

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

Wednesday, August 28, 2024
3:00 p.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 July 24, 2024.
6. Consideration and Proposed Action on Division Reports
 - A. Administrative Services – Dan Ridings
Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.
 - B. Laboratory Services – Wade Krivanek
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
 - C. Forestry Services – Mark Goeller
Summary of activities and accomplishments in resource protection and rural fire defense, forest management and regeneration, water quality, urban forestry, forestry education and law enforcement. Includes statistics on wildfires and law enforcement activity and narrative of forestry program highlights for the month.
 - D. Consumer Protection Services – Kenny Naylor
Addresses stop sale orders on insect and disease infested crops, phytosanitary certificates issued, insect survey summaries, pesticide registration updates, pesticide inspections, seed program and seed laboratory updates, weights and measures reports, scanner inspections, grain warehouses and meetings attended by division personnel.

- E. Animal Industry Services – Rod Hall, DVM
Addresses information and activities of staff related to control and eradication of animal diseases affecting livestock and livestock market audits. It also addresses emergency response preparation and education for response to any outbreak of foreign, emerging and/or eradicated disease.
- F. Wildlife Services – Justin Cooper
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 Cases Resolved by Stipulations
Agricultural Environmental Management Services
Lengo 1947, LLC, 16310 U. S. 59th North, Keota, Oklahoma
Tun & Niang Lun Tuang, 16310 U. S. 59 North, Keota, Oklahoma

Consumer Protection Services

Duncan Golf and Tennis Club, 1800 N. Country Club Rd., Duncan, Oklahoma
Family Dollar, 30516 Highway 59, Wayne, Oklahoma
Family Dollar, 911 E. Broadway, Enid, Oklahoma

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

9. Consideration and Proposed Action on Cases Resolved by Final Order
Consumer Protection Services
Gonzales Pest Control, 809 W. Choctaw, Chickasha, Oklahoma
Michael Holland, 700 13th Street, Snyder, Oklahoma
David Lechner, 1104 N. 105th E. Ave., Tulsa, Oklahoma
Perimeter Spraying Services, LLC, 916 W. York Ave., Enid, Oklahoma
XYLO Pellets, 14134 XYLO Lane, Wayne, Oklahoma

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

10. Consideration and Proposed Action on Cases Resolved by Consent Order
Agricultural Environmental Management Services
Jim Kline & Karyl Kline, 20398 S. 2092 Road, Claremore, Oklahoma

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

10. Next Board meeting scheduled for **October 16, 2024**, at Miami, Oklahoma.

11. Old Business

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

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

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

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

Others Present: Michaela Lembeck, Executive Secretary
JanLee Rowlett, Deputy Commissioner
Dan Ridings, Director, Administrative Services
Wade Krivanek, Director, Laboratory Services
Kenny Naylor, Director, Consumer Protection Services
Mark Goeller, Director, Forestry Services
Dr. Rod Hall, 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
Deborah Torres, Office of the Governor
Abbey Grace Bowman, Office of the Governor

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

A motion was made by Mr. Burtrum, seconded by Mr. Bolen, to approve the minutes of the regular meeting of June 6, 2024, as presented.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Abstained
Cook	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Cook, to approve the Certified Fire Departments for FY25 per the requirements outlined in Title 35:20-3-8(d).

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

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.”

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

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

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

There is no old business presented for the Board to take action upon. Mr. Burtrum moved, Mr. Farris seconded, that the meeting be adjourned at 11:32 a.m.

By _____
President

ATTEST: _____
Executive Secretary

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 drives 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 Quadrapole 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.

Oklahoma Department of Agriculture, Food & Forestry

August 28, 2024, Board Report

Administrative Services

Administrative Services

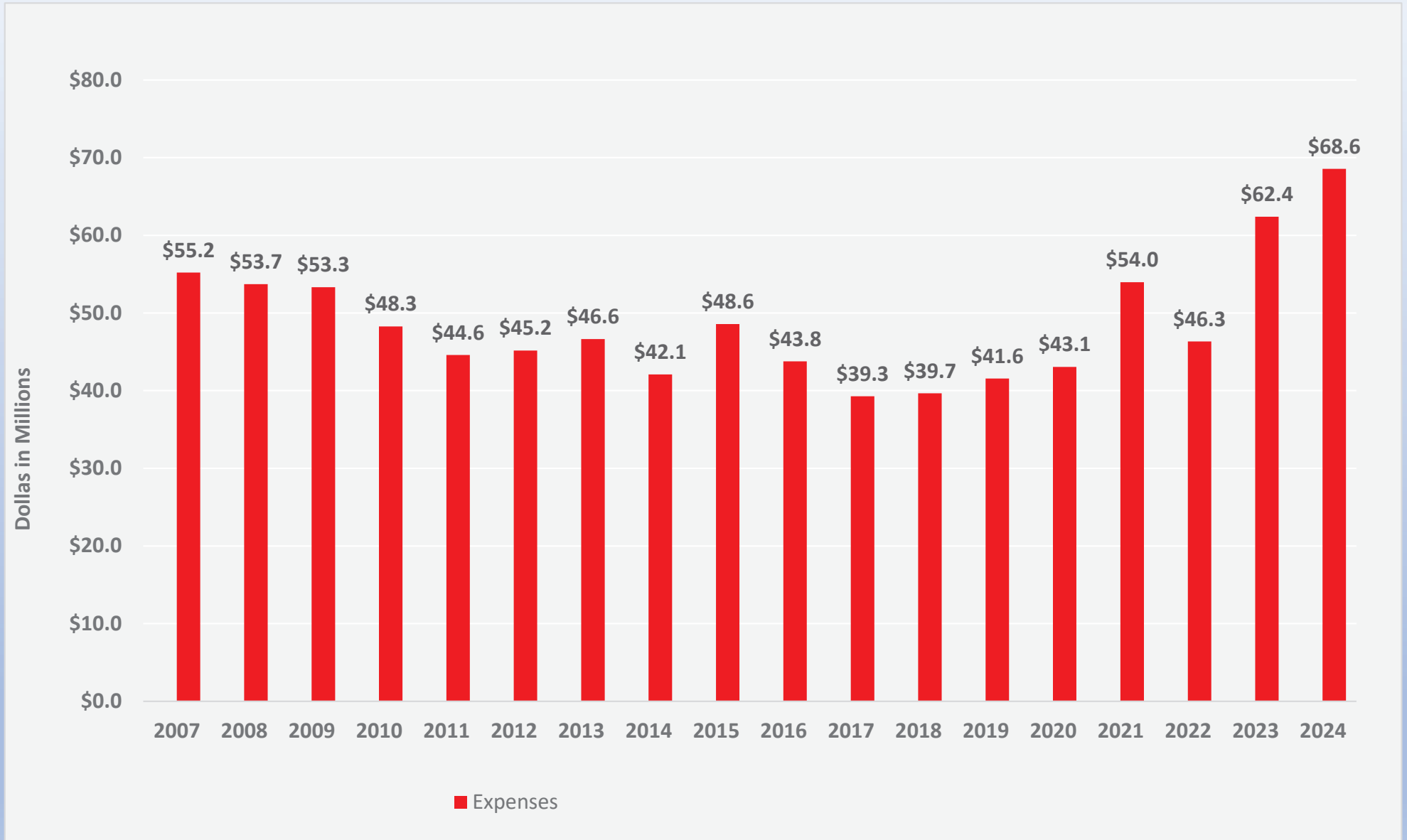
Section 1 – Fiscal Year 2024

Total Revenues & Expenses by Fiscal Year

Total Revenues by Fiscal Year – FY 2007 – FY 2024



Total Expenses by Fiscal Year – FY 2007 – FY 2024



Administrative Services

Section 2 - July 2024

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES JULY 2024



INVESTIGATIONS	JULY	YTD	FYTD
LIVESTOCK	2	27	2
FIRE		9	0
PROPERTY	2	12	2
TIMBER		0	0
AGENCY ASSISTS ODAFF		5	0
AGENCY ASSISTS EXTERNAL	2	4	2
OTHER	1	6	1
TOTAL INVESTIGATIONS OPENED	7	63	7
CLOSED PENDING ADDITIONAL INFORMATION	2	11	2
NO CRIME		8	0
NO PROSECUTION		0	0
CLOSED - ASSIST CASE		4	0
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		7	0
REFERRED FOR ADMINISTRATIVE ACTION		0	0
TOTAL INVESTIGATIONS COMPLETED	2	30	2
COUNTS FILED		34	0
VALUE OF LOSSES - ALL CRIMES	\$78,000	\$522,033	\$78,000
RECOVERED LOSSES - ALL CRIMES	\$12,000	\$228,448	\$12,000
NUMBER OF CATTLE REPORTED STOLEN	8	177	8
NUMBER OF CATTLE RECOVERED	5	58	5





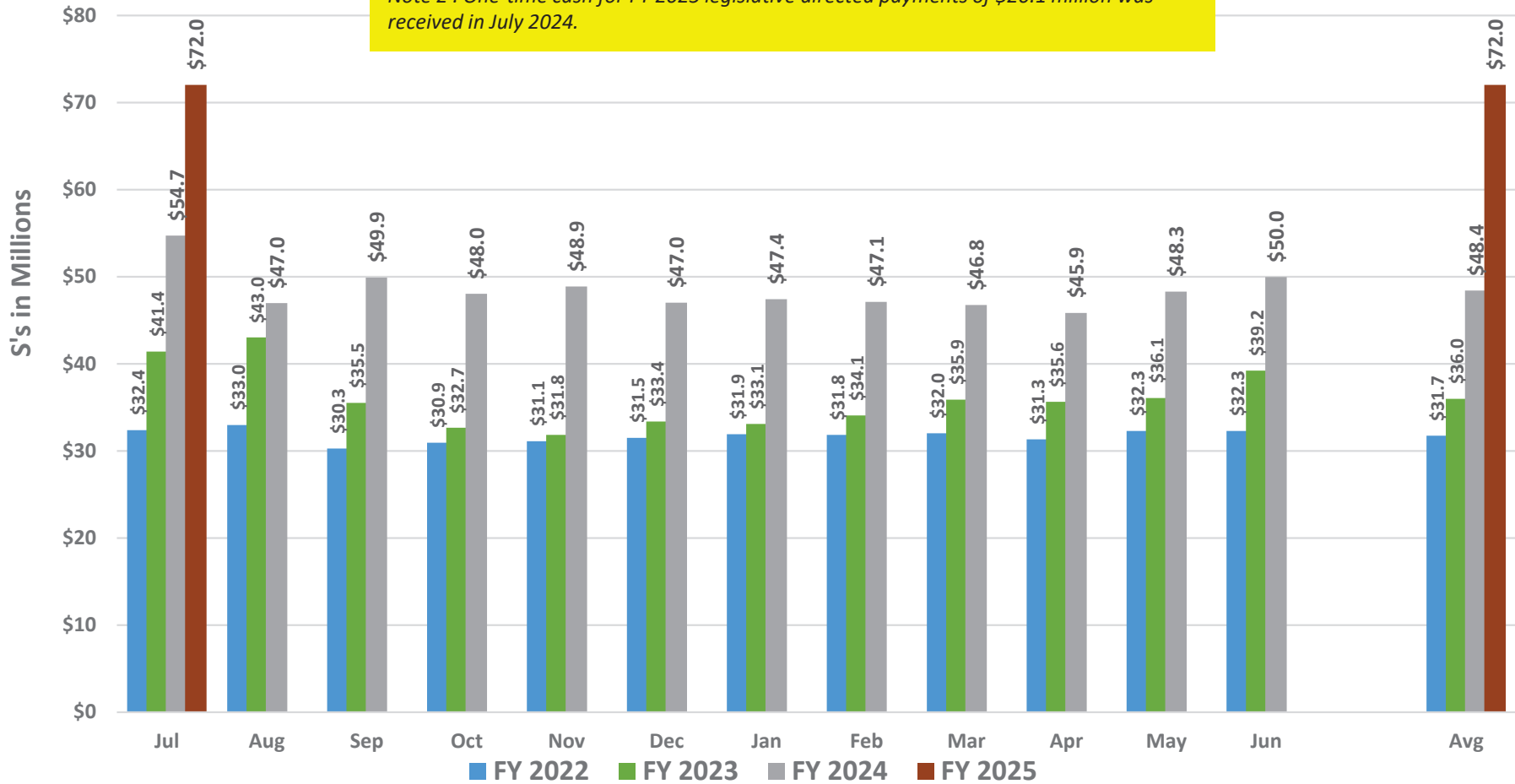
Available Cash at Month End

Months Ending: July 2021 – July 2024

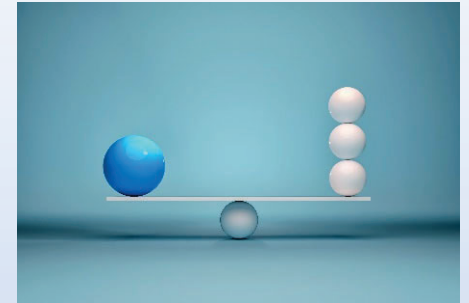
per Allotment Budget & Available Cash Report Fiscal Year 2022-2025

Note 1: The amounts shown here include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,720,427 as of 7/31/2024.

Note 2: One-time cash for FY 2025 legislative directed payments of \$20.1 million was received in July 2024.

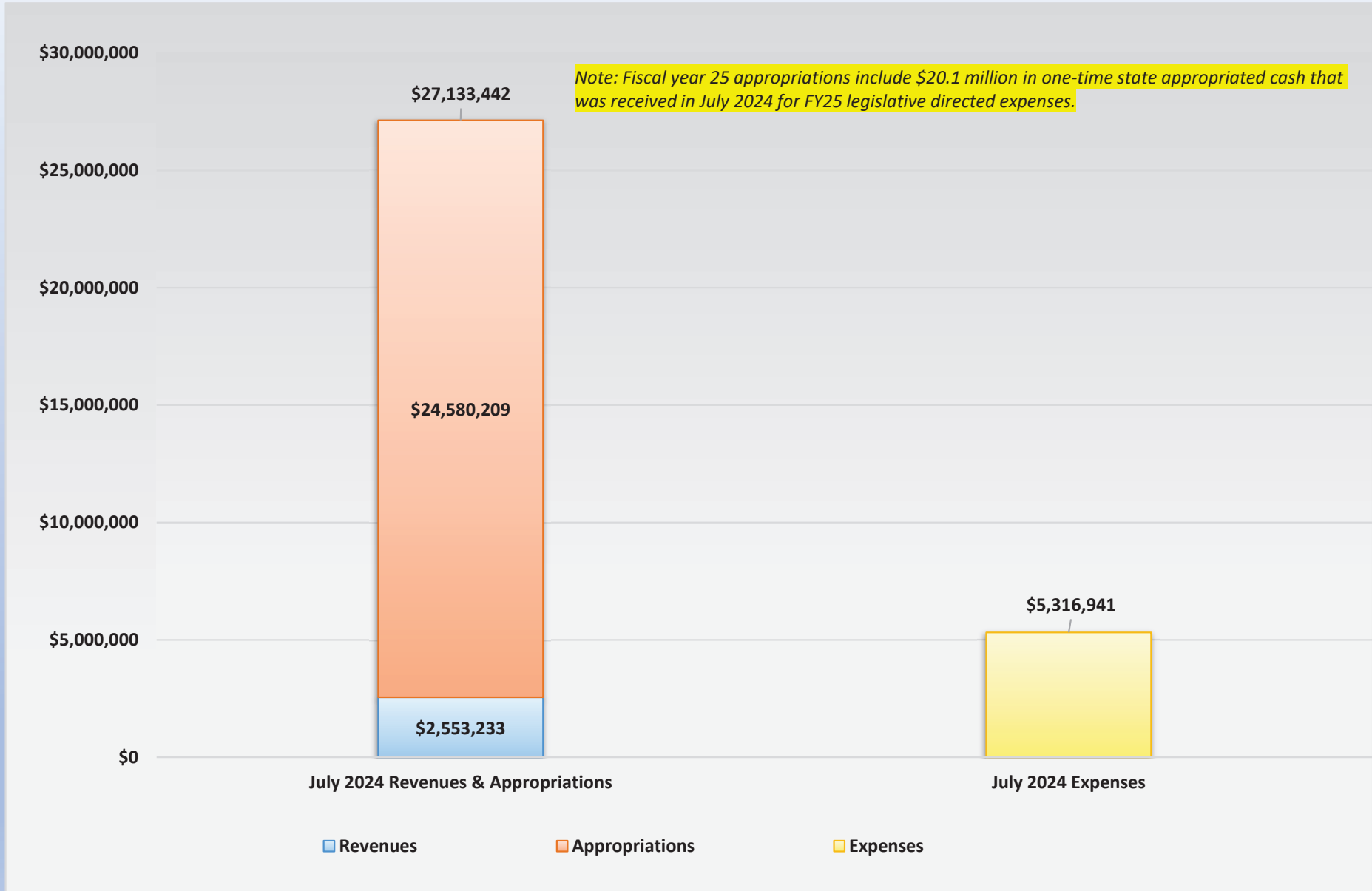


Administrative Services - Finance



- Cash balance as of 7/31/2024 was \$72 million compared to \$54.7 million as of 7/31/2023
 - Increase of \$17.3 million from the prior year and is primarily attributed to the following:
 - Increase in state appropriated cash received in July 2024 for fiscal year 2025 legislative directed spendings.

Total Revenues, Appropriations and Expenses July 2024





Revenue By Division July 2024

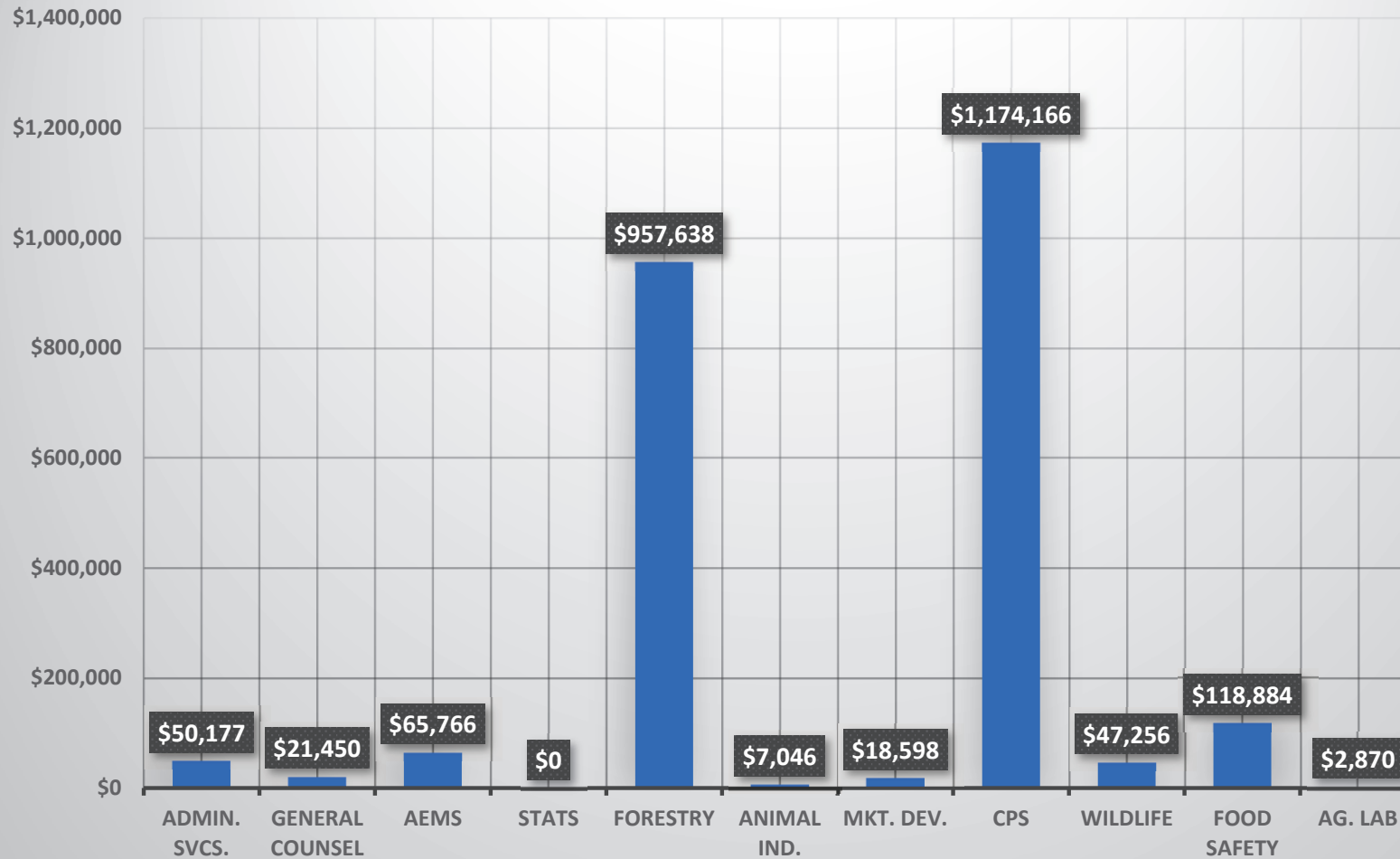
Division	July 2024 Revenue	Fiscal Year 2025 Revenue thru July 2024
Admin. Svcs.	50,177	50,177
General Counsel	21,450	21,450
AEMS	65,766	65,766
Stats	-	-
Forestry	957,638	957,638
Animal Ind.	7,046	7,046
Mkt. Dev.	18,598	18,598
CPS	1,174,166	1,174,166
Wildlife	47,256	47,256
Food Safety	118,884	118,884
Ag. Lab	2,870	2,870
Division Total (see division receipts graph on next slide)	2,463,850	2,463,850
Commodity Storage Indemnity	31,409	31,409
Appropriations	24,580,209	24,580,209
Agency Total	27,075,468	27,075,468

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

Note 2: Appropriations shown above, include \$20.1 million in state appropriated one-time cash received in July 2024 for FY25 Legislative directed spendings.



Revenue By Division July 2024



■ Fiscal Year 2025 Revenue thru July 2024

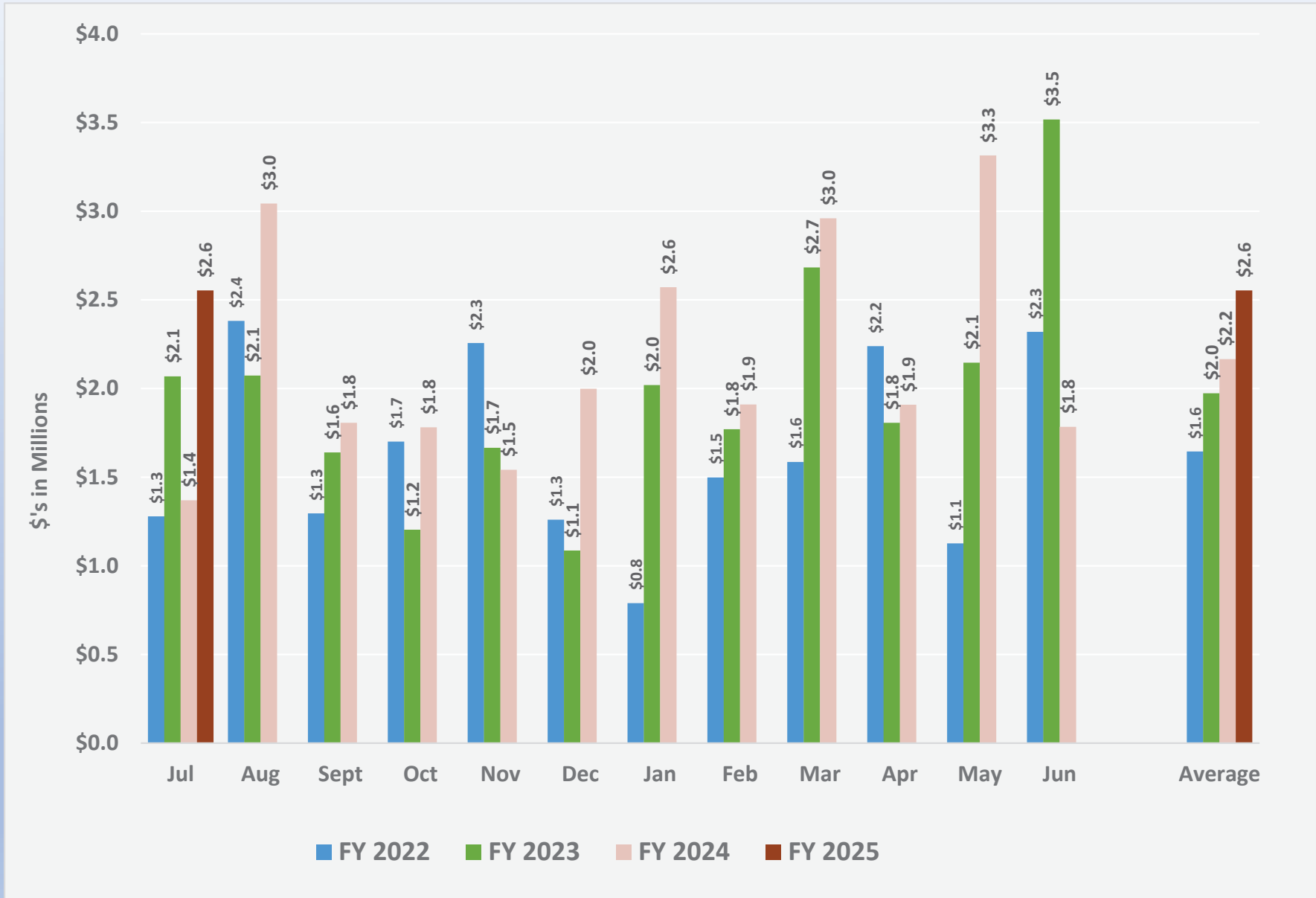
Note: Clearing fund, 79901, is not included in the above table.

Administrative Services - Finance

- Revenues (excluding appropriations) for July 2024 were \$2.5 million compared to \$1.3 million in July 2023
- This is an increase of approximately \$1.2 million and is primarily due to:
 - An increase in federal reimbursements
 - An increase in revenues



Total Revenue by Month July 2021 – July 2024



Total Expenses by Month July 2021 – July 2024

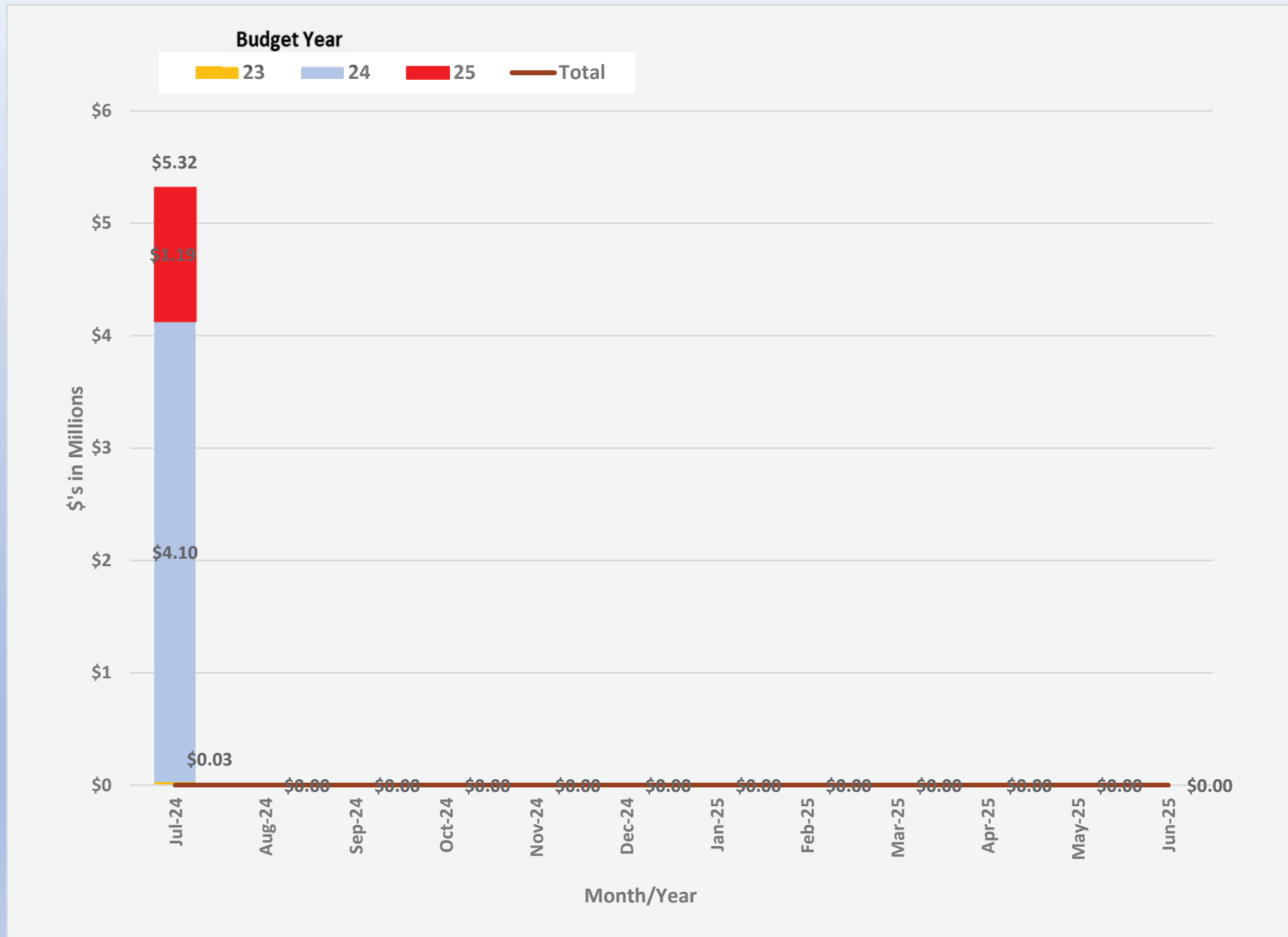
Note 1: Forestry - Fire Operational Grants totaling \$4,000,991 were paid out in September 2021.

Note 2: Forestry - Fire Operational Grants totaling \$8,369,050 were paid out in September 2022.

Note 3: Forestry - Fire Operational Grants totaling \$8,364,585 were paid out in August 2023.



