

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

Wednesday, March 12, 2025
10:00 a.m.

2800 N Lincoln Blvd
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of January 29, 2025.
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 – Brian McDowell
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 – Kirsten Hollansworth

7. Consideration and Proposed Action on Purchases/Contracts
8. Consideration and Proposed Action on Cases Resolved by Stipulations

Agricultural Environmental Management Services

**Blake Harris, 35304 S. 4250 Road, Inola, Oklahoma
Nhialong & Drou Her, 110080 S. 4630 Rd., Sallisaw, Oklahoma**

Animal Industry Services

Rikki Vanorsdol, 36970 West HWY 16, Bristow, Oklahoma

Consumer Protection Services

**Central Custom Ag Aviation, 3195 CR 1140, Hydro, Oklahoma
Family Dollar, 911 E. Broadway, Enid, Oklahoma
Thompson Lawn Care, 2613 E. Eucalyptus, 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 Consent Order

Consumer Protection Services

**Larry Hinds, HC 2 Box 33, Boise City, Oklahoma
Ponds RX dba Turnpro Aquatics, 22995 Cove Wood Cir., Edmond, Oklahoma
Maysea Lee, DOVE28, LLC, 11601 Wallace Ave., Oklahoma City, Oklahoma
Wheeler Brothers Grain Company, 320 N. Grant, Cordell, Oklahoma**

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10. Consideration and Proposed Action on Order Withdrawing and Vacating Consent Agreement and Final Order:

Agricultural Environmental Management Services

Kronseder Farms, Inc., and The Hanor Company, Inc., Hanor Roberts Ranch

11. Consideration and Proposed Action on Grain Warehouse Assignment and Assumption Agreement:

Consumer Protection Services

Assignment and Assumption Agreement Between Comark Equity Alliance, Western Producers Cooperative, and the Oklahoma Department of Agriculture, Food, and Forestry

12. Next Board meeting scheduled for **April 23, 2025**, at Oklahoma City, Oklahoma.
13. Old Business
14. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.
15. Adjournment

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

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

Oklahoma City, Oklahoma
January 29, 2025

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., January 29, 2025, in Oklahoma City, Oklahoma. 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
Daniel Ridings, Director, Administrative Services
Brian McDowell, Director, Laboratory Services
Kenny Naylor, Director, Consumer Protection Services
Mark Goeller, Director, Forestry Services
Teena Gunter, Director, Agricultural Environmental
Management Services & Office of General Counsel
Dr. Rod Hall, Director, Animal Industries
Scott Yates, Director, Food Safety
Justin Cooper, Director, Wildlife Services
Meriruth Sellers, Director, Market Development
Abbie Wilburn, Office of General Counsel
Ashley Johnson, Forestry
Taylor Centrella, Forestry

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

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the minutes of the regular meeting of December 16, 2024, as presented.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

Agricultural Environmental Management Services

David Casady, 8729 E. 193rd St. South, Webbers Falls, Oklahoma

Consumer Protection Services

Flexkrete Texas, LLC, 6934 County Road 166, McKinney, Texas

Price's Weed Control & Fertilization, 5800 S. Kentucky, Oklahoma City, Oklahoma

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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

Consumer Protection Services

Ely Helicopter Service, 110744 S. 4570 Road, Sallisaw, Oklahoma

Livestock Nutrition Center, 409 Sheppards Street, Chickasha, Oklahoma

Rural Pest Solutions, 30605 Aaron Way, Cashion, Oklahoma

Wheeler Brothers Grain Company, 121 First Street, Thomas, Oklahoma

Wheeler Brothers Grain Company, 420 Santa Fe, Alva, Oklahoma

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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Cook, to approve the Proposed Action on Assignment and Assumption Agreement for Western Producers Cooperative as submitted.

**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. Bolen, to approve the Proposed Action on Proposed Permanent Rules as submitted.

