grape and wine industry through the economic impact, but also runs the risk of not being awarded money from the Oklahoma Viticulture and Enology Center Development Revolving Fund in the future.

FY2025 – Ag in the Classroom educational playing cards – printing services - funded entirely by Specialty Crop Block Grant - \$45,000.00

These six different card games will align with the Oklahoma Academic Standards and educate students on specialty crop knowledge with a focus in literacy and math. 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.

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

APPROVAL OF CASES

ON THIS 24th day of July 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 24th day of July 2024.

Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
July 24, 2024

Consideration and Proposed Action on Cases Resolved by Stipulation:

Agricultural Environmental Management Services

Name	File No.	Division	Amount
Arlene LeMaster	OGC-24-90	AEMS	\$100.00
Jackie Tackett	OGC-24-152	AEMS	\$110.00

Consumer Protection Services

Name	File No.	Division	Amount
Hawkins Weed Control	OGC-24-209	CPS	\$1,500.00
Skyland Grain, LLC	OGC-24-30	CPS	\$1,500.00

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

Agricultural Environmental Management Services

Name	File No.	Division	Amount
Joel Hancock Jr.	OGC-23-540	AEMS	\$110.00
Jesus Hernandez	OGC-24-143	AEMS	\$210.00

Animal Industry Services

Name	File No.	Division	Amount
Chance Baker	OGC-23-1170	AIS	\$4,000.00

Consumer Protection Services

Name	File No.	Division	Amount
XYLO Pellets	OGC-24-232	CPS	\$1,800.00

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. ARLENE LEMASTER

Case File No. OGC-24-90

**ARLENE LEMASTER
37395 LEMASTER LANE
POTEAU, OK 74953**

Summary of Facts: The Agriculture Environmental Management Services AEMS Division of the Department sent Respondent by mail a reminder to submit their Nutrient Management Plan (NMP) for their Poultry Feeding Operation (PFO). A second reminder was sent via email. The Respondent was sent a Letter of Warning regarding their expired NMP. The Respondent failed to submit their NMP.

Statute or Rule Violation: Respondent violated 2 O.S. § 10-9.7(E)(1) by failing to renew and submit their Nutrient Management Plan every six (6) years.

Proposed Administrative Penalty: The proposed penalty for this case was One Hundred Dollars (\$100.00). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,)

vs.)

ARLENE LEMASTER)
37395 LEMASTER LANE)
POLEAU OK 74953)

RESPONDENT,)

FILED
MAY 04 2024
STATE BOARD OF AGRICULTURE

Case No: OG-C-24-90

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 73105-1298.

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.

RESPONDENT

Arlene LeMaster
Signature

Arlene LeMaster, Owner
Printed Name and Title

Date: 5/30/24

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.)
)
ARLENE LEMASTER)
37395 LEMASTER LANE)
POTEAU OK 74953)
)
RESPONDENT.)

Case No: OGC-24-90

FILED
MAY 22 2024
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. July 11, 2024, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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 Okla. Stat. Tit. 2 § 2-4(16); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of poultry feeding operations 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(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. On or about April 3, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent by mail a reminder to submit their Nutrient Management Plan (NMP).
20. On or about May 16, 2023, the AEMS Division of the Department sent Respondent an email reminder to submit their NMP.
21. On or about May 26, 2023, the AEMS inspector reached out verbally to the Respondent, with a due date of May 31, 2023.

22. On or about June 27, 2023, the AEMS Division of the Department sent Respondent a Letter of Warnings regarding their Poultry Feeding Operation expired NMP, with a due date of July 27, 2023.
23. The Warning was accompanied by a NMP Renewal Amendment Form and list of possible NMP contracts.
24. The NMP expired on December 31, 2019.

ALLEGED CONCLUSIONS OF LAW

25. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.7(E)(1) by failing to submit their Annual Report.

ATTORNEY CONFERENCES

26. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at Abigail.wilburn@ag.ok.gov.
27. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.
28. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

29. Enforcement proceedings may include but are not limited to:
 - a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.

1. 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 violation.

PRAYER FOR RELIEF

2. 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 NMP**.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

3. 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

4. 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

5. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
6. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
7. 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

8. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Hundred Dollars (\$100.00).

9. 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 missing reports and information** 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 21ST day of May, 2024.

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

Abigail Wilburn

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 22 day of May, 20 , a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

ARLENE LEMASTER
37395 LEMASTER LANE
POTEAU OK 74953



GINA BLAYLOCK

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

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
)
COMPLAINANT,)
v.) Case No: OGC-24-90
)
)
ARLENE LEMASTER)
37395 LEMASTER LANE)
POTEAU OK 74953)
)
)
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. JACKIE TACKETT

Case File No. OGC-24-152

**JACKIE TACKETT
P.O. BOX 551
BOKOSHE, OK 74930**

Summary of Facts: The Agriculture Environmental Management Services AEMS Division of the Department sent Respondent a renewal notice for the Poultry Feeding Operation (PFO) Registration. A second notice was sent via email. The Respondent failed to submit their annual renewal registration and fee for 2024.

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

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

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

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)
)
 v.)
 COMPLAINANT,)
)
 JACKIE TACKETT)
 P.O. BOX 551)
 BOKOSHE, OK 74930)
)
 RESPONDENT.)

Case No: OGC-24-153

FILED
JUL 09 2024
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Ten Dollars (\$110.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date:

6-10-24

Exhibit 1

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

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
JACKIE TACKETT)
P.O. BOX 551)
BOKOSHE, OK 74930)
)
RESPONDENT.)

Case No: OGC-24-152

FILED
MAR 18 2024
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. May 9, 2024, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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 Okla. Stat. Tit. 2 § 2-4(16); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of owning or operating a Poultry Feeding Operation.
16. Pursuant to the Oklahoma Poultry Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9 *et seq.*, ODAFF has authority to regulate persons who are poultry feeding operations.
17. That Act at Okla. Stat. Tit. 2 § 10-9.4(A) states: "*Every poultry feeding operation shall be required to register annually to operate pursuant to the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.*"
18. The Act at Okla. Stat. Tit. 2 § 10-9.8 states: "*Every application shall be accompanied by an annual registration fee of Ten Dollars (\$10.00), which is nonrefundable.*"

ALLEGATIONS OF FACT

19. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.
20. On or about October 7, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a renewal notice of the Poultry Feeding Operation (PFO) Registration.
21. On or about November 7, 2023, the Department sent a second notice by email or mail.
22. On or about December 28, 2023, the Department sent a last reminder email about registration.