FY 2025 Total Expenses by Month with Budget Year

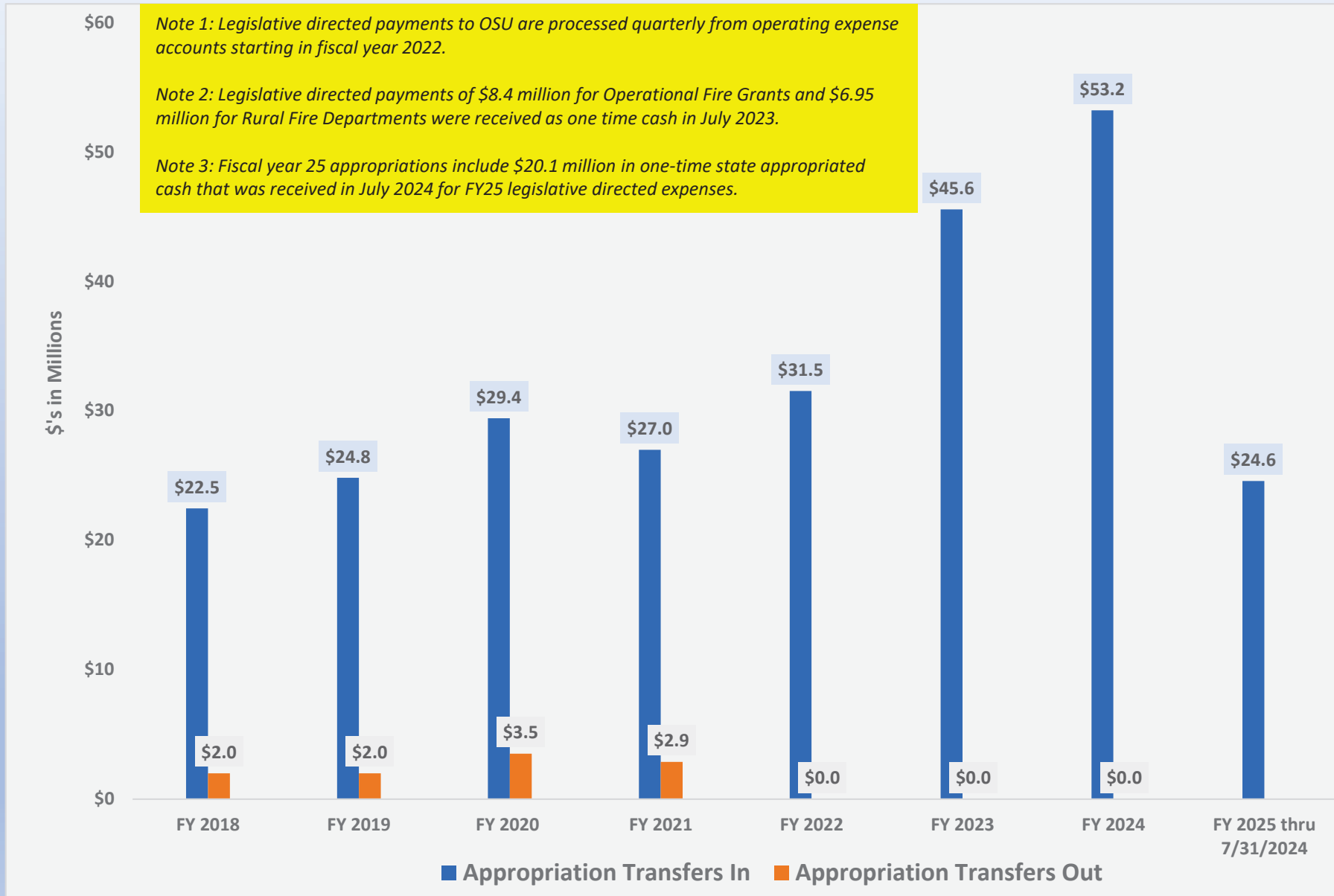


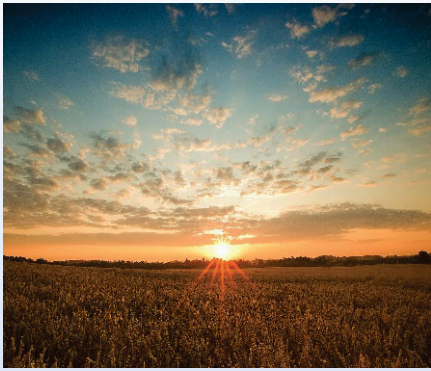
Administrative Services - Finance

- Total expenses for July 2024 were \$5.3 million compared to \$ 4.6 million in July 2023.
- This was an increase of \$678,000 and is primarily attributed to:
 - Catesby, OK fire - out of state fire assistance payments
 - Timing of payments
 - Increased payroll and benefit costs

Appropriations

FY 2018 thru FY 2025 (thru July 2024)





Commodity Storage Indemnity Investment Report

As of July 31, 2024			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,720,427
<u>FY-2025 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest Revenue		31,409	31,409
Reinsurance		-	-
ODAFF Support Services		-	-
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	31,409	31,409
		=====	=====

Oklahoma Department of Agriculture, Food & Forestry

Monthly Budget Report - Budget Year 2025

As of July 31, 2024



Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2025 thru July 31, 2024

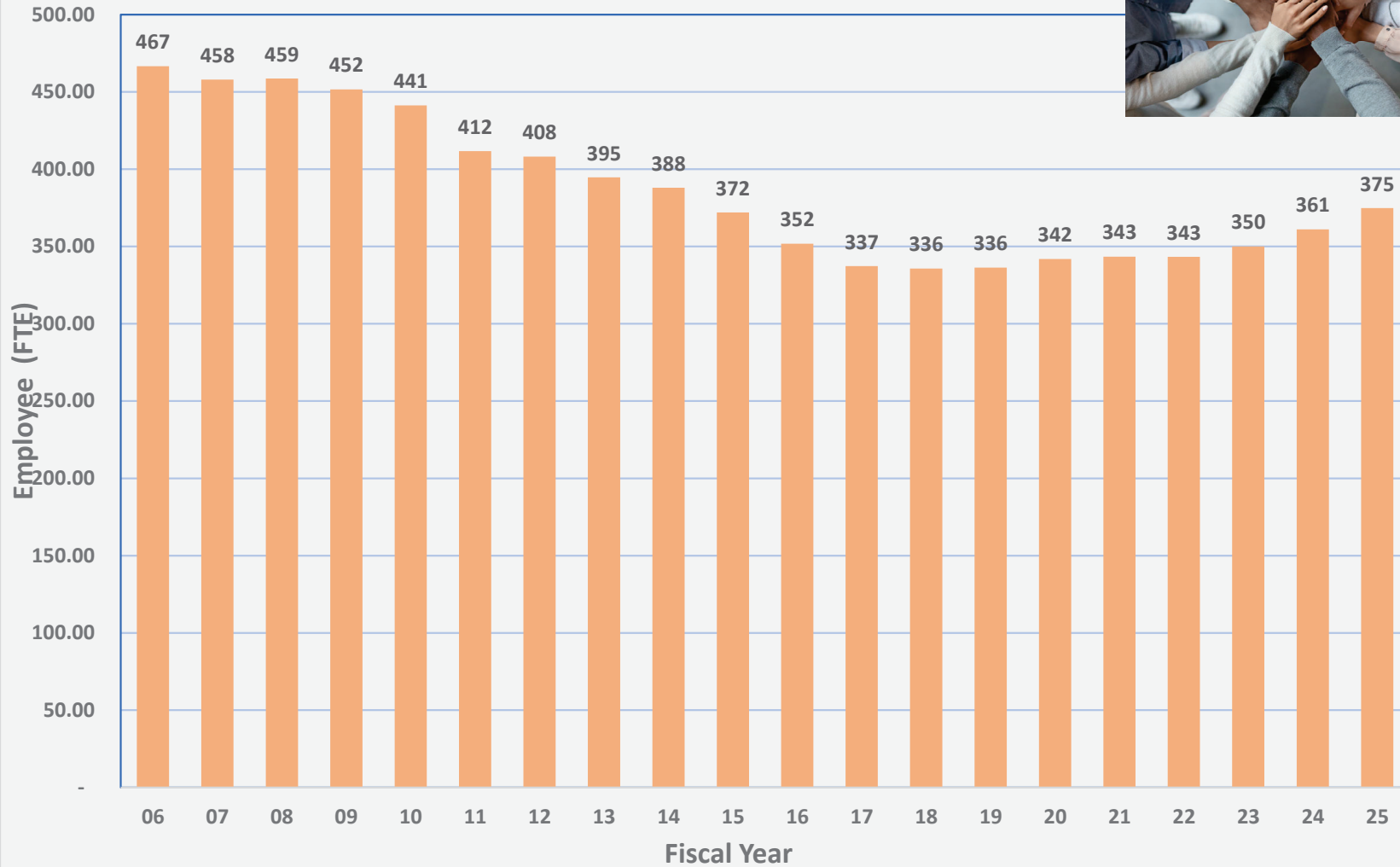
Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	24,126,670	801,725	31,225,967	(7,901,022)
512	Insur.Prem-Hlth-Life,etc	5,534,084	182,264	-	5,351,820
513	FICA-Retirement Contributions	6,378,139	189,717	-	6,188,422
515	Professional Services	4,864,534	-	68,570	4,795,964
519	Inter/Intra Agy Pmt-Pers Svcs	60,800	-	-	60,800
521	Travel - Reimbursements	555,687	89	-	555,599
522	Travel - Agency Direct Pmts	612,621	-	-	612,621
531	Misc. Administrative Expenses	1,509,717	-	40,818	1,468,899
532	Rent Expense	1,374,563	-	99,500	1,275,063
533	Maintenance & Repair Expense	1,978,335	-	-	1,978,335
534	Specialized Sup & Mat.Expense	1,389,975	-	-	1,389,975
535	Production,Safety,Security Exp	187,500	-	-	187,500
536	General Operating Expenses	298,775	-	-	298,775
537	Shop Expense	646,391	-	69,159	577,232
541	Office Furniture & Equipment	8,311,632	-	-	8,311,632
542	Library Equipment-Resources	1,000	-	-	1,000
543	Lease Purchases	1,672,295	-	-	1,672,295
546	Buildings-Purch.,Constr,Renov.	772,000	-	-	772,000
552	Scholar.,Tuition,Incentive Pmt	15,440	-	-	15,440
554	Program Reimb,Litigation Costs	25,599,438	-	-	25,599,438
555	Pmts-Local Gov't,Non-Profits	9,799,020	-	50,000	9,749,020
559	Assistance Pymts to Agencies	18,230,000	-	5,500,000	12,730,000
561	Loans,Taxes,Other Disbursements	550	-	-	550
564	Merchandise For Resale	150,000	-	-	150,000
601	AFP Encumbrances	-	-	5,264,000	(5,264,000)
810	Req Only	-	-	6,989,189	(6,989,189)
	Operating Totals	114,069,166	1,173,795	49,307,203	63,588,168

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2025
As of July 31, 2024
Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2025 thru July 31, 2024

Class Funding	Class Fund Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
19102	Duties	1,500,000	-	-	1,500,000
19302	Agriculture Extension Division	20,135,265	-	-	20,135,265
19401	GRF- Duties	-	-	77,801	(77,801)
19501	GRF-Duties	53,339,326	536,918	28,112,161	24,690,247
20500	Rural Fire Defense Eqp Rev Fd	150,000	-	50,000	100,000
21000	Agriculture Revolving Fund	26,314,057	582,155	18,334,556	7,397,346
22500	Enhancemnt & Diversificatn Fnd	16,000	-	25,000	(9,000)
23000	Okla Pet Overpopulation Fund	35,000	-	12,500	22,500
23500	Animal Friendly Revolving Fund	35,000	-	12,500	22,500
24000	Unwanted Pesticide Disp Fund	300,000	-	350,000	(50,000)
24500	Rural Fire Revolving Fund	1,730,575	-	56,000	1,674,575
25500	Ag. Evidence Law Enforce Fund	4,000	-	-	4,000
25600	Ok Viticulture Enology Revl Fd	446,657	-	202,726	243,931
26200	Poultry Grading Revolving Fund	1,234,512	41,487	886,693	306,333
28500	Milk & Milk Prod Inspec Rev Fd	466,489	13,235	448,565	4,689
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	-	26,998	73,002
42000	Specialty Crop Federal Funds	1,100,000	-	162,250	937,750
43100	Marketing's Farm to School	278,352	-	139,453	138,899
43500	Local Food for Schools Co-op	452,000	-	410,000	42,000
44000	Rslnt Food Sys Infrstr Coop Ag	6,407,933	-	-	6,407,933
	Totals	114,069,166	1,173,795	49,307,203	63,588,168

Employee FTE Totals

Fiscal Year FY 2006 – FY 2025 (thru July 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.

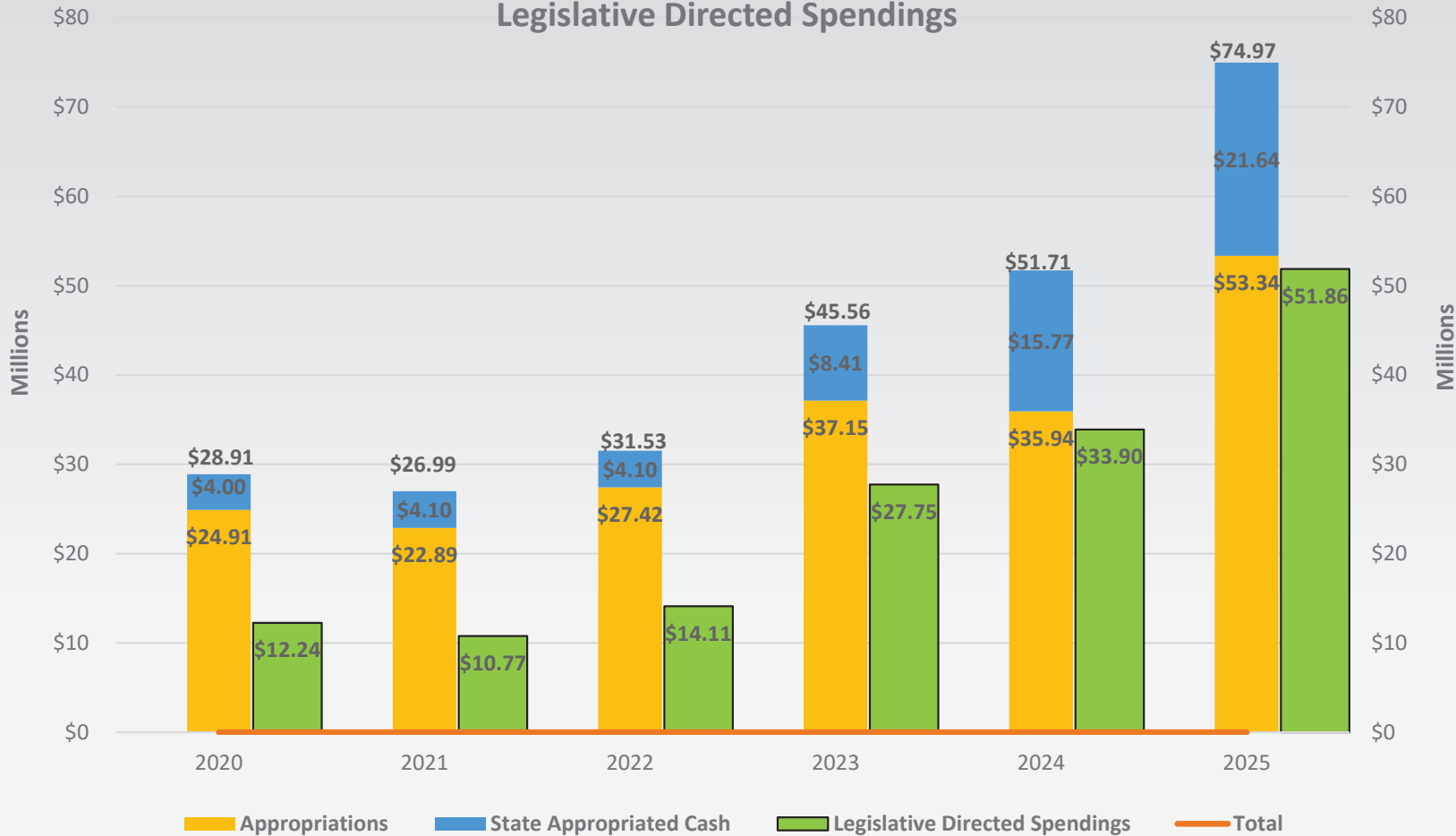
Note 2: FTE listed for fiscal year 25 was based on the FTE for July 2024.

Administrative Services

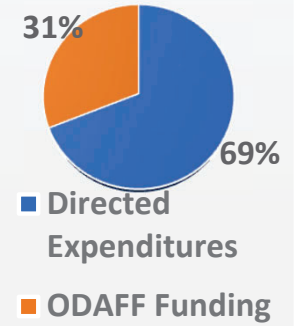
Section 3 - Fiscal Year 2025 Budget

Fiscal Year 2025 Budget

State Appropriated Funds + State Appropriated Cash
 Compared to
 Legislative Directed Spendings



FY 25 Appropriations



Fiscal Year 2025 Budget -Legislative Directed

Spending



FY 2025 Legislative Directed Payments	Amount
Future Farmers of America Fort Gibson - renovation of youth camps	9,500,000
Rural fire operational grants	8,414,550
OSU Robert M. Kerr Food & Agricultural Products Center for various capital & equipment needs	6,000,000
OSU Agriculture Extension Service offices	4,200,000
Local Food For Schools Program	3,200,000
Cooperative extension & agricultural research programs affiliated with Langston University	2,500,000
Firefighting resources - one time funding for Forestry Service equipment	2,180,000
Rural fire grants 80/20	2,000,000
Wildland fire response resources	2,000,000
Lab bond payment expense	1,672,295
OKC Bombing Memorial funding - supplemental	1,500,000
OKC Bombing Memorial funding	1,500,000
OSU Agricultural Experiment Stations	1,300,000
Rural Fire Coordinators	1,100,000
OSU Robert M. Kerr Food & Agricultural Products Center for operational expenses	1,000,000
One-time funding - Forest Regeneration Center/Community Fire Office Facility in Goldsby (new space)	750,000
One-time funding - lab equipment used for pesticide testing	600,000
Made in Oklahoma program	513,325
One-time funding - to upgrade software for improved efficiency in issuing licenses and permits	494,880
Full time meat inspectors - continued funding	330,000
Agricultural Enhancement & Diversification	250,000
Rural fires - workers compensation	171,300
One-time funding - equipment to respond to animal disease outbreaks	162,000
One-time funding - IT equipment for livestock disease preparedness and response equipment	118,000
Rural fire pension	92,000
Agriculture Youth Expo	85,000
Tulsa State Fair/cattle shows	50,000
Poultry & Disease Control Research Program	48,276
Agricultural Leadership Program	40,000
One-time funding - Inspection IT update (laptops) (Meat Inspection/Poultry)	36,000
One-time funding- black vulture traps	22,385
One -time funding - Forest Tree Improvement Center Facility	22,000
Advancing leadership in agricultural businesses	10,000
Total Payments	51,862,011

Oklahoma Department of Agriculture, Food & Forestry Fiscal Year 2025 Annual Budget by Division		
Division #	Division Name	FY 2025 Expense Budget
01	Administration Services	36,527,806
05	Legal Services	957,761
07	Ag Environ Mgmt. Services	2,710,084
09	Statistical Reporting Services	66,925
11	Forestry Services	33,704,500
21	Animal Industry Services	3,285,759
31	Market Development Services	14,787,817
41	Plant Industry & Consumer Serv	6,795,614
42	Commodity Storage Indemnity Fd	50,000
51	Wildlife Services	2,687,851
61	Food Safety	6,577,696
67	Agricultural Laboratory Svcs	5,126,557
88	ISD Information Technology	840,796
	Total Expenses	114,119,166

Note:

Admin's budget for FY 2025 includes \$27.9 million in legislative directed spendings.

Forestry's budget for FY 2025 includes \$16.5 million in legislative directed spendings.

Oklahoma Department of Agriculture, Food & Forestry Fiscal Year 2025 Annual Budget by Class Fund		
Class Funding	Account Description	Fiscal Year 2025 Annual Budget
19102	Duties	1,500,000
19302	Agriculture Extension Division	20,135,265
19501	GRF-Duties	53,339,326
20500	Rural Fire Defense Eqp Rev Fd	150,000
21000	Agriculture Revolving Fund	26,314,057
22500	Enhancement & Diversificatn Fnd	16,000
23000	Okla Pet Overpopulation Fund	35,000
23500	Animal Friendly Revolving Fund	35,000
24000	Unwanted Pesticide Disp Fund	300,000
24500	Rural Fire Revolving Fund	1,730,575
25500	Ag. Evidence Law Enforce Fund	4,000
25600	Ok Viticulture Enology Revl Fd	446,657
26200	Poultry Grading Revolving Fund	1,234,512
28500	Milk & Milk Prod Inspec Rev Fd	466,489
28600	Ag In The Classrm Educ Rvlv Fd	24,000
28700	Healthy Food Financing Revl Fd	100,000
42000	Specialty Crop Federal Funds	1,100,000
43100	Marketing's Farm to School	278,352
43500	Local Food for Schools Co-op	452,000
44000	RsInt Food Sys Infrstr Coop Ag	6,407,933
70000	Grain Storage Indemnity Fund	50,000
		114,119,166

Oklahoma Department of Agriculture, Food & Forestry Fiscal Year 2025 Annual Budget by Account Prefix		
Account Prefix	Account Description	Fiscal Year 2025 Annual Budget
511	Salary Expense	24,126,670
512	Insur.Prem-Hlth-Life,etc	5,534,084
513	FICA-Retirement Contributions	6,378,139
515	Professional Services	4,914,534
519	Inter/Intra Agy Pmt-Pers Svcs	60,800
521	Travel - Reimbursements	555,687
522	Travel - Agency Direct Pmts	612,621
531	Misc. Administrative Expenses	1,509,717
532	Rent Expense	1,374,563
533	Maintenance & Repair Expense	1,978,335
534	Specialized Sup & Mat.Expense	1,389,975
535	Production,Safety,Security Exp	187,500
536	General Operating Expenses	298,775
537	Shop Expense	646,391
541	Office Furniture & Equipment	8,311,632
542	Library Equipment-Resources	1,000
543	Lease Purchases	1,672,295
546	Buildings-Purch.,Constr,Renov.	772,000
552	Scholar.,Tuition,Incentive Pmt	15,440
554	Program Reimb,Litigation Costs	25,599,438
555	Pmts-Local Gov't,Non-Profits	9,799,020
559	Assistance Pymts to Agencies	18,230,000
561	Loans,Taxes,Other Disbursements	550
564	Merchandise For Resale	150,000
	Operating Totals	114,119,166

**AUGUST 2024 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(June and July 2024 Activities)**

QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager)

In June the QA Manager has been working with the Food and Dairy Section to complete findings related to the USDA's recent onsite audit, which includes updated SOPs per USDA requirements, stricter document control, and purchase of necessary reagents to aid in the isolation of non-O157 STEC types.

The Section is in the process of performing verifications on instruments that require periodic checks and has updated training records to match the analyst's current capabilities.

The Inorganic Section's internal audit review meeting has been completed. The staff was receptive to suggested changes from the QA Manager and will aid in some of the findings discovered during the audit.

PT Results

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

In July the QA Manager has been monitoring the temperature of the main DI water line. The temperature has been recorded twice per day (a.m. and p.m.) with dates and times included due to the extremely hot weather this summer.

The QA Manager has been assisting the Inorganic Laboratory with findings that were made during the Internal Audit. A majority of the findings have now been completed.

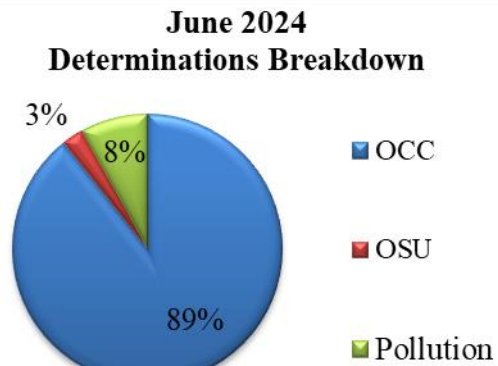
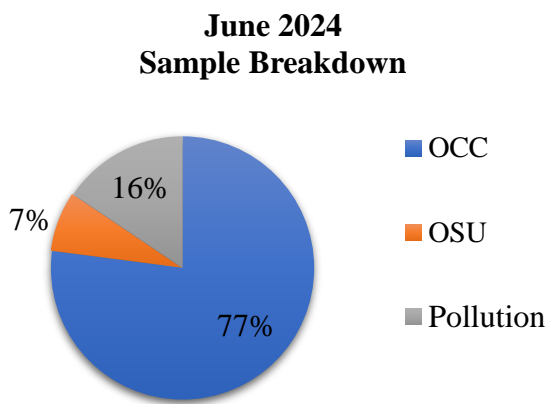
PT Results

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

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

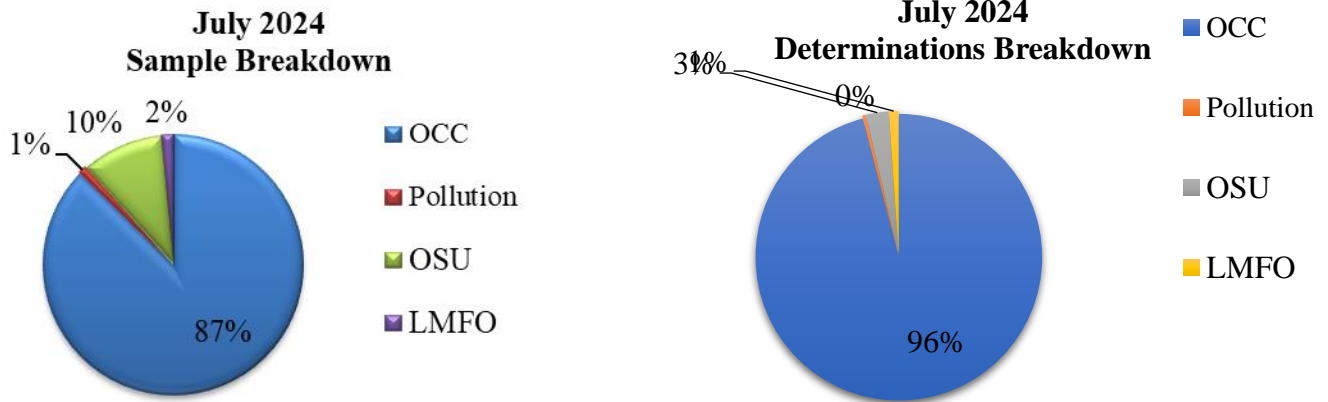
In June the Section completed 122 samples consisting of 704 determinations, with the following breakdown:

OCC	94	629
OSU	9	18
Pollution	19	57
Total	122	704



In July the Section completed 276 samples consisting of 2195 determinations, with the following breakdown:

	Samples	Determinations
OCC	541	2106
OSU	28	28
Pollution	3	9
LMFO	4	24
Total	276	2195

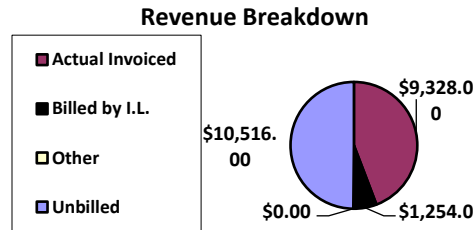
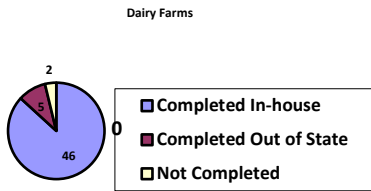
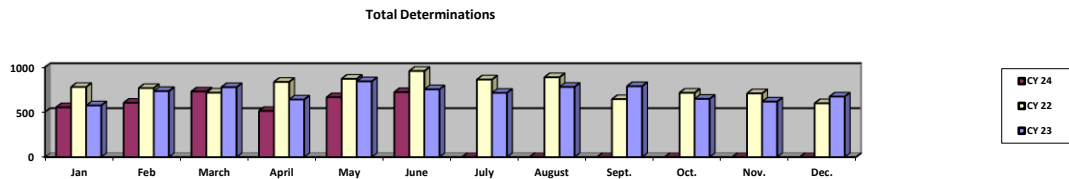


DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of June was a normal testing month for the Section. Only two dairies were not tested, and this was due to the samples being shipped and received hot. Milk samples must be below 4° C (39.2° F). There are currently fifty-six dairies tested monthly with five of these dairies tested out of state. The Section rejected five meat samples because of temperature. The USDA requires that samples must be below 15° C (59° F) upon receipt for testing.

The FDA audit of the Dairy Section has been scheduled for August 19-23, 2024. The FDA will observe all testing parameters on each analysis that the Section is approved for as well as auditing results. The Section is required to keep three years' of records on hand. Also, the FDA will observe an LEO inspection at one of the plants. The Kansas LEO needs certification, so she will be attending a plant inspection and records review here as well.

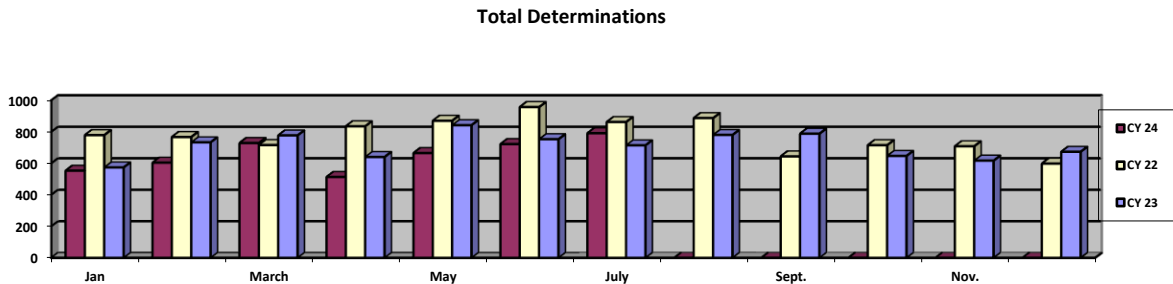
It has been announced and opened for candidates to attend FD374, Milk Analyst Training Class, September 17th through 19th at the Department of Agriculture Laboratory. They have opened 40 slots for analysts from all over the US to attend the class. The conference room will provide the classroom section and the old serology laboratory will be used for the hands-on laboratory portion. The dairy laboratory 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.

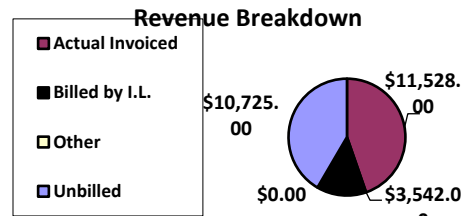
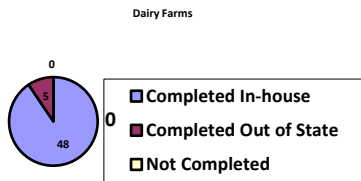


The month of July was a normal testing month for the Section. All dairies were tested. There are currently fifty-six dairies tested monthly with five of these dairies tested out of state. The Section rejected one meat sample because of temperature. The USDA requires that samples must be below 15°C (59F) upon receipt for testing.

During a routine screening of a raw milk sample, a presumptive positive for Campylobacter was found. The enrichment and original sample were taken to the State Health Department in Stillwater for confirmation and isolation. The Section has not received any results yet.

The Section identified a non-O157 meat sample in May 2024. After trying to isolate the organism, the Section finally released the sample as “Detected, but not able to isolate”. A new PCR platform has been purchased that is capable of detecting individually each of the Big Six E. coli. A magnetic bead separator has also been purchased that will allow the Section to be able to separate specific Big Six organisms which will increase the chance of isolating and confirming a sample.





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

In June the Section received a total of 79 samples for the month. Crops being analyzed still consist primarily of summer crops, sorghum, soybean, corn, cowpeas, sesame, and summer grasses. No quality issues have been discovered pertaining to the summer crops seed being tested. There were no Seed Law violations discovered during the month.

The Section is currently working to complete the first proficiency test of 2024-2025. The test is on the Application of Test Tolerances from The Association of Official Seed Analysts (AOSA).

In July activity in the Section increased. Records indicate the Section received a total of 259 samples for testing. Wheat, rye, oats, and other small grains were the majority of crops tested while mostly turf and native grasses made up the remaining balance. Up to now there have been no quality issues discovered pertaining to small grain crops.

Testing of certified wheat seed is showing great quality. Germination and test weight results were up significantly from previous years.

Overall seed quality was acceptable for official samples, however there was a violation discovered on a lot of tall fescues for germination below standard. All infractions have since been remedied and released from stop sale.

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

June was a good month for the Section, we were able to continue training our new chemist. Her ability to run several analyses allowed for reduced impact to our workflow. The Section is waiting on the installation and training of the new Foss Analyzer unit, scheduled for July 11th, and has sufficient time to test the system and work with CPS to develop protocol for screening out samples.

The month was fairly slow on both samples coming in and going out. The samples we completed this month gave us a total of 3053 completed samples in FY 2024. With 606 determinations made for the month we completed 14,102 determinations in FY 2024. We exceeded all of our targets for the year and hopefully we can continue improving these numbers as we work with CPS to modernize the Section.

Our turnaround time is currently at 18.76 days, slightly exceeding our target time, however getting very close to target.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
Samples Received	116	45	4	165
Samples Completed	91	48	3	142
Determinations	416	171	19	606
Violations	23	11	3	37
Violation %	5.53%	6.43%	6.77%	6.11%

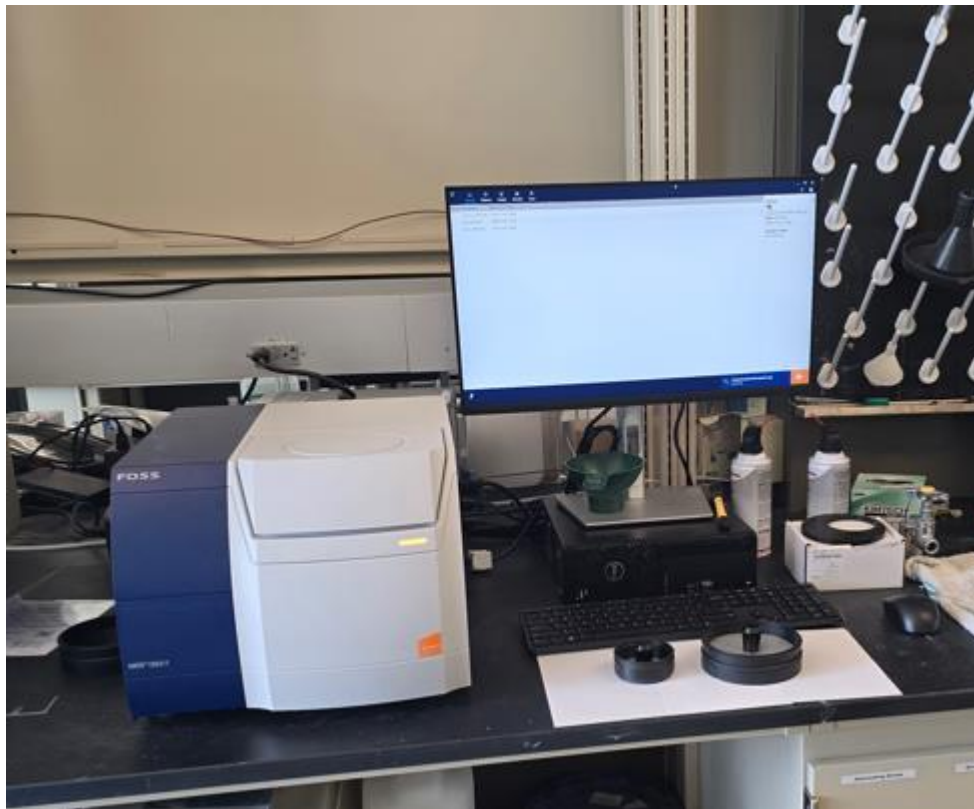
July was a productive month for the Section. We were able to complete all Fiscal Year 2024 sample testing and had all FY 2024 reports issued by July 31st. The Section had the installation and training of the new FOSS DS3-F feed scanner on July 15th. We have started qualifying runs for the unit, we are scanning feed samples after riffing (unground) and after being ground. These results will be compared to each other and to our results obtained through traditional testing. We would like to have a sample set of around 250 samples to run statistical analysis and determine if there are any biases we need to be aware of. Once we have run all the tests and analysis we will be meeting with the laboratory's QA Manager and CPS to determine the best way to use the system.

The numbers are continuing to improve on our overall productivity from the past five year average. We received 255 samples, completed 262 consisting of 1386 determinations. With the implementation of the FOSS unit we hope to be able to increase our sample throughput allowing us to focus on failing samples. Section staff was able to develop and conduct a program/activity for the bring your child to work event. We received positive feedback from participants.