FOOD SAFETY

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

Chapter 37. Food Safety

Subchapter 17. Produce Safety

35:37-17-2. Definitions [AMENDED]

MARKET DEVELOPMENT

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

Chapter 40. Market Development

Subchapter 18. Local Food for Schools [NEW]

35:40-18-1. Purpose [NEW]

35:40-18-2. Definitions [NEW]

35:40-18-3. Eligibility [NEW]

35:40-18-4. Application Process [NEW]

35:40-18-5. Criteria for allowed purchases [NEW]

35:40-18-6. Use of food purchased through the Program [NEW]

35:40-18-7. Supplemental program information [NEW]

35:40-18-8. Reimbursements [NEW]

**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.

There is no old business presented for the Board to take action upon. Mr. Farris moved, Mr. Burtrum seconded, that the meeting be adjourned at 11:25 a.m.

By _____
President

ATTEST: _____
Executive Secretary

JANUARY, 29 2025 BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATIVE SERVICES

\$7,200.00 - FY25 – Onward Fleet– This cost is associated with the new Statewide contract that was put in place to outfit all of our large and standard vehicles with AVL/GPS devices for all remaining state vehicles to be within compliance. This service will enable the remaining agency fleet vehicles to be equipped with AVL devices. Initially, this expense was intended to be paid to OMES Fleet Management; however, OMES has now transferred these services to Onward Fleet. **Justification:** Without this, we will be outside of compliance with the Governor's Executive order to outfit all State Vehicles with AVL devices.

FOOD SAFETY

Computers, printers and Accessories for Meat Inspection Services – \$36,000.00

Meat Inspection Services need to purchase computers to replace USDA FSIS with State of Oklahoma computers. The expense will be less due to using state IT services and maintenance versus using FSIS IT service. State Legislature set aside \$36,000 to replace these computers, printers and accessories.

FORESTRY SERVICES

FY25 - \$200,000

Requesting additional funds for repairing firefighting equipment including but not limited to dozers, Bambi buckets, UTVs and slip-on firefighting units. These purchases will be made using PCard, Comm Data, and POs for repairs that cost more than \$5,000 when a piece of equipment has significant issues and requires Board approval. **Justification:** This will allow the equipment to be repaired quickly after completion of the bidding process and back in service for fire management activities. **The first \$200,000 was requested in January 2024.**

FY25 Type 6 Engines - \$600,000.00 (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. **Justification:** 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 & 245 funds. **The first \$536,068 was requested in July 2024.**

FY 26- \$10,000

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

FY26- \$25,000

Renewal of agreement/membership with Western Gulf Forest Tree Improvement Cooperative (WGTIP). **Justification:** The agreement with Western Gulf Forest Tree Improvement is essential in

helping FTIC receive new information for improving genetic research for Oklahoma and to get tree breeding information from other WGTIP partners.

FY26 - \$15,000

Renewal of agreement/membership with Auburn Nursery Cooperative (contingent upon Federal Forest Stewardship grant allocation). It is essential that FRC have an agreement with Auburn Nursery Cooperative to be able to use certain chemicals under their license when fumigating fields.

Justification: without this membership, the cost to fumigate, which is needed to produce tree and shrub seedlings, would increase to more than \$100,000.

FY26 - \$50,000

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

FY26- \$15,000

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

FY26 – \$15,000

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

FY26- \$18,000

Pinecone collection at FTIC seed orchard in Idabel is vital to enhanced genetics and vital to our conservation seedling program. They provide the best genetically suited pine trees for Oklahoma landowners. Contracting experienced labor to collect seeds is required due to lack of personnel.

Justification: without this purchase, pinecone seed would not be collected, and the seedling program would be severely limited.

FY26- \$30,000

Contract harvesting services is needed by qualified, trained workers to lift 3 million seedlings. Each year, the Forest Regeneration Center (FRC) delivers up to 3 million seedlings to Oklahomans for conservation planting. To meet the planting demands of landowners throughout the state, a steady supply of seedlings is required. To make sure our customers have quality, healthy seedlings, delivered on schedule, a trained harvesting crew is required to lift these seedlings. Some of the harvesting will be completed by FRC staff. However, we no longer have the inmate crew that we used in the past.

Justification: without this purchase, we will not be able to lift the seedlings in a timely manner and we will fail to meet the delivery requirements for Oklahoma customers.