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

ALLEGED CONCLUSIONS OF LAW

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

ATTORNEY CONFERENCES

28. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at Abigail.wilburn@ag.ok.gov.
29. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.
30. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

31. Enforcement proceedings may include but are not limited to:
 - a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and

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

PRAYER FOR RELIEF

33. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case we are seeking a One Hundred Ten Dollar (\$110.00) administrative penalty and submittal of the annual registration.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

34. The Oklahoma Small Business Regulatory Flexibility Act, Okla. Stat. Tit. 75 § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

STIPULATION

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Hundred Ten Dollars (\$110.00).

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

DATED THIS 18TH day of March, 2024.

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

Abigail Wilburn
Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 18 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**JACKIE TACKETT
P.O. BOX 551
BOKOSHE, OK 74930**



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)
)
 v.)
 COMPLAINANT,)
) Case No: OGC-24-153
 JACKIE TACKETT)
 P.O. BOX 551)
 BOKOSHE, OK 74930)
)
 RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Ten Dollars (\$110.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. HAWKINS WEED CONTROL

Case File No. OGC-24-209

**HAWKINS WEED CONTROL
407 W. WATERFRONT
TUTTLE, OK 73089**

Summary of Facts: An investigator conducted a use investigation in Weatherford, Oklahoma. The ODAFF inspector observed numerous lawn treatment signs with Respondent's name on them in Weatherford and found Respondent's Facebook page that advertised weed control. Additionally, he observed Respondent making applications and the application rig, which advertises weed control. ODAFF records found that the Respondent's license had expired in 2019 and that the employee making the applications was not a service technician or a certified applicator.

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

Proposed Administrative Penalty: The proposed penalty for this case was Fifteen Hundred Dollars (\$1500.00). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Kiersten Hamill

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
 COMPLAINANT,)
v.) Case Nos: OGC-24-209
)
 HAWKINS WEED CONTROL)
407 W. WATERFRONT)
TUTTLE, OK 73089)
)
 RESPONDENT.)

FILED
JUL 09 2024
THE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Fifteen Hundred Dollars (\$1500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Joseph Raymond Hawkins
Signature

Printed Name and Title: Joseph Raymond Hawkins
Owner/Operator

Date: 7-8-2024

**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.)
)
 HAWKINS WEED CONTROL)
407 W. WATERFRONT)
TUTTLE, OK 73089)
)
 RESPONDENT.)

Case Nos: OGC-24-209

FILED
MAR 26 2024
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 11th day of July 2024, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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(16); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial pesticide applications.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.
18. On March 6, 2024, the Consumer Protective Services Division of the Department conducted a use inspection.
19. During this investigation, our inspector observed numerous lawn treatment signs with your company name on them in Weatherford, OK and your company also has a Facebook page that advertises weed control. Additionally, he observed your daughter, Scarlett Hawkins, making applications and the application rig, which advertises weed control, is parked at her residence in Weatherford, OK.
20. ODAFF records show that Scarlett Hawkins is not a service technician nor a certified applicator.
21. ODAFF records show that your company license expired on December 31, 2019.

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

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), 2 O.S. §3-86(A)(16) and O.A.C. 35:30-17-25(b) which are listed below.

- 2 O.S. §3-82(A): “A. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged, unless the person is applying to their own property.”
- 2 O.S. §3-86(A)(15): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (15) Any person to act, operate, do

business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged.”

- 2 O.S. §3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”
- O.A.C. 35:30-17-25(b): “(b) A certified applicator shall be on site to supervise any pesticide application by a non-service technician.”

PRAYER FOR RELIEF

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

ATTORNEY CONFERENCES

25. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5803 or by email at Kiersten.hamill@ag.ok.gov.

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

ENFORCEMENT PROCEEDINGS

28. Enforcement proceedings may include but are not limited to:
 - a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
29. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
30. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
31. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

37. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Fifteen Hundred Dollars (\$1500.00)**.

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

DATED THIS 26th day of March, 2024.

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



Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA #33571
Kiersten Hamill, OBA #33187
Abbie Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 14 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**HAWKINS WEED CONTROL
407 W. WATERFRONT
TUTTLE, OK 73089**

Gina Blaylock

Gina Blaylock

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

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
)
COMPLAINANT,)
v.) **Case Nos: OGC-24-209**
)
HAWKINS WEED CONTROL)
407 W. WATERFRONT)
TUTTLE, OK 73089)
)
RESPONDENT.)**

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Fifteen Hundred Dollars (\$1500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. SKYLAND GRAIN LLC

Case File No. OGC-24-30

SKYLAND GRAIN LLC

13304 CR26

SPEARMAN, TX 79081

Summary of Facts: An investigator conducted a complaint investigation on cotton fields located at E $\frac{1}{2}$ of section 16-4N-17E, and the SW $\frac{1}{4}$ of section 15-4N-17E in Oklahoma. The investigation revealed that Respondent had been hired to make applications to the cotton fields. ODAFF records indicated that Skyland Grain LLC was not licensed to make commercial applications in Oklahoma.

Statute or Rule Violation: Respondent violated 2 O.S. §3-82(A)(1) by performing pest operating as a commercial applicator without license and certification.

Proposed Administrative Penalty: The proposed penalty for this case was Fifteen Hundred Dollars (\$1500.00). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Kiersten Hamill

FILED
JUL 08 2024
STATE BOARD OF AGRICULTURE

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

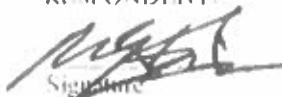
THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL,)
)
COMPLAINANT,)
v.) Case No: OGC-24-030
)
SKYLAND GRAIN LLC)
13304 CR26)
SPEARMAN, TX 79081)
)
RESPONDENT,)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Fifteen Hundred Dollars (\$1,500.00) AND OBTAIN REQUIRED STATUTORY LICENSING FOR THE COMPANY AND APPLICATORS;** 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.

RESPONDENT:



Signature

Marc E. Kliewer, EVP & Chief Legal Officer
Printed Name and Title:

Date: July 2, 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.)
SKYLAND GRAIN LLC)
13304 CR26)
SPEARMAN, TX 79081)
)
RESPONDENT.)