Our turnaround time is currently at 20.17 days, slightly exceeding our target time. We have recently increased our throughput on the ICP and this is increasing our turn-around time. This may necessitate working with CPS to balance more rigorous testing with turnaround time.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
Samples Received	189	52	14	255
Samples Completed	191	61	10	262
Determinations	1109	212	65	1386
Violations	95	21	6	122
Violation %	8.57%	9.91%	9.23%	8.80%



Foss DS3-F Near Infrared feed scanner. This unit is calibrated and set up to give Crude Protein, Crude Fat and Crude Fiber results. The two cups in front are used to hold the sample. We are using the large cup for unground samples and the small cup for ground samples. We have run around 100 samples of our 250 target test run and hope to have the scanner part completed by the end of August and the confirmation testing completed by mid-September. This will allow us to have a testing protocol in place prior to the feed rush in November.

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

In the month of June, bid responses for an annual Preventative Maintenance and Service Agreement covering the LC-QQQ system have been received, reviewed and concluded. New gas generators, both Hydrogen for GC and Nitrogen for LC-QQQ, have been shipped and delivery is expected soon.

New Formulation samples have slowed greatly, while Residue drift investigations have picked up. Beginning in May, we have started tracking the number of tests per sample as received. Currently, greater than 90% of new samples received are being requested with two or more tests. The majority of these tests are performed by LC-QQQ, of which only one is operational, comprising a bottleneck to sample turnaround time. Specifications are being collected and organized for an LC-QQQ system to replace the aged 6410, some fifteen years old.

Pesticide Section samples completed:

In the month of June, the Section completed 50 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 34 days.

	Number of samples	Test	Det.	Average TAT (days)	
Residue Vegetation	2	8	36	62	Average Residue Turnaround Time: 27 days Average Formulation Turnaround Time: 91 days Average Hemp Turnaround Time: 7 days
Residue Soil	7	12	40	25	
Residue Water	25	26	35	25	
IFA Soil	1	1	6	19	
Residue, Other	-	-	-	-	
Concentrate	4	10	6	113	
Tank Mix	4	15	19	68	
Hemp	7	7	7	7	
Totals					
	# of Samples	# of Tests	# of Determinations		
	50	79	149		

Samples the Section received by month:

The Section received 90 samples this month, comprising 188 tests, an average of 2.09 different tests per sample. Most of the samples received are for Residue Analysis (see Fig A).

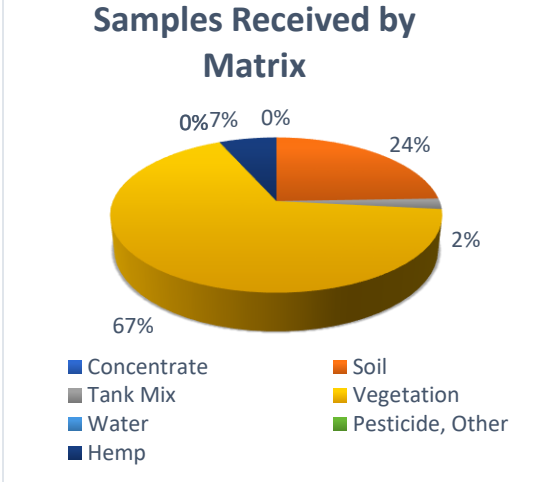
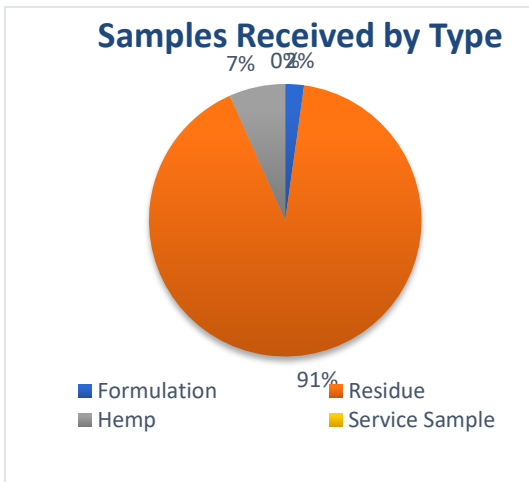


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

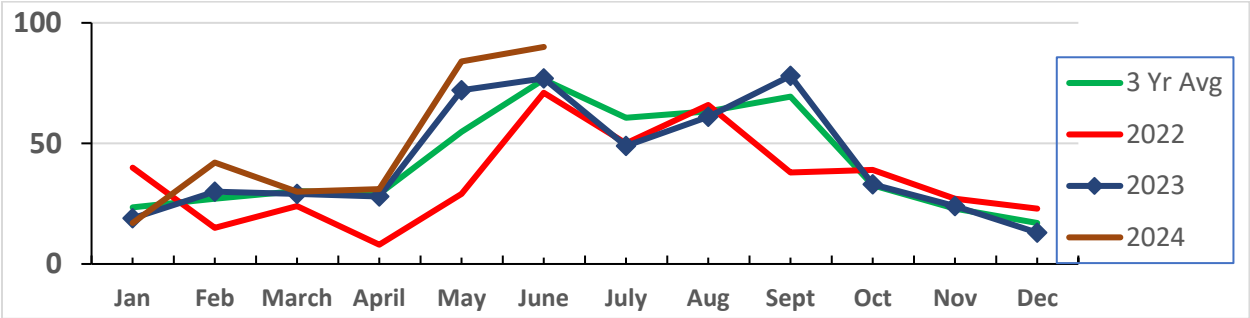


Fig B. Graph showing the number of samples received by the Section each month.

Determinations the Section completed by month:

This month, the Section completed 149 determinations with most of the determinations on Residue Soil, Vegetation, and Water samples.

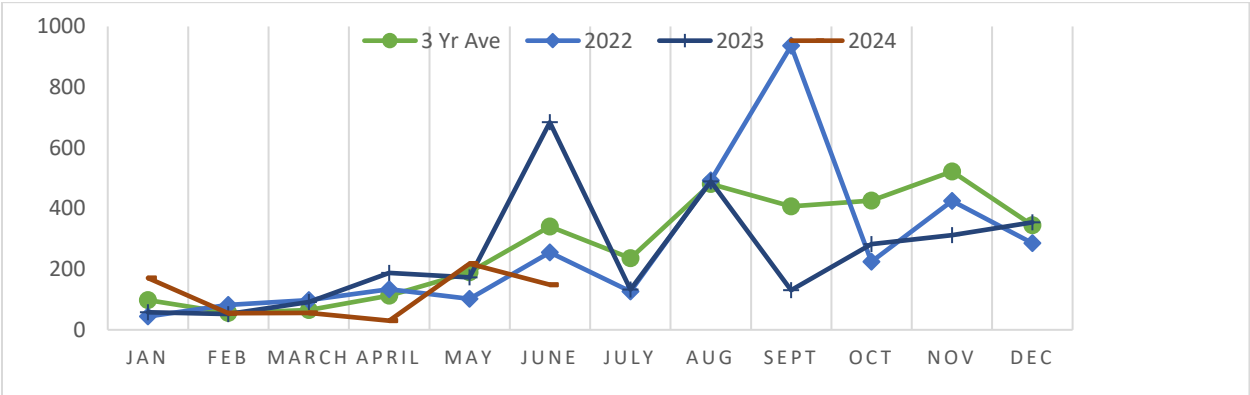


Fig C. Graph showing the number of determinations completed each month.

In the month of July, the new nitrogen generator that is capable of supporting two LC-QQQ mass spectrometry instruments was delivered, installed and is operational. PM service for Formulation HPLC instruments has been scheduled and maintenance kits have been delivered. Specifications for replacement of LC-QQQ (6410 model) for residue analysis have been drafted, and steps are being taken for the solicitation of a new instrument.

New Formulation samples are beginning to arrive, and Hemp samples have been steadily coming in greater numbers. New Residue drift investigations have slowed somewhat, and many samples are being completed.

Pesticide Section samples completed:

In the month of July, the Section completed 58 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 30 days.

	Number of samples	Test	Det.	Average TAT (days)	
Residue Vegetation	14	29	218	72	Average Residue Turnaround Time: 38 days Average Formulation Turnaround Time: 27 days Average Hemp Turnaround Time: 10 days
Residue Soil	26	33	76	20	
Residue Water	-	-	-	-	
IFA Soil	-	-	-	-	
Residue, Other	-	-	-	-	
Concentrate	2	14	22	24	
Tank Mix	1	2	11	33	
Hemp	15	15	15	10	

Totals		
# of Samples	# of Tests	# of Determinations
58	93	342

Samples the Section received by month:

The Section received 69 samples this month, comprising 129 tests, an average of 1.87 different tests per sample. Most of the samples received are for Residue Analysis (see Fig A).

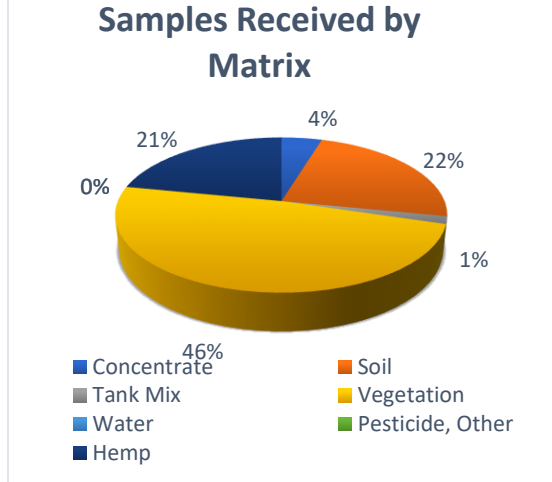
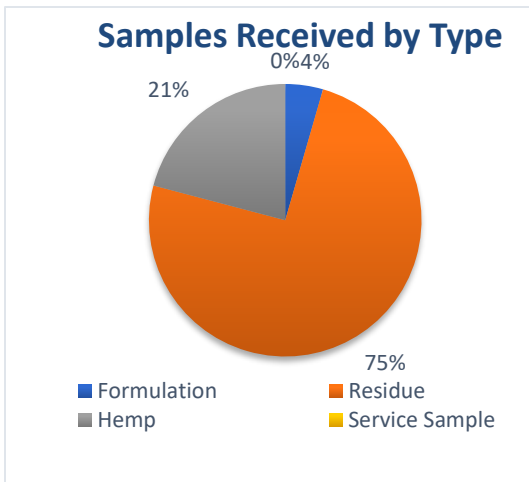


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

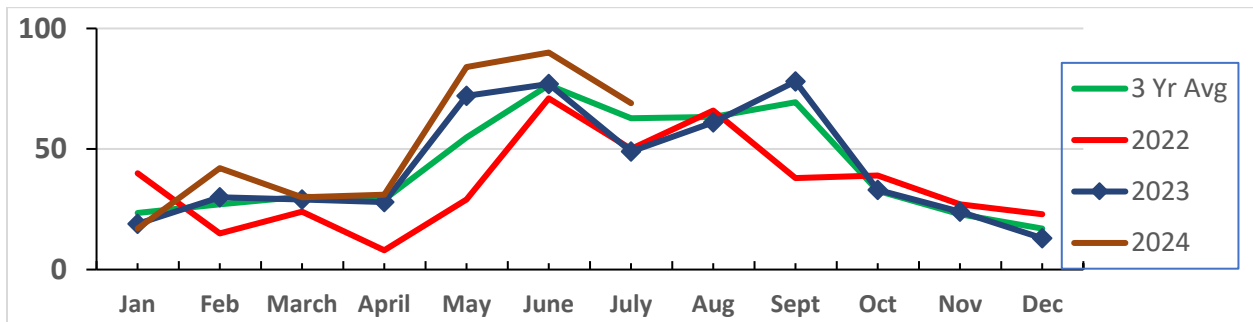


Fig B. Graph showing the number of samples received by the Section each month.

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

The following is a workload summary for the Oklahoma Bureau of Standards from June 1st to June 30th.

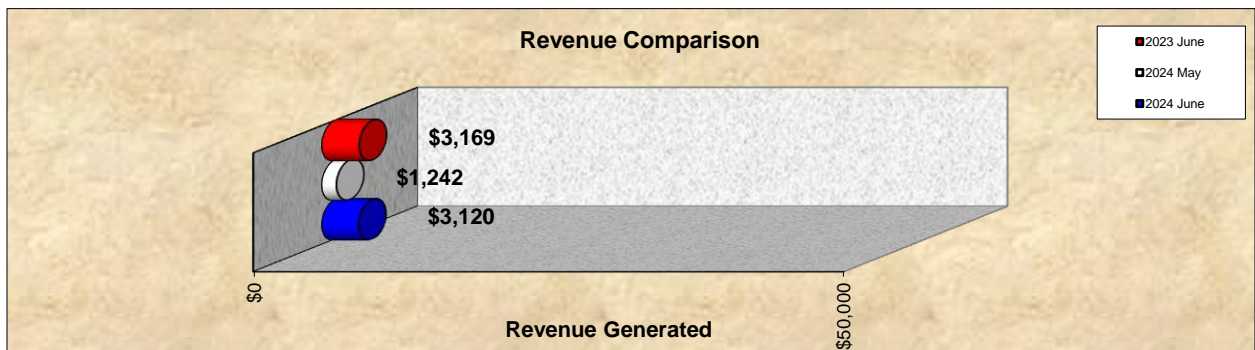
The Oklahoma Bureau of Standards generated a revenue of \$3,120.00 during the month of June 2024. The primary total of standards that were calibrated belonged to the Oklahoma Corporation Commission (OCC). All standards that were calibrated during the month of June were volumetric artifacts. This included numerous 5-gallon test measures, and two 50-gallon provers.

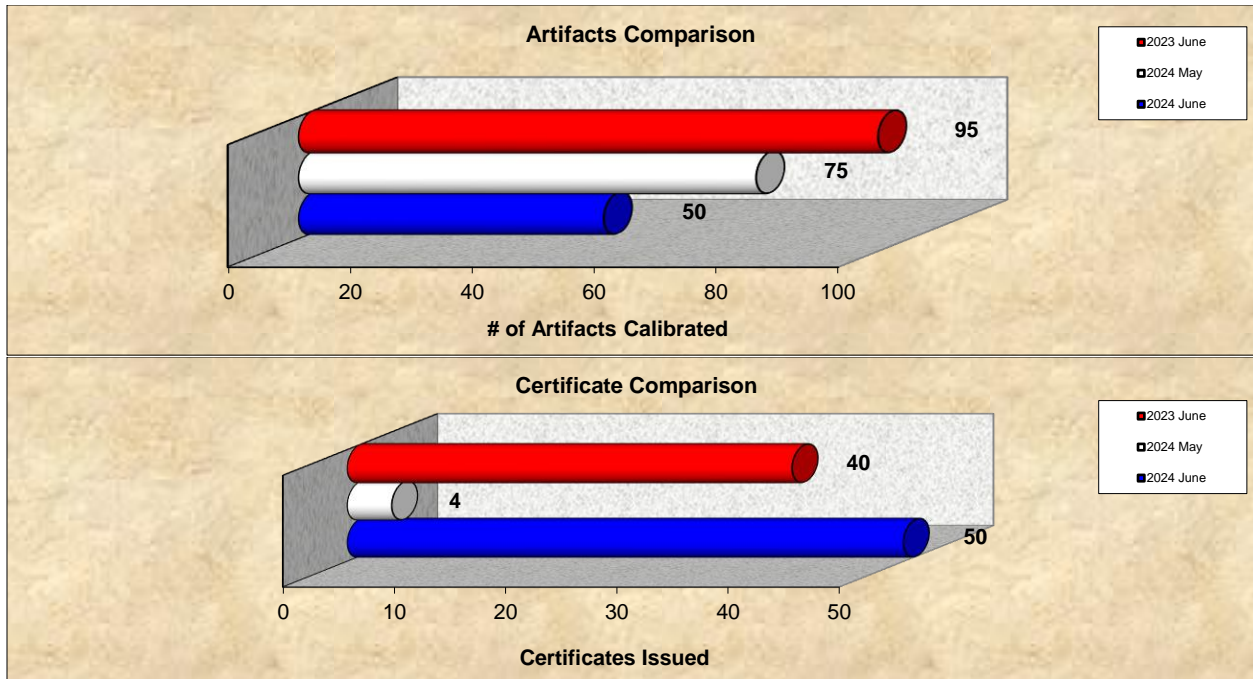
Pictured below is the forklift in the Oklahoma Bureau of Standards. The battery was recently replaced. This forklift aids in testing for the Section as well as helps the Agency as needed.



Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	0	\$0.00	0.00%	0	0.00%
In-State Customers	2	\$3,120.00	100.00%	50	100.00%
Totals	2	\$3,120.00	100.00%	50	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



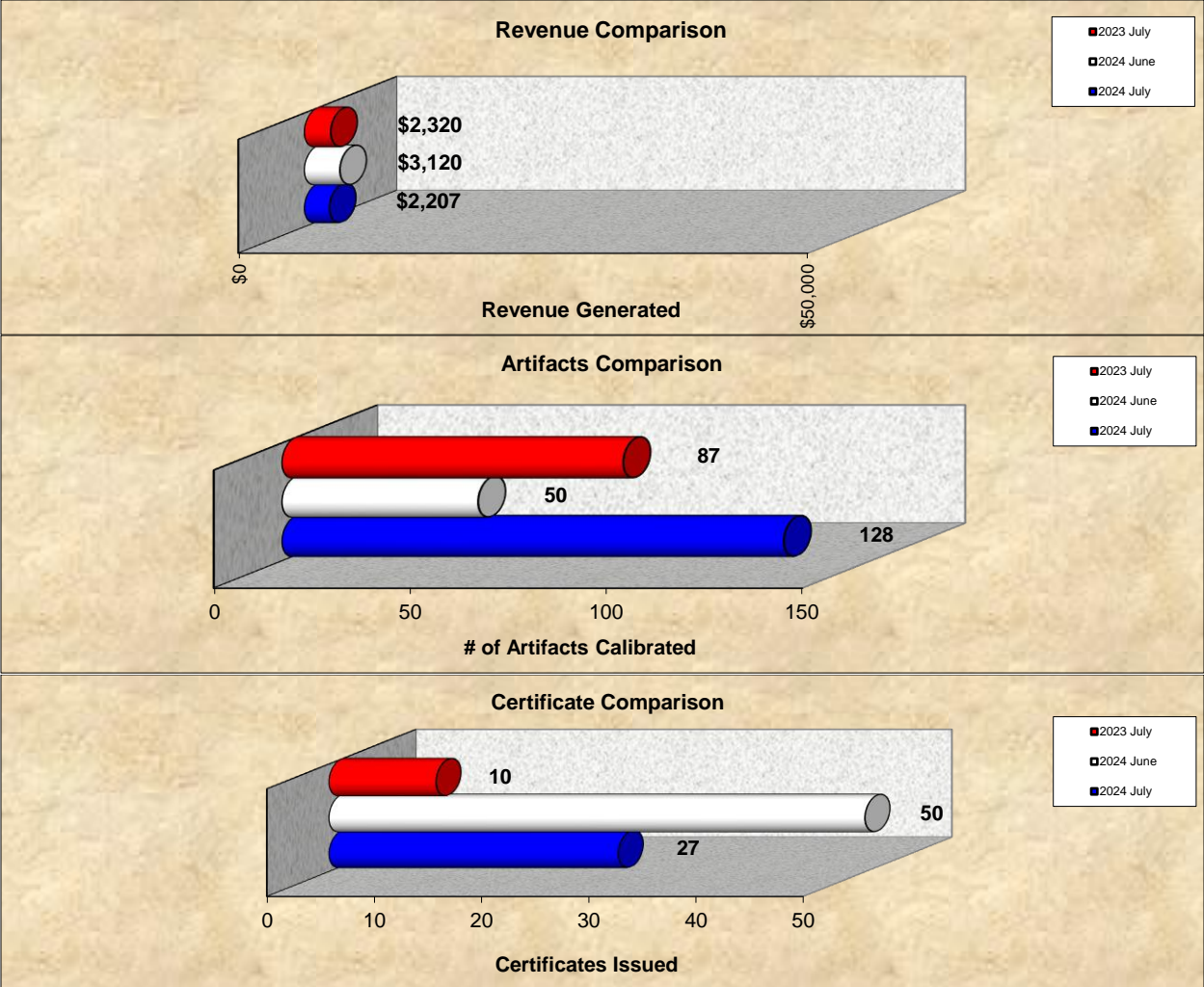


The following is a workload summary for the Oklahoma Bureau of Standards from July 1st through July 31st.

The Oklahoma Bureau of Standards generated a revenue of \$2,207.00 during the month of July 2024. Many appointments were held throughout the month. Most of these appointments were for volumetric calibrations to be performed.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	0	\$0.00	0.00%	0	0.00%
In-State Customers	5	\$2,207.00	100.00%	128	100.00%
Totals	5	\$2,207.00	100.00%	128	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
 Wade Krivanek
 Laboratory Director
 Laboratory Services Division

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

FEED SAMPLES	116
FEED DETERMINATIONS	416
POSSIBLE VIOLATIONS	23
FERTILIZER SAMPLES	45
FERTILIZER DETERMINATIONS	171
POSSIBLE VIOLATIONS	11
LIME SAMPLES	4
LIME DETERMINATIONS	19
POSSIBLE VIOLATIONS	3
PESTICIDE SAMPLES	50
PESTICIDE DETERMINATIONS	149
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	79
DETERMINATIONS	528
SEED SAMPLES	130
SEED DETERMINATIONS	130
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	50
NUMBER OF STANDARDS CALIBRATED	50
FEE CHARGES	\$3,120.00
DAIRY SAMPLES	397
DAIRY DETERMINATIONS	722
POSSIBLE VIOLATIONS	12
TOTAL SAMPLES	871
TOTAL DETERMINATIONS	2185
TOTAL POSSIBLE VIOLATIONS	49

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

FEED SAMPLES	189
FEED DETERMINATIONS	1109
POSSIBLE VIOLATIONS	95
FERTILIZER SAMPLES	52
FERTILIZER DETERMINATIONS	212
POSSIBLE VIOLATIONS	21
LIME SAMPLES	14
LIME DETERMINATIONS	65
POSSIBLE VIOLATIONS	6
PESTICIDE SAMPLES	58
PESTICIDE DETERMINATIONS	342
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	276
DETERMINATIONS	2195
SEED SAMPLES	150
SEED DETERMINATIONS	206
POSSIBLE VIOLATIONS	1
BUREAU OF STANDARDS CERTIFICATES	27
NUMBER OF STANDARDS CALIBRATED	128
FEE CHARGES	\$2,207.00
DAIRY SAMPLES	417
DAIRY DETERMINATIONS	791
POSSIBLE VIOLATIONS	10
TOTAL SAMPLES	1183
TOTAL DETERMINATIONS	5048
TOTAL POSSIBLE VIOLATIONS	133



OKLAHOMA FORESTRY SERVICES BOARD REPORT

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

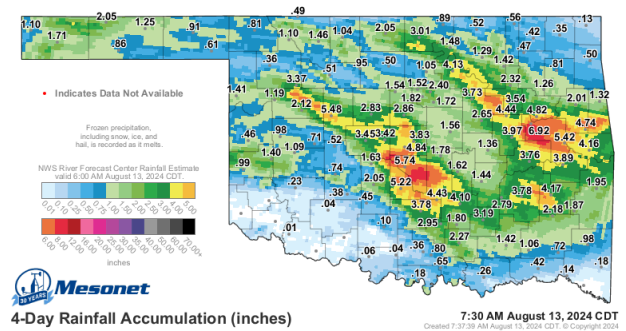
Forestry Services' board report is formatted to reflect the priorities of the National Cohesive Wildland Fire Management Strategy, which include Resilient Landscapes, Fire Adapted communities, and Wildfire Response.

Activity from July 11 to August 12, 2024

FIRE MANAGEMENT

Wildfire Activity & Outlook Executive Summary:

Periods of very hot and dry conditions have been punctuated with timely rainfall and brief episodes of cooler temperatures over the course of the Oklahoma summer. Thus far the vast majority of wildfire activity has been characterized as successful initial attack. Wildfire occurrence and severity had increased into the early part of August as hot and dry conditions gripped the majority of the state. A rainfall event on August 10th through August 12th provided a beneficial wetting rain during the growing season as resurgent drought indices were trending in the wrong direction.



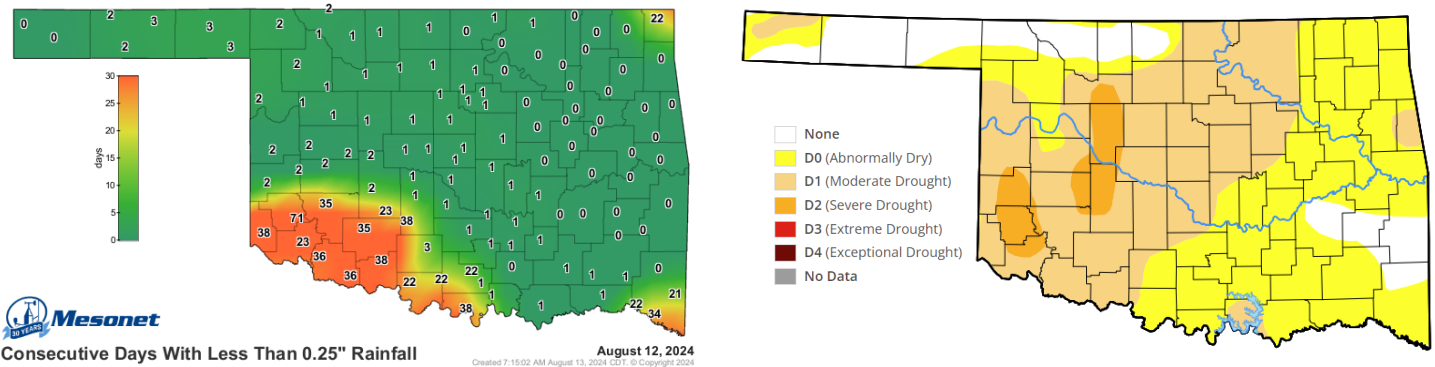
Overall, fire occurrence remains below both the 5- and 10-year averages within the designated OFS Protection Area juxtaposed with increased average fire size. Less wildfire occurrence with larger fire size is consistent with national trends

and may be harbinger of a new normal where additional firefighting resources are required to gain control of a wildfire with longer duration resource commitment.

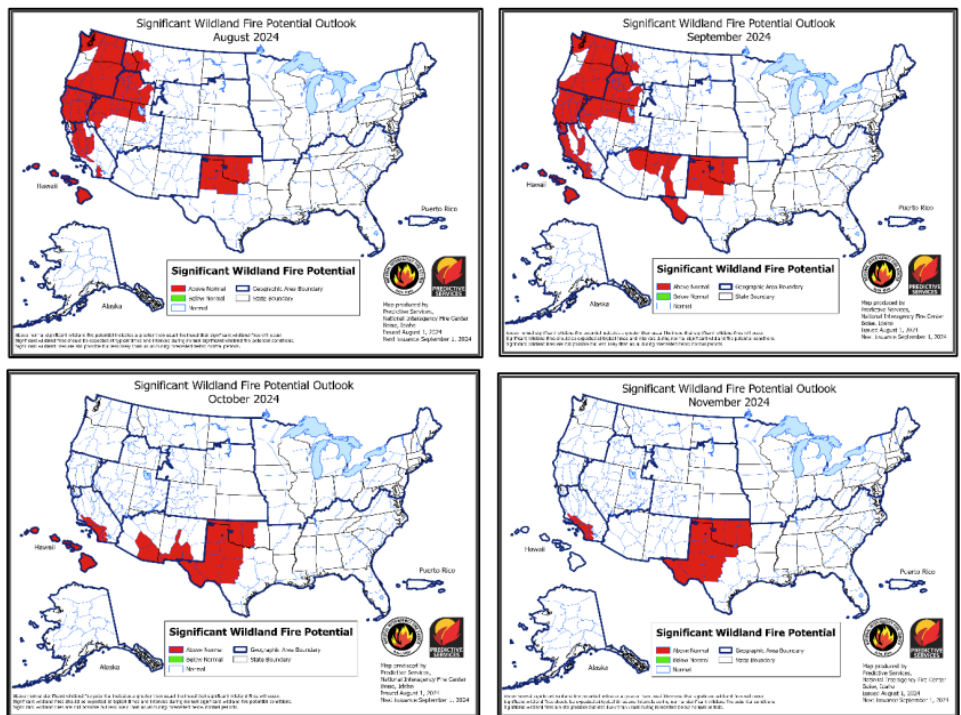
July 2024 Fire Response	Fires	Acres
2024 Wildfires Year-to-Date	766	229,127
OFS Protection Area - Month	15	121.6
5-Year Average	39.60	1,01164
10-Year Average	35.80	902.37
Protection Area YTD	377	29,260.2
OFS Response Outside Protection Area	1	794
OFS Response Outside Protection Area YTD	30	173,510.8
Fire Department Reports	88	7,943
Fire Department Reports YTD	359	26,356
Prescribed Burns - SE	1	76
Prescribed Burns - EC	0	0
Prescribed Burns - NE	0	0
Prescribed Burns - OKOKS	0	0
Prescribed Burns - YTD	52	17,802

Southwestern Oklahoma counties and extreme southeastern Oklahoma continue to register building moisture deficits with a heightened fire danger concern. The Mangum Mesonet site has eclipsed seventy (70) days since a wetting rain while much of the Red River corridor posts +/- thirty (30) days separation from wetting rains. Both live and dead fuel moisture values in this area are suffering which points to the potential for the emergence of problematic fire behavior and declining initial attack success if the current rainfall trend persists.

Drought concern continues to expand. Currently, a mere 13.53% of the state is not registered in the drought spectrum compared to better than 50% just three months ago. Some of the drought effects have been muted with the timely rains. However the longer term effects should not be ignored in light of the probability of strengthening La Nina (warm/dry trending) conditions on the horizon.



The current National Significant Wildfire Potential Outlook issued at the first of every month by the National Interagency Fire Center, in coordination with state and federal wildfire agencies, highlights the concern reflected in the narrative above as we progress through summer into fall. While this is a dire outlook that may be just a bit ‘overcooked’, the trend should not be ignored. The current outlook leans heavily into the ENSO outlook and strengthening La Nina expectation. Additionally, this outlook considers the Climate Prediction Center’s extended forecast products that also trend warmer and drier. Fire environment factors, specifically fuel conditions, merit close monitoring for subtle degradation that points to elevated wildfire danger.



As of this writing, the National Preparedness Level is 5 (on a scale of 1 through 5). The northwestern United States is experiencing the brunt of significant wildfire occurrence with more than twenty national, interagency incident management teams assigned to complex wildfire incidents. Oklahoma Forestry Services has supported to the national mobilization effort while maintaining appropriate preparedness on the homefront. Currently, OFS has 13 personnel deployed that are supporting all facets of incident management in four northwestern states. Additionally, OFS has eight personnel and three firefighting dozers mobilized supporting wildfire operations in Texas.

HAZARDOUS FUELS MITIGATION

Wildfire Mitigation Crews will return to Turner Falls Park at Davis to begin work on fire breaks in early September. Once complete, the next phase will be pile burning which will be conducted under acceptable weather conditions and when fewer tourists will be in the park.

This year's State Fire Capacity grant application will focus on the communities of Byng and Francis. These two towns are located within five miles of each other in northern Pontotoc County. Both have extensive history of wildfire affecting their residents. This project has the potential to protect an entire town and school system with an enrollment of 1,400 students. OFS is looking forward to preparing this application and seeing it awarded in Spring of 2025.

COMMUNITY OUTREACH AND COMMUNICATIONS

FORESTRY EDUCATION

On July 9th, Education Coordinator Tony Pascall facilitated a Project Learning Tree K-8 workshop for three teachers in Durant. These educators now have the resources to teach about forestry with their students throughout the school year.

On July 10th, Tony taught the STEM day for the summer camp at the Jane A. Malone Center in Tulsa. Approximately 25 students learned about the importance of urban forests and about how trees grow.

On July 12th, Tony taught about micro-habitats in fields, forests, and streams to 25 4H students at the Love County 4H exploration day.



On July 17th, Tony worked with Blue Thumb Coordinator Candice Miller to host a Project Learning Tree, Project Wild, and Project WET workshop for six early childhood educators in Tulsa. These educators now have access to materials to teach their students about the environment throughout the year.

On July 20th, Tony led a Train-the-Trainer workshop on Project Learning Tree to twenty-three educators in Edmond. 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.

On July 24th, Tony presented a program on jobs in forestry at the 4H Round-up in Stillwater. Sixteen high school students learned about job opportunities at OFS and the wider forest industry, as well as what training was needed to be prepared for those careers.





On July 25th, Tony presented the Forestry section of ODAFF’s “take your child to work day.” Approximately twenty children learned about the different jobs at OFS, and what we are responsible for as an agency.

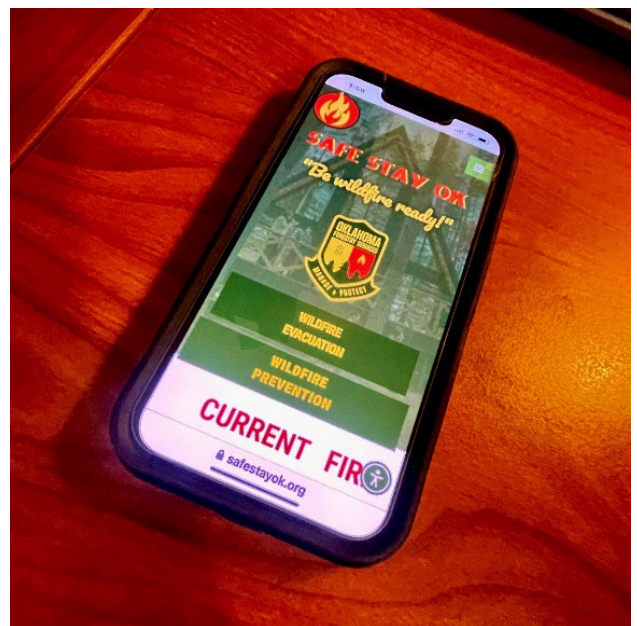
On July 27th, Tony presented at the Oklahoma Association for the Education of Young Children conference in Broken Arrow. There, he had a workshop on forestry- based education for pre-K students and had a table to share the opportunities teachers could access through PLT.