FY26- \$9,500

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

FY25- \$10,000

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

FY 26- \$15,000

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

FY26- \$15,000

Aerial spray pesticide application to the seed production pine tree orchards. OFS needs to spray the cone crop in our genetically improved pine tree orchards. This year there was a noticeable decrease in embryotic material filled seed in the cones collected at the orchards. This is a result of the presence of cone worms/seed insects. Aerial application of pesticide spray to the orchards will control these pests (cone worms/seed bugs). **Justification:** Without this purchase, there will be a continued decline in the production of genetically improved seed.

FY26 - \$7,000

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

FY26- \$9,300.00

Land Lease-Commercial BB Office & Land Lease-land only SE Complex **Justification:** This is the space where office is located & land behind office.

FY26- \$2,200.00

Land Lease-land only SE Complex - **Justification:** land behind office 220 acres

FY26- \$19,800.00

Electricity - SE Area office; SE Area complex; Antlers complex; Carter Tower complex; Sobol Tower repeater; Tom Tower repeater; Security lights

FY26- \$7,500.00

Telecommunications-phone/internet/Long Distance service for SE Area Complex; Antlers Complex; and cell phone services for SE Area

FY26- \$8,550.00

Utility-water, sewer, propane, natural gas, trash service for SE Area complex; Antlers complex; Carter Tower complex.

FY26- \$183,250.00

Equipment Repair - maintenance and repair of all SE Area equipment including mowers, dozers, trailers, tractors, chain saws, blowers, and building maintenance/repair at all SE Area facilities.

FY26- \$9,200.00

Safety/Security Supplies - replacement radio parts, antennas for handhelds, antennas for dozers and other supplies

FY26- \$9,000.00

Maintenance/Repair buildings and grounds at SE Complex, Antler's complex and Carter Tower House

FY26 - \$25,000 Electric, phone/internet, utilities (natural gas, water, trash service, sewer) for 3 offices: Tahlequah, Sallisaw, & Jay. **Justification:** Above is the necessary expenditure to operate 3 offices. The operation of these offices is crucial to maintain emergency response radio communication, as well as serve as a location for Forest Rangers to maintain equipment so they can respond to wildfires.

FY26- \$60,000 Equipment repair for mowers, ATV's, UTV's dozers, and trailers. **Justification:** Above is a necessary expenditure so we can keep our firefighting equipment/machinery fire ready. Without these funds, our Forest Rangers would not be able to respond to wildfire when their equipment needs repaired. This money will also go towards the upkeep of our lawnmowers and trailers.

FY26 - \$6,000 New zero turn lawnmower for Sallisaw office **Justification:** The current lawnmower at the Sallisaw office is old and constantly has to be repaired. This new lawnmower will allow the Sallisaw office to keep their grounds maintained.

FY26- \$15,000

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

FY26 - \$55,000

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

FY26 - \$150,000

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

FY26- \$30,000

Oklahoma Forestry Services will be providing financial assistance to landowners to manage invasive plant species currently present on the land. By participating in this program, landowners will be able to remove non-native invasive plants 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.

FY 26 - \$60,000

Purchase ESRI ArcGIS Online Licenses (Federal Grant) – **Justification:** This allows the OFS Incident Management Team and fire personnel to utilize Collector, giving our firefighters real-time wildland fire data exchange. Data collected from the Collector application gives firefighters an advantage on fighting fires and increases overall firefighter and public safety.

FY26 - \$200,000

To repair firefighting equipment including but not limited to dozers, Bambi buckets, UTVs and slip-on firefighting units. These purchases will be for repairs for more than \$5,000 when a piece of equipment has significant issues and requires Board approval. **Justification:** This will allow the equipment to be repaired quickly after completion of the bidding process and back in service for fire management activities.

FY25 Skid Steer Attachment- \$30,000 (IIJA St Fire Asst Mtgtn GR)

Purchase of a 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. **Justification:** 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.

FY26- \$8,400.00

Telecommunications-phone/internet/Long Distance service for EC Area Complex; Talihina Complex; and cell phone services for EC Area.

FY26- \$15,700.00

Utility-water, sewer, propane, natural gas, trash service for EC Area complex & Talihina complex.