Case No: OGC-24-030

FILED
APR 18 2024
STATE BOARD OF AGRICULTURE

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 11th day of July 2024 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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(16); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial pesticide applications as defined by 2 O.S. §3-81(34) which states: ““Pesticide” means a substance or mixture of substances intended for defoliating or desiccating plants, preventing fruitdrop, inhibiting sprouting, or for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life or viruses, which the Board declares to be a pest, except viruses on or in humans or animals.”
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 October 4, 2023, the Consumer Protective Services Division of the Department conducted a complaint investigation on cotton fields owned by Jason Fehr located at E $\frac{1}{2}$ of section 16-4N-17E, and the SW $\frac{1}{4}$ of section 15-4N-17E in Oklahoma.
19. During this investigation the ODAFF inspector was informed by Mr. Fehr that Respondent had been hired to make applications to his cotton fields.

20. The ODAFF inspector was informed that the applications are contracted out to Austin Pshigoda and that Skyland Grain LLC receives payment for the application and then pays the applicator that was contracted to make the application.
21. After further investigation, ODAFF records indicate that Skyland Grain LLC and Austin Pshigoda are not licensed to make commercial applications in Oklahoma.
22. Operating as a commercial applicator without license and certification is a violation of Oklahoma Statutes and ODAFF Rules.

ALLEGED CONCLUSIONS OF LAW

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

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

PRAYER FOR RELIEF

24. For the previous listed statements of fact and statutory infractions, the Department is seeking a monetary penalty of Fifteen Hundred Dollars (\$1,500.00) and obtain required statutory licensing for the company and applicators.

ATTORNEY CONFERENCES

25. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5803 or by email at Kiersten.hamill@ag.ok.gov.
26. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
27. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Fifteen Hundred Dollars (\$1,500.00)** AND OBTAIN REQUIRED STATUTORY LICENSING FOR THE COMPANY AND APPLICATORS.

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 17th day of April, 2024.

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

Kiersten Hamill

Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this _____ day of _____, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

SKYLAND GRAIN LLC
13304 CR26
SPEARMAN, TX 79081

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.)
)
SKYLAND GRAIN LLC)
13304 CR26)
SPEARMAN, TX 79081)
)
RESPONDENT.)**

Case No: OGC-24-030

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Fifteen Hundred Dollars (\$1,500.00)** AND OBTAIN REQUIRED STATUTORY LICENSING FOR THE COMPANY AND APPLICATORS; 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. JOEL D. HANCOCK JR.

Case File No. OGC-23-540

**JOEL D. HANCOCK JR.,
51857 S. 630 RD.
COLCORD, OK 74338**

Summary of Facts: The Agriculture Environmental Management Services AEMS Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Application (PWA) annual report for 2022. The Respondent failed to submit their PWA annual report for 2022. The AEMS Division sent the Respondent a Letter of Warning regarding their PWA Certification 2024. The Respondent failed to submit their PWA Certification for 2024.

Statute or Rule Violation: Respondent violated 2 O.S. § 10-9.18(A) by failing to file their PWA annual reports for 2022. Respondent violated 2 O.S. § 10-9.17(E) by failing to submit their PWA certification registration and the renewal fee of fifteen (\$15.00) dollars.

Proposed Administrative Penalty: The proposed penalty for this case was One Hundred Fifteen Dollars (\$115.00). Respondent upon being served the Amended Notice of Violation, failed to appear in Court on May 9, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of One Hundred Fifteen Dollars (\$115.00).

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
 COMPLAINANT,)
v.) Case No: OGC 23-540
)
 JOEL D. HANCOCK JR.)
 51857 S. 630 RD.)
 COLCORD, OK 74338)
)
 RESPONDENT.)

FILED
MAY 22 2024
STATE BOARD OF AGRICULTURE

PROPOSED FINAL ORDER

NOW on this 9th day of May 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Abigail Wilburn. Respondent appears not.

On the 9th day of May 2024, this matter came on for Prehearing Conference. Respondents were provided a file-stamped copy of the Amended Notice of Violation delivered by certified mail, article number 9171999991703132742489 on March 25, 2024, to Joel D. Hancock Jr. at 51857 S. 630 Rd., Colcord, OK 74338.

The Amended Notice of Violation advised Respondents that failure to appear at the designated time and place for hearing and failure to pay the recommended fine or penalty stated in the Amended Notice of Violation following proper notice to the Respondents may result in a default judgment being entered against Respondents.

FINDINGS OF FACT

I. The Respondents were properly served with process and failed to plead or otherwise defend this action within the time prescribed.

2. The Amended Notice of Violation (Exhibit 1) was delivered by certified mail on March 25, 2024. See certified mail receipt (Exhibit 2).

3. Hearing was set for 9th day of May 2024 at 1:30 p.m. and Respondents did not appear.

4. The Complainant requested entry of default judgment against Respondents for all penalties imposed by the Amended Notice of Violation.

5. An administrative penalty in the amount of One Hundred Fifteen Dollars (\$115.00) was proposed by the Notice of Violation, and submission of missing reports.

6. The undersigned granted Complainant's request based on Respondents' failure to appear and defend the allegations contained in the Amended Notice of Violation.

CONCLUSIONS OF LAW

1. The Respondents are in violation of the laws alleged in the Amended Notice of Violation, which is incorporated by reference.

2. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

3. The Allegations of Fact and Conclusions of Law set forth in the attached Amended Notice of Violation are hereby adopted and incorporated by reference as Findings of Fact and Conclusions of Law.

RECOMMENDED ORDER

IT IS THEREFORE RECOMMENDED that the Amended Notice of Violation filed in this matter on March 21, 2024, be adopted as a Final Order and all penalties

imposed by the Amended Notice of Violation are incorporated herein and imposed on the Respondents.

SIGNED THIS 22 DAY OF May 2024.


HONORABLE RACHEL LAWRENCE MOR,

ADMINISTRATIVE LAW JUDGE

Approved:


Abigail Wilburn
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing Proposed Final Order was mailed by certified mail, return receipt requested, postage prepaid, on the date of filing to:

JOEL D. HANCOCK JR.
51857 S. 630 RD.
COLCORD, OK 74338



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.)
)
JOEL D. HANCOCK JR.)
51857 S. 630 RD.)
COLCORD, OK 74338)
)
RESPONDENT.)