On July 30th, Tony presented at the Oklahoma Ag in the Classroom conference in Oklahoma City. There, he conducted a workshop on forestry-based education for K-8 students provided a display to outline PLT opportunities available to teachers.

COMMUNICATIONS

Mobile app development for the Hochatown “Safe Stay OK” project continues and will begin beta testing once the federal funding that is in place gets final approval which is expected in short order. The application will ultimately be available to users on the Apple App Store and Google Play.

Information Representative Keith Merckx is representing OFS at the Southern Group of State Foresters’ Communications Committee’s Summer Meeting which is set for August 20th and 21st in Atlanta. Communications Staff from the thirteen Southern State Forestry agencies, the National Association of State Foresters (NASF), US Forest Service, and others are to conduct regular committee business and also attend a social media workshop at the [Southern Area Coordination Center](#). Topics include Enhancing Social Media Skills, Content Production, Strengthening Community Engagement, Maximizing ROI and Data Analysis, and Exploring Influencer Collaborations.



August has been a busy month for Smokey Bear. An 80th Birthday Celebration was held on August 9th at the Forest Heritage Center where Keith collaborated with his counterpart at NASF and FHC Manager Shalee Buzan to display nineteen reproductions of iconic Smokey Bear fire prevention messages by artist Rudy Wendelin. Smokey and State Forester Mark Goeller appeared on KWTU News 9’s August 7th noon news program to promote the event as well as Smokey’s enduring message of wildfire prevention. Earlier that day, Smokey and Keith had a birthday celebration with children at the Chickasha Public Library. Keith read a book to children during Storytime with a Ranger.



Urban Forestry Coordinator Riley Coy and Keith met with a reporter from OETA at an area nursery to do an on camera interview about the myriad benefits of filling our cities and towns with trees – particularly timely given the dangerous heat index on the day of the interview. That segment airs on the Oklahoma News Report’s August 16th program.

PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

NORTHEAST AREA

Forest Protection Highlights

From July 6th through August 14th, the Northeast Area had nine fires in the Protection Area that burned 117.8 acres. Jake Johnson, new Proctor Unit Forest Ranger, completed his basic wildland firefighter training requirements and obtained his Class A CDL. Craig Longshore, Billy Riggs, Rick O’Daniel, and Aaron Williams met at Tahlequah and worked on the

Emergency Vehicle Operation Training. A number of Northeast Area Rangers have been deployed to fight fire in the western US:

- Isaac Merchant – Alaska – Engine Boss (ENGB)
- Heath Jones – Alaska – ENGB-trainee
- Tony Hadley – Washington – Task Force Leader (TFLD)
- Jake Johnson – Washington – Firefighter, Type 1-trainee
- Cole Hix – Montana – TFLD
- Dusty Ryals – Texas – Initial Attack Dozer Operator (DZIA)
- Tony Hadley – Texas – DZIA

Forest Management/Program Highlights

Ryan Pope worked with several landowners in Adair County writing burn plans for the Cross Boundaries Grant. He completed four burn plans for this grant. He assisted three landowners with tree sickness issues. Harris Groberg started working on his first property, writing a management plan. Harris completed the S-130/190 basic wildland firefighting training classes held at Wilburton in July.

Connie Robinson assisted four landowners with forestry related questions. Connie met with NRCS offices in her area. She collected data and removed EAB traps from properties. Connie gave a forestry presentation at Lake Murray for a women’s group and assisted the Lake Murray Park personnel with Smokey’s 80th birthday celebration.



Administrative

Kaley Helton attended an Administrative Programs Officer meeting to review new hire processes in Oklahoma City on July 11th.

Ongoing Issues & Upcoming Events

- S-130/190 basic wildland fire training in Sequoyah County – TBD
- Smokey Wildfire Prevention event in Muskogee – August 27th

EAST CENTRAL AREA

Forest Protection Highlights

Since the last board report date of July 12th, the East Central Area has suppressed seven fires that burned 59.6 acres. Two (2) primary structures with a total value of \$120,000.00 were saved. Four (4) secondary structures valued at \$11,000 were also saved. Since the last report, four East Central rangers have provided fire suppression response in Texas, nine EC rangers have provided fire suppression response in Washington State, and one other ranger is serving on an incident management team in Oregon.

Prescribed Burn Planning

Wilburton and Talihina foresters completed six prescribed burn plans for the Latimer and LeFlore County Conservation Districts on six properties for a total of 74 acres. The Conservation Districts will conduct prescribed burns at each of the properties to kill hardwood and brush encroachment along the dam at each flood control lake. The encroaching hardwood and brush root cavities leave a void within the dam through which water can enter and flow. This can ultimately lead to

failure of the dam by piping (internal erosion). Talihiina rangers also completed fireline construction for one property totaling 50 acres.

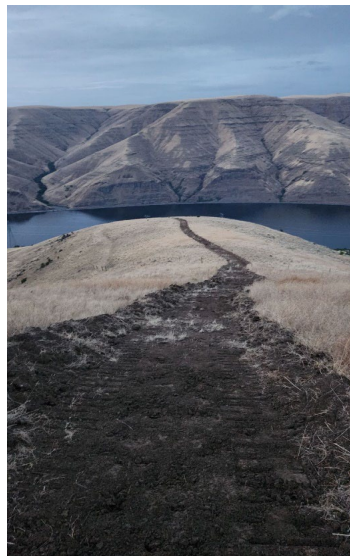


Forest Management Highlights

Forester JT Allen met with other OFS personnel to plan management objectives and future management activities for the Musket Mountain State Forest. Eddie Woods completed two forest management plans on two properties totaling 2,255 acres. Forester Brandon Faulkenberry inspected 2024 planting jobs for herbaceous weed control spraying needs.

Information / Education

East Central Rangers Brayden Hoffman and Tanner Rogers along with Forester Eddie Woods participated in celebrating Smokey Bear's 80th birthday at Robber's Cave State Park. Ranger Garret Rowland participated in the Pittsburg Founder's Day parade. Forester Eddie Woods attended the Forestry Advisory Committee meeting at EOSC. Talihiina personnel will present an upcoming Smokey program at Panama elementary and a Green Jobs program at Panama middle school. EC foresters will also attend the upcoming Agriculture, Food and Natural Resources Career Fair at Oklahoma State University on September 19th.



Personnel Update

East Central has filled all of the Area's funded positions as of this writing. East Central's newest employee is Brayden Hoffman (Blanco Unit Forest Ranger I) who began employment on July 15th.

Brayden has land management and equipment operating experience in his background. After his hire he completed the S130/190 fire training course along with four Incident Command System courses. Brayden most recently passed his Class A CDL written test and has obtained his commercial learner's permit. The next step in obtaining his commercial driver's license is to begin the Behind the Wheel (BTW) range and road training with an OFS instructor. Once that is complete, he can then schedule a driving examination/skills test to get his permanent license.

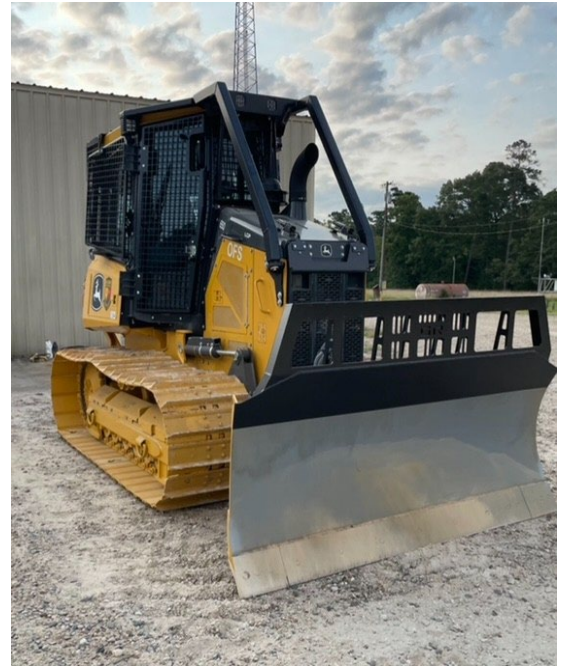


Safety / Training Highlights

East Central personnel participated in the July and August safety meetings. The three newest employees also completed Bloodborne Pathogens training and Asbestos Safety/Awareness training. East Central Rangers and Foresters also instructed S130/190 for the two new East Central employees Tanner Rogers and Brayden Hoffman and one new Northeast Area employee, Forester Harris Groberg.

Ongoing Issues

With the addition of the new employees our most pressing issues will be new employee training in preparation for the potential fall fire season. While not an ongoing issue, I would like to take this time to thank Mark Goeller, Andy James, Drew Daily, OFS rangers, and all the various other people involved who are making it possible for the purchasing of new firefighting equipment.



SOUTHEAST AREA

Forest Protection Highlights

- In Protection Fires: Eight fires burned 62.7 acres; Eight structures saved, and no structures lost.
- The following resources have traveled out-of-state on wildland fire assignments across the US: Steve Painter, Derik Gee, Colton Fuller, Mark Webb, Pat Wayman, JD Morris, Tama Lester, Bryden Walker, Oley Walker, Sonny Johnson, and Joshua Bates. Resources are continuing to go out in August to Texas, Oregon, and Washington.
- Preparation for summer fire season as well as out-of-state fire assignments are being arranged for the replacement of folks operating OFS equipment in Texas and Washington.

Forest Management/Programs Highlights

Will Phifer had 13 landowner assists in July. Tyler Hyatt had six landowner contacts in July. Jacob Lewis had eight landowner contacts in July.

Prescribed Fire Assistance

Broken Bow District personnel completed a Prescribed Burn plan for a 76-acre tract and completed the burn in July.

Safety/Training Highlights

- Antlers District had the following safety meetings facilitated by Pat Wayman and Steve Painter: Communication – types, proper/improper, safety issues; and Heat Stress and Disorders.
- Broken Bow District conducted a safety meeting on Heat Stress and Heat Exhaustion.
- Tony Macon, Pat Wayman, and Don Cook held the S130/S190 wildland fire class at the Antlers Library for several timber contractors and seed orchard employees/interns.
- Tony Macon, Tanner Wilson, Adam Burleson, and Colton Fuller held the S130/S190 at the Antlers FD training facility for all the Pushmataha County rural fire departments.

Employee Recognition

- Don Cook and Sonny Johnson attended the McCurtain County firefighter's association meeting.
- Work on the new bed for transport 262 has begun and is due to be completed in August.

Upcoming events/activities

- Hochatown mapping ongoing.
- Multiple Smokey programs in the area for the upcoming 80th birthday celebration.
- Preparing for summer fire season and potential out of state fire assignments.
- Cross Boundaries Rx Burns scheduled for this summer as conditions permit.
- County Firefighter Association Meetings.
- Site prep for landowners is planned for late summer/fall.
- Evacuation route signs in Hochatown.

STATE FORESTER ACTIVITIES from 11 July thru 16 Aug 2024

- Attended the July Meeting of the Oklahoma Rural Fire Coordinators
- Provided content input for the beta delivery of S-320 Introduction to Incident Management Teams course
- Attended a meeting with Lobbyists for The Nature Conservancy and Oklahoma Forestry Association regarding funding opportunities for the Musket Mountain State Forest

- Attended the 23 July, 30 July, and 14 Aug Director's Meetings
- Attended a mid-year performance review with Secretary Arthur
- Presented an overview of Forestry Services' responsibilities to the Thomas-Faye-Custer FFA members
- Virtually attended the Incident Management Course Steering Committee monthly conference call
- Attended the 6 August Forestry Services' "First Tuesday" Meeting
- Attended a meeting of Forestry Services' personnel to provide Leader's Intent for the future of Musket Mountain State Forest
- Conducted a live television appearance on KWTW-9's "The Porch" to celebrate Smokey Bear's 80th Birthday
- Participated in the ODAFF Agency-wide MS Teams Meeting
- Participated in a virtual conference with the USDA Forest Service and the National Association of State Foresters regarding the State Fire Assistance/Volunteer Fire Assistance Grants allocation formula.
- Participated in conference call with the USDA Forest Service and the Southern Group of State Foresters to discuss the provisions of the Inflation Reduction Act Landowner Assistance Grant.
- Provided input to an FFA member who is writing a speech on the benefits of Prescribed Burning.

Respectfully submitted,

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



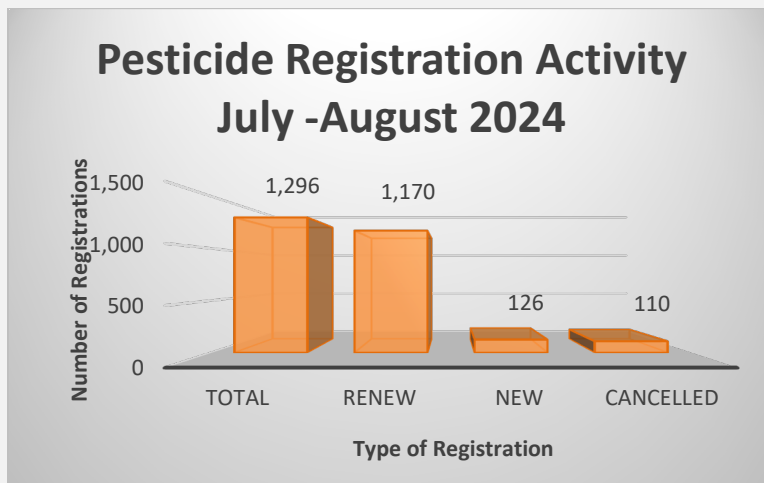
CONSUMER PROTECTION SERVICES DIVISION

AUGUST 28, 2024, BOARD MEETING REPORT FOR JULY/AUGUST 2024

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for July 1st to August 12th in 2024 are presented in the following chart. A total of 1296 products were registered, of the products registered 1170 were renewals and 126 were new. There were 110 products cancelled.



Pesticide Samples

Pesticide samples taken FY 2024 are presented in the following chart. A total of 429 Residue, 13 Tank Mix, 38 Pollution, 96 Documentary, 8 Plant Food, and 81 Concentration samples were taken.

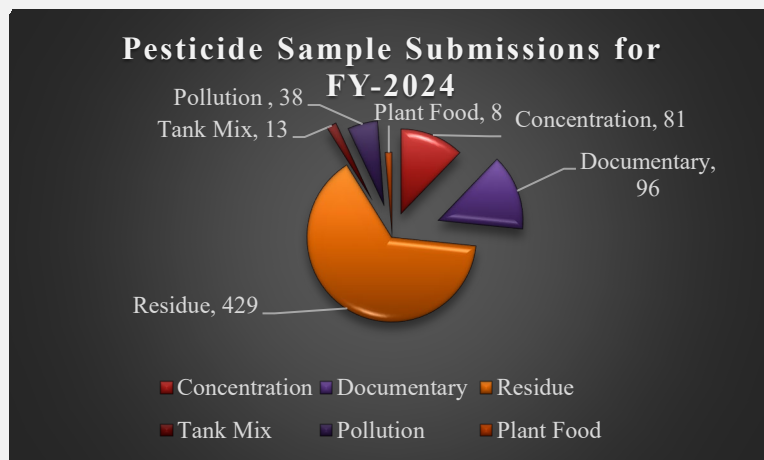


Table 1. Inspection Count for State Fiscal Year 2024

Inspection Type	Number of Inspections	
	FY 2024	
Noxious Weed	39	
Marketplace	365	
Pesticide Applicator Facility	281	
Restricted Use Pesticide Dealer	143	
Container Containment Inspection	9	
Producer Establishment	15	
Use	838	
Termite	93	
Wood	1	
Pre-treat	36	
Drift Investigation	115	
Pesticide Label	26,128	
Worker Protection	19	
Total	28,082	

Along with the above inspections CPS Field Agents also took 183 agriculture use samples, 88 agriculture use follow up samples, 216 non agriculture use samples, 56 non agriculture follow up samples, 35 marketplace samples and 87 producer establishment samples for a total of 665 samples.

Pesticide Producer Establishments

Sent out stop work orders to 15 companies due to non-renewal of their pesticide producer establishment permit.

Certified Applicators

Categories expiring 12/31 – Ornamental & Turf (3A), Interiorscape (3B), Nursery/Greenhouse (3C), Right-of-Way (6), and General Pest (7A).

Letters and emails will be sent to all certified applicators with expiring categories at the end of August. Recertification starts September 1st.

Pesticide Complaints

PESTICIDE COMPLAINTS	July 9, 2024 – August 12, 2024			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	12	1	1	1
MUSK THISTLE:	0	0	0	0
PMR CASES:	11	9	6	9
CASES REFERRED TO OGC:	7			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Kaci and Mary are continuing to work with USDA to get set up to use PCIT for state phytosanitary certificates.

Federal phytosanitary certificates Issued from July 1, 2024 – July 31, 2024

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

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

Federal Phytosanitary Certificates (July 1, 2024 - July 31, 2024)			
Country	Product	Quantity	Phytos Issued
Canada	Iris Rhizomes	182 Plants	3
Indonesia	Miscanthus Seed	20 Totes	1
Mexico	Sesame Seed	774,000 Lbs	18
Mexico	Bermuda Grass Seed	68.04 Kg	2
Mexico	Pine Poles	410 Poles	10
Republic of Korea	Rye Seed	100,000 Kgs	1
Spain	Bermuda Grass Seed	5.5 Kgs	1
Thailand	Miscanthus Seed	80 Totes	4
		Total:	40

Companies applying for federal phytosanitary certificates:

Aquifor Seeds LLC	2
Bell Lumber & Pole	10
International Ingredient	1
Johnston Seed	1
OSU Bioscience	1
Sesaco	18
Stouts	3
Tobin Newcomb	4
King's Mums	1
OSU Bioscience	1
OSU Plant & Soil	1
Sesaco	24

State phytosanitary certificates Issued from July 1, 2024 – July 31, 2024
30 phytosanitary certificates for 2,279 plants



Japanese Beetle Trapping

CPS Field Agents set 32 Japanese Beetle traps in late May in 7 counties. This survey involves trapping at farms/operations that require negative trapping data to ship to Western states due to state quarantines. Trapping will go on all Summer and will wrap up in the Fall. So far, we have not found any Japanese Beetles during this survey.



Figure 1: Japanese Beetle Trap

National Plant Board Meeting

Kenny Naylor, CPS Division Director, attended the National Plant Board meeting in Grand Rapids, MI. The annual meeting is an opportunity for the states, USDA, and Custom and Border Protection to meet to discuss plant protection issues and concerns. There were 34 states attending the meeting and the following items were some of the topics that were covered. The current status of forest pest's programs was discussed regarding Emerald Ash Borer and Spiny Moth, an update on Don't Move Firewood program, citrus pests, Invasive Hornets, Box Tree Moth certification program, as well as other plant pests of regulatory concerns.

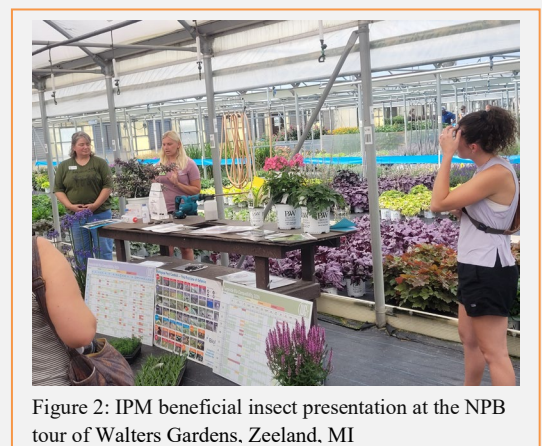


Figure 2: IPM beneficial insect presentation at the NPB tour of Walters Gardens, Zeeland, MI

Hemp

Harvest season is beginning. Calls continue to come in about businesses selling THCa and calling it hemp although it is above 0.3% total THC. Have referred several to OMMA and OBN.

Apiary

Calls continue to come in from people seeing cicada killers and reporting them as “murder hornets”.

CPS is contacting other state agencies in hopes of being able to develop pollinator gardens around the Capitol complex at their respective buildings. If this is successful, then a promotion during pollinator week showcasing the gardens will be planned.

AGRICULTURE RESOURCE SECTION

Weights & Measures Program

During this period the large capacity scale technicians tested 142 Vehicle scales and 1 ranch scale, 18 of the Vehicle scales were rejected.

CPS Field Agents checked a total of 1371 small scales and 31 platform scales, 23 of the scales were rejected. There were 26 random pack inspections and 40 standard pack inspections conducted that resulted in 19 companies receiving letters of warning and 2 companies receiving a stop sale. Additionally, 56 price verification inspections were conducted at various retailers.

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

During FY24 our field staff carried out 2447 Weights & Measures program inspections that resulted in a total of 188,053 labels & packages checked

Feed Program

Program Performance

During this reporting period there were a total of 189 official feed samples analyzed, with 1091 feed determinations made from these samples. These determinations resulted in the issuance of 39 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 Zinc. Other violations include Salt, Calcium, Crude Protein, Crude Fat, Copper, Manganese, Potassium, Crude Fiber, Vitamin A, and Phosphorus. Fourteen stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Five stop sales were issued for products deficient in Copper. Three stop sales were issued for products deficient in Vitamin A. Two stop sales were issued for products deficient in Crude Fat. Two stop sales were issued for products deficient in Calcium. One stop sale was issued for a product deficient in Crude Protein. One stop sale was issued for a product deficient in Salt.

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

Table 1. Feed Notice of Label Violation Summary July 2024 – June 2024

Nutritional Guarantee	Number of Label Violations		
	July ¹	June ²	Two Month Total
Crude Protein	4	3	7
Non-protein Nitrogen	0	0	0
Crude Fat	4	1	5
Crude Fiber	2	1	3
Calcium	5	3	8
Phosphorus	1	0	1
Salt	6	0	6
Magnesium	0	1	1
Potassium	2	0	2
Copper	3	0	3
Manganese	2	1	3
Zinc	8	2	10
Vitamin A	2	2	4
Methionine	0	0	0
Total	39	14	53

¹189 feed samples analyzed with 1091 determinations; ²91 feed samples analyzed with 419 determinations

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

Nutritional Guarantee	Number of Stop Sales		
	July ¹	June ²	Two Month Total
Crude Protein	1	0	1
Non-protein Nitrogen	0	0	0
Crude Fat	2	2	4
Crude Fiber	0	0	0
Calcium	2	0	2
Phosphorus	0	0	0
Salt	1	0	1
Manganese	0	0	0
Potassium	0	0	0
Copper	5	0	5
Zinc	0	0	0
Vitamin A	3	4	7
Medicated Feed	0	0	0
Total	14	6	20

¹189 feed samples analyzed with 1091 determinations; ²91 feed samples analyzed with 419 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 July 1st through August 1st, 2024.

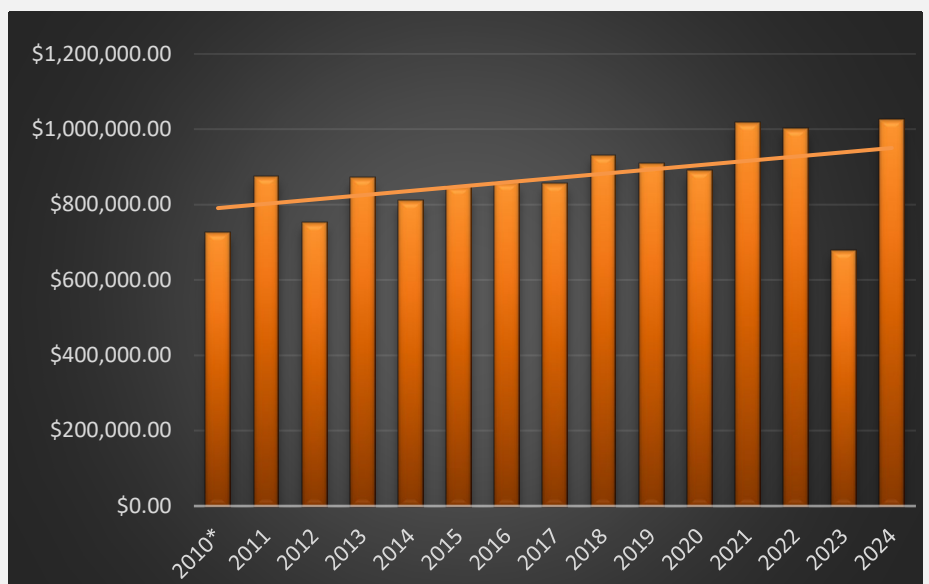
Sample Type	Number	Deficiency Penalty/SS
Fertilizer	45	11
Lime	13	-

Investigation Type	Number
Facility Pre-Site Inspections	2
Dry Bulk Fertilizer Storage Facility	21
Liquid Bulk Fertilizer Storage Facility	19
NH ₃ Nurse Tank Inspections	0
NH ₃ Storage Tank Inspections	0

Semiannually each registrant distributing fertilizer products and/or materials files an inspection fee report stating the number of tons sold or distributed during each period and pays an inspection fee per ton on the product reported. Since July 2010, the start of fiscal year 2011, the fertilizer inspection fees were \$1 per ton of product distributed, with \$0.50 of this amount deposited into 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 for the purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops, forages, groundwater, and surface water protection from plant food nutrients.

The following is a table and graph showing historical data of the received inspection fees for the reported net tonnage of fertilizer products and materials distributed in the state of Oklahoma.

Year	Fertilizer Inspection Fees Received
2010*	\$725,893.80
2011	\$875,922.72
2012	\$753,300.22
2013	\$871,439.76
2014	\$811,290.00
2015	\$847,187.33
2016	\$859,627.16
2017	\$855,698.94
2018	\$931,031.48
2019	\$909,051.70
2020	\$891,885.58
2021	\$1,018,132.77
2022	\$1,003,024.50
2023	\$679,307.71
2024	\$1,025,751.63



Fertilizer Notes

On July 11th, Fertilizer Program Administrator, Joshua Maples, presented to roughly 100 anhydrous ammonia dealers and applicators from across the state of Oklahoma at the annual

Anhydrous Ammonia Safety Training provided by Triangle Insurance in conjunction with the Consumer Protection Services Division of the Oklahoma Department of Agriculture, Food, & Forestry. Josh's presentation and discussions covered general anhydrous ammonia safety and the regulatory requirements set forth in the Oklahoma Fertilizer Act & Rules.



Figure 3: Anhydrous ammonia safety training program

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
August 28, 2024
Activities July 6, 2024 – August 9, 2024

Animal Disease Traceability:

On July 18 Dr. Gorczyca and I met with Joe Barbour of Livestock Marketing Association regarding the USDA rule to transition to electronic identification on November 5.

On August 7 several members of our staff met with representatives from Acclaim Systems to begin developing Oklahoma specific modules for the AgEnterprise software that will replace USAHerds.

We continue to distribute the free RFID tags to interested veterinarians and producers. During this time, we shipped 6,400 tags to four veterinarians and seven producers.

Even though the official metal ID tags will not be able to be applied after November 4, we distributed 9,000 of them to veterinarians.

One electronic reader for the RFID tags was distributed to a livestock market veterinarian.

We've had 11 new account requests for our no cost electronic CVI to make a total of 255 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:

Our inspectors completed six out of seven inspections that were assigned. Aquaculture inspections are required every two years, so the majority of our inspections were completed last year. We had two closeout inspections for facilities that are no longer operating.

Marissa corresponded with Oklahoma State Department of Health to clarify processing requirements for some of our producers.

Biologics:

Expired biologic products were found in four stores. The inspectors provided verbal education to the managers. No other action was taken, but we will continue monitoring these stores.

Two new biologic products registered during this time. One was an autogenous vaccine for Avian Metapneumovirus, which is a relatively new disease the poultry industry has been dealing with.

Cattle Programs:

On August 1 we were notified by the Missouri State Veterinarian office that the market veterinarian at a market in southwestern Missouri had discovered many unusual looking ticks on a group of heifers from Craig County in northeastern Oklahoma. The ticks were subsequently identified as Asian Longhorned Ticks. This is the first confirmed finding of ALT in Oklahoma. ALT are an invasive species that was first documented in the US in 2017 in New Jersey. The ticks can reproduce rapidly and cause anemia and related illnesses. They can also transmit a protozoan called *Theileria orientalis* Ikeda that causes symptoms similar to Anaplasmosis in cattle, sheep and goats. We are working with our partners at OADDL to get ticks submitted and identified to try to determine how wide spread the ticks are in Oklahoma.

The outbreak of Highly Pathogenic Avian Influenza in dairy cattle is continuing. It has now affected over 200 herds in 13 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.

We are working with Food Safety and AEMS to begin testing dairies that are in close proximity to commercial poultry farms for HPAI. If positive farms are found we will increase efforts to encourage enhance biosecurity to hopefully prevent farms from becoming infected.

Brucellosis:

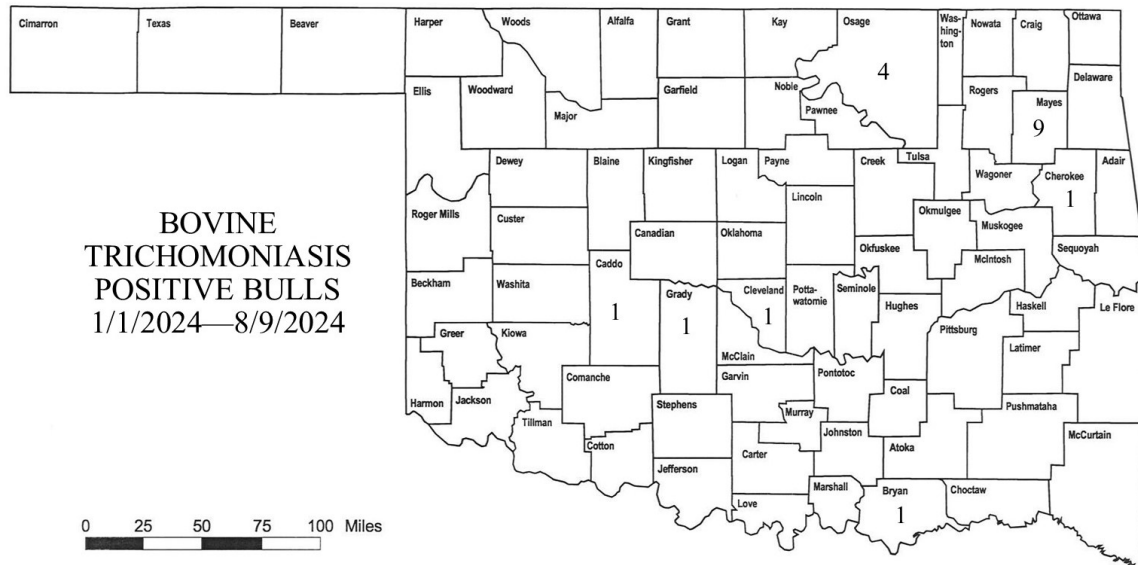
The only remaining reservoir of *B abortus* in the U.S. is in elk and bison in the Greater Yellowstone Park area.

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:

On July 23 I conducted a training for new OSU CVM clinicians to certify them to do regulatory Trichomoniasis testing.

During this period there were 357 Oklahoma bulls tested for Trichomoniasis with no positive individuals found.



BOVINE TRICHOMONIASIS POSITIVE BULLS 1/1/2024—8/9/2024

10,655 bulls tested / 18 positive = 0.17% positive

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

Tuberculosis:

No significant activities in the TB program.

Johne’s Disease:

We have received 13 positive reports with six of them on new premises. Year to date numbers are 60 positive reports with 35 from new premises. The 10-year average for the same period is 10 positive reports with 6.6 from new premises. The 10-year YTD are similar with 61.7 positive reports with 39.3 from new premises. There is a significant shift with few cattle reporting positive but being replaced by goats increasing in positive reports. Each owner receives a letter and an invitation to call with questions about the disease and management to control and eliminate the disease.

Emergency Management:

On July 8 Dr. Gorczyca and I met with Eric Hess from SES to discuss an upcoming Foot and Mouth Disease Exercise in a livestock market.

On July 18 Dr. Gorczyca and I met with Joe Barbour of Livestock Marketing Association regarding the upcoming FMD exercise in a livestock market.

Training in secure food supply plans has been ongoing. On August 6th, Dr. Gorczyca, Austyn Fuss, Marissa McLaughlin and Dana Call shared information with a newly hired SAHO veterinarian in Mississippi to discuss what we have learned and implemented for secure food supplies. This network continues to grow. Austyn Fuss discussed her proposal for utilizing college students from Redlands College, to meet with producers

and discuss their secure food supply plans and enhanced biosecurity. The students will receive college credit for their externship.

On July 9th, a meeting was held with Redlands Community College to continue the discussions of developing an internship program between AIS and RLCC. Students enrolled in the ag internship class will work with AIS to develop a Secure Food Supply plan for a producer. This will be a non-paid internship through ODAFF as the students are receiving college credit for the internship. On August 6, the MOU between RLCC and ODAFF was signed. Dr. Gorczyca and Austyn Fuss will meet with the students at RLCC on August 29 to identify interested students and have them in place for the internship after Labor Day.

On July 17, Dr. Gorczyca met with John Kane, OK FBI WMD Coordinator, to discuss security in agriculture facilities.

On August 2, Dr. Gorczyca participated on a FAD preparedness panel at the OK Pork Congress that was held in Oklahoma City.

Equine Programs:

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

We have had two West Nile Virus positive cases in horses. One from Harper County and one from McCurtain County.

On July 27 I was notified by a private veterinarian of a horse that was severely anemic. They suspected EIA, but the owner did not consent to testing the horse. I contacted the owner and got permission to test the horse and six others in the pasture. Dr. Stone traveled to the premises in Payne County and got blood samples on the horses. Testing to date has been negative, but we plan on retesting the anemic horse soon.