FY26- \$7,500.00

Electricity - EC Area complex & Talihina complex.

LABORATORY SERVICES

FY25 - \$5932.00 – Lab Equipment

Purchase of a Black Stack Thermometer for Mass II testing.

MARKET DEVELOPMENT

FY2025 — Local Food for Schools (LFS) Grants with the objective of providing food assistance purchases of domestic local foods for distribution to schools. - Legislative Directed Spending - \$3,200,000.00

Justification: With funding made available through the Oklahoma State Legislature, ODAFF will help school districts maintain and improve food and agricultural supply chain resiliency through reimbursable grants. This program will strengthen the food system for schools by helping to build a fair, competitive, and resilient local food chain, and expand local and regional markets with an emphasis on purchasing from historically underserved producers and processors.

If this proposed expense is not approved and therefore the project is not completed, the State loses money immediately that is important to the school districts and agricultural producers throughout the state.

FY2025 – Ag in the Classroom educational resources – magnifying glasses, Toss and Teach beach balls and handheld mirrors used as supplemental hands-on learning tools in conjunction with the Specialty Crop Playing cards – funded entirely by the Specialty Crop Block Grant - \$20,500.00

FY2025 - USLGE – membership dues - \$6,600.00

FY2025 – USDA has provided a Local Food for Schools and Child Care Cooperative Agreement (LFSCC) to ODAFF with the objective of providing food assistance purchases of domestic local foods for distribution to schools and childcare institutions. Effective: 1/15/25 - 1/14/28 - \$10,900,211.00 (\$7,754,216 school food purchasing and \$3,145,995 childcare institution food purchasing).

Justification: This project is entirely funded by the USDA Agricultural Marketing Service Local Food for Schools and Childcare Cooperative Agreement Program (LFSCC). With funding made available through USDA’s Commodity Credit Corporation, USDA will help states deal with the challenges of supply chain disruptions brought on by the pandemic. Through the LFSCC program, USDA will award funds to states for food assistance purchases of domestic local foods for distribution to schools and childcare institutions participating in the National School Lunch Program (NSLP) and/or the Child and Adult Care Food Program (CACFP). This program will strengthen the food system for schools and childcare institutions by helping to build a fair, competitive, and resilient local food chain, and expand local and regional markets with an emphasis on purchasing from historically underserved producers and processors. 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 school districts throughout the state but also runs the risk of not being awarded money from the USDA Agricultural Marketing Service in the future.

Oklahoma Department of Agriculture, Food & Forestry

March 12, 2025, Board Report

Administrative Services

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES

JANUARY 2025



INVESTIGATIONS		JANUARY	YTD	FYTD
LIVESTOCK		6	6	25
FIRE		4	4	10
PROPERTY		1	1	6
TIMBER			0	1
AGENCY ASSISTS	ODAFF		0	0
AGENCY ASSISTS	EXTERNAL	1	0	4
OTHER		2	2	6
TOTAL INVESTIGATIONS OPENED		14	14	52
CLOSED PENDING ADDITIONAL INFORMATION			0	9
NO CRIME		1	1	9
NO PROSECUTION			0	0
CLOSED - ASSIST CASE			0	2
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		1		5
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		2	1	25
COUNTS FILED		2	2	11
VALUE OF LOSSES - ALL CRIMES		\$145,000	\$145,000	\$701,900
RECOVERED LOSSES - ALL CRIMES		\$30,500	\$30,500	\$394,470
NUMBER OF CATTLE REPORTED STOLEN		79	79	186
NUMBER OF CATTLE RECOVERED		9	9	49