Case No: OGC-23-540

FILED
MAR 11 2024
STATE BOARD OF AGRICULTURE

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. May 9, 2024, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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(16); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of owning or operating a Poultry Feeding Operation as well as being a Poultry Waste Applicator in Oklahoma.
16. Pursuant to the Oklahoma Poultry Waste Applicators Certification Act, Okla. Stat. Tit. 2 § 10-9 *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.*"
18. The Act at Okla. Stat. Tit. 2 § 10-9.17(E) states: "*All commercial applicator certificates shall expire on the thirty-first day of December following their issuance or renewal, and may be renewed for the ensuing calendar year, without penalty, if a properly completed application is filed with the Board not later than the first day of January of each year. A registration fee of Fifteen Dollars (\$15.00) shall accompany every initial application for certification. A renewal fee of Fifteen Dollars (\$15.00) shall accompany every renewal application.*"

ALLEGATIONS OF FACT

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

20. On or about March 17, 2023, the Agricultural Environmental Management Services (“AEMS”) Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Applicator (“PWA”) annual report.
21. Annual Reports are due each year by September 1.
22. The Warning was accompanied by a blank annual report for Respondent to submit along with a deadline of April 14, 2023.
23. Respondent failed to submit their PWA annual report for 2022.
24. On or about October 7, 2023, the AEMS Division of the Department mailed renewal notices.
25. On or about November 7, 2023, the AEMS Division of the Department mailed or emailed second renewal notices.
26. On or about January 11, 2024, the Agricultural Environmental Management Services (“AEMS”) Division of the Department sent Respondent a Letter of Warning regarding their Poultry Waste Applicator (“PWA”) Certification.
27. PWA registration and a fifteen dollar (\$15.00) renewal fee are due each year by January 1.
28. Respondent failed to submit their PWA certification registration and renewal fee.

ALLEGED CONCLUSIONS OF LAW

29. 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. The Respondent has also violated Okla. Stat. Tit. 2 § 10-9.17(E), by failing to register for the PWA and pay the registration fee.

ATTORNEY CONFERENCES

30. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at Abigail.wilburn@ag.ok.gov.
31. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.
32. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

33. 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.
34. 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

35. 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 Fifteen Dollar (\$115.00) administrative penalty and submission of the missing reports.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

36. 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

37. 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

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

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

40. 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

41. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Hundred Fifteen Dollars (\$115.00).

42. 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 11th day of March, 2024.

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

Abigail Wilburn

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 11 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

JOEL D. HANCOCK JR.
51857 S. 630 RD.
COLCORD, OK 74338

GB

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-23-540
)
JOEL D. HANCOCK JR.)
51857 S. 630 RD.)
COLCORD, OK 74338)
)
RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Hundred Fifteen Dollars (\$115.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature _____

Printed Name and Title: _____

Date: _____

91 7199 9991 7031 3274 2489

OGC-23-540

Exhibit 2



April 30, 2024

Dear Abigail Wilburn:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3132 7424 89.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: March 18, 2024, 3:20 pm
Location: COLCORD, OK 74338
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

Shipment Details

Weight: 3lb, 12.0oz

Recipient Signature

Signature of Recipient:

A handwritten signature consisting of the letters 'J' and 'A' above the letters 'WILBURN'.

Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. JESUS HERNANDEZ

Case File No. OGC-24-143

**JESUS HERNANDEZ
21000 SUMMERS MOUNTAIN RD
LINCOLN, AR 72744**

Summary of Facts: The Agriculture Environmental Management Services AEMS Division of the Department sent Respondent a Letter of Warning regarding their Poultry Feeding Operation (PFO) registration for the years 2024 and 2023. The Respondent failed to register their PFO for the years 2024 and 2023 and pay the Ten (\$10.00) Dollar registration fee.

Statute or Rule Violation: Respondent violated 2 O.S. § 10-9.4(A) and 10-9.8 by failing to register their PFO and pay the registration Ten (\$10.00) Dollar registration fee, for the years 2023 and 2024.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred Ten Dollars (\$210.00). Respondent upon being served the Notice of Violation, failed to appear in Court on May 9, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of One Hundred Fifteen Dollars (\$210.00).

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

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

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
 COMPLAINANT,)
v.) Case No: OGC 24-143
)
 JESUS HERNANDEZ)
 21000 SUMMERS MOUNTAIN RD)
 LINCOLN, AR 72744)
)
 RESPONDENT.)

FILED
MAY 22 2024
STATE BOARD OF AGRICULTURE

PROPOSED FINAL ORDER

NOW on this 9th day of May 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Abigail Wilburn. Respondent appears not.

On the 9th day of May 2024, this matter came on for Prehearing Conference. Respondents were provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 9171999991703132742779 on March 23, 2024, to Jesus Hernandez at 21000 Summers Mountain Rd., Lincoln, AR 72744.

The Notice of Violation advised Respondents that failure to appear at the designated time and place for hearing and failure to pay the recommended fine or penalty stated in the Notice of Violation following proper notice to the Respondents may result in a default judgment being entered against Respondents.

FINDINGS OF FACT

1. The Respondents were properly served with process and failed to plead or otherwise defend this action within the time prescribed.

2. The Notice of Violation (Exhibit 1) was delivered by certified mail on March 23, 2024. See certified mail receipt (Exhibit 2).

3. Hearing was set for 9th day of May 2024 at 1:30 p.m. and Respondents did not appear.

4. The Complainant requested entry of default judgment against Respondents for all penalties imposed by the Notice of Violation.

5. An administrative penalty in the amount of Two Hundred Ten Dollars (\$210.00) and submission of missing paperwork was proposed by the Notice of Violation.

6. The undersigned granted Complainant's request based on Respondents' failure to appear and defend the allegations contained in the Notice of Violation.

CONCLUSIONS OF LAW

1. The Respondents are in violation of the laws alleged in the Notice of Violation, which is incorporated by reference.

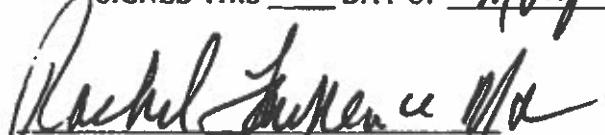
2. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

3. The Allegations of Fact and Conclusions of Law set forth in the attached Notice of Violation are hereby adopted and incorporated by reference as Findings of Fact and Conclusions of Law.

RECOMMENDED ORDER

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on March 21, 2024, be adopted as a Final Order and all penalties imposed by the Notice of Violation are incorporated herein and imposed on the Respondents.

SIGNED THIS 22 DAY OF May 2024.


HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:


Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing Proposed Final Order was mailed by certified mail, return receipt requested, postage prepaid, on the date of filing to:

JESUS HERNANDEZ
21000 SUMMERS MOUNTAIN RD
LINCOLN, AR 72744



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.)
)
JESUS HERNANDEZ)
21000 SUMMERS MOUNTAIN RD)
LINCOLN, AR 72744)
)
RESPONDENT.)

Case No: OGC-24-143

FILED
MAR 21 2024
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. May 9, 2024, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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 Okla. Stat. Tit. 2 § 2-4(16); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of owning or operating a Poultry Feeding Operation.
16. Pursuant to the Oklahoma Poultry Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9 *et seq.*, ODAFF has authority to regulate persons who are poultry feeding operations.
17. That Act at Okla. Stat. Tit. 2 § 10-9.4(A) states: "*Every poultry feeding operation shall be required to register annually to operate pursuant to the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.*"
18. The Act at Okla. Stat. Tit. 2 § 10-9.8 states: "*Every application shall be accompanied by an annual registration fee of Ten Dollars (\$10.00), which is nonrefundable.*"

ALLEGATIONS OF FACT

19. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.
20. On or about October 7, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a renewal notice of the Poultry Feeding Operation (PFO) Registration.
21. On or about November 7, 2023, the Department sent a second notice by email or mail.
22. On or about December 28, 2023, the Department sent a last reminder email about registration.

23. On or about January 11, 2024, the Department sent Respondent a Letter of Warning regarding their expired PFO, with a due date of January 31, 2024.
24. PFO annual registration is required by January 1 each year.
25. Each annual renewal registration shall be accompanied by a nonrefundable renewal fee of Ten Dollars (\$10.00).
26. Respondent failed to submit their annual renewal registration and fee.
27. Respondent failed to submit their annual renewal registration and fee for the year of 2023, as well.

ALLEGED CONCLUSIONS OF LAW

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

ATTORNEY CONFERENCES

29. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at Abigail.wilburn@ag.ok.gov.
30. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.
31. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

32. Enforcement proceedings may include but are not limited to:
 - a.) Administrative fines or penalties;

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

34. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case we are seeking a Two Hundred Ten Dollar (\$210.00) administrative penalty and submittal of the annual registration for 2023 and 2024.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

35. 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

36. 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

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

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

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

STIPULATION

40. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Ten Dollars (\$210.00).

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 submit your missing reports, updated NMP, and pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 18TH day of March, 2024.

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

Abigail Wilburn

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 21st day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**JESUS HERNANDEZ
21000 SUMMERS MOUNTAIN RD
LINCOLN, AR 72744**



GINA BLAYLOCK

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

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.) Case No: OGC-24-143
)
JESUS HERNANDEZ)
21000 SUMMERS MOUNTAIN RD)
LINCOLN, AR 72744)
)
RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Ten Dollars (\$210.00) 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: _____

AEMSO2S



OKLAHOMA
Agriculture, Food
and Forestry

Agricultural Environmental Management Services (AEM)
PO Box 528804, Oklahoma City OK 73152
AEMS.Poultry@ag.ok.gov / 405-522-5996

RENEWAL POULTRY FEEDING OPERATION (PFO) INVOICE

PFO ID#: _____

Official Use Section – Rev Code 531

\$10 Annual Renewal (due before 12/31 annually) Or Cancel Registration (*Contact your inspector for a closure inspection and be aware, all litter must be cleaned up and disposed of properly by 12/31 or renewal will still required*)

1. Owner/Farm Information (based on information below, if different or blank, write over & update before returning)

Owner Name: _____ Last Name or Business Name _____ First Name _____

Mailing Address: _____ Street _____ City _____ ST _____ Zip _____

Phone#: _____ Email: _____

Integrator: _____

2. Annual Bird Information

Type of Birds (check all that apply): Layer Broiler Pullet Other (specify): _____

Current # of Houses: _____ Current # of Birds: _____ Total # of Flocks for Current Year: _____

3. Nutrient Management Plan (NMP)

Please verify your NMP is current based on the date of your NMP Cover Page.

(If expired or near the date, please submit an updated NMP, Letter of Intent, or an NMP renewal form which is available online at: <https://ag.ok.gov/divisions/agricultural-environmental-management/>.)

4. Education

All PFO Operators must maintain the required education as outlined in Title 2 Section 10-9.5(F)(1). In summary:

- New Applicators must complete the OSU Extension 1-9 Course within the first year of certification
- Following first year, applicators must complete 2 hours per year for 5 consecutive years for a total of 10 hours
- After the first 6 years (19 hours), applicators must complete 2 hours for every 3-year cycle

The Department refers to the OSU Extension Office for verification of attendance for all training hours.

No submission is required at this time.

5. Signature

I certify under penalty of law this document was verified and updated under my direction or supervision by qualified personnel. Based upon my inquiry of the person or persons directly responsible for verifying or updating the data, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for knowingly submitting false, inaccurate, or incomplete information, including the possibility of a fine not more than ten thousand dollars for each violation.

Signature: _____ Date: _____

6. Due before December 31 - Mail invoice and payment to address above or e-mail form and call with credit card.

91 7199 9991 7031 3274 2779

OGC -24-143

Exhibit 2



April 30, 2024

Dear Abigail Wilburn:

The following is in response to your request for proof of delivery on your item with the tracking number: 9171 9999 9170 3132 7427 79.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: March 23, 2024, 7:48 am
Location: LINCOLN, AR 72744
Postal Product: First-Class Mail®
Extra Services: Certified Mail™, Return Receipt Electronic

Shipment Details

Weight: 3lb, 12.0oz

Recipient Signature

Signature of Recipient:

21000 SUMMERS MOUNTAIN
RD, LINCOLN, AR 72744

Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY

v. CHANCE BAKER

Case File No. OGC-23-1170

**Chance Baker
15101 E. 6th St.
Yale, OK 76112**

Summary of Facts: Respondent transported quarantined horses to a location not listed on the V1-27 permit and falsely represented that the horses on his premises were the horses on the permit.

Statute or Rule Violation: 2 O.S. § 6-125 and 2 O.S. § 6-285

Proposed Administrative Penalty: The penalty was assessed at \$4,000. Respondent failed to appear for his prehearing conference and a default was issued against him.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
 COMPLAINANT,)
v.) Case No: OGC-23-1170
)
 CHANCE BAKER)
15101 E. 6TH ST)
YALE, OK 76112)
)
 RESPONDENT.)