Farmed Cervidae Programs:

On August 1 Dr. Stone and USDA Intern Brianna Howard worked with some members of the Quapaw tribe to train them to collect the proper samples for CWD testing. The tribe plans to sample all deer harvested on tribal land during hunting season.

The USDA released an update on August 9 stating that NVSL has received enough tuberculosis test kits to complete testing of all the 2,513 backlog samples they have stored since the shortage began in November of 2023. We are expecting more import activity as hunting and breeding season approaches.

Summer interns Aiden Davis and Callie Roberts were a great help to the farmed cervidae program. They were very helpful in reconciling herd inventories during our renewal period and assisted with scanning renewal forms, site inspections and herd documents. Aiden was able to create a spreadsheet to organize all of the States and Counties alphabetically so that counties where CWD has been confirmed can be highlighted in real time and can be a continuous reference for verifying our import requirements.

Feral Swine:

Feral swine sporting and handling facility license renewals are nearly completed for this year. There have been no issues or complaints regarding feral swine. On August 7, Dana Call, Marissa McLaughlin, David Lawrence, Dr. Gorczyca, and I, along with others discussed the workflow for feral swine licensing through Kelly Registration services with representatives from Acclaim. Topics that were discussed included feral swine transport licenses, swine hunter licenses and feral swine facility licenses.

Foreign Animal Disease:

We had no FAD investigations during this time.

Livestock Market Audits:

During this period, staff received one market application. Robert Crozier has submitted paperwork for a sheep and goat auction to be operated at the Stilwell Livestock facility. Mr. Crozier is not new to auctions, as he ran a large poultry auction in northwest Oklahoma previously. The new Crozier Livestock Sales plans to host their inaugural sale on August 16th.

In addition to this new market, staff continues to work with Rob Goolsby concerning his addition of a sheep and goat sale to his current horse sale operation. The Wister facility is expecting to start selling small ruminants early this fall.

Also, Clint Smith continues to work toward a September 21st start date of his new horse sale that will be operated at the Fort Smith Stockyards facility. He expects paperwork and bond to be submitted soon.

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

Livestock Auction Market Activities

Auction market licenses issued	0
Auction market licenses pending	1
Market custodial audits completed	5
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

Outreach:

On July 13 I was interviewed by Ron Hays for Oklahoma Farm Report about the HPAI case in an Oklahoma dairy.

On July 15 I was interviewed by KOSU Radio regarding the HPAI outbreak in dairy cattle.

On July 19 I attended the Oklahoma Cattlemen's Association annual convention.

On July 22 Dr. Stone, USDA VMO Dr. Zeke Proctor and USDA intern Brianna Howard met with the Quapaw tribal members to answer questions about packing house waste management by composting. This quickly developed into an active demonstration. Different types of compost were explained. Objectives would determine the type of compost they might use. We demonstrated composting that will work for animal disease elimination, odor, vector, and leakage control.



Dr. Stone discussing composting

On July 25 we hosted the monthly USDA/AIS Veterinary Medical Officer meeting.

On August 1 the same group met with the Quapaw Tribe to evaluate the compost and examine areas that needed modifications. Only two small spots were an issue and they had been left to demonstrate what early problems would look like. We also demonstrated Shallow Above Ground Burial which might be used when carbon resources are limited.

On August 1 Dr. Stone and Brianna Howard demonstrated the technique, and taught tribal slaughter plant workers to sample swine eyes for trans-corneal nanoparticle drug absorption for human glaucoma research.



Quapaw Tribe meat inspectors practicing eyeball removal

On August 5 I joined Secretary Arthur and several other Directors to discuss ODAFF's mission and duties with officers of Thomas/Faye/Custer FFA.

On August 7 I was interviewed by KOCO TV about the Asian Longhorned Ticks.

On August 8 I was interviewed by KTUL Tulsa TV about the Asian Longhorned Ticks.

Poultry Programs

There have been 19 sick or dead birds submitted for our sick bird/dead bird program since last report and a total of 53 since January 1st.

In July a commercial poultry breeder farm tested positive for *Mycoplasma gallisepticum* (Mg). While this disease is reportable in Oklahoma, it is not considered actionable. The eggs from this farm were destroyed and never sent to the hatchery. The birds were sent to slaughter, and the company has chosen not to renew its contract with the producer. As a result, no further birds from this company will be placed on the farm.

We had no detections of HPAI in poultry in Oklahoma during this time. 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 1172 confirmed premises. There have been 942 control areas/surveillance zones released. 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

On July 10 Dr. Gorczyca and I met with representatives of Oklahoma State Department of Health regarding the outbreak of HPAI in dairy cattle.

We've developed a system of forwarding notifications of positive results for diseases such as West Nile Virus, Lyme Disease, etc. for animals that are potential zoonotic diseases to the State Public Health Veterinarian and State Epidemiologist with OSDH.

Rabies in Livestock:

During the week of July 29th, we were notified of a positive rabies case in a cow in Comanche County. This cow was part of a herd consisting of 35 other cows and 30 calves. The infected cow was nursing a calf and had also been exposed to a bull in July. To mitigate the risk of further spread, we implemented a quarantine protocol for both the herd which contained the nursing calf and the exposed bull. The health department conducted an investigation to assess any potential human exposure.

In early August, we released a quarantine in Kiowa County related to one of the rabies cases from 2024.

Sheep and Goat Programs:

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

Swine Programs:

On July 18 Dr. Gorczyca and I attended the virtual US Swine Health Improvement Plan House of Delegates meeting. Oklahoma gained an additional delegate to the HOD meeting this year. Evan Green, one of our large Validated/Qualified herd participants, was chosen as the new delegate.

On August 2 Dr. Gorczyca and I attended the Oklahoma Pork Congress. Dr. G took part in a panel discussion about Foreign Animal Disease preparedness.

We continue to educate and promote secure pork supply planning for our swine producers.

Miscellaneous:

On July 26 Drs. Gorczyca, Stone, Parrott, and I met with Dr. Samuel Jeyasingh regarding the One Health Innovation Laboratory at Oklahoma State University. We discussed the lab's capabilities and potential ways to collaborate.

Respectfully,

A handwritten signature in black ink that reads "Rod Hall DVM". The signature is written in a cursive style with a large, sweeping "R" and "H".

Rod Hall, DVM

Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for July 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 463 properties with an estimated 850,574 acres of land under agreement. Additionally, WS helped 180 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 \$306,166 during this period. Beaver damages accounted for losses totaling \$56,617. Predation, primarily coyotes were responsible for a number of damage requests, largely to livestock, with losses totaling \$3,928. Feral swine damages accounted for losses totaling \$235,521, while other species of wildlife were responsible for \$10,100 in damages to property, agriculture, and livestock.

Providing Wildlife Services

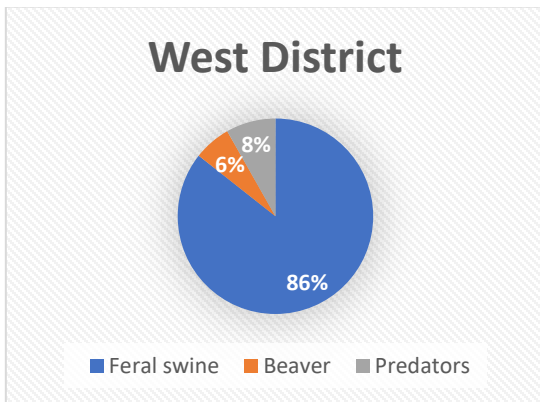


Figure 1: Species Removed in West District by percentage during July 2024

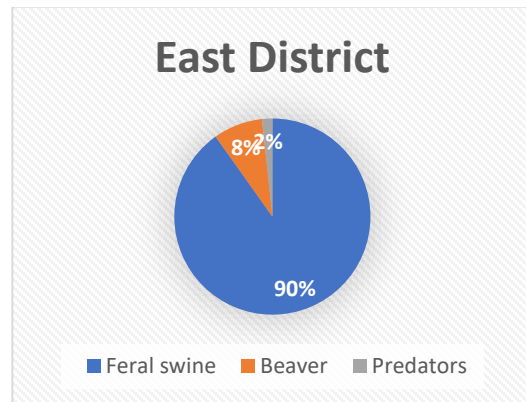


Figure 2: Species Removed in the East District by percentage during July 2024

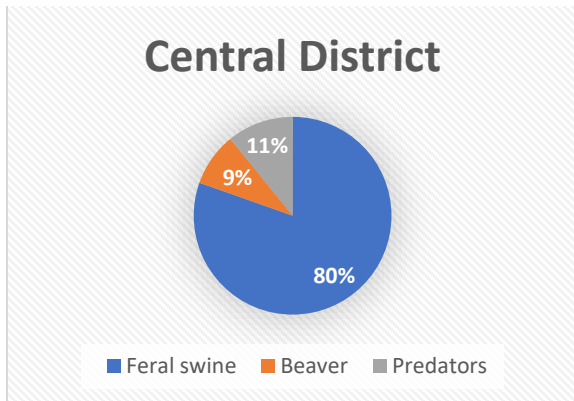


Figure 3: Species Removed in the Central District by percentage during July 2024

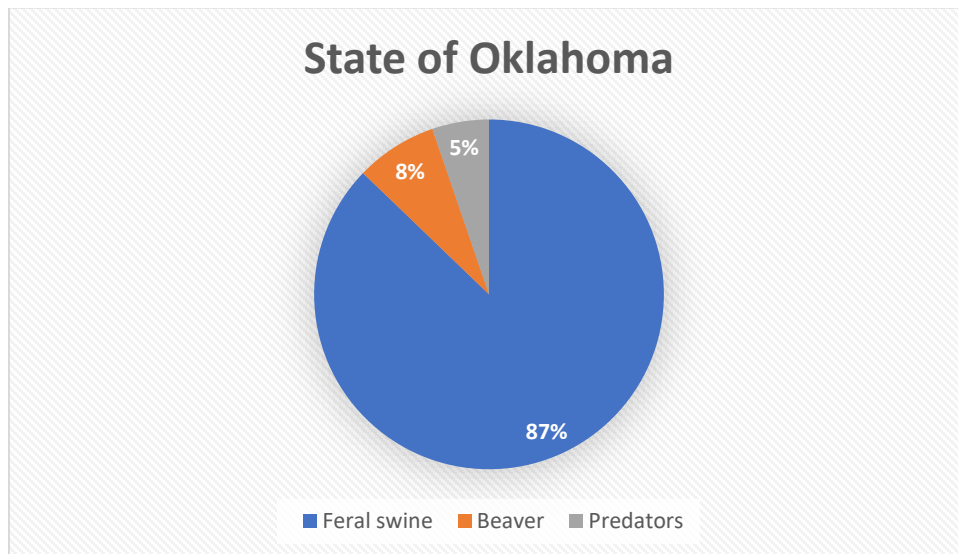


Figure 4: Species Removed in the State by percentage during July 2024

Predator Damage Management

Carter County rancher contacted WS about coyotes killing calves. WS responded to the call and determined coyotes were killing calves with damages estimated at \$3000. Traps were set and six coyotes were removed with work ongoing.

Garvin County rancher contacted WS reporting coyotes were killing his goats. WS responded and determined coyotes were responsible for the damages estimated at \$1500. Traps were set and two coyotes were removed with work ongoing, and no further damages being reported.

Pottawatomie County landowner called WS with reports of coyotes attacking his sheep with estimated \$2500 in losses. The area was scouted, and traps were set on the property. Two coyotes have been removed with work ongoing.

Major County landowner requested assistance with coyotes depredating on his calves. The producer reported coyotes were responsible for the loss of one calf valued \$881. WS 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 cooperators' calves.

Ellis County livestock producer requested assistance with coyotes depredating on his calves. The producer reported coyotes had killed one calf valued at \$881. WS conducted a site visit and determined coyotes were responsible for the loss. Damage management efforts were successful in removing three coyotes from the property. No further losses have occurred, and work is ongoing to prevent additional losses.

Beaver County livestock producer requested assistance with coyotes depredating on his kid goats. The producer reported coyotes killed three kids valued at \$900. WS 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 losses to coyotes. Control efforts have removed three coyotes and are continuing currently to further reduce predation losses to coyotes for the producer.

Texas County livestock producer requested assistance with coyotes depredating on his chickens. The producer reported that coyotes had killed ten chickens valued at \$110. WS conducted a site visit and determined coyotes were responsible for the losses. The Specialist recommended the landowner utilize penning to help reduce future losses to coyotes. Damage management efforts were successful in removing two coyotes from the property. No further losses have occurred, and work is ongoing currently to prevent additional losses.

Feral Swine Damage Management

Payne County landowner contacted WS with concerns regarding feral swine damage. The landowner reported seeing damage in a corn field. WS responded to the report and verified the damage estimated to be two acre of corn, worth \$2,500. A coral trap was set, and seven feral swine have been removed from the property.

Lincoln County landowner contacted WS with concerns regarding feral swine damage. The landowner reported seeing feral swine damage in a pasture. WS responded to the report and verified the damage estimated to be two acres of pasture worth \$2,500. A coral trap was used, and five feral swine have been removed from the property.

Coal County landowner contacted WS about feral swine rooting his hay fields and causing damage. WS met with the landowner and confirmed the damage was from feral swine with damages estimated at \$1,500. A coral trap was set on property and 24 feral swine have been removed from the property. Work on property is ongoing currently.

Ottawa County producer called WS after he discovered feral swine rooting damage to his cattle pastures. The damages were verified and estimated at \$1,400 of damage to one acre of pasture.

After scouting the property, pre-baiting with corn began at the selected trapping location. To date, twenty-one feral swine have been removed from this property. This project is still being monitored and the producer was advised of environmental changes that he could make that may deter future feral swine issues on his property.

Atoka County producer called WS for assistance with feral swine when he found rooting damage to his hayfields. The six acres of damaged hayfields was verified, and damages were estimated at \$6,000. After pre-baiting, a remote camera trap was placed. Fifteen feral swine have been removed with this project still being monitored.

Creek County rancher called WS for assistance with feral swine when discovered rooting damage to his cattle pastures. The damage was verified and estimated at \$2,000. After pre-baiting with corn, a remote camera trap was placed to remove the feral swine. Forty feral swine have been removed and no further damage has been reported. This project is still being monitored.

Custer County landowner contacted WS needing assistance with feral swine rooting in his wheat. The landowner estimated feral swine rooted up sixteen acres in two wheat fields valued at \$2,500 in damages. WS responded to the request and verified the damage. A live trap was used to remove thirty-one 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.

Major County landowner contacted WS needing assistance with feral swine damaging his milo field. The landowner estimated the damage the fields to be \$1,500. WS responded to the request and verified the damage. A live trap was used to remove twenty-four 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 farmer requested assistance with feral swine causing damaging twenty acres of pasture valued at \$1,000. WS responded to the request and his field inspection verified the damage to his pasture. WS used a live trap to remove twenty-six swine with the area continuing to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

Latimer County producer called WS for assistance when he found feral swine rooting damage to his cattle pastures. The damages were verified and estimated at \$2,500 of rooting damage to five acres of cattle pasture. After pre-baiting with corn, a remote camera trap was placed. Twenty-two feral swine have been removed from this property and this project is still being monitored.

Nowata County producer called WS for assistance when he found sign of feral swine activity on his property near his hayfields. A trapping location was selected, and after pre-baiting with corn, a remote camera trap was placed. Seventeen feral swine were removed to alleviate the damage concerns. This project has concluded, and the owner was instructed about the benefits of barrier fences to help deter future feral swine concerns.

Aerial Operations

Adair County producer called WS for assistance with feral swine when he found damage to his corn crop. The damage was confirmed and estimated by the producer at \$14,000. An aerial operation was planned to remove the feral swine from the field and was successful in removing 28 feral swine from the corn field. This project is still being monitored.

Aerial operations were conducted in **Kiowa County** in response to several farmers requesting feral swine damage in milo fields. Historically farmers in this area have had significant losses to milo during planting and again during harvest time. To reduce damage in this area, the helicopter was utilized for 4.7 flying hours to remove two hundred and seven feral swine. This area will be closely monitored to determine if additional aerial operations are needed.

Aerial operations were conducted in **Blaine County** in response to a request from a corn producer experiencing damage in his corn field. To reduce crop losses from feral swine, the helicopter was utilized for 4.6 flying hours to remove forty-two feral swine from the cornfield. This area is closely being monitored to determine if additional aerial efforts are needed to further reduce damage.

Aerial operations were conducted in **Roger Mills County** in response to a landowners' request for feral swine damage on two corn pivots. The helicopter was utilized for 3.8 flying hours to remove thirty-three feral swine from the areas. Additional aerial operations are planned in these areas to further reduce damage associated with feral swine.

Beaver Damage Management

Cleveland County cooperator contacted WS about a drainage pipe that had been plugged by beavers. Several times the cooperator had removed the blockage, only to find beavers had dammed it overnight. Three beavers were removed by night shooting and the cooperator will be monitoring for any future beaver activity.

Pontotoc County landowner contacted WS about beavers chewing trees down around a pond on his property. WS confirmed beavers were causing the damage estimated at \$1,000. Traps were set and two beavers were removed from the property with work on the property ongoing currently.

Rogers County property owner called WS for assistance with beavers causing flooding on their property and even their house had flooding damage. The flooding damage was verified and damages to the home and property was estimated at \$25,500. A night-shoot was selected as the best method to remove the beavers and three beavers were removed. This project has concluded, and the owner was advised of environmental changes and beaver dam removal methods that could assist with future beaver concerns.

Muskogee County pecan producer called WS for assistance with beavers when he found girdling damage to his pecan trees and beaver dams built across his drainage ditches. The damages were verified and estimated at \$1,500. Conibear traps were placed, and three beavers were removed. This project is still being monitored and the owner was advised about environmental changes that he could make on his property that would help to deter future beaver activity.

Cherokee County Commissioner called WS for beaver assistance reporting a flooding issue on a public road in his district. The beaver damage and dam building activity were verified and damage to the roadway was estimated at \$350. The beaver dam was removed to alleviate the flooding. Conibear traps were placed, and one beaver was removed. This project is still being monitored.

Major County Road Commissioner contacted WS for assistance with beaver causing damage on one of the districts roads. WS responded and verified beaver were responsible for \$500 in damage to the road and culvert structure. The Specialist used conibear traps to remove three beavers from the adjacent creek. Control efforts are completed currently.

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

Special Projects Canada Geese

The City of Sayre in **Beckham County** contacted WS with resident geese on the golf course and in the city park area. The geese were causing significant damage to the golf course greens and posing a human health safety threat in the park area from fecal matter. On July 1st, a goose roundup was conducted, and one hundred and forty-eight geese were removed.

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

County	Beaver	Predators	Feral swine	District
Adair			28	E
Alfalfa	1			W
Atoka	5		64	E
Beaver				W
Beckham				W
Blaine		4		W
Bryan	6		33	E
Caddo			86	W
Canadian				C
Carter				C
Cherokee				E
Choctaw	3		34	E
Cimarron				W
Cleveland	2		43	C
Coal		1	24	C

Comanche	4	2	3	W
Cotton		4	4	W
Craig	7		9	E
Creek	1		51	E
Custer	6	2	128	W
Delaware		13		E
Dewey		2	4	W
Ellis	8	5		W
Garfield		3		C
Garvin		2		C
Grady			33	W
Grant	2			C
Greer		1	60	W
Harmon				W
Harper	4			W
Haskell				E
Hughes	9		103	E
Jackson		1	89	W
Jefferson				C
Johnston			18	C
Kay				C
Kingfisher	3	2		C
Kiowa				W
Latimer	5		22	E
Leflore	8		51	E
Lincoln				C
Logan		5	7	C
Love	1		16	C
Major	1		18	W
Marshall				C
Mayes	1			E
McClain				C
McCurtain	3		3	E
McIntosh	3		29	E
Murray		1		C
Muskogee				E
Noble				C
Nowata			29	E
Okfuskee			3	E
Oklahoma	7	8		C
Okmulgee			30	E
Osage	3		98	E

Ottawa			21	E
Pawnee			67	C
Payne			5	C
Pittsburg	6			E
Pontotoc	4	2		C
Pottawatomie	2	2	13	C
Pushmataha	3	1	69	E
Roger Mills			20	W
Rogers			10	E
Seminole			31	E
Sequoyah				E
Stephens	4	7		W
Texas				W
Tillman		9	14	W
Tulsa				E
Wagoner	4		26	E
Washington				E
Washita				W
Woods				W
Woodward	5	7		W
TOTAL	121	84	1396	

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

Respectfully submitted,

Justin Cooper
Acting Division Director
Wildlife Services Division

**July 2024 Activity Report
for
August 2024 Board Meeting

Agricultural Statistics Division**

General

Rainfall totals during the **first week of July** in Oklahoma averaged 1.38 inches. According to the July 2nd US Drought Monitor Report, drought conditions were rated 68 percent abnormally dry to exceptional drought, down 6 points from last year. Additionally, 22 percent of the state was in the moderate drought to exceptional drought categories, down 14 points from the previous year. Statewide, temperatures averaged from the mid 70's to the mid 80's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals during the **second week of July** in Oklahoma averaged 0.41 inches. According to the July 9th US Drought Monitor Report, drought conditions were rated 60 percent abnormally dry to exceptional drought, up 3 points from previous year. Additionally, 18 percent of the state was in the moderate drought to exceptional drought categories, down 6 points from the previous year. Statewide, temperatures averaged in the upper 70's to low 80's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals during the **third week of July** in Oklahoma averaged 1.03 inches. According to the July 16th US Drought Monitor Report, drought conditions were rated 63 percent abnormally dry to exceptional drought, up 13 points from previous year. Additionally, 18 percent of the state was in the moderate drought to exceptional drought categories, down 2 points from the previous year. Statewide, temperatures averaged in the upper 70's to low 80's. Topsoil and subsoil moisture conditions were rated adequate to short.

Rainfall totals during the **fourth week of July** in Oklahoma averaged 0.09 inches. According to the July 23rd US Drought Monitor Report, drought conditions were rated 63 percent abnormally dry to exceptional drought, up 15 points from previous year. Additionally, 18 percent of the state was in the moderate drought to exceptional drought categories, unchanged 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 **fifth week of July** in Oklahoma averaged 0.18 inches. According to the July 30th US Drought Monitor Report, drought conditions were rated 69 percent abnormally dry to exceptional drought, up 21 points from previous year. Additionally, 22 percent of the state was in the moderate drought to exceptional drought categories, up 4 points from last year. Statewide, temperatures averaged in the lower to upper 80's. Topsoil moisture conditions were rated short to adequate and subsoil moisture conditions were rated adequate to short.

Small Grains: Oats harvested reached 95 percent, up 5 points from the previous week.

Row Crops: Corn silking reached 95 percent, up 3 points from previous week and up 9 points from normal. Corn dough reached 51 percent, up 19 points from previous week and up 13 points from normal. Corn dented reached 24 percent, up 12 points from previous week. Sorghum

headed reached 46 percent, up 6 points from previous week and from normal. Sorghum coloring reached 16 percent, up 4 points from previous week and from normal. Soybeans blooming reached 39 percent, up 20 points from previous week but down 10 points from normal. Soybeans setting pods reached 9 percent, up 4 points from previous week but down 5 points from normal. Peanuts pegging reached 65 percent, up 10 points from previous week but unchanged from normal. Upland Cotton squaring reached 95 percent, up 4 points from previous week and up 7 points from normal. Upland Cotton setting bolls reached 50 percent, up 19 points from previous week and up 6 points from normal.

Hay: The third cutting of alfalfa hay reached 62 percent, up 13 points from previous week but down 2 points from normal. The second cutting of other hay reached 52 percent, up 3 points from previous week and up 5 points from normal. The third cutting of other hay reached 5 percent, up 5 points from previous week.

Pasture and Livestock: Pasture and range condition was rated at 78 percent good to fair. Livestock condition was rated at 87 percent good to fair.

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

Survey	Enumerated by:	Survey Dates
July Ag Yield	DCC	6/29-7/9
Cattle on Feed	DCC	7/1-7/8
Grain Prices	DCC	7/5 –7/12
August Ag Yield	DCC	7/29-8/8
Cattle on Feed	DCC	8/2 –8/9
Grain Prices	DCC	8/6 –8/14
CPAM Survey	DCC	8/19-9/6
September Ag Yield	DCC	8/30-9/9
September Ag Survey	DCC	8/30-9/17

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

Oklahoma Upland cotton production is forecast at 430 thousand bales, 105 percent higher than 2023. Yield averaged 655 pounds per acre, compared with 560 pounds last year. Acreage harvested, at 315 thousand acres, is up 75 percent from last year.

Oklahoma corn production is forecast at 55.4 million bushels, up 9 percent from the previous year. Statewide yields averaged 142 bushels per acre, 7.0 bushels lower than 2023. Acres harvested for grain, at 390 thousand, is up 15 percent from last year.

Oklahoma sorghum production is forecast at 12.0 million bushels, down 27 percent from last year. Yield averaged 42.0 bushels per acre, down 5.0 bushels from the previous year. Acres harvested, at 285 thousand acres, is 19 percent lower than 2023.

Oklahoma soybean production is forecast at 13.7 million bushels, up 28 percent from last year. Yield is expected to average 30.0 bushels per acre, compared with 26.0 bushels in 2023. Harvested acreage, at 455 thousand acres, is 11 percent higher than last year.

Oklahoma peanut production is forecast at 19 percent higher than last year, at 69.7 million pounds. Yield is forecast at 4,100 pounds per acre, up 200 pounds from 2023. Harvested acres are up 13 percent from last year to 17.0 thousand acres.

Oklahoma all hay production is forecast at 5.9 million tons, down 19 percent from last year. Yield is forecast at 1.8 tons per acre, unchanged from 2023. Harvest acres are down 19 percent from last year to 3.3 million acres.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 31.

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

Releases for August:

Crop Production
Cattle on Feed
Cash Rents County Estimates
Agricultural Prices

Relating Dates:

August 1, 2024
August 1, 2024
2024 Crop Year
August 15, 2024

Release Dates

August 12, 2024
August 23, 2024
August 23, 2024
August 30, 2024

Meetings and Events:

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
Women in Ag Conference
Pork Congress Conference
Nation to Nation Meeting
Individual Producer meeting

Date:

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
August 1, 2024
August 2, 2024
August 5-7, 2024
August 13, 2024

Location:

Chandler, OK
Caddo County, OK
OKC, OK
Virtual
Stroud, OK
Norman, OK
Tulsa, OK
Enid, OK
Edmond, OK
OKC, OK
Sulphur, OK
Sherman, TX

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Troy Marshall", is written over the printed name.

Troy Marshall

MARKET DEVELOPMENT SERVICES

August 28, 2024

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 506
- Total Number of Pre-service Teachers Impacted: 0
- Total Number of Extension Educators Impacted: 10
- Total Number of Students Directly Impacted by Coordinators: 27
- Total Number of Resources Given: 7,518
- Total Number of Teachers/PreService Teachers Resources Given to: 487
- Total Number of PreK-12th Grade Students Resources Given to: 27

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

- The AITC monthly email is delivered to 17,318 accounts.
- The AITC Facebook page now has 9,982 followers.
- The AITC Twitter page now has 579 followers.
- Oklahoma AITC Instagram account now has 852 followers.
- Oklahoma AITC Pinterest account now has 225 followers.
- The AITC YouTube channel now has 9,804 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
15 Agritourism Venue Owners in Oklahoma	Wilburton - Agritourism Field Day	AITC Resources; possible activities; Butter, Jam, and Honey Activity	Oklahoma Ag Magazine; Pumpkin, Christmas Tree, Berry, and Peach agritourism activity sheets available for people to pick up
68 New Family and Consumer Science Teachers	FACS New Teacher Orientation - Career Tech State Office in Stillwater	When certain processed foods were invented activity; AITC resources & website	Oklahoma Ag Magazine; 2 types of tear sheets - Beef, Wheat, and Strawberries
7 Oklahoma Educators	Riverology - Tahlequah, OK	Journey 2050 - Water Lesson	Oklahoma Ag Magazines
252 Oklahoma Educators/Volunteers/Vendors (We also had 2 educators)	Oklahoma Ag in the Classroom 2024 State Summer Conference	36 workshops taught by Oklahoma Educators/ODAFF staff/OSU extension/ AITC staff were offered to educators in 4 different sessions. Educators can choose from 9 workshops during each session that would best fit their grade	All attendees went home with the NEW Flat Aggie and Annie Book and a resource guide as

from other states - Missouri and Kansas)		level and interest for their own classroom.	well as many other resources from various sessions.
80 FACS educators	Oklahoma Career Tech Summit - FACS teachers breakout session	Price of common food items activity; shared AITC resources and curriculum; promoted Read an Accurate Ag Book Week	“Recipe in a Bag” recipe cards; 1 varied Middle/HS agricultural activity sheet set
28 PreK - 5th grade Texas Educators	Texas AITC invited Oklahoma AITC to present at their Summer Teacher workshop in Lubbock, TX	Flat Aggie and Annie! - book, resources, activities - dice roll of comprehension, brainstorming places to send Aggie and Annie, Pattern blocks, Race to 100, Quiver Cow/pig, Quiver Chicken, Quiver Technology Drones Crops	Flat Aggie and Annie, one Ag Badging, Dairy/beef reader, technology reader, chickens EC, chickens elem, Peanuts EC, peanuts Elem, Coloring book, bilingual coloring book, bilingual bookmarks
20 PreK-12th teachers	Boise City School District PD	AITC Resources and opportunities; Flat Aggie and Annie	Barn Full of Resources

Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
27 children	ODAFF “Bring your Child to Work Day”	Painted Strawberry Rocks; Bean Seed Necklaces; STEM grape tower challenge	Resources based on grade level: Coloring Books; Red Dirt Symbols; or Oklahoma Ag Mag

Ag in the Classroom- Resources Mailed or Delivered

Locations where Resources are Mailed or Delivered	
Hayes Elementary - Ada, OK	Newkirk 4-H Club
Guthrie High School	Tulsa Public Schools
Oklahoma Union Schools - South Coffeyville	Ninnekah Public Schools
Grand Mental Health in Tulsa	Cushing Upper Elementary
Butner Schools	Northmoor Elementary
Wynnewood Middle School	Caney Public School
Home grown families COOP	Hillcrest Elementary in OKC
Hennessey Early Childhood Center	Hokmah Academy Homeschool in Tulsa

Skyline Elementary - Stillwater	Calera Public Schools
Coalgate Schools	Allen Public Schools
Morrison Elementary	Stone Canyon Elementary in Owasso
Perkins-Tryon Elementary	Woodland Public Schools in Fairfax
Bluestem Elementary in Leon, KS	Shepherd's Cross in Claremore, OK
Collinsville Middle School	Western Heights Middle Schools in OKC
Seiling Elementary School	Creekwood Elementary - Broken Arrow
Bennett Elementary - Broken Bow	Bridge Creek Intermediate
Mustang Creek Elementary - Yukon	Arrowhead Elementary - Broken Arrow
JK Hubbard Elementary - Noble	McAlester High School
Esperanza Elementary - OKC	Winding Creek Elementary - Moore
Lewis and Clark Elementary - Tulsa	Coleman Public School
Idabel Central Elementary	Locust Grove Upper Elementary
Denison Public School - Idabel	Hilldale Elementary - Muskogee
Mason Public Schools	Stratford Elementary
William R Teague Elementary - Wagoner	Tecumseh High School
Marietta Public Schools	Healdton High School
Epic Charter Schools	Carney Public Schools
Ft Cobb-Broxtton Public Schools	

Ag in the Classroom- Other Events

Event	Highlights
Oklahoma Agricultural Leadership Program	Emily Ague, part of OALP Class XXI, attended the Northwestern Oklahoma Agriculture and Industry tour in the panhandle of the state.
Flat Aggie & Annie	Flat Aggie & Annie Picture Book, Chapter Book, and Resources guides have finally arrived! They are now available to request on our website and can be sent out. Our website has also been updated to include great resources for the book: https://oklahoma.agclassroom.org/

AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Ward Ranch	Wilburton	Pumpkin Picking, Petting Farm, Teachable Moments	Hosted Agritourism Field Day
Easom Farms	Slaughterville	U-Pick, Farm-to-Table, Teachable Moments	Visited with executive office team.
Chandler Farmers Market	Chandler	Farmers Market	Visited their Saturday market. Went to do a price report, but the amount of produce was very low. Talked with producers about farmers market resources and OKLAS.

Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
Sabatia Winery	Norman	Vineyards/Wineries	Tour with the executive office team.
Dunfee Farm Museum	Faxon	Farm & Ranch Attractions, Teachable Moments	Site visit. Added into the program.
Cowboy Town	Anadarko	Farm & Ranch Attractions, Teachable Moments	Site visit. Added into the program.
MackMazing Acres	Spiro	Pumpkin Picking, Mazes, Teachable Moments	Site visit and gave advice on opening for the fall.
Natural Freedom Farm	Chandler	Farm to Table, Teachable Moments	Site visit and added to the program
Slaughterville Farmers Market at Easom Farms	Slaughterville	Farmers Markets	Attended a vendor meeting to answer questions about starting a farmers market, licensing, best practices, etc.
OAK	OKC	Farmers Market	Toured OAK, a new area of OKC with apartments, hotel, shopping, dining and more. Talked through logistics of hosting a farmers market in their park.