FILED
MAY 13 2024
STATE BOARD OF AGRICULTURE

PROPOSED FINAL ORDER

NOW on this 13th day of June 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Wendi Morse. Respondent appears not.

On the 14th day of March 2024, this matter came on for Prehearing Conference. Respondent was provided a file-stamped copy of the Notice of Violation, delivered by certified mail, article number 9171999991703765251662 on February 21, 2024, to Chance Baker at 15101 E. 6th St in Yale, Oklahoma.

The Notice of Violation advised Respondent that failure to appear at the designated time and place for a Prehearing Conference or failure to pay the recommended fine or penalty stated in the Notice of Violation following proper notice to the Respondent may result in a default judgment being entered against Respondent.

Respondent appeared at the Prehearing Conference, requested the matter be set for hearing and declared his desire to have counsel. Respondent was advised by Judge Mor that he had twenty (20) days to obtain counsel and have them enter an appearance in

the matter. At the April 11th 2024, docket, counsel for the Complainant made the announcement that there had been no contact from the Respondent nor from counsel for the Respondent. Judge Mor instructed counsel for the Complainant to send Respondent a letter as well as call to inform him that he had until May 9, 2024, in which to obtain counsel and have them enter an appearance in the matter or a default judgment would be entered against him.

Counsel for the Complainant sent Respondent a letter as well as called Respondent and left a voicemail letting him know that he was required to make an appearance or make contact by May 9th or a default judgment would be entered against him. Respondent failed to appear and failed to contact Complainant's counsel. Also, any counsel obtained by Respondent failed to appear or make contact with Complainant's counsel. At the May 9th docket date, Judge Mor advised counsel for the Complainant to send Respondent a Notice of Default to advise him of the hearing on June 13, 2024.

FINDINGS OF FACT

1. The Respondent was properly served with process.
2. The Notice of Violation (Exhibit 1) was delivered by certified mail on February 21, 2024. *See* certified mail receipt (Exhibit 2).
3. Prehearing Conference was set for 14th day of March 2024 at 1:30 p.m. and Respondent did appear.
4. Respondent requested a hearing and was informed he needed to obtain counsel and have them enter their appearance within twenty (20) days.
5. An entry of appearance, nor any contact from counsel for the Respondent, was ever received.

6. Respondent was then notified by phone and letter (Exhibit 3) that he had until May 9, 2024 to obtain counsel and have them contact the Department.

7. No entry of appearance, nor any contact from counsel for the Respondent, was ever received.

8. Respondent failed to contact the Department in response to the phone call or the letter.

9. Respondent was sent a Notice of Default to notify him of the hearing taking place on June 13, 2024 (Exhibit 4).

10. Respondent never made contact with the Complainant or counsel for the Complainant, nor did any counsel representing Respondent.

11. An administrative penalty in the amount of Four Thousand Dollars (\$4,000.00) was proposed by the Notice of Violation.

12. The undersigned granted Complainant's request based on Respondents' failure to further appear and defend the allegations contained in the Notice of Violation.

CONCLUSIONS OF LAW

1. The Respondent is in violation of the laws alleged in the Notice of Violation, which is incorporated by reference.

2. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

3. The Allegations of Fact and Conclusions of Law set forth in the attached Notice of Violation are hereby adopted and incorporated by reference as Findings of Fact and Conclusions of Law.

RECOMMENDED ORDER

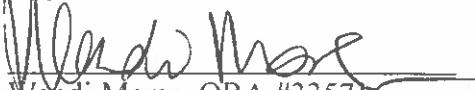
IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on February 2, 2024, be adopted as a Final Order and all penalties imposed by the Notice of Violation are incorporated herein and imposed on the Respondents.

SIGNED THIS 13 DAY OF June 2024.



HONORABLE RACHEL LAWRENCE MOR.
ADMINISTRATIVE LAW JUDGE

Approved:



Wendi Morse, OBA #33571

Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing Proposed Final Order was mailed by certified mail, return receipt requested, postage prepaid, on the date of filing to:

CHANCE BAKER
15101 E. 6TH ST
YALE, OK 76112



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-23-1170
)
 CHANCE BAKER)
15101 E. 6TH St)
YALE, OK 76112)
)
 RESPONDENT.)

FILED
FEB 14 2024
STATE BOARD OF AGRICULTURE

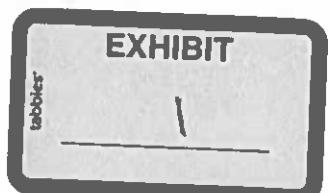
NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 PM March 09, 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, has transported horses into 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.
17. The Act at Okla. Stat. Tit. 2 § 6-125 states: "*It shall be unlawful and a misdemeanor for any person to remove, change the location of, or to bring into or to take out of any place or area that has been quarantined, any livestock covered by the order of quarantine or to violate any of the conditions of the quarantine. If the aggregate value of the quarantined livestock is in excess of One Thousand Dollars (\$1,000.00), then the person shall, upon conviction, be guilty of a felony.*"
18. The Act at Okla. Stat. Tit. 2 § 6-284 states: "*The Board may quarantine any animal which is determined to be a reactor; such animal shall be quarantined under conditions as specified by the Board. Reactors shall remain under quarantine until their natural death, slaughter or disposition by euthanasia or until released by a written notice from the Board. The Board shall require identification of reactors as deemed necessary.*"

The Act at Okla. Stat. Tit. 2 § 6-285 states: "*The Board may require that all equidae be negative to an official test for equine infectious anemia prior to entry into Oklahoma, or movement within the state.*"

35:15-15-42. Movement of Positive And Exposed Animals

- (d) No diversion from the destination identified on the permit is allowed.

35:15-15-45. Fictitious Names and Erroneous Information

- (c) Any person providing erroneous or fictitious information shall be in violation of these rules.

ALLEGATIONS OF FACT

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

- On or about September 13, 2023, Respondent transported several horses from Texas to Yale, Oklahoma. Respondent had a permit that stated that least one of these horses had tested positive for equine infectious anemia.
- On or about September 21, 2023, Animal Industry Services Division performed a site visit on the premises listed by the permit.
- The Animal Industry Services Division representative determined that the horses on the premises were not the same as the animals described by the VS1-27 form.
- Respondent had diverted the horses listed on the VS1-27 form to a location or locations unknown and had falsely represented that the animals on the premises were the same ones that were listed on the VS1-27 form.