Social media

Facebook

- 23,010 likes
- 25,718 followers

Instagram

- 2,763 followers

Agritourism - Other Activities

- Phone consult/conversations with: Kathleen Huffman – starting a farm hub, John Yakel - added back to program, Philip Gordon - farmers markets, Douglas Sledge - questions about liability law, Meredith Scott – farm hubs/FNS, Jessica Wright – starting a farm hub, Noel – farmers market bags, Jace – Edible OKC magazine feature, Asaline Cline – starting a farmers market, Lori Kenny

- ABLE issues, Lauren Szmuto – working through Facebook issues with Freestyle, Tori Shipley
- starting a farm hub, Meeker Farmers Market
- Coordinated OK Grown bags/stickers picked up from office/warehouse: Cleveland Co. FM OKGrown bags, Muskogee Farmers Market, Tulsa Farmers Market, Kelly Atkins, Lawton Farmers Market,
- Sent out newsletter to consumers about berry season, 5,456 views
- Design projects
 - Work on "school" poster for AITC
- Recorded podcast interview with TravelOK
- Hosted Agritourism Field Day, including farm tour at Ward Ranch and sessions at the Kiamichi Technology Center. About 35 potential producers attended.
- Attended meeting with Frontier Produce
- Attended Ag In The Classroom annual conference.
- Attended OSU Women in Ag Conference and presented a session
- Sent consumer newsletter about national farmers market week
- Simple Snacks with Farm Fresh Foods Project
 - Filmed Watermelon video at Bratcher Melons in Rush Springs
- Coordinated with Edible OKC on a new feature story of an agritourism business
- Sent out the August monthly newsletter to producers
- Attended photo op with OKC Mayor David Holt and multiple OKC farmers market for signing a proclamation for OKC Farmers Market Week





THE CITY OF OKLAHOMA CITY
OFFICE OF THE MAYOR

Proclamation

WHEREAS, Oklahoma farmers and ranchers provide residents with access to healthy, locally produced foods through farmers markets; and

WHEREAS, farmers markets are expanding and evolving to accommodate the demand for a diverse array of agricultural products; and

WHEREAS, farmers markets and other agricultural direct-marketing outlets provide infrastructure to assist in the distribution of farm and value-added products; and

WHEREAS, farmers markets contribute approximately \$9 billion each year to the U.S. economy, thereby generating revenue that supports the sustainability of family farms and the revitalization of rural communities nationwide; and

WHEREAS, farmers markets serve as significant outlets for small-to-medium, new and beginning, and veteran agricultural producers to market agricultural products; and

WHEREAS, National Farmers Market Week celebrates its 25th year on August 4-10, 2024; and

WHEREAS, Oklahoma City residents benefit from access to locally grown produce and other products through local farmers markets; and

WHEREAS, The City of Oklahoma City recognizes the importance of expanding agricultural marketing opportunities that assist and encourage the next generation of farmers and ranchers, generate farm income to help stimulate business development and job creation, and build community connections through rural and urban linkages.

NOW, THEREFORE, I, DAVID HOLT, Mayor of The City of Oklahoma City, do hereby proclaim the week of August 4-10, 2024, as **OKLAHOMA CITY FARMERS MARKET WEEK** in Oklahoma City.

Given under my hand and the Seal of The City of Oklahoma City this 16th day of July 2024.

Attest:


David Holt

Mayor David Holt

Angie K. Simpson
City Clerk



ECONOMIC DEVELOPMENT

Activity	Action
Healthy Food Financing Program	The selection committee for the Healthy Food Financing Program met July 22 nd via Zoom to conduct their quarterly meeting. The committee voted in favor of approving the following projects for approval: Dakota Star Ranch Ministries (Shannon Dobbs) \$5,339.00, The Roost Lake Store (Christina Farris) \$9,000.00, Flora Fauna Cooperative (Angela Chase) \$10,000.00, Shepherd's Cross (Dr. Diane Dickinson) \$3,000.00.
Resilient Food Systems Infrastructure grant (RFSI)	ODAFF has worked with the 22 applicants whose proposals were selected to be included in Oklahoma's RFSI application. Applicants were required to complete documents to ensure they were in compliance with the National Environmental Policy Act. Once this process was completed the entire packet was turned over to USDA-AMS for their review.
Tulsa Stockyards and Perkins Cattle Grading 	The annual summer cattle grading contest at the Tulsa Stockyards and Perkins Livestock Auction took place on July 9 th and 16 th . There were 125 youth that participated at Tulsa and 244 at Perkins (photo attached). During the contest, youth are tested on their ability to evaluate the carcass quality and projected growth pattern of beef cattle. The students determine the animal's gender, age, frame size, muscling and body condition. Each contest is starts by conducting a training "school" about the USDA grading system and providing some examples of animals.
Simmental Jr. National show	The American Junior Simmental Association held their show in Tulsa, Oklahoma July 6-14. ODAFF was asked to participate in judging the sales and marketing competition on July 10 th . During the event participants were judged on their salesmanship and knowledge of the genetics they were selling. The junior division had over 150 participants ranging from the ages of eight to thirteen.
Ag Link Deposit Program	The State Treasures office has contacted ODDAF with interest of restarting the Ag Linked Deposit Program. Staff who was responsible for administering the program before it was paused in 2008 met with Secretary Arthur and Deputy Commissioner Rowlett to explain the program and ODAFF's roles in approving applicants for participation.
Viticulture & Enology grant	ODAFF grant administrator sent out a Request for Proposals for the 2023 Viticulture & Enology grant. Proposals should help advance the grape or wine industry within the state and are limited to \$50,000 per application. Proposals must be submitted by August 20 th to be considered for funding.

FARM TO SCHOOL

F2S Meetings & Events	Highlights
Cooking for Kids Culinary Skills Development Training July 8-9, 2024	Training Included: <ul style="list-style-type: none"> • Explored new recipes. • Strengthen focus on food safety, knife skills and time management skills. • Learn to use herbs for flavor enhancement. • Improve cooking with whole grains and vegetables. • Implement national best practices. This training allowed us to understand cafeteria operation, expectations and needs. We also connected with cafeteria personnel and gave them F2S resources.
Juan Escareño: Oklahoma Field Director for Potlikker Capital July 10, 2024 July 24, 2024	During this virtual planning meeting, we discussed the agenda for the summit and started creating an online registration. The Summit will be held on October 26th, at the Grand Casino during National Farm to School Month.
Healthy Schools OK Summer Health Institute July 17, 2024	The HSOK Summer Health Institute was an opportunity to share program resources and ideas that can help promote healthy habits among students, parents and school staff. I hosted a F2S informational workshop for 32 attendees.
Arkansas F2S Institute Retreat July 17-19, 2024	The Arkansas F2S Coordinator invited me to attend this retreat to see how and if Oklahoma can incorporate and implement this type of program structure into the current program. The goal of the Institute is to bring more farm to school activities into Arkansas school cafeterias, classrooms, and communities. During this retreat, attendees developed a comprehensive farm to school action plan, networked with peers, and receive an implementation stipend and a year of expert coaching to accelerate their farm to school journey.
Big Five Head Start Summer Conference July 25, 2024	F2S breakout session for all the Big Five cafeteria staff. This three-hour session went in depth about the F2S Program, how to get started, available resources and an idea sharing session. Attendees: 30
AITC Conference July 30, 2024	Taught a workshop on the importance of school gardens and how to start one. Attendees: 21
School Nutrition Association of Oklahoma Summer Conference July 30, 2024	F2S breakout session. All attendees received F2S resources, more information on how to get involved, and had an opportunity to share ideas. Attendees: 9
State School and Community Garden Conference August 2, 2024	Attended the State School and Community Garden Conference hosted by the OK County Extension Office.

INTERNATIONAL

Activity	Action
Food Export	<ul style="list-style-type: none"> • Food Show Plus! Fine Food Australia- 3 companies to participate in the Food Export services, assist AMPI, Kontos Foods, Herr Foods. Sept 2-6, Coordinating FAS market briefing and retail tour details with in-market rep • Recruiting for the First Buyers Mission at the Kansas City American Royal BBQ • August 1st opened up the 2025 MAP Brand Program Funding, working on contacting companies to get their applications in early.
USLGE	<ul style="list-style-type: none"> • The following companies participated in an outbound mission to Palermo La Rural Show in Argentina. We have 3 producers attending the show funded by USLGE. The show hosted many breeds in cattle and equine. This will be our first outbound mission with USLGE. The group attended the Ambassador residence for a networking event, on the road one day to visit a ranch and a genetics lab, and much time at the show. <p>Erin Dorsey, Oklahoma Cattlemen’s Congress</p> <p>Mike Marlow, Premium Beef Genetics</p> <p>Kelly Kimmey, 7K Red Angus</p> <p>Anne Kimmey, 7k Red Angus</p> <p>Ben Weise, Linz Angus</p> <p>USLGE and FAS hosted a webinar on how they will facilitate the roll out of the new funded RAPP (Regional Agriculture Promotion Program). Led by Chris Jacquette, Senior Director of the Cooperator Programs Division for USDA-FAS Global Programs The organization will be taking ideas for projects starting in Sept/Oct and will target projects that will benefit all members of USLGE. Projects that will develop some of the target markets that are going to need research and development would be a sample of this collaboration.</p>
Misc Meetings	<ul style="list-style-type: none"> • OKIE Board Meeting- Will have Israeli Student Exchange in Oklahoma Oct 16-26th, looking at coordinating a possible Ag Day while they are here. Discussed SB 729 that will establish a trade office in Israel. The consultant

USLGE Trip to Argentina



MADE IN OKLAHOMA PROGRAM

Meeting	Date	Location	Details
MIO Coalition Meeting	July 9	Virtual	Monthly coalition meeting

Site Visit: Flying G Ranch	July 17	Sand Springs	Visited operation to gather photos and content for their pecans and herefords
Site Visit: Pottery by Jezz	July 17	Sand Springs	Visited pottery studio to gather photos and social media content
NAAMO Conference	July 21-25	Asheville, NC	Attended conference to learn from other state branded coordinators regarding how to better serve and promote Made in Oklahoma members
Okie Marketplace	August 6	OKC	Met with owner of Okie Marketplace in Chandler regarding their store, online platform and teaching classes
Tour of OAK	August 7	OKC	Visited OAK to see space and further plan Made in Oklahoma market, hopeful for Oct. 26

New Producers:

- Girls Gone Wine
- Dunford Apothecary LLC
- BreLove Ceramics
- + 16 new applications, still needing to be reviewed

Events:

Oklahoma State Fair	Sept. 12-22	MIO Store: planning 62 vendors
Tulsa State Fair	Sept. 26 – Oct. 6	Vendor section + Cafe
Stockyards Stampede	Oct. 19	MIO Market at Stampede


Other Made in Oklahoma Activities:

- Planning for 2024 MIO Store at Oklahoma State Fair
 - Specialty display companies are:

Dust Bowl Tough	Mollycoddled Hash Slinger	Lasley Family Farm	Roark Acres
Ben Jack Larado	Esoteric Essence	The Crooked Wick Candle Co.	Pioneer Scents
The Goat Farmer's Wife	Freed Family Farms	Moist Your Soaps	Bedré
Brave Art	Cottage Goods	Deep Fork Foods	Sixth Day Snacks
Southern Roots Sisters	Not Your Average Joe	Urban Smirk	Penny's Territorial Maps
Charley Jean Candle Co.	Carols Embroidery	Salt Soothers	Herb Conscious Co.
Scott Farms	Trucker Treats	Trading Post Custom Design	CM Customs

VITICULTURE & ENOLOGY

Viticulture & Enology - Site Visits

Producer	Location	Category	Highlights
	Oklahoma City	Wine Judging	It was interesting to compare the winemaking styles across our state side by side. Our Oklahoma grape growers represented nicely, and an amateur blackberry wine won grand champion. A 100% fruit wine can be dry and balanced and it was news to all of us and quite impressive.
Wanderfolk	Guthrie	Distilling	<p>Took our interns Cameron, Katajh, and Callie to Wanderfolk Spirits to talk with Jeff Cole about the art of distilling and sourcing local Oklahoma grains We also spent time with Derek Duty who explained to the interns the importance of marketing and allocating dollars purposely towards that.</p> 
C&H Garden Vineyard	Jones	Vineyard	Visited with Cindy and Harley Duncan. We talked about issues plaguing the grape growers this season.
Sabatia	Norman	Winery	Joined the executive office at their stop in Norman. Steve led an awesome discussion about winemaking and the importance of using Oklahoma grapes
OK Cider	OKC	Cidery	Learned about the fermented beverage that is cider and how it compares to the meaderies, wineries, and distilleries. Tim King led us through the cellar, and we learned about the supply and

			demand of apple juice as well as the issue of where to classify cideries from a marketing standpoint.
Stine Vineyards	Choctaw	Vineyard	Visited with Terry Stine, an amateur grower and winemaker, who asked me to come look at his vineyard/taste his wines. He is growing varietals that I don't believe any of our other growers are doing. He would like to get his license and enter the official world of Oklahoma wine, so we talked about the steps to do that.
Cimarron Career Tech	Kingfisher County	Presentation	Went out to talk to some of our central-western Oklahoma ag folks about grapes as a specialty crop on small parcels of land. Grapes for wine do not like nutrients or excess water in their soil, so opening up the conversation to plant small parcels (<1/4 acre) on land that can't support anything else was the goal.
Plymouth Valley	Fairview	Winery	Went out to take updated photos of Plymouth Valley Cellars. Their property is very beautiful, but since their vines died in the 2021 deep freeze, they have just been selling off their reserves. They are down to only a few more cases and then they'd like to transition to being in our country stay category of Agritourism.

MARKET NEWS SERVICES

June 24, 2024-August 12, 2024

- Grain Report:**

	June 24, 2024,	August 12, 2024,	DIFFERENCE	
WHEAT: (bu)	\$4.91-\$5.41	\$4.58-\$5.08	\$0.33 to \$0.33	Lower
MILO: (bu)	\$4.08-\$4.23	\$3.58-\$3.88	\$0.50 to \$0.35	Lower
SOYBEANS: (bu)	\$10.80-\$11.12	\$8.91-\$9.71	\$1.89 to \$1.41	Lower
CORN: (bu)	\$4.08-\$4.98	\$3.83-\$4.73	\$0.25 to \$0.25	Lower
COTTON: (lb)	61.28 cents	60.04 cents	1.24 cents	Lower

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

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
8-15-2023	STEERS	Number 1	\$264.00-\$317.00	\$290.50
8-12-2024	STEERS	Number 1	\$275.50-\$329.00	\$302.25

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
8-15-2023	HEIFERS	Number 1	\$240.00-\$285.00	\$262.50
8-12-2024	HEIFERS	Number 1	\$248.00-\$283.00	\$265.50

- **Weekly Report:**
 - Six weekly Oklahoma Market Reports were sent to 11,691 subscribers June 24, 2024-August 12, 2024 (**up from 10 subscribers last report**).

- **Voice Messaging System:**
 - The market news voice messaging system during
 - Monthly Total: June 24, 2024, August 12, 2024, **6,517 Accessed Times**
 - Last Report May 20, 2024, June 24, 2024, **6,305 Accessed Times**
 - Compared to Last Month: **Accessed Times-is UP 212 on Accessed times**

- **Oklahoma Agriculture Market News**
 - **Facebook Page**
 - Likes/Followers 622
 - **Likes/Followers UP 9**
 - People reached through pasted report: 841 people

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

- **Hay Report**
 - **Hay Remarks – From our Producers (Each statement or comment is from a different hay producer)**
 - Due to our mild winter, cattle continuing to be sold, and dairy's struggling the hay business has slowed to almost a standstill. I have only sold a quarter of the hay from year to year to date.
 - Supply is at an all-time high. My barns are already full, I am trying to plan how to keep my hay bales dry and stay at prices my clients can afford.
 - The mild winters, timely rains, and cattle being sold are the perfect storm for a hay producer not to have a great year.
 - The drought that happened a couple of years ago has caused everyone to bale up every open field and ditch they could get our tractors into. Now we have an oversupply of hay, which has caused the movement of hay to be at a standstill.

This Month: June 21, 2024, August 2, 2024, Hay Traded 11,329
Last Year June 21, 2023, August 23, 2023, Hay Traded 22,806
DOWN 11,477 Bales Reported

OKLAHOMA HAY MARKET REPORT

8-2-24

Receipts: 5,160 Last Reported: 1,755 Year Ago:6,141

Compared to the last report: The hay trade is at a standstill to slow demand. Due to an excessive

supply of hay from 2023, the 2024 hay continues to be baled, along with cattle continuing to be sold.

Type	Size	Shape	Trend Price Range	Bale/ Per Ton	2024/2023/Rough
Alfalfa	Large	Square	175.00-200.00	Per Ton	2024 Hay
Alfalfa	Large	Round	No Trend	N/A	N/A
Grinding Hay	Large	Ground	No Trend	Per Ton	N/A
Bermuda	Large	Round	70.00-90.00	Per Bale	2024 Hay
Bermuda	Large	Round	50.00-55.00	Per Bale	2023 Hay
Bermuda	Large	Square	No Trend	N/A	N/A
Wheat	Large	Round	80.00-100.00	Per Ton	2024 Hay
Wheat	Large	Square	80.00-100.00	Per Ton	2024 Hay
Grass	Large	Round	No Trend	N/A	N/A
Grass	Medium	Round	45.00-55.00	Per Bale	2024 Hay
Grass	Any Size	Round	30.00-40.00	Per Bale	2023/Rough Hay

The Oklahoma Mesonet Drought Monitor shows we are at 0 percent in exceptional drought, 0 percent in an extreme drought, 3.78 percent in severe drought, 22 percent in moderate, 69.21 percent in abnormally dry conditions, and 30.79 percent that has no drought conditions.

*** The next report release will be on August 16***

Central

Type	Quality	Ask or Trade	Bale/ Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Supreme	Trade	Per Ton	Large	Square	1200	200.00	200.00	F.O.B
Alfalfa	Good	Ask	Per Ton	Large	Square	0	150.00	0	F.O.B.
Bermuda	Good	Ask	Per Bale	Medium	Round	0	70.00	0	F.O.B.
Sudan	Good/Premium	Trade	Per Bale	Medium	Round	80	70.00	70.00	F.O.B

North Central

Type	Quality	Ask or Trade	Bale/ Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Bermuda	Premium/Supreme	Trade	Per Bale	Large	Round	1080	90.00	90.00	F.O.B
Bermuda	Premium/Supreme	Trade	Per Bale	Small	Square	100	9.00	9.00	Out of the Field/F.O.B/New Crop
Bermuda	Good/Premium	Trade	Per Bale	Large	Round	400	80.00	80.00	F.O.B
Bermuda	Good	Ask	Per Bale	Large	Round	0	70.00	0	F.O.B/New Crop

Northeastern

Type	Quality	Ask or Trade	Bale/ Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Prairie/Meadow	Premium	Ask	Per Bale	Medium	Round	0	55.00	0	F.O.B
Prairie/Meadow	Good/Premium	Ask	Per Bale	Medium	Round	0	50.00	0	F.O.B
Prairie/Meadow	Good	Trade	Per Bale	Medium	Round	280	45.00	45.00	F.O.B

Northwestern

Type	Quality	Ask or Trade	Bale/ Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Supreme	Ask	Per Ton	Large	Square	0	200.00	200.00	F.O.B
Alfalfa	Premium	Trade	Per Ton	Large	Square	320	170.00	170.00	F.O.B.
Alfalfa	Fair/Good	Trade	Per Ton	Ground	Ground	800	90.00	90.00	F.O.B
Bermuda	Good	Ask	Per Ton	Medium	Round	0	80.00	0	F.O.B.
Wheat	Good	Ask	Per Ton	Medium	Round	0	80.00	0	F.O.B

**Agricultural Environmental Management Services (AEMS)
Division Activities**

General Activities

- AEMS Staff attended the OWRC Water Research Advisory Board meeting.

Complaints

	Received	Closed*
This Reporting Period	9	7
Total FY25	9	7

**These numbers include closing of older complaints.*

Complaint Breakdown for this Reporting Period

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

Program Activities

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

CAFO & LMFO ACTIVITIES

	July 1 - July 31	FY 25 Total
Complaint or Compliance Follow-ups	9	9
Annual Inspections	64	64
Technical Assistance with Contacts	17	17
Site Visit/Review – No contact made	15	15

POULTRY ACTIVITIES

	July 1 - July 31	FY 25 Total
Complaint or Compliance Follow-ups	1	1
Annual Inspections	19	19
Technical Assistance with Contacts	138	138
Site Visit/Review – No contact made	97	97
OSU Poultry Education Classes Attended	0	0
Eucha-Spavinaw CNMP Written	7	7

PET BREEDER & SHELTER ACTIVITIES

	July 1 - July 31	FY 25 Total
Complaint or Compliance Follow-ups	11	11
Annual Inspections	18	18
Technical Assistance with Contacts	8	8
Close Outs	4	4

AGPDES ACTIVITIES

	July 1 - July 31	FY 25 Total
Complaint or Compliance Follow-ups	4	4
Site Inspections	1	1
Technical Assistance with Contacts	4	4

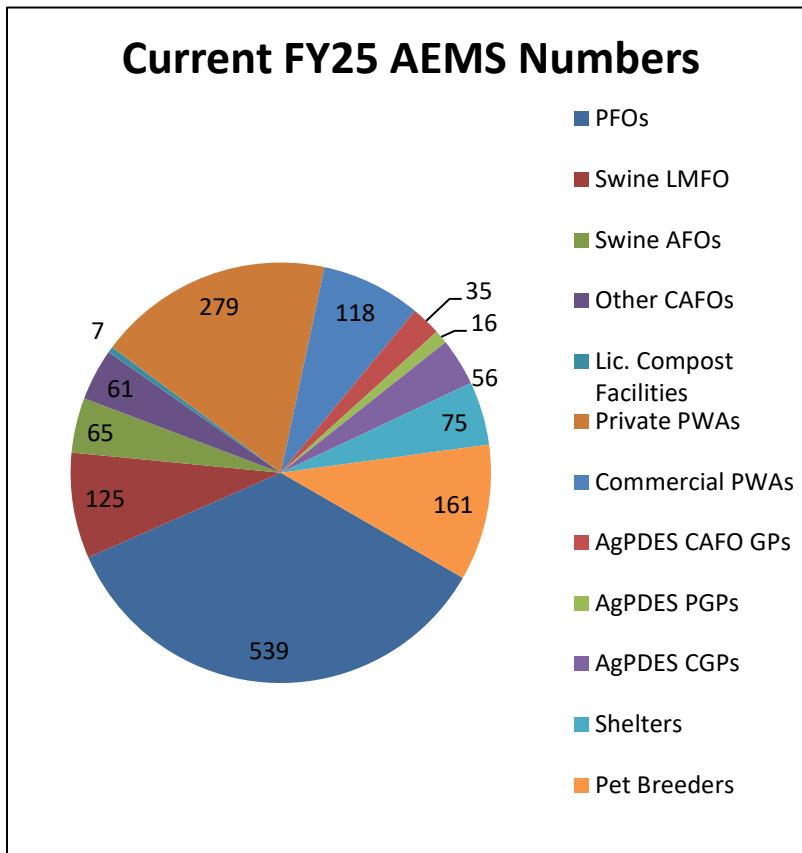
COMPOSTING ACTIVITIES

	July 1 - July 31	FY 25 Total
Complaint or Compliance Follow-ups	0	0
Site Inspections (all)	0	0
Technical Assistance with Contacts	8	8

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: 2

Active Licenses/Registrations/Certifications/Permits



Respectively,

Teena G. Gunter
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE
 OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
 AUGUST 2024 BOARD REPORT
 REGARDING JULY 8, 2024 THROUGH AUGUST 11, 2024 ACTIVITIES OF
 THE OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (2024)	Amount of Fines for this Board Meeting
\$89,660	\$27,270
\$372,095	2023
\$207,400	2022

CONTRACTS REVIEWED OR DRAFTED (23):

Marketing: 9
CPS: 3
Admin: 6
OGC: 2
Animal Industry: 1
Wildlife Services: 1
Exec: 1

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 63
Total Number of New Cases: 17
Total Number of Cases Closed: 18
NOVs Sent: 15

OTHER ACTIONS AND PROCEEDINGS:

<p>Aldridge v Bayer et al., Oklahoma County Case Number CJ-2024-4667: Governmental Tort Claims lawsuit by citizens for alleged injuries sustained through use of Roundup or Glyphosate. ODAFF Forestry is included as a defendant due to allegation that an Oklahoma Forest Stewardship Plan in 2008 advised, directed, instructed, or supervised use of Roundup on plaintiffs’ property in Oklahoma County. The Attorney General’s Office is handling this claim for ODAFF.</p>
<p>Stitt v Drummond, Oklahoma County Case Number CV-2024-606: Lawsuit by Governor and certain Cabinet Secretaries against the Attorney General’s Office regarding AG Opinion 2024-5. Oral arguments on Motion for Summary Judgment</p>

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.
<i>Spring Creek Coalition v. ODAFF and Trong, Cherokee County Case Number CJ-2021-29:</i> Petition seeking declaratory and injunctive relief. Answer filed.
<i>Spring Creek Coalition v. ODAFF and Phan, et al., Delaware County Case Number CJ-2021-33:</i> Petition Seeking Declaratory and Injunctive Relief. Order Granting Partial Summary Judgement entered June 28 th , 2024. Motion to Reconsider filed. Response filed. Pending ruling by the Court.

MEETINGS:

Date	Activity
July 8, 2024	AEMS Legal
July 8, 2024	Employee Assistance Committee
July 9, 2024	Redlands Community College
July 9, 2024	Directors
July 10, 2024	OBA Statute Symposium
July 10, 2024	OBA Women in Law
July 11, 2024	ALJ Docket
July 11, 2024	OBA Annual Meeting- Cannabis Panel
July 11, 2024	Commissioners of Land Office
July 12, 2024	Oklahoma Comprehensive Water Plan NE Water Planning
July 15, 2024	OMES Terms and Conditions
July 15, 2024	AEMS Legal
July 18, 2024	Employment Law Symposium
July 22, 2024	AEMS Legal
July 23, 2024	Directors
July 24, 2024	OK Environmental Crimes Federal Task Force
July 24, 2024	State Board of Agriculture
July 25, 2024	OGC Staff
July 25, 2024	AgPDES
July 29, 2024	AEMS Legal
July 30, 2024	Directors
August 7, 2024	EPA Animal Agriculture and Water Quality Subcommittee
August 8, 2024	EPA Animal Agriculture and Water Quality Subcommittee
August 9, 2024	EPA Animal Agriculture and Water Quality Subcommittee

RULE ACTIVITIES:

<p>Chapter 10. Agricultural Products (Permanent FY 2024): On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024. On June 21, 2024, the Governor issued a Declaration approving ODAFF’s proposed rules. The rules were published on August 1, 2024, and went into effect on August 11, 2024.</p>
<p>Chapter 15. Animal Industry (Permanent FY 2024): On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took place on January 4, 2024. The proposed rules were submitted to the Legislature on January 31, 2024. On June 21, 2024, the Governor issued a Declaration approving ODAFF’s proposed rules. The rules were published on August 1, 2024, and went into effect on August 11, 2024.</p>
<p>Chapter 17. Water Quality (Permanent FY 2024): On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment was open from December 1, 2023, through January 4, 2024. A public hearing took 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 were published on August 1, 2024, and went into effect on August 11, 2024.</p>
<p>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 were published on August 1, 2024, and went into effect on August 11, 2024.</p>
<p>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 were published on August 1, 2024, and went into effect on August 11, 2024.</p>
<p>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</p>

<p>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 were published on August 1, 2024, and went into effect on August 11, 2024.</p>
<p>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 were published on August 1, 2024, and went into effect on August 11, 2024.</p>
<p>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 were published on August 1, 2024, and went into effect on August 11, 2024.</p>
<p>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 were published on August 1, 2024, and went into effect on August 11, 2024.</p>

OPEN RECORDS REQUESTS (17):

AEMS: 5
CPS: 3
AIS: 3
Pet Breeders: 4
Market Development: 1
Food Safety: 1

OTHER ACTIVITIES:

Phone calls or emails with the public: 7
Assistance to industry: 0
Assistance to AEMS: 8
Assistance to CPS: 5

Assistance to Wildlife Services: 2
Assistance to Forestry: 5
Assistance to AIS: 2
Assistance to Admin: 6
Assistance to Market Development: 2
Assistance to other state agencies: 2
Assistance to federal agencies: 0
Assistance to Food Safety: 5
Assistance to NASS: 0
Assistance to Executive Office: 10
Assistance to Lab: 0
Assistance to Investigative Services: 1
Assistance to Legislature: 0
Assistance to Attorney General: 2
Assistance to Public Information: 2
Assistance to Governor: 0

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY BOARD REPORT

AUGUST 2024

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

POULTRY AND EGG SECTION

In Broken Bow at Tyson Foods, USDA poultry grading was performed by ODAFF inspectors on 1,863,024 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA Shell Egg grading on 47,350 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. Also, routine egg quality inspections under the Oklahoma egg law were conducted.

ORGANIC FOODS SECTION

Organic inspectors completed compliance and certification inspections at:

- Eleven organic crop producers
- One organic livestock producer
- Three organic processors
- Collected one organic sample
- Seventeen 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 4 requests for organic crop applications, 2 requests for organic processing applications and 1 request for an organic livestock application.

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

PRODUCE SAFETY SECTION

- Visited 5 farms to determine coverage/exemption under the Produce Safety Rule
- Assisted 1 farm with on-site technical assistance and assisted 1 farm with remote technical assistance
- Taught a Produce Safety Alliance course in Stillwater for OSU students working at the student farm
- Visited 24 farmers markets/market hubs providing outreach and education to producers and to collect farm inventory
- Conversations with FDA State Liaison
- Working on learning and preparing to teach the new water rule
- FDA conference call
- Regular conference calls with TX, LA, AR, NM, MO, MS

HOMEMADE FOOD FREEDOM ACT

- Received 24 complaints on Homemade Food Freedom Act businesses.
- Meat compliance assisted with 14 complaints.
- 4 complaints we did not find any evidence or could not enforce
- Sent 2 warning letters and made 6 verbal warnings/phone calls
- Taught a Homemade Food Freedom Act workshop with OSU FAPC in Purcell

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

Planned Compliance Reviews	04
Random Compliance Reviews	151
Person-to-Person Contacts	108
Special Investigations and/or Projects	18
Reports of Apparent Violations	02
Detentions	01
Consumer Complaints	08
Verbal Warnings Issued	18
Letters of Warning Issued	02
Samples Submitted to Lab for Analysis	00
Accident Investigations	00
Administrative Procedures Act (Pending)	02
<i>(Enid Packing) (The Forum Group LLC 2nd Violation)</i>	

The Oklahoma Highway Patrol notified Meat Inspection Compliance with three (3) truck accidents in the month of July 2024.

See details below:

ACCIDENT LOCATION	ANIMAL PRODUCT	DISPOSITION
<ul style="list-style-type: none"> • HWY 59 S. of Jay, OK • 13757 s. 1375 Rd., Welch, OK • I-35 Mile Marker 228 S. Bound 	<ul style="list-style-type: none"> • Simmons' Foods, Inc • Simmons' Foods • Lopez Foods 	<ul style="list-style-type: none"> • 5,700 Birds were sent to Cherokee County Landfill • 6,600 Birds were sent to SWC Protein Plant • 38,900 lbs of fresh pork bellies sent to Wellington Transfer Station

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

Leave: Ron- 8 hours

Wayne- 8 hours

Brad- 25 hours

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

SLAUGHTER MEAT INSPECTION

Number of Cattle	2,498
Total Beef Condemned	23,760 lbs
(Beef heads & livers)	(avg. H wt 20 lbs, avg. L wt 10 lbs)
Number of Swine	329
Total Pork Condemned	2,494 lbs
(Pork heads & livers)	(avg. H wt 10 lbs, avg. L wt 2 lbs)
Number of Sheep and Goats	7,888
Total Condemned	34 lbs
Number of Chickens	1,131
Number of Rabbits	114
Total Condemnations	0 lbs
Number of Buffalo	6
Total Condemnations	160 lbs
TOTAL MEAT INSPECTED	2,377,545 lbs

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

PROCESSED BOXED MEAT INSPECTED

Processed Red Meat	1,286,220 lbs
Condemned on Reinspection	0 lbs
Poultry (Portions)	451,416 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	1,737,636 lbs

MEAT SAMPLE ACTIVITY

15 Samples Submitted for Analysis
 15 Samples Analyzed
 15 Samples Negative Analysis

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

July 15 – July 26, We had our Oklahoma 2024 Onsite Audit with the USDA – FSIS. We are currently waiting on the results.

DAIRY SECTION

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

Additionally, Dairy Services conducted a survey for Central Equity Milk Coop (TR 40-130) in Fairland. This facility received a passing score and information regarding this survey is available on FDA's Interstate Milk Shippers List website.

In July, Oklahoma Dairy staff attended the National Association of Dairy Regulatory Officials (NADRO) in Tucson, AZ. The purpose of this conference is to protect public health and promote regulatory uniformity and efficiency in the dairy industry. HPAI and PFAS were featured topics.

Dairy staff attended FD372 - Dairy Plant Sanitation courses in Fayetteville, AR and FD371 - Dairy Farm Sanitation course in Pasco, WA. These trainings were funded through AFDO.

FDA Milk Specialist, Sam Carter, conducted official FDA Check Ratings at Independent Dairy Producers Inc. (TRA 40-111), Lone Star 58 (BTU 40-058), and Lone Star 74 (BTU 40-074) in Boise City the week of August 12th. These check ratings are significant inspections that allow listed processors and producers to remain on the IMS list. Each of these facilities will receive passing scores from FDA.

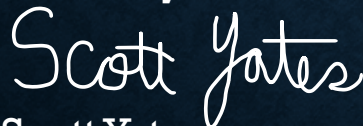
Oklahoma Dairy Services will be hosting a FD577 - 'Special Problems in Milk Course' in Catoosa the week of September 9th. This is a required course for State Milk Sanitation Rating Officers and FDA Milk Specialists. We expect up to 40 participants from across the country to attend.

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.

Also, under the direction of the State Veterinarian, Dairy services will begin collecting samples from dairy farms that are within 20 kilometers from poultry facilities. These samples will be tested for HPAI at the Oklahoma Animal Disease Diagnostic Laboratory in Stillwater.

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 8/16/24

Social Media Highlights

National Ag Leaders – July 13 | The “National Ag Leaders” posts continue to do very well on Facebook. The July 13th post featuring Kody Leonard reached more than 14k people and was one of the top performing posts in July.



Honoring Junior National Champs – Aug. 2 | ODAFF recognized Oklahoma Junior National Champion livestock exhibitors last month. The posts reached more than 9k people between Facebook and Instagram and has been one of the most engaging posts so far in August.

Young Ag Achievers Podcast – Aug 6 | There’s been 17 episodes of the “Young Ag Achievers” podcast as of August 16. The posts for Ep. 16 reach more than 8k people between Facebook and Instagram.



Asian Longhorned tick Confirmed in OK– Aug 6 | The announcement that the Asian Longhorned tick was confirmed to be found in Oklahoma has been the top performing post on Facebook for August. The post has reached more than 61k people and more than 7k people have engaged with the post.

Social Media Impact

Facebook

23,054 followers (up 291 since last period)

Since July 24, 2024 (date of last Board Meeting):

-Posts and content reached 101,422 users (down 3 percent from last period)

Instagram

3,814 followers

Since July 24, 2024:

-Posts and content reached 10,038 users (down 33 percent from last period*)

-53 new Instagram users have followed the account

**previous period saw a 495 percent increase*

AUGUST 28, 2024 BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATION

\$12,000/FY2025 - Purchase of Geosafe subscription for Investigative Services. Geosafe is a program and application providing location identification for Special Agents. It is a specific law enforcement smartphone app showing an agent's location on a map in real time. It also records the activity. It provides a great amount of officer safety in that, the agent's location is shared with other law enforcement agencies subscribed to the application. Currently, most counties and state agencies utilize the service. It also allows agents to do warrant searches and identify stolen property in the field without having to call into the office and have second person search the information through the Oklahoma Law Enforcement taking them away from other duties.

FY25 - \$85,000.00 – Purchase of new vehicles to replace 2 vehicles in ODAFF Fleet – 1 vehicle was involved in a collision and was total by insurance and another vehicle was damaged via severe weather (tornado) and they need replacing so that the divisions can continue to function a full capacity without any disruption in services.

FORESTRY SERVICES

FY25 Pass-through Grant Funding - \$30,000

Oklahoma Forestry Services will be providing financial assistance to landowners to manage non-native invasive plant species. By participating in this program, landowners will be able to remove non-native invasive plants currently on their lands. **Justification:** Landowners will maintain healthy forests across the landscape that are resilient to current and future forest health threats such as pests, diseases, and wildfire. Funds spent on this program will be federally reimbursed.

FY25 Talihina office new HVAC unit - \$10,000

Purchase and installation of new HVAC unit at Talihina district office. Current HVAC unit is very inefficient, 30 years old, and has an unrepairable freon leak in the coil. A new coil is unavailable for a unit of this age and the cost to recharge the unit every year due to leaking freon is significant. Funding for this purchase comes from the Oklahoma Legislative Session, FY25 Forestry budget appropriations.

FY25 Wilburton shop new roof- \$15,000

Installation of new roof on old Wilburton shop to include old roofing material removal, decking repair, installation of new roofing, caulk/seal chimneys, and debris/material removal. Current roof was installed in 2008 and multiple leaks are present and has also rotted out some of the plywood decking. Replacement is needed to prevent further damage and degradation. Funding for this purchase comes from the Oklahoma Legislative Session, FY25 Forestry budget appropriations.

FY25 Wilburton and Talihina office gravel for driveways and parking lots- \$6,000

Purchase of gravel for driveways and parking lots at Wilburton and Talihina offices. Necessary for maintenance and upkeep of grounds and to present and maintain neat, professional appearance of state offices. Both offices are frequented by our customers and members of the public. Funding for this purchase comes from the Oklahoma Legislative Session, FY25 Forestry budget appropriations.

FY25 Board Request Wildland Firefighter Boots and Gear for OFS Personnel, \$20,000

Purchase wildland firefighting boots and firefighting personal gear for OFS personnel. Boots are provided to employees with firefighting responsibilities after successfully passing the work capacity test three years in a row. **Justification:** OFS is required to supply OFS firefighters with mandatory personal protective equipment (PPE) and gear for their protection and care while on duty.

MARKET DEVELOPMENT

FY2025 – Healthy Food Finance Grant – Dakota Star Ranch Ministries (Shannon Seaborn-Dobbs) - \$5,339.00

FY2025 – Healthy Food Finance Grant – The Roost Lake Store (Christina Farris) - \$9,000.00

FY2025 – Healthy Food Finance Grant – Flora Fauna Cooperative (Angela Chase) - \$10,000.00

FY2025 – Oklahoma Grape Growers & Winemakers Conference – facility rental & food – Funded entirely by the Viticulture & Enology Revolving Grant Fund - \$9,500.00

FY2025 – Agritourism categorical Fall & Christmas Tree guides – printing - \$30,000.00

Justification: It is the goal of the Agritourism Program to utilize all marketing channels to create a consistent brand awareness campaign and utilize these channels for seasonal promotions within the many categories of Agritourism. The brochure distribution program is one of the top marketing channels for Oklahoma Agritourism as we are able to reach hundreds of thousands of consumers each year. Not only are individual consumers requesting these brochures through TravelOK.com, but they are also distributed at festivals, tradeshow, and other events throughout the year. If this expense is not approved, there will be a negative impact on the ability of the Agritourism Program to promote and advertise the 400+ Agritourism venues in the state, resulting in an economic loss of those businesses and the local economy in those areas.

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

WILDLIFE SERVICES

\$35,000 – ODAFF Wildlife Services is requesting approval to purchase a boat with side console with at least 115 horsepower to conduct various projects that entail large bodies of water. Not approving will result in excessive time, labor, and maneuverability to complete projects.

\$110,000 - ODAFF Wildlife Services is requesting approval to purchase two 4x4 trucks. These are replacements to the fleet of vehicles that have high mileage and will be used for field staff in completing their duties. Not approving will result in excessive vehicle repairs.

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

APPROVAL OF CASES

ON THIS 28th day of August 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 28th day of August 2024.

Blayne Arthur
President
State Board of Agriculture

**Exhibit A
Board of Agriculture
August 28, 2024**

Consideration and Proposed Action on Cases Resolved by Stipulation:

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Lengo 1947, LLC	OGC-24-79	AEMS	\$5,110.00
Tun Niang, Lun Tuang	OGC-24-150	AEMS	\$110.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Duncan Golf & Tennis Club	OGC-24-342	CPS	\$1,000.00
Family Dollar	OGc-24-61	CPS	\$1,050.00
Family Dollar	OGC-24-245	CPS	\$2,250.00

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

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Gonzalez Pest Control	OGC-23-927	CPS	\$3,000.00
Michael Holland	OGC-24-223	CPS	\$10,000.00
David Lechner	OGC-23-1470	CPS	\$1,000.00
Perimeter Spraying Service, LLC	OGC-242	CPS	\$250.00
XYLO Pellets	OGC-24-246	CPS	\$3,000.00

Consideration and Proposed Action on Cases Resolved by Consent Order

Agricultural Environmental Management Services

Name
Jim & Kayrl Kline

File No.
OGC-22-710

Division
AEMS

Amount
\$500.00

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. LENGO 1947 LLC

Case File No. OGC-24-79

**LENGO 1947 LLC
16310 US 59 North
KEOTA, OK 74941**

Summary of Facts: The Agriculture Environmental Management Services (AEMS) Division of the Department conducted an onsite inspection of the Respondent's Poultry Feeding Operation (PFO). During the inspection, the inspector observed litter, trash, and carcasses being buried, which was not a manner provided for in their Nutrient Management Plan (NMP). The inspector also observed construction of a new composting structure, without prior application to the Department. Additionally, the Respondent failed to submit their annual renewal registration and fee for 2024.

Statute or Rule Violation: Respondent violated 2 O.S. § 10-9.7(C) and O.C.A. 35: 17-5-5(b) by failing to properly dispose of carcasses in a manner provided in the NMP. Respondent violated 2 O.S. § 10-9.5(B) and O.C.A. 35: 17-5-3(b)(5) by failing to update the NMP and fill out an application to expand their operation before beginning construction. Additionally, 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 Five Thousand One Hundred Ten Dollars (\$5,110.00). 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)

COMPLAINANT,)

v.)

LENGO 1947 LLC)
16310 US 59 NORTH)
KEOTA, OK 74941)

RESPONDENT.)

Case No: OGC-24-79

FILED
JUN 24 2024
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Five Thousand One Hundred Ten Dollars (\$5,110.00) 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 and documents 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

VIET NGO (MANAGER)
Printed Name and Title:

Date: 6/20/24



**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.)

**LENGO 1947 LLC)
16310 US 59 NORTH)
KEOTA, OK 74941)**

RESPONDENT.)

FILED

APR 12 2024

STATE BOARD OF AGRICULTURE

Case No: OGC-24-79

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. 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, § 31 and Okla. Stat. Tit. 2 § 2-4; accordingly, this is the proper forum to hear this matter.

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

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

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

17. The Act at Okla. Stat. Tit. 2 § 10-9.7(C) states: "*Every poultry feeding operation shall have a Nutrient Management Plan . . .*" & (E)(1) "*Except as otherwise provided in this subsection, a Nutrient Management Plan for every poultry feeding operation shall be renewed and an updated plan shall be submitted to the Oklahoma Department of Agriculture, Food, and Forestry every six (6) years from the date the initial or previous plan was submitted.*"

18. The Rule at Okla. Admin. Code 35 § 17-5-5(b) states: "*The NMP shall also include a method for the disposal of carcasses . . .*" & (b)(2) "*Burial shall only be allowed as a method of carcass disposal if no reasonable alternative exists and specific measures and practices are identified which will be utilized to protect the ground and surface waters of the State.*"

19. The Rule at Okla. Admin. Code 35 § 17-5-3(b)(5) states: "The NMP shall be updated prior to the expansion of a facility."

20. The Act at Okla. Stat. Tit. 2 § 10-9.5(B) states: "*The application to register to operate a new or previously unregistered poultry feeding operation or expanding operation shall contain,*

at a minimum, the following information:” & (B)(5) “A diagram or map and legal description showing geographical location of the facility on which the perimeters of the facility are designated, location of waters of the state, including, but not limited to, drainage from the facility, poultry waste storage facilities, and land-application sites owned or leased by the applicant or which the applicant has contracted with for the application of poultry waste.”

21. 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.”*

22. 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

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

24. On or about August 29, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department received a PFO Registration Application for transfer of the farm (PFO #1992 & 1993), the normal disposal plan was identified as composting.

25. On or about November 28, 2023, an onsite inspection documented normal carcass disposal along with litter and trash being buried, which directly affects protection of ground and surface waters of the State, a violation of OAC 35 § 17-5-5(b)(2), and Okla. Stat. Tit. 2 § 10-9.7(B)(1).

26. During the November 28, 2023, onsite inspection, work building a new composting structure to the south of the east set of houses was observed, without prior application to the Department.

27. On or about December 5, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their improper carcass disposal and the required PFO Expansion Application Form requirement for an expansion of the operation.
28. Respondent failed to submit their PFO Expansion Application Form.
29. On or about January 30, 2024, an onsite inspection was conducted. The Respondent had not corrected all the conditions requested. Upon inspection, the composting shed did not have sufficient litter mixed with the carcasses, and the burial pit had not been smoothed. The composting building pad had an addition of a pole frame and a roof, after the Respondent was told construction required an Application Form.
30. Respondent failed to stop unapproved burial activities and failed to submit a complete PFO Expansion Application Form, but continued to build his operation.
31. 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.
32. On or about November 7, 2023, the Department sent a second notice by email or mail.
33. On or about December 28, 2023, the Department sent a last reminder email about registration.
34. 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.
35. PFO annual registration is required by January 1 each year.
36. Each annual renewal registration shall be accompanied by a nonrefundable renewal fee of Ten Dollars (\$10.00).

37. Respondent failed to submit their annual renewal registration and fee.

ALLEGED CONCLUSIONS OF LAW

38. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.5(B), O.S. 2 § 10-9.4(A), O.S. 2 § 10-9.8, Okla Admin. Code 35 § 17-5-5(b), and Okla Admin. Code 35 § 17-5-3(b)(5) by failing properly dispose of carcasses, submit their PFO Expansion Application Form timely, to register annually, and pay the registration fee of ten dollars (\$10.00).

ATTORNEY CONFERENCES

39. 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.

40. 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.

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

ENFORCEMENT PROCEEDINGS

42. 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.

43. 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

44. 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 Five Thousand One Hundred Ten Dollar (\$5,110.00) administrative penalty, as well as the needed documents.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

45. 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

46. 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

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

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

49. 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

50. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Five Thousand One Hundred Ten Dollars (\$5,110.00).

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

DATED THIS 10th 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
Abbie Wilburn, OBA #33641
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 12 day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**LENGO 1947 LLC
16310 US 59 NORTH
KEOTA, OK 74941**



GINA BLAYLOCK

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

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
LENGO 1947 LLC)
16310 US 59 NORTH)
KEOTA, OK 74941)
)
RESPONDENT.)

Case No: OGC-24-79

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Five Thousand One Hundred Ten Dollars (\$5,110.00) 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 and documents to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. TUN & NIANG LUN TUANG

Case File No. OGC-24-150

**TUN & NIANG LUN TUANG
16310 US 59 NORTH
KEOTA, OK 74941**

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

30929

called MBS Aky on
June to confirm pay
info

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. *contacted name
Susan Paul Popmel*
TUN & NIANG LUN TUANG
26150 CONSER LANDING
HEAVENER, OK 74937

RESPONDENT.

FILED

AUG 05 2024

STATE BOARD OF AGRICULTURE

298-05

Case No: OGC-24-150

\$ 10.00 CASH

mott 22065606190

\$ 100.00

64732-m0

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:

Susan Paul Popmel
Signature

Susan Paul Popmel / Partner
Printed Name and Title:

Date: 17 May 2024

RECEIVED

AUG 07 2024

ODAFF FINANCE

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

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

COMPLAINANT,

v.

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

RESPONDENT.

Case No: OGC-24-150

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.

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
Assistant 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 29 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

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



GINA BLAYLOCK

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-150

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

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: _____



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 2786

OGC-24-150

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. DUNCAN GOLF AND TENNIS CLUB

Case File No. OGC-24-342

**DUNCAN GOLF AND TENNIS CLUB
1800 N COUNTRY CLUB RD
DUNCAN, OK 73533**

Summary of Facts: In May of 2024, a complaint investigation was conducted at the Duncan Golf and Tennis Club. During this investigation, the inspector observed an area with no vegetation on the east side of the concrete loading pad. Additionally, there was water running off the southwest corner of the concrete pad into the creek. Samples were obtained and results showed pesticide residue in the soil and water samples that were collected.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86(A)(4), 2 O.S. § 2-18.1(A) and O.A.C 35:30-17-24(c) by using a pesticide in a manner inconsistent with its label and allowing runoff to contaminate the environment.

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Dollars (\$1000.00). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

**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-24-342

**DUNCAN GOLF AND TENNIS CLUB)
1800 N COUNTRY CLUB RD)
DUNCAN, OK 73533)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollars (\$1000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:



Signature

Dakota Hicks General Manager
Printed Name and Title:

Date: 8/13/24

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

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

COMPLAINANT,

v.

**DUNCAN GOLF AND TENNIS CLUB
1800 N COUNTRY CLUB RD
DUNCAN, OK 73533**

RESPONDENT.

Case Nos: OGC-24-342

FILED
JUL 03 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 8th day of August 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 use of pesticide.

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

ALLEGATIONS OF FACT

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

18. On May 2, 2024, a complaint investigation for possible pesticide runoff was performed by the Consumer Protection Division of the Department at the Duncan Golf and Tennis Club.

19. During this investigation, our inspector observed an area with no vegetation on the east side of the concrete loading pad. Additionally, there was water running off the southwest corner of the concrete pad into the creek.

20. Two soil samples and one water sample were collected at these points of interest.

21. Pesticide residues were detected in all three samples, including oxadiazon, mecoprop, prodiamine, 2,4-D and dicamba.

22. Using a pesticide in a manner inconsistent with its label and allowing runoff to contaminate the environment are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(4), 2 O.S. § 2-18.1(A) and O.A.C 35:30-17-24(c).

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(4), 2 O.S. § 2-18.1(A) and O.A.C 35:30-17-24(c) which are listed below.

- 2 O.S. §3-86(A)(4): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”
- 2 O.S. § 2-18.1(A): “A. It shall be unlawful and a violation of the Oklahoma Agricultural Code for any person to cause pollution of any air, land or waters of the state by persons which are subject to the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry pursuant to the Oklahoma Environmental Quality Act.”

- O.A.C 35:30-17-24(c): “(c) To protect public health and the environment, failure to follow precautionary and recommended language included in the pesticide product label may be considered a use inconsistent with the label.”

PRAYER FOR RELIEF

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

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 **One Thousand Dollars (\$1000.00)**.

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 2nd day of July, 2024.

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

Kiersten Hamill

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

CERTIFICATE OF MAILING

This is to certify that on this 3 day of July, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DUNCAN GOLF AND TENNIS CLUB
1800 N COUNTRY CLUB RD
DUNCAN, OK 73533**



Gina Blaylock

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. FAMILY DOLLAR

Case File No. OGC-24-61

**FAMILY DOLLAR
30516 HIGHWAY 59
WAYNE, OKLAHOMA 73095**

Summary of Facts: An investigator conducted a price verification inspection at the Family Dollar in Wayne, Oklahoma. The purpose was to ensure that products were being sold at the price listed in the store. This location failed to accurately price 95% of the sampled items. This is the 5th violation for this location.

Statute or Rule Violation: 2 O.S. § 14-38(B)(2); 2 O.S. § 14-38(J)

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Fifty Dollars (\$1,050.00)(3 violations at \$350.00 per violation). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
MAY 13 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case No: OGC 24-61

FAMILY DOLLAR # 31004)
30516 HIGHWAY 59)
WAYNE, OK 73095)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Fifty Dollars (\$1,050.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:



Signature

Randy Sherben Jr

Printed Name

District Manager

Job Title

6/4/24

Date

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

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

COMPLAINANT,)

v.)

**FAMILY DOLLAR)
30516 HIGHWAY 59)
WAYNE, OK 73095)**

RESPONDENT.)

FILED
MAY 16 2024
STATE BOARD OF AGRICULTURE

Case No: OGC 24-61

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 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 2 O.S. § 2-4(16); accordingly, this is the proper forum to hear this matter.

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of Family Dollar, located at 30516 Highway 59 Wayne, Oklahoma.

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

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A fifth violation discovered within any twelve-month period will be assessed a penalty of Three Hundred Fifty Dollars (\$350.00) per consumer item which results in an overcharge or potential overcharge.

ALLEGATIONS OF FACT

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

20. On or about November 8, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Wayne, Oklahoma. The inspection revealed that twenty-one (21) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent.

22. On or about February 27, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Wayne, Oklahoma. The inspection revealed that ten (10) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent.

24. On or about June 27, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Wayne, Oklahoma. The inspection revealed that nine (9) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

25. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a third violation of 2 O.S. § 14-38(J). A letter of warning was sent.

26. On or about November 29, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Wayne,

Oklahoma. The inspection revealed that ten (10) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

27. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a fourth violation of 2 O.S. § 14-38(J). A letter of warning was sent.

28. On or about February 1, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Wayne, Oklahoma. The inspection revealed that three (3) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

29. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a fifth violation of 2 O.S. § 14-38(J). A letter of warning was sent.

ALLEGED CONCLUSIONS OF LAW

30. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

ATTORNEY CONFERENCES

31. 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.

32. 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.

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

ENFORCEMENT PROCEEDINGS

34. 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.

35. 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.

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

ENFORCEMENT OF JUDGMENTS

37. 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

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 Thousand Fifty Dollars (\$1,050.00). (3 violations at \$350.00 per violation).**

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 pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 15TH day of May, 2024.

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



Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
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 16 day of May, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FAMILY DOLLAR CORPORATION
ATTN: LEGALDEPARTMENT
500 VOLVO PARKWAY
CHESAPEAKE, VA 23320**



Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case No: OGC 24-61

**FAMILY DOLLAR)
30516 HIGHWAY 59)
WAYNE, OK 73095)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Fifty Dollars (\$1,050.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name

Job Title

Date



**OKLAHOMA DEPARTMENT OF AGRICULTURE
FOOD, AND FORESTRY
PRICE VERIFICATION REPORT**

CPS 152 Rev 5/19

INSPECTOR NUMBE 24-JPS-0053 DATE* 2/1/2024 COUNTY McClain

LOCATION*

CORPORATE

AGN NUMBER AGN0147272 AGN NUMBER _____

Family Dollar _____

30516 Highway 59 _____

Wayne _____ OK 73095- _____

MANAGER _____ INSPECTION TYP Followup Original Insp# 23-JPS-0013

TELEPHONE* (405) 335-0273 Other Store Type _____ ITEM STATUS NON-SALE

TYPE OF STORE FOOD _____

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
<u>GE Soft White 25 Watt 2 Pack</u>	<u>043168900027</u>	<u>\$3.10</u>	<u>\$3.20</u>	<u>(\$0.10)</u>
<u>Diet Dr. Pepper 2 Liter</u>	<u>078000083460</u>	<u>\$2.50</u>	<u>\$2.85</u>	<u>(\$0.35)</u>
<u>Holten Meats Beef Patties 24 oz</u>	<u>079821101203</u>	<u>\$7.10</u>	<u>\$7.25</u>	<u>(\$0.15)</u>

Total Number Checked 50 Total Number Of Violation 3 Accuracy 94 % Inspection Result Notice of Violation

REMARKS

WITNESS Shaunee Jackson INSPECTOR*

James Schoppa

James Schoppa

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. FAMILY DOLLAR

Case File No. OGC-24-245

**FAMILY DOLLAR
911 E BROADWAY
ENID, OKLAHOMA 73701**

Summary of Facts: An investigator conducted a price verification inspection at the Family Dollar in Enid, Oklahoma. The purpose was to ensure that products were being sold at the price listed in the store. This location failed to accurately price 95% of the sampled items. This is the 3rd violation for this location.

Statute or Rule Violation: 2 O.S. § 14-38(B)(2); 2 O.S. § 14-38(J)

Proposed Administrative Penalty: The proposed penalty for this case was Two Thousand Two Hundred Fifty Dollars (\$2,250.00)(15 violations at \$150.00 per violation). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

AUG 12 2024
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
FAMILY DOLLAR # 25804)
911 E BROADWAY)
ENID, OK 73701)
)
RESPONDENT.)

Case No: OGC 24-245/BAL

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Two Hundred Fifty Dollars (\$2,250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Alvin Liu
Signature

Alvin Liu
Printed Name

Assistant General Counsel, Merchandise & Operations
Job Title

8/6/24
Date

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 31 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

FAMILY DOLLAR)
911 E BROADWAY)
ENID, OK 73701)

RESPONDENT.)

Case No: OGC 24-245/BAI.

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 October 10, 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 consumer items under the business name of Family Dollar, located at 30516 Highway 59 Wayne, Oklahoma.

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

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J)(3), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A third violation discovered within any twelve-month period will be assessed a penalty of One Hundred Fifty Dollars (\$150.00) per consumer item which results in an overcharge or potential overcharge.

ALLEGATIONS OF FACT

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

20. On or about October 12, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that ten (10) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent.

22. On or about January 3, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that thirteen (13) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent.

24. On or about April 5, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that fifteen (15) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

25. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a third violation of 2 O.S. § 14-38(J). A letter of warning was sent.

ALLEGED CONCLUSIONS OF LAW

26. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the

aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J)(3).

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

31. Pursuant to 2 O.S. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

37. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Thousand Two Hundred Fifty Dollars (\$2,250.00). (15 violations at \$150.00 per violation).**

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

DATED THIS 30TH day of JULY, 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 31 day of July, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FAMILY DOLLAR CORPORATION
ATTN: LEGALDEPARTMENT
500 VOLVO PARKWAY
CHESAPEAKE, VA 23320**

HB

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.)

**FAMILY DOLLAR)
911 E BROADWAY)
ENID, OK 73701)**

RESPONDENT.)

Case No: OGC 24-245

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Two Hundred Fifty Dollars (\$2,250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name

Job Title

Date



OKLAHOMA DEPARTMENT OF AGRICULTURE
FOOD, AND FORESTRY
PRICE VERIFICATION REPORT

CPS 152 Rev 5/19

INSPECTOR NUMBER 24-JCB-0033
LOCATION*

DATE* 4/5/2024

COUNTY Garfield
CORPORATE

AGN NUMBER AGN0062019
Family Dollar
911 E Broadway Ave
Enid

AGN NUMBER



2/24 AP

MANAGER Courtne

INSPECTION TYP Followup

Original Insp# 24-JCB-0021

TELEPHONE* (580) 242-4244

Other Store Type

ITEM STATUS

NO -SALE

TYPE OF STORE MASS MERCHANDISER

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
bo s camo bb szM 4pk	194423037290	\$7.50	\$8.00	(\$0.50)
mr clean li uid lemon 41 floz	030772112915	\$4.00	\$6.00	\$2.00)
fabuloso cleaner lavender 33.8fl oz	03500530967	\$2.75	\$3.50	(\$0.75)
TC chld aller chewable grape 20ct	300450553201	\$8.25	\$8.65	(\$0.40)
TC z rtec childrens grape 4fl oz	300450209047	\$14.50	\$15.50	(\$1.00)
TC alka stlr HB relief frt 66 ct	016500592822	\$8.00	\$9.00	(\$1.00)
litle tree wild chery air frsh 3 k	076171320117	\$3.35	\$3.50	(0.15)
FP rawhide free basted sticks 6 c	032251901774	\$2.99	\$3.00	(\$0.01)
TC polident denture cleansers 84ct	3101580533088	\$6.25	\$6.75	(0.50)
TC FW denture clean ovr n ht 40ct	846036001839	\$2.50	\$2.75	(0.25)
cg lsh blst volume vry blk 44floz	022700097777	\$9.00	\$10.00	(\$1.00)
canada dry gin erale 2L bottle	078000152463	\$2.35	\$2.65	(\$0.30)
mott's apple juice 64floz	014800000344	3.35	\$3.75	(0.4)
MB homoq whole whte milk 128fl oz	072060001174	3.85	\$4.05	(0.20)
MJ 2pct white milk 64fl oz	072060007114	2.90	\$2.95	(0.05)

Total Number Checked 100 Total Number Of Violation ¹⁵/₁₆ Accuracy ^{85%}/_{84%} Inspection Notice of Violation Result

REMARKS

On 04/05/2024, I (Joseph Baker) stopped at Family Dollar located at 911 E Broadway Ave Enid, OK 73701 to perform a follow up price verification. This inspection is a follow up inspection due to failed inspection 24-JCB-0021 on 01/03/2024. I met with Ms Aneesa (asst manager) and let her know the reason for me stopping was for a follow up inspection due to the previous failed inspection. This inspection is a failed inspection and a notice of violation was issued. This inspection failed at 84% accuracy. I explained that 95% accuracy or higher is required for an inspection to be approved. Aneesa did state that the store will be performing a complete store reset on 4/14/2024.

WITNESS Aneesa (asst manager) *Aneesa Aunards* INSPECTOR* Joseph Baker *Joseph Baker* 4-5-2024

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. GONZALEZ PEST CONTROL

Case File No. OGC-23-927

**GONZALEZ PEST CONTROL
809 W. CHOCTAW
CHICKASHA, OK 73018**

Summary of Facts: In June of 2023, a complaint investigation was conducted at a residence in Edmond, OK. During this investigation, the inspectors found that the drill hole spacing in the concrete slabs were wider than 12 inches apart. The inspectors also noted that the drill mark spacing in the brick veneer voids were wider than 16 inches apart. A request for records was sent to Respondent, and to date, those records have not been received.

Statute or Rule Violation: Respondent violated 2 O.S. §3-83(A), O.A.C. 35:30-17-21(d), O.A.C. 35:30-17-67(b)(2) and O.A.C. 35:30-17-69(a)(3) by failing to meet the minimum standards for termite treatment and failing to produce records within seven (7) business days.

Proposed Administrative Penalty: The proposed penalty for this case was Three Thousand Dollars (\$3,000.00). Respondent upon being served the Notice of Violation, failed to appear in Court on July 11, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of Three Thousand Dollars (\$3,000.00).

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

FILED
JUL 27 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case No: OGC-23-927

GONZALEZ PEST CONTROL)
809 W. CHOCTAW)
CHICKASHA, OK 73018)

RESPONDENT.)

PROPOSED FINAL ORDER

NOW on this 11th day of July 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent appears not.

On the 11th day of July 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 9171999991703132743264 on April 20, 2024, to Gonzalez Pest Control at 809 ½ W Choctaw Ave, Chickasha, OK 73018.

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

FINDINGS OF FACT

1. On or about the 6th day of June 2023, the Consumer Protection Services Division of the Department conducted a consumer complaint follow-up investigation at

a house in Edmond, OK. During this follow-up, the inspectors found that the drill hole spacing in the concrete slabs were wider than 12 inches apart. The inspectors also noted that the drill mark spacing in the brick veneer voids were wider than 16 inches apart. A request for records was sent to Respondent company on May 25th, 2023, and to date, those records have not been received.

2. According to our investigation your treatment did not meet the minimum standards of the Oklahoma Combined Pesticide Laws & Rules, specifically 2 O.S. §3-83(A), O.A.C. 35:30-17-21(d), O.A.C. 35:30-17-67(b)(2) and O.A.C. 35:30-17-69(a)(3).

3. The Respondent was properly served with process and failed to plead or otherwise defend this action within the time prescribed.

4. The Notice of Violation (Exhibit 1) was delivered by certified mail on April 20, 2024. *See* certified mail receipt (Exhibit 2).

5. Hearing was set for 11th day of July 2024 at 1:30 p.m. and Respondent did not appear.

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

7. An administrative penalty in the amount of Three Thousand Dollars (\$3,000.00) was proposed by the Notice of Violation.

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

CONCLUSIONS OF LAW

1. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-83(A), O.A.C. 35:30-17-21(d), O.A.C. 35:30-17-67(b)(2) and O.A.C. 35:30-17-69(a)(3) which are listed below.

- 2 O.S. §3-83(A): “A. Every commercial and noncommercial applicator shall keep accurate records pertaining to pesticide activities, applications, and wood infestation reports, as required by the State Board of Agriculture. The records of the applicator shall be kept intact at the principal business location in this state for at least two (2) years after their date of expiration and copies shall be furnished to any authorized agent of the Board, immediately upon request in person, at any time during the regular business hours of the applicator. Copies of records shall be furnished to any authorized agent of the Board within seven (7) working days of a written request, in summary form, by mail, fax, e-mail, web site, or any other electronic media customarily used.”
- 35:30-17-21(d): “(d) Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven (7) working days when requested by mail or in person shall be a violation of this section.”
- O.A.C. 35:30-17-67(b)(2): “(b) Masonry veneer voids shall be entered and treated. (2) Masonry veneer shall be treated by drilling at intervals no greater than sixteen inches (16”) and applying termiticide into the void at the label rate.”
- O.A.C. 35:30-17-69(a)(3): “(a) The minimum standard for existing structure concrete slabs shall include the following: (3) Maximum spacing for drilling shall be twelve inches (12”) except where long rodding of the perimeter is performed.”

2. 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.


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

4. 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 July 11, 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 27 DAY OF July 2024.


HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:


Kiersten Wormus, OBA #33187
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

CERTIFICATE OF MAILING

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

GONZALEZ PEST CONTROL
809 W. CHOCTAW
CHICKASHA, OK 73018



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.)

**GONZALEZ PEST CONTROL)
809 W. CHOCTAW)
CHICKASHA, OK 73018)**

RESPONDENT.)

Case No: OGC-23-927

FILED
APR 18 2024
STATE BOARD OF AGRICULTURE

THIRD 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(7); accordingly, this is the proper forum to hear this matter.

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

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

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

ALLEGATIONS OF FACT

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

18. On or about the 6th day of June 2023, the Consumer Protection Services Division of the Department conducted a consumer complaint follow-up investigation at a house in Edmond, OK.

19. During this follow-up, our inspectors found that drill hole spacing in the concrete slabs were wider than 12 inches apart.

20. Inspectors also noted that the drill mark spacing in the brick veneer voids was wider than 16 inches apart.

21. A request for records was sent to your company on May 25th, 2023, and to date, those records have not been received.

22. According to our investigation your treatment did not meet the minimum standards of the Oklahoma Combined Pesticide Laws & Rules, specifically 2 O.S. §3-83(A), O.A.C. 35:30-17-21(d), O.A.C. 35:30-17-67(b)(2) and O.A.C. 35:30-17-69(a)(3).

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, you are in violation of several statutes and rules.

24. Failing to supply records when requested is a violation of 2 O.S. §3-83(A) and O.A.C. 35:30-17-21(d) which state:

- 2 O.S. §3-83(A): “A. Every commercial and noncommercial applicator shall keep accurate records pertaining to pesticide activities, applications, and wood infestation reports, as required by the State Board of Agriculture. The records of the applicator shall be kept intact at the principal business location in this state for at least two (2) years after their date of expiration and copies shall be furnished to any authorized agent of the Board, immediately upon request in person, at any time during the regular business hours of the applicator. Copies of records shall be furnished to any authorized agent of the Board within seven (7) working days of a written request, in summary form, by mail, fax, e-mail, web site, or any other electronic media customarily used.”
- 35:30-17-21(d): “(d) Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven (7) working days when requested by mail or in person shall be a violation of this section.”

25. Treating brick veneer by drilling wider than 16 inches is a violation of O.A.C. 35:30-17-67(b)(2) which states: “(b) Masonry veneer voids shall be entered and treated. (2) Masonry veneer shall be treated by drilling at intervals no greater than sixteen inches (16”) and applying termiticide into the void at the label rate.”