ALLEGED CONCLUSIONS OF LAW

20. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. 6-125, 2 O.S. 6-285, and rules 35:15-15-42 and 35:15-15-45 by transporting

a quarantined horse to a location not listed by the VI-27 permit and falsely representing that the horses on the premises were the horses listed on the permit.

ATTORNEY CONFERENCES

21. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
22. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
23. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

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

26. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
27. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

STIPULATION

33. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Four Thousand Dollars (\$4,000.00)**
34. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

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

**Chance Baker
15101 E. 6th St
Yale, OK 76112**


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-23-1170
)
CHANCE BAKER)
15101 E. 6TH St)
YALE, OK 76112)
)
RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Thousand Dollars (\$4,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title

Date: _____

91 7199 9991 7037 6525 1662

OCC-23-1170

ALERT: SEVERE WEATHER IN THE SOUTH, SOUTHEAST, AND MIDWEST MAY IMPACT PACKA...

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)

9171999991703765251662

[Copy](#)

[Add to Informed Delivery \(<https://informeddelivery.usps.com/>\)](#)

Latest Update

Your item was picked up at a postal facility at 11:06 am on February 21, 2024 in YALE, OK 74085.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Delivered

Delivered, Individual Picked Up at Postal Facility

YALE, OK 74085

February 21, 2024, 11:06 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(<https://faq.usps.com/s/article/Where-is-my-package>\)](#)

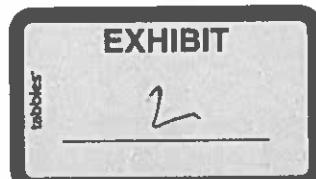
Text & Email Updates

Return Receipt Electronic

USPS Tracking Plus®

Product Information

[See Less ^](#)





State of Oklahoma
Department of Agriculture, Food, and Forestry

J. Kevin Stitt
Governor

Blayne Arthur
Secretary of Agriculture

April 12, 2024

Chance Baker
15101 E. 6th St.
Yale, OK 76112

Mr. Baker,

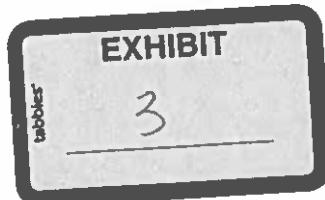
You received a Notice of Violation from the Oklahoma Department of Agriculture, Food and Forestry informing you of multiple violations against you. This Notice of Violation had a prehearing conference date of March 14, 2024, at which you appeared and requested a hearing. At that time, the Judge gave you twenty (20) days in which to obtain counsel, have them reach out to me, and enter their appearance on your behalf. Twenty (20) days lapsed on April 3, 2024.

At the April 11, 2024 docket, this announcement was made to the Judge. She has given you until May 9, 2024 to obtain counsel, have them contact me and enter an appearance on your behalf. If you fail to obtain counsel, a default judgement will be rendered against you.

Respectfully,

A handwritten signature in black ink, appearing to read "Wendi Morse".

Wendi Morse
Assistant General Counsel
Wendi.morse@ag.ok.gov
405-522-4668



**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.)
)
CHANCE BAKER)
15101 E. 6TH ST)
YALE, OK 76112)
)
RESPONDENT.)**

Case No: OGC-23-1170

FILED
MAY 10 2024
STATE BOARD OF AGRICULTURE

NOTICE OF DEFAULT

Respondent is hereby notified that the status hearing on this matter is changed to A Hearing on Default on **June 13, 2024, at 1:30 p.m.** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Blvd, Oklahoma City, Oklahoma. The hearing described above will be for the purpose of undertaking a hearing on default due to the failure of Respondent to appear at the Prehearing Conference which was held May 9, 2024 before the assigned Administrative Law Judge. Failure to attend the Hearing on Default will result in a default judgment being entered against Respondent in the amount of Four Thousand Dollars (\$4,000.00). If Respondent desires to meet with the Department prior to the scheduled hearing and discuss the allegations, contact the staff attorney prior to the scheduled date of the Hearing on Default.



Dated this 10 day of May, 2024.

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


Teena G. Gunter, General Counsel OBA # 17767
James W. Rucker OBA #14574
Wendi Morse OBA # 33571
Kiersten Hamill OBA #33187
Abigail Wilburn OBA #33641
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 a true and correct copy of the above and foregoing Notice of Violation was mailed to Respondent by certified mail, return receipt requested, postage prepaid, on the date of filing as follows:

**CHANCE BAKER
15101 E 6TH ST
YALE, OK 76112**



Gina Blaylock

91 7199 9991 7031 3274 4315

OGC-23-1170

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. XYLO PELLETS

Case File No. OGC-24-232

**XYLO PELLETS
14134 XYLO LANE
WAYNE, OK 73095**

Summary of Facts: An investigator conducted a standard package inspection at L&R Livestock Feed & Supply in Pryor, Oklahoma. The inspection revealed that consumer products weighed less than the marked net weight, and the number of inaccurately marked products was over the allowable percentage of error. This is the 3rd violation for this location.

Statute or Rule Violation: 2 O.S. § 14-38(B)(1)(a); 2 O.S. § 14-38(J)

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Eight Hundred Dollars (\$1,800.00) (12 violations at \$150.00 per violation). Respondent upon being served the Notice of Violation, failed to appear in Court on June 13, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of One Thousand Eight Hundred Dollars (\$1,800.00).

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

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

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.) Case Nos: OGC 24-232
)
XYLO PELLETS)
14134 XYLO LANE)
WAYNE, OK 73095)
)
RESPONDENT.)

FILED
JUN 24 2024
STATE BOARD OF AGRICULTURE

PROPOSED FINAL ORDER

NOW on this 13th day of June 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Abigail Wilburn. Respondent appears not.

On the 13th day of June 2024, this matter came on for Prehearing Conference. Respondents were provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 9171 9999 9170 3132 7431 27 on April 15th, 2024, to XYLO Pellets at 14134 XYLO Lane, Wayne, OK, 73095.

The Notice of Violation advised Respondents that failure to appear at the designated time and place for hearing and failure to pay the recommended fine or penalty stated in the Notice of Violation following proper notice to the Respondents may result in a default judgment being entered against Respondents.

FINDINGS OF FACT

1. The Respondents were properly served with process and failed to plead or otherwise defend this action within the time prescribed.

2. The Notice of Violation (Exhibit 1) was delivered by certified mail on April 15th, 2024.
See certified mail receipt (Exhibit 2).
3. Hearing was set for 13th day of June 2024 at 1:30 P.M. and Respondents did not appear.
4. The Complainant requested entry of default judgment against Respondents for all penalties imposed by the Notice of Violation.
5. An administrative penalty in the amount of One Thousand Eight Hundred Dollars (\$1,800.00) was proposed by the Notice of Violation.
6. The undersigned granted Complainant's request based on Respondents' failure to appear and defend the allegations contained in the Notice of Violation.

CONCLUSIONS OF LAW

7. The Respondents are in violation of the laws alleged in the Notice of Violation, which is incorporated by reference.
8. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.
9. The Allegations of Fact and Conclusions of Law set forth in the attached Notice of Violation are hereby adopted and incorporated by reference as Findings of Fact and Conclusions of Law.

RECOMMENDED ORDER

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on April 12th, 2024, be adopted as a Final Order and all penalties imposed by the Notice of Violation are incorporated herein and imposed on the Respondents.

SIGNED THIS 14TH day of June, 2024.

Rachel Lawrence Mor
HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:

Abigail Wilburn
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104

CERTIFICATE OF MAILING

This is to certify that on this 24 day of June, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

XYLO PELLETS
14134 XYLO LANE
WAYNE, OK 73095

YB

Gina Blaylock

Exhibit 1

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
COMPLAINANT,)
v.)
XYLO PELLETS)
14134 XYLO LANE)
WAYNE, OK 73095)
RESPONDENT.)

FILED
APR 12 2024
STATE BOARD OF AGRICULTURE

Case Nos: OGC 24-232

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 June 13, 2024, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing; witnesses and evidence will not be presented at the Prehearing Conference.**

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(16); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling weighted bags of pelletized bedding under the business name of XYLO Pellets located at 14134 XYLO Lane, Wayne, Oklahoma.
16. Pursuant to 2 O.S. § 2-4 (A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agriculture Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.
17. Under the provisions of 2 O.S. § 14-38(B)(1)(a), it is unlawful for any person to sell, offer, or expose for sale a quantity less than the quantity represented.

ALLEGATIONS OF FACT

18. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.
19. On or about October 17, 2023, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at L&R Livestock Feed & Supply in Prior, Oklahoma. The inspection revealed the average was .935 lb. less than the marked net weight. On this date, there were 12 Maximum Allowed Variations. A letter of warning was sent.
20. On or about January 4, 2024, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at L&R Livestock Feed & Supply in Prior, Oklahoma. The inspection revealed the average was .486 lb. less than the

marked net weight. On this date, there were 7 Maximum Allowed Variations. This was the second violation and a letter of warning was sent.

21. On or about February 20, 2024, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at L&R Livestock Feed & Supply in Prior, Oklahoma. This inspection revealed the average was .659 lb. less than the marked net weight. On this date, there were 12 Maximum Allowed Variations. This was the third violation and a letter of warning was sent.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. § 14-38(B)(1)(a) by selling, offering, or exposing for sale a quantity less than the quantity represented. A third violation following any twelve-month period in which no violation has been found will be assessed a penalty of One Hundred Fifty Dollars (\$150.00) per consumer item which results in an overcharge or potential overcharge.

ATTORNEY CONFERENCES

23. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6140 or by email at Abigail.wilburn@ag.ok.gov.

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

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

ENFORCEMENT PROCEEDINGS

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

- a.) Administrative fines or penalties;

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

29. The provisions of the Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. § 501 *et seq.*, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

32. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
33. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

34. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Eight Hundred Dollars (\$1,800.00) (12 counts at \$150.00 per count)**.
35. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 9TH day of April, 2024.

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

Abigail Wilburn

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 12 day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**XYLO PELLETS
14134 XYLO LANE
WAYNE, OK 73095**



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.)
)
XYLO PELLETS)
14134 XYLO LANE)
WAYNE, OK 73095)
)
RESPONDENT.)**

Case No: OGC 24-232

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Eight Hundred Dollars (\$1,800.00)** 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
STANDARD PACKAGE REPORT

CPS 1
Rev 1/

Date*	2/20/2024		Inspection Number*	24-RDL-0029	
Dealer			Distributor		
L & R Livestock Feed & Supply					
7965 W. 510 Road					
Pryor	OK	74361-			
Manager	Phone* (918)825-4312		County	Mayes	Description Polybag
Product	Pelletized Bedding		Brand	XYLO	Retail Price \$0.00
Unit Measure	0.01	lb	MAV Weight	0.44	MAV Dimensionless Unit 44
Inspection Type:	Followup	24-RDL-0006	Sample Size	12	Tare Sample Size 2
Average Tare used	0.1	Tare Correction		0	Nominal Gross Wt 40.1
Pkg Gross Wt	39.44		Pkg Gross Wt	39.45	
Pkg Tare Wt	0.10		Pkg Tare Wt	0.10	
Pkg Net Wt	39.34		Pkg Net Wt	39.35	
Pkg Error:	-0.66		Pkg Error	-0.65	
Random #*	Minus	Plus	Exp Date	Lot Code	
4	66	0		None	
5	65	0			
8	65	0			
10	67	0			
13	58	0			
14	53	0			
19	70	0			
22	67	0			
26	79	0			
32	77	0			
39	58	0			
44	66	0			
Total Minus:	791	Total Plus	0	Total Error	-791

REC'D BY
2024 FEB 28 A II: 12

Total Error -791 Unreasonable Error 12 Avg Error Dimensionless -65.9 Avg Error -0.65917

Standard Deviation 7.4279 Sample Correction Factor _____ Sample Error _____

Is Avg Error Dimensionless > Sample Error Results Notice of Violation _____

Remarks

1st unreasonable set aside: -0.61 Net Wt. 39.39 lb

Witness

Wesley Parker

Inspector*

Richie London

Rah Lando

91 7199 9991 7031 3274 3127

4/24

OIC -24 - 232



Exhibit 2

May 29, 2024

Dear gi bla:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3132 7431 27.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: April 15, 2024, 1:29 pm
Location: WAYNE, OK 73095
Postal Product: First-Class Mail®
Extra Services: Certified Mail™, Return Receipt Electronic

Shipment Details

Weight: 3lb, 4.9oz

Recipient Signature

Signature of Recipient:

14134 XYLO LN, WAYNE, OK
73095

Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

OGC-24-232
XYLO Pellets