26. Treating concrete by drilling application holes wider than 12” apart is a violation of O.A.C. 35:30-17-69(a)(3) which states: “(a) The minimum standard for existing structure concrete slabs shall include the following: (3) Maximum spacing for drilling shall be twelve inches (12”) except where long rodding of the perimeter is performed.”

PRAYER FOR RELIEF

27. The Department is seeking an administrative penalty in the amount of Three Thousand Dollars (\$3000.00).

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;

c.) Criminal actions, which could involve fines, imprisonment, or both; and

d.) Civil actions.

32. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Three Thousand Dollars (\$3000.00)**.

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

DATED THIS 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

Abigail Wilburn, OBA #33641

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5803

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

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

Requested, as follows:

GONZALEZ PEST CONTROL
809 W. CHOCTAW
CHICKASHA, OK 73018



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.)
)
GONZALEZ PEST CONTROL)
809 W. CHOCTAW)
CHICKASHA, OK 73018)
)
RESPONDENT.)

Case No: OGC-23-927

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Thousand Dollars (\$3000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

Exhibit 2

July 17, 2024

Dear amanda wormus:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3132 7432 64.

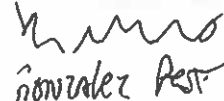
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	April 20, 2024, 11:04 am
Location:	CHICKASHA, OK 73018
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	3lb, 12.0oz
----------------	-------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	809 1/2 W CHOCTAW AVE, CHICKASHA, OK 73018

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. MICHAEL HOLLAND OF KENT'S QUALITY LAWN CARE

Case File No. OGC-24-223

**MICHAEL HOLLAND
KENT'S QUALITY LAWN CARE
700 13TH ST.
SNYDER, OK 73566**

Summary of Facts: In March of 2024, a use inspection was conducted at Respondent's residence located in Snyder, OK. During this inspection, the inspector met with Respondent and observed his commercial application vehicles parked at the residence. Respondent informed the inspector that he has been making commercial pesticide applications.

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

Proposed Administrative Penalty: The proposed penalty for this case was Ten Thousand Dollars (\$10,000.00). Respondent upon being served the Notice of Violation, failed to appear in Court on July 11, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of Ten Thousand Dollars (\$10,000.00). Respondent has a history with ODAFF and has refused to obtain the required licenses to operate his business. In 2023, the Respondent received a \$10,000.00 penalty for violating the same statutes and refusing to obtain the required licenses.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 22 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

MICHAEL HOLLAND)
KENT'S QUALITY LAWN CARE)
700 13TH ST.)
SNYDER, OK 73566)

RESPONDENT.)

Case No: OGC-24-223

PROPOSED FINAL ORDER

NOW on this 11th day of July 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent appears not.

On the 11th day of July 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 9171999991703132743189 on April 15, 2024, to Kent Holland at 700 13th St. Snyder, OK 73566.

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

CONCLUSIONS OF LAW

1. Based upon the application of the above law to the aforementioned facts, Respondent is in violation of 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), and 2 O.S. §3-86(A)(16) which are 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.”

2. 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

FINDINGS OF FACT

1. On March 1, 2024, the Consumer Protective Services Division of the Department conducted a use inspection. During this investigation, the inspector met with Respondent and observed his commercial application vehicles parked at his property in Snyder, OK. Respondent informed the inspector that he has been making commercial pesticide applications. *See* Complainant's Notice of Violation attached hereto as Exhibit 1.
2. Respondent's company is not licensed with ODAFF to perform commercial pesticide applications. *See* Exhibit 1.
3. Operating commercially without license and certification and representing yourself as a licensed applicator are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), and 2 O.S. §3-86(A)(16).
4. The Respondent was properly served with process and failed to plead or otherwise defend this action within the time prescribed.
5. The Notice of Violation was delivered by certified mail on April 15, 2024. *See* certified mail receipt (Exhibit 2).
6. Hearing was set for 11th day of July 2024 at 1:30 p.m. and Respondent did not appear.
7. The Complainant requested entry of default judgment against Respondent for all penalties imposed by the Notice of Violation.
8. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000.00) was proposed by the Notice of Violation.
9. The undersigned granted Complainant's request based on Respondent's failure to appear and defend the allegations contained in the Notice of Violation.

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.

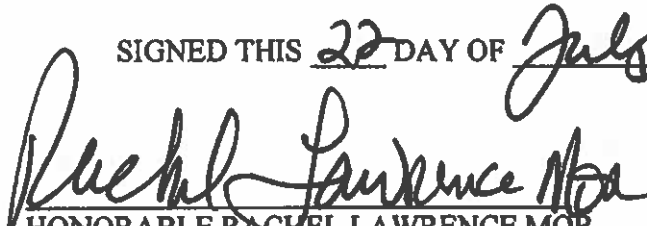
The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

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 July 11, 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 July 2024.


HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:


Kiersten Wormus, OBA #33187
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

CERTIFICATE OF MAILING

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

MICHAEL HOLLAND
KENT'S QUALITY LAWN CARE
700 13TH ST.
SNYDER, OK 73566

AB

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.

**MICHAEL HOLLAND
KENT'S QUALITY LAWN CARE
700 13TH ST.
SNYDER, OK 73566**

RESPONDENT.

FILED
APR 12 2024
STATE BOARD OF AGRICULTURE

Case Nos: OGC-24-223

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 1, 2024, the Consumer Protective Services Division of the Department conducted a use inspection.

19. During this investigation, our inspector met with you and observed your commercial application vehicles parked at your property in Snyder, OK.

20. You informed our inspector that you have been making commercial pesticide applications.

21. Your company is not licensed with ODAFF to perform commercial pesticide applications.

22. Operating commercially without a license and certification and representing yourself as a licensed applicator are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. §3-82(A), 2 O.S. §3-86(A)(15), and 2 O.S. §3-86(A)(16).

ALLEGED CONCLUSIONS OF LAW

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

PRAYER FOR RELIEF

24. The Department is seeking an administrative penalty in the amount of **Ten Thousand Dollars (\$10,000.00)**.

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 **Ten Thousand Dollars (\$10,000.00)**.

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 5th day of April, 2024.

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

Kiersten Hamill

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

CERTIFICATE OF MAILING

This is to certify that on this 12 day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**MICHAEL HOLLAND
KENT'S QUALITY LAWN CARE
700 13TH ST.
SNYDER, OK 73566**



Gina Blaylock

Exhibit 2



July 17, 2024

Dear amanda wormus:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3132 7431 89.

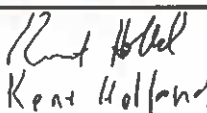
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	April 15, 2024, 10:44 am
Location:	SNYDER, OK 73566
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	3lb, 15.5oz
----------------	-------------

Recipient Signature

Signature of Recipient:	 Kent Holland
Address of Recipient:	700 13TH ST, SNYDER, OK 73566

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. DAVID LECHNER OF BEYOND ORGANIC TECHNOLOGY, LLC

Case File No. OGC-23-1470

**DAVID LECHNER
BEYOND ORGANIC TECHNOLOGY, LLC
1104 N. 105TH E. AVENUE
TULSA, OK 74116**

Summary of Facts: In December of 2023, an investigation was conducted into Respondent's grow operation. As a result of this investigation, inspectors found that Respondent failed to provide current information to the Department and failed to provide a harvest report for each harvest.

Statute or Rule Violation: Respondent violated 2 O.S. §3-406(A)(1)(2), 2 O.S. §3-406(B), O.A.C. 35:30-24-6, O.A.C. 35:30-24-9, and O.A.C. 35:30-24-12(h)(2) by failing to provide current information to the Department and failing to provide harvest reports for each harvest.

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Dollars (\$1000.00). Respondent upon being served the Notice of Violation, failed to appear in Court on July 11, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of One Thousand Dollars (\$1000.00).

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 18 2024
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
DAVID LECHNER)
BEYOND ORGANIC TECHNOLOGY, LLC)
1104 N. 105TH E. AVENUE)
TULSA, OK 74116)
)
RESPONDENT.)

Case No: OGC-23-1470

PROPOSED FINAL ORDER

NOW on this 11th day of July 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent appears not.

On the 11th day of July 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 7429 15 on March 28, 2024, to David Lechner of Beyond Organic Technology, LLC, at 1104 N. 105th E. Avenue, Tulsa, OK 74116.

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

FINDINGS OF FACT

1. On or about December 2023, the Consumer Protective Services Division of the Department conducted an investigation into Respondent's grow operation. As a result of this investigation, inspectors noted that Respondent engaged failed to provide current information to the Department and failed to provide a harvest report for each harvest. *See* Complainant's Notice of Violation attached hereto as Exhibit 1.

2. The Respondent was properly served with process and failed to plead or otherwise defend this action within the time prescribed.

3. The Notice of Violation was delivered by certified mail on March 28, 2024. *See* certified mail receipt attached hereto as Exhibit 2.

4. Hearing was set for 11th day of July 2024 at 1:30 p.m. and Respondent did not appear.

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

6. An administrative penalty in the amount of One Thousand Dollars (\$1000.00) was proposed by the Notice of Violation.

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

CONCLUSIONS OF LAW

1. Based upon the application of the above law to the aforementioned facts, Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-406(A)(1)(2), 2 O.S. §3-406(B), O.A.C. 35:30-24-6, O.A.C. 35:30-24-9, and O.A.C. 35:30-24-12(h)(2) which are all stated below:

- 2 O.S. §3-406(A)(1)(2): “A. At least thirty (30) days prior to harvest, each licensee shall file a harvest report on a form approved by the Department that includes: 1. A statement of intended disposition of its industrial hemp crop; and 2. The harvest date or dates, location and yield of each variety cultivated within a registered land area.”
- 2 O.S. §3-406(B): “B. A licensee shall notify the Department immediately of any changes in a reported harvest date by more than five (5) days.”
- O.A.C. 35:30-24-6: “(a) Every licensee shall have a continuing obligation to provide current information to the Department. The licensee shall provide updated information if there is any material change to the information provided in the application within ten (10) days of the material change unless otherwise specified herein, including but not limited to, changes in personnel or contact information. (b) The licensee shall file an amendment to the licensee's application not less than thirty (30) days prior to making any alteration to boundaries, dimensions, or growing areas of a cultivation site or a change in the variety of industrial hemp cultivated. (c) The licensee shall immediately notify the Department of any change to the planting and harvesting schedule exceeding five (5) days from the planting and harvesting schedule listed in the application.
- O.A.C. 35:30-24-9: “(a) Not less than thirty (30) days prior to harvest, the licensee shall file a harvest report on a form provided by the Department.”
- O.A.C. 35:30-24-12(h)(2): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department.”

2. 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.

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

4. 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 July 11, 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 17 DAY OF July 2024.


HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:


Kiersten Wormus, OBA #33187
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

CERTIFICATE OF MAILING

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

DAVID LECHNER
BEYOND ORGANIC TECHNOLOGY, LLC
1104 N. 105TH E. AVENUE
TULSA, OK 74116


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.)
)
David Lechner)
Beyond Organic Technology, LLC)
1104 N. 105th E. Avenue)
Tulsa, OK 74116)
)
RESPONDENT.)

FILED
MAR 26 2024
STATE BOARD OF AGRICULTURE

Case No: OGC-23-1470

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(7); accordingly, this is the proper forum to hear this matter.

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

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

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

ALLEGATIONS OF FACT

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

18. On or about December 2023, the Consumer Protective Services Division of the Department conducted an investigation into your grow operation.

19. As a result of this investigation, inspectors noted that you engaged in the following:

- Failed to provide current information to the Department;
- Failed to provide a harvest report for each harvest;

20. Each of the preceding facts is a violation of Oklahoma Statutes.

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-

12(h)(2) which are all stated below:

- 2 O.S. §3-406(A)(1)(2): “A. At least thirty (30) days prior to harvest, each licensee shall file a harvest report on a form approved by the Department that includes: 1. A statement of intended disposition of its industrial hemp crop; and 2. The harvest date or dates, location and yield of each variety cultivated within a registered land area.”
- 2 O.S. §3-406(B): “B. A licensee shall notify the Department immediately of any changes in a reported harvest date by more than five (5) days.”
- O.A.C. 35:30-24-6: “(a) Every licensee shall have a continuing obligation to provide current information to the Department. The licensee shall provide updated information if there is any material change to the information provided in the application within ten (10) days of the material change unless otherwise specified herein, including but not limited to, changes in personnel or contact information. (b) The licensee shall file an amendment to the licensee's application not less than thirty (30) days prior to making any alteration to boundaries, dimensions, or growing areas of a cultivation site or a change in the variety of industrial hemp cultivated. (c) The licensee shall immediately notify the Department of any change to the planting and harvesting schedule exceeding five (5) days from the planting and harvesting schedule listed in the application.
- O.A.C. 35:30-24-9: “(a) Not less than thirty (30) days prior to harvest, the licensee shall file a harvest report on a form provided by the Department.”

- O.A.C. 35:50-24-12(n)(2): "(n) violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department."

PRAYER FOR RELIEF

22. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **One Thousand Dollar (\$1000.00)** administrative penalty.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

27. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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

DATED THIS 22ND day of March, 2024.

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


Kiersten Hamill

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

CERTIFICATE OF MAILING

This is to certify that on this 26 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

David Lechner
Beyond Organic Technology, LLC
1104 N. 105th E. Avenue
Tulsa, OK 74116



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-23-1470

**David Lechner)
Beyond Organic Technology, LLC)
1104 N. 105th E. Avenue)
Tulsa, OK 74116)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Dollars (\$1000.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

Exhibit 2

July 17, 2024

Dear amanda wormus:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3132 7429 15.


Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 28, 2024, 2:52 pm
Location:	TULSA, OK 74116
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	3lb, 12.0oz
----------------	-------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	1104 N 105TH EAST AVE, TULSA, OK 74116

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. PERIMETER SPRAYING SERVICES LLC

Case File No. OGC-24-242

**PERIMETER SPRAYING SERVICES LLC
916 W. YORK AVE.
ENID, OK 73071**

Summary of Facts: In April of 2024, a use inspection was conducted at Respondent's residence in Enid, OK. During this inspection, the inspector observed Respondent's application vehicle parked at his residence. This vehicle did not display a company license number. After further investigation the inspector found that Respondent's company is not licensed with ODAFF as being a commercial pesticide applicator. The inspector spoke with Respondent about his recent applications showing him an invoice from March 18, 2024, that was received from one of Respondent's customers. Additionally, Respondent's company has lawn spraying advertisements on Facebook going back to 2020.

Statute or Rule Violation: Respondent violated 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(15) by advertising and making commercial pesticide applications without a license.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred Fifty Dollars (\$250.00). Respondent upon being served the Notice of Violation, failed to appear in Court on July 11, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of Two Hundred Fifty Dollars (\$250.00).

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 18 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

PERIMETER SPRAYING SERVICES LLC)
916 W. YORK AVE.)
ENID, OK 73701)

RESPONDENT.)

Case No: OGC-24-242

PROPOSED FINAL ORDER

NOW on this 11th day of July 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent appears not.

On the 11th day of July 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 7432 88 on April 25, 2024, to Perimeter Spraying Services LLC at 916 W. York Ave., Enid, OK 73701.

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

FINDINGS OF FACT

1. On April 2, 2024, the Consumer Protective Services Division of the Department conducted a use inspection. During this investigation, the inspector observed

Respondent's application vehicle parked at his residence in Enid, OK. This vehicle did not display a company license number. After further investigation the inspector found that Respondent's company is not licensed with ODAFF as being a commercial pesticide applicator. The inspector spoke with Respondent about his recent applications showing him an invoice from March 18, 2024, that was received from one of Respondent's customers. Additionally, Respondent's company has lawn spraying advertisements on Facebook going back to 2020. *See Complainant's Notice of Violation attached hereto as Exhibit 1.*

2. Advertising and making commercial pesticide applications without a license are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(15).

3. The Respondent was properly served with process and failed to plead or otherwise defend this action within the time prescribed.

4. The Notice of Violation was delivered by certified mail on April 25, 2024. *See certified mail receipt (Exhibit 2).*

5. Hearing was set for 11th day of July 2024 at 1:30 p.m. and Respondent did not appear.

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

7. An administrative penalty in the amount of Two Hundred Fifty Dollars (\$250.00) was proposed by the Notice of Violation.

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

CONCLUSIONS OF LAW

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

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

2. 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.

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

4. 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 July 11, 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 17 DAY OF July 2024.


HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:


Kiersten Wormus, OBA #33187
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

CERTIFICATE OF MAILING

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

PERIMETER SPRAYING SERVICES LLC
916 W. YORK AVE.
ENID, OK 73071


Gina Blaylock

Exhibit 1

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

FILED
APR 22 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case Nos: OGC-24-242

PERIMETER SPRAYING SERVICES LLC)
916 W. YORK AVE.)
ENID, OK 73701)
)
)
)

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 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 April 2, 2024, the Consumer Protective Services Division of the Department conducted a use inspection.

19. During this investigation, our inspector observed your application vehicle parked at your residence in Enid, OK.

20. This vehicle did not display a company license number.

21. After further investigation our inspector found that your company is not licensed with ODAFF as being a commercial pesticide applicator.

22. Our inspector spoke with you about your recent applications showing you an invoice from March 18, 2024, that he received from one of your customers.

23. Additionally, your company has lawn spraying advertisements on Facebook going back to 2020.

24. Advertising and making commercial pesticide applications without a license are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(15).

ALLEGED CONCLUSIONS OF LAW

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

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

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

PRAYER FOR RELIEF

26. The Department is seeking an administrative penalty in the amount of **Two Hundred Fifty Dollars (\$250.00)**.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

31. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have

the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

33. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred Fifty Dollars (\$250.00)**.

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

DATED THIS 19th day of April, 2024.

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

Kiersten Hamill

Teena G. Gunter, General Counsel, OBA #17767

James Rucker, Deputy G. Counsel, OBA #14574

Wendi Morse, OBA #33571

Kiersten Hamill, OBA #33187

Abbie Wilburn, OBA #33641

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5803

Facsimile: (405) 522-5789

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-24-242

PERIMETER SPRAYING SERVICES LLC)
916 W. YORK AVE.)
ENID, OK 73701)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date:_____

Exhibit 2

July 17, 2024

Dear amanda wormus:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3132 7432 88.

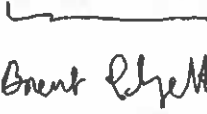
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	April 25, 2024, 2:20 pm
Location:	ENID, OK 73701
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	3lb, 12.0oz
----------------	-------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	916 W YORK AVE, ENID, OK 73701

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. XYLO PELLETS

Case File No. OGC-24-246

**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 4th 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 Three Thousand Dollars (\$3,000.00) (12 violations at \$250.00 per violation). Respondent upon being served the Notice of Violation, failed to appear in Court on July 11, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of Three Thousand Dollars (\$3,000.00).

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

2. The Notice of Violation (Exhibit 1) was delivered by certified mail on May 2nd, 2024. *See* certified mail receipt (Exhibit 2).
3. Hearing was set for 11th day of July 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 Three Thousand Dollars (\$3,00.00) (12 Counts at Two Hundred Fifty Dollars (\$250.00) per count, due to the 4th violation) 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 30th, 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 17th day of July, 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 on this 16 day of July, 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**

FILED
APR 30 2024
STATE BOARD OF AGRICULTURE

**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 Nos: OGC 24-246

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 **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 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 Pryor, 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 Pryor, 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 Pryor, 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.

22. On or about April 3, 2024, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at L&R Livestock Feed & Supply in Pryor, Oklahoma. This inspection revealed the average was .639 lb. less than the marked net weight. On this date, there were 12 Maximum Allowed Variations. This was the fourth violation and a letter of warning was sent.

ALLEGED CONCLUSIONS OF LAW

23. 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 fourth violation following any twelve-month period in which no violation has been found will be assessed a penalty of Two Hundred Fifty Dollars (\$250.00) per consumer item which results in an overcharge or potential overcharge.

ATTORNEY CONFERENCES

24. 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.

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

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

ENFORCEMENT PROCEEDINGS

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

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

28. Pursuant to 2 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.

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

30. The 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

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Three Thousand Dollars (\$3,000.00) (12 counts at \$250.00 per count)**.

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

DATED THIS 22TH 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 30 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 24-246

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Thousand Dollars (\$3,000.00)** 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: _____



July 17, 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 7435 47**.



Item Details

Status: Delivered, Left with Individual
Status Date / Time: May 2, 2024, 1:17 pm
Location: WAYNE, OK 73095
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

Shipment Details

Weight: 3lb, 8.4oz

Recipient Signature

Signature of Recipient: 
Address of Recipient: 

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

Thank you for selecting the United States Postal Service® 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. JIM KLINE AND KARYL KLINE
DBA PUG RESCUE OF OWASSO
Case No: OGC-22-710**

**JIM KLINE AND KARYL KLINE
DBA PUG RESCUE OF OWASSO
20398 S 2092 ROAD
CLAREMORE, OK 74019**

Summary of Facts: Respondent allegedly violated Pet Breeder and Shelter Licensing Act rules regarding veterinary records, interference with inspector, basic care rules, and licensing limits on the number of animals present.

Statute or Rule Violation: 4 O.S. §30.12, 30.13(B), 30.13(C), 30.13(E), OAC 35:55-3-2, 35:55-3-5(c), 35:55-3-5(d), 35:55-3-6, and 35:55-3-4.

Proposed Administrative Penalty: The recommended penalty was \$36,460.00.

Deviations: A Settlement Agreement and Consent Order was entered into between the parties. No new violations were reported while the case was pending. Respondent rehomed all of the felines and a significant number of the canines. A new license was issued reducing the number of permitted animals to 30. Respondent agreed to and paid an assessment of \$500.00.

Other Actions Required: None.

OGC Attorney: James W. Rucker

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

FILED
JUL 23 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case No: OGC-22-710

JIM KLINE AND KARYL KLINE)
DBA PUG RESCUE OF OWASSO)
20398 S 4092 ROAD)
CLAREMORE, OK 74019)

RESPONDENT.)

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Jim and Karyl Kline DBA Pug Rescue of Owasso (the "Respondents").
2. The facility which is the subject of this Agreement is owned and operated by Jim and Karyl Kline and located at 20398 S 4092 Road, Claremore, OK 74019 (the "Facility").

AUTHORITY

3. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(7).

DEPARTMENT'S NOTICE

4. On November 3, 2022, the Department issued a Notice of Violation in Case No. 22-710, ("Notice") to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

ORDER AND AGREEMENT

5. As part of the Settlement of this matter, Respondent agree to the following conditions:
 - i. The Respondents will reduce the number of rescue canines to a maximum of no more than thirty (30) at any given time.
 - a) The Respondents agrees to provide the Department with the adoption records of the canines surrendered, adopted, or rehomed in pursuit of the Respondent

SETTLEMENT AGREEMENT AND CONSENT ORDER

Page 1 of 5

complying with this agreement. Respondents further agree any such surrendered, adoption, or rehoming, is not subject to recession by Pug Rescue of Owasso.

- b) The Respondent will comply with this provision of this Settlement and Consent Order within sixty (60) days of execution of this order.
 - ii. Respondent agrees to refrain from rescuing any felines.
 - iii. The Respondent agrees to submit all records of vet care and adoption in a timely manner to the Department as required by ODAFF rules.
 - iv. The Respondent will fully cooperate with the Department regarding inspections and investigations, whether they are annual or arise from complaints against the facility.
 - v. The Respondent acknowledges that they will be in compliance with all applicable Oklahoma Statutes, Federal Rules pertaining to the Animal Welfare Act that have been adopted by the Department, and the Administrative Rules that govern Pet Breeders, Shelters, and Rescues within the State of Oklahoma.
6. In compromise and full settlement of this matter, Respondents shall pay to the Department an administrative penalty of Five Hundred (\$500.00) Dollars. Upon the execution of this agreement by both parties, payment shall immediately be made by Respondents payable to the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:

Office of General Counsel
Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

EFFECT OF THE AGREEMENT

7. In exchange for Respondents' compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondents, their officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors, and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondents from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondents from actions initiated by other state or federal agencies having jurisdiction over related matters.
8. Respondents and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondents and the Department each do not waive, and each expressly reserves all of its rights in any future proceeding against it. Furthermore, Respondents agree to abandon any other pending or forthcoming litigation against the Department arising from any facts or allegations related to the underlying case in this matter.

9. By entering into this Agreement, the Department does not concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondents, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this Agreement, Respondents do not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondents are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement. This Settlement Agreement and Consent Order fully and finally concludes this Action including all allegations contained in the Notice.

NO ADMISSION.

10. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

NON-ADMISSIBILITY.

11. Settlement negotiations culminating in this Agreement have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder or culminating herein, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

12. Respondents hereby agree to waive their right to a hearing and an opportunity to appeal or contest this Agreement. Respondents enter into this Agreement freely and voluntarily.

NOTICE

13. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:
Office of General Counsel
OGC-22-710
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For the Respondent:

Jim and Karyl Kline
C/O Joe Norwood
1717 S. Cheyenne Ave.
Tulsa, OK 74119

MISCELLANEOUS

14. This Agreement may be amended only by mutual agreement of the Department and Respondents. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
15. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondents understand that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondents understand that it may attend the meeting of the Board but is not required to do so.
16. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
17. In the event the Board accepts this Agreement, Respondents shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
18. In the event the Board does not approve this Agreement, then Respondents or the Department are free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
19. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
20. This Agreement shall be governed by the laws of the State of Oklahoma.
21. Failure to comply with this agreement will result in an automatic suspension of the facility's license for a time period not to exceed three years.

Executed by the Parties on the dates set forth below:

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

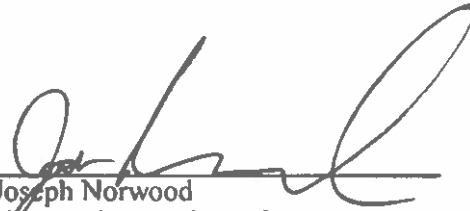


Teena Gunter, Director
Oklahoma Commercial Pet Breeders Program
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-4659

COMPLAINANT

Date: 7-24-24

- and by -



Joseph Norwood
Norwood Law Firm PC
1717 S. Cheyenne Ave.
Tulsa, OK 74119
Telephone & Facsimile: (918) 582-6464

COUNSEL FOR RESPONDENTS

Date: 7/23/24

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

NOV 03 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case No: OGC-22-710

JIM KLINE AND KAYRL KLINE)
DBA PUG RESCUE OF OWASSO)
20398 S 4092 ROAD)
CLAREMORE, OK 74019)

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on December 8, 2022, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of an animal shelter, located at 20398 S. 4092 Road, Claremore, OK 74019.

16. Respondents hold a license to operate an animal shelter under the Commercial Pet Breeders and Animal Shelter Licensing Act (hereinafter the "Act"). *See* 4 O.S. § 30.1 *et seq.*

17. Under the Act and the rules adopted pursuant to the Act (OAC 35:55-1-1 *et seq.*), ODAFF has authority to regulate persons who operate a commercial pet breeder operation or animal shelter.

18. Under the Act "[A]n animal shelter operator shall maintain a separate health record for each animal in the facility and document the breed, sex, color, and identifying marks of the animal and a record of all inoculations, medications, and other veterinary medical treatments received by the animal while in possession of the animal shelter. *See* 4 O.S. § 30.12.

19. Under the Act, "A person commits an offense if the person violates the Commercial Pet Breeders and Animal Shelter Licensing Act, or any rule adopted under the Commercial Pet Breeders and Animal Shelter Licensing Act. Each animal to which a violation applies and each day that violation continues constitutes a separate offense. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section." *See* 4 O.S. § 30.13(B).

20. Under the Act, “A person commits an offense if the person knowingly falsifies information in a license application, annual report, or record required under the Commercial Pet Breeders and Animal Shelter Licensing Act. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.” *See* 4 O.S. § 30.13(C).

21. Under the Act, “[A]n animal shelter or commercial pet breeder commits an offense if the animal shelter or commercial breeder interferes with, hinders, or thwarts any inspection or investigation under the Commercial Pet Breeders and Animal Shelter Licensing Act or refuses to allow an inspector full access to all areas of the facility where animals are kept or cared for and all records required to be kept under the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and Animal Shelter Licensing Act.” *See* 4 O.S. § 30.13(E).

22. Under the Rules, “[I]f potable water is not continually available to the animals, it shall be offered to the animals as often as necessary to ensure their health and wellbeing, but not less than three (3) times daily for at least one (1) hour each time, unless restricted by the attending veterinarian. *See* OAC 35:55-3-2.

23. Under the Rules, an animal shelter operator shall conduct regular and frequent collections, removal and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids waste, and dead pets in a manner that minimizes contamination and disease risk. *See* OAC 35:55-3-5(c). “[A]n animal shelter operator shall equip housing facilities and primary enclosures with disposal facilities and drainage systems that rapidly eliminate pet waste and allow animals to remain clean and dry at all times.” *See* OAC 35:55-3-5(d).

24. Under the Rules, “[A]n animal shelter operator shall provide animals with necessary veterinary care to ensure animals’ wellbeing.” *See* OAC 35:55-3-6.

25. Under OAC 35:55-3-4, a dog can only be housed in an appropriately sized enclosure.

ALLEGATIONS OF FACT

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

27. Respondent owns and operates an animal shelter located near Claremore, Oklahoma known as Pug Rescue of Owasso (hereinafter the "Rescue").

28. On or about April 15, 2022, the Department's Commercial Pet Breeders and Animal Shelter Program received a complaint against the Rescue. Complainant is a veterinarian who examined a dog recently adopted from the Rescue.

29. The complaint states, *"I am in St. Louis, Missouri and recently worked with one of their dogs and spoke with Ms. Kline over the phone. I am a small animal veterinarian in the St. Louis area. A client of mine recently adopted a senior pet from this rescue. Within a few days of adoption, the adopter brought the pet in for an exam concerned that the pet was having urinary accidents and had a bulge next to his rectum. Exam revealed that the pet had a large perineal hernia, severe periodontal disease and appeared to have osteoarthritis. Medical records from the rescue indicated that the pet had been taken to the veterinarian 2 days prior to adoption for vaccines. While that veterinarian recommended a dental procedure, there was no mention of the hernia. We did labwork and radiographs and found that the pet was mildly anemic, had significant crystalluria and his bladder and/or prostate were in the hernia sac. We began the process for referral for hernia repair and started treatment for the urinary crystals."*

30. On or about April 19, 2022, the Department's Commercial Pet Breeders and Animal Shelter Program received a second complaint against the Rescue. This Complainant had adopted a dog from the Rescue.

31. The complaint states, *"I believe they are hoarders who do not provide proper medical care and vaccines as required by the law. I recently adopted one of their pugs and when I brought to light the fact that he had not received medical care or vaccines in the last 5yrs while in their care they became hostile and aggressive. They harrassed and threatened us with litigation if we didn't return the dog. We feared for our safety and allowed them to take the dog back but we don't believe they should have custody of the dog."*

32. On April 20, 2022, an investigation was initiated into the complaints. Inspectors for the Department inspected the Rescue on April 20, May 11, May 17 and June 15, 2022.

33. From these inspections the Inspectors noted the following violations of the Act and Rule:

- a) Dogs were not adequately given access to potable water;
- b) Dogs were not provided necessary veterinary care;
- c) Inspectors were not provided medical records required to be kept under the Act;
- d) Dogs were in portable shelters laying in urine and feces;
- e) Some of the dogs' portable shelters were too small;
- f) The license was for 50 dogs and the shelter housed more than 50 dogs; and
- g) The rescue had 19 cats on the property and their licensing did not allow for other species of animals.

34. Respondents no longer meet the licensing requirements according to the Commercial Pet Breeders and Animal Shelter Licensing Act.

35. During each of these inspections the Respondents interfered with, hindered, and/or thwarted the inspection of and/or investigation by the Department.

ALLEGED CONCLUSIONS OF LAW

36. Based upon the application of the above law to the aforementioned-facts, Respondents have violated the 4 O.S. § 4-30.12 and 13 and OAC 35:55-3-2, 4, 5, and 6. Therefore the Respondents should pay an appropriate fine, the license should be revoked, and the shelter shut-down.

ATTORNEY CONFERENCES

37. 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.

38. 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.

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

ENFORCEMENT PROCEEDINGS

40. 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.

41. 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.

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

43. 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

44. 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

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

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

47. 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

48. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Thirty-Six Thousand Four Hundred and Sixty Dollars (\$36,460)**.

49. 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 4 day of November 2022.

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

Richard D. Herren

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

CERTIFICATE OF MAILING

This is to certify that on this 4 day of November, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**JIM KLINE AND KAYRL KLINE
DBA PUG RESCUE OF OWASSO
20398 S 4092 ROAD
CLAREMORE, OK 74019**

Richard D. Herren
Richard D. Herren

**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.)
)
JIM KLINE AND KAYRL KLINE)
DBA PUG RESCUE OF OWASSO)
20398 S 4092 ROAD)
CLAREMORE, OK 74019)
)
RESPONDENT.)

Case No: OGC-22-126

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Thirty-Six Thousand Four Hundred and Sixty Dollars (\$36,460)** for this action, revocation of the license and shutting down the shelter 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.

RESPONDENTS:

Signature

Printed Name and Title:

Date: _____

NORWOOD LAW FIRM PC
1717 S CHEYENNE AVE
TULSA, OK 74119

2809

86-1037/1031

14

CHECK AMOUNT

7/25/24

Date

Pay to the Order of *Deborah Ann Bennett Trust Agreement & Trust #1* \$ *500.00*
Proctor & Associates, P.C. Dollars

Photo
of the
Back of
the Check
Can be used

SpiritBank

1800 S. Business Ave
Tulsa, Oklahoma 74119

For *Kelley, Cassie Pug Resnefic*

[Signature]

⑆ 103710376⑆ 18024453⑈ 2809