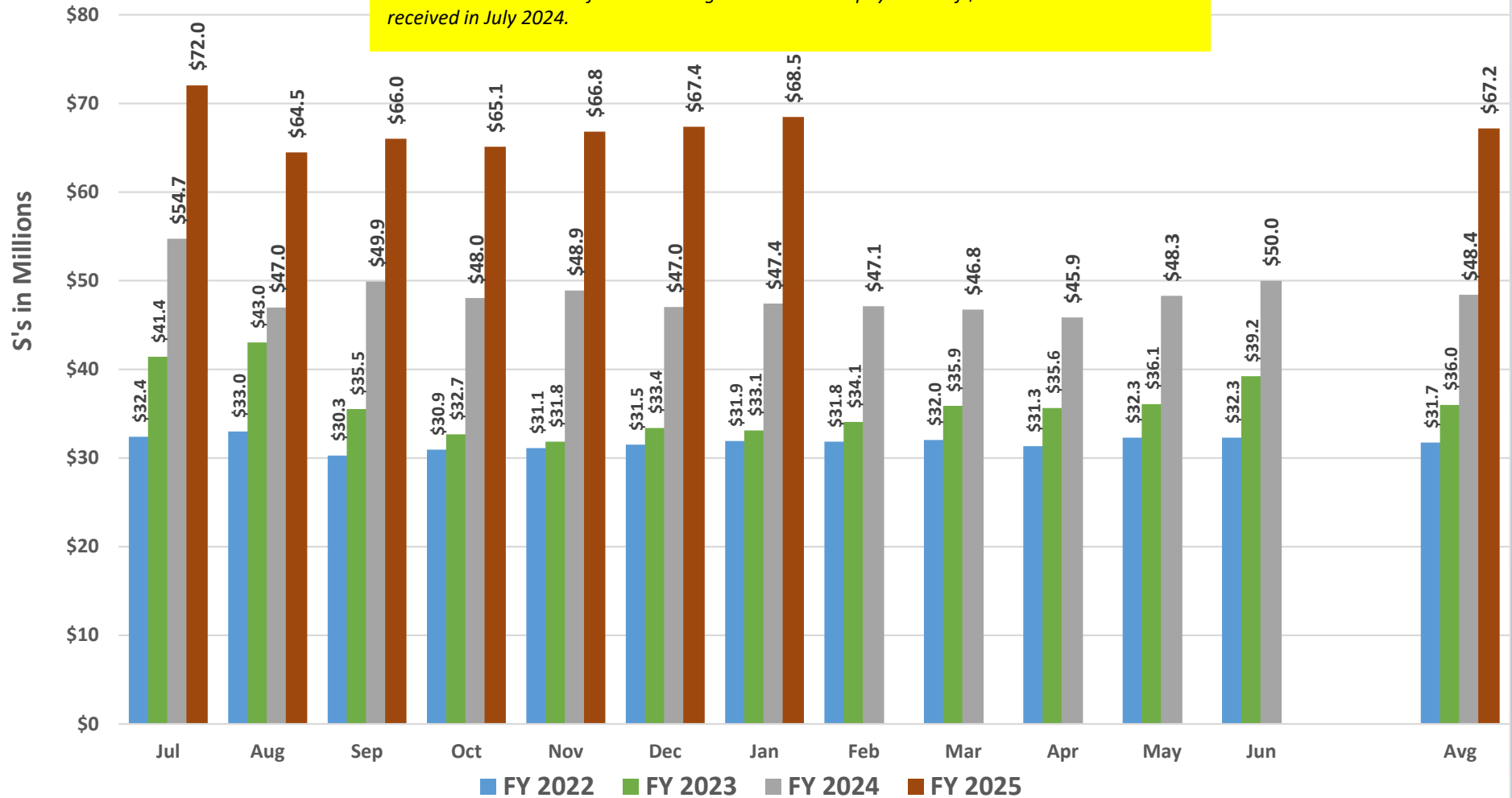
Available Cash at Month End

Months Ending: July 2021 – January 2025

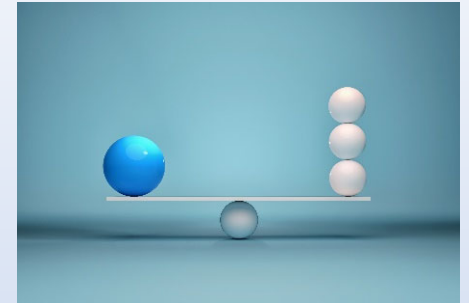
per Allotment Budget & Available Cash Report Fiscal Year 2022-2025

Note 1: The amounts shown here include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,871,905 as of 1/31/2025.

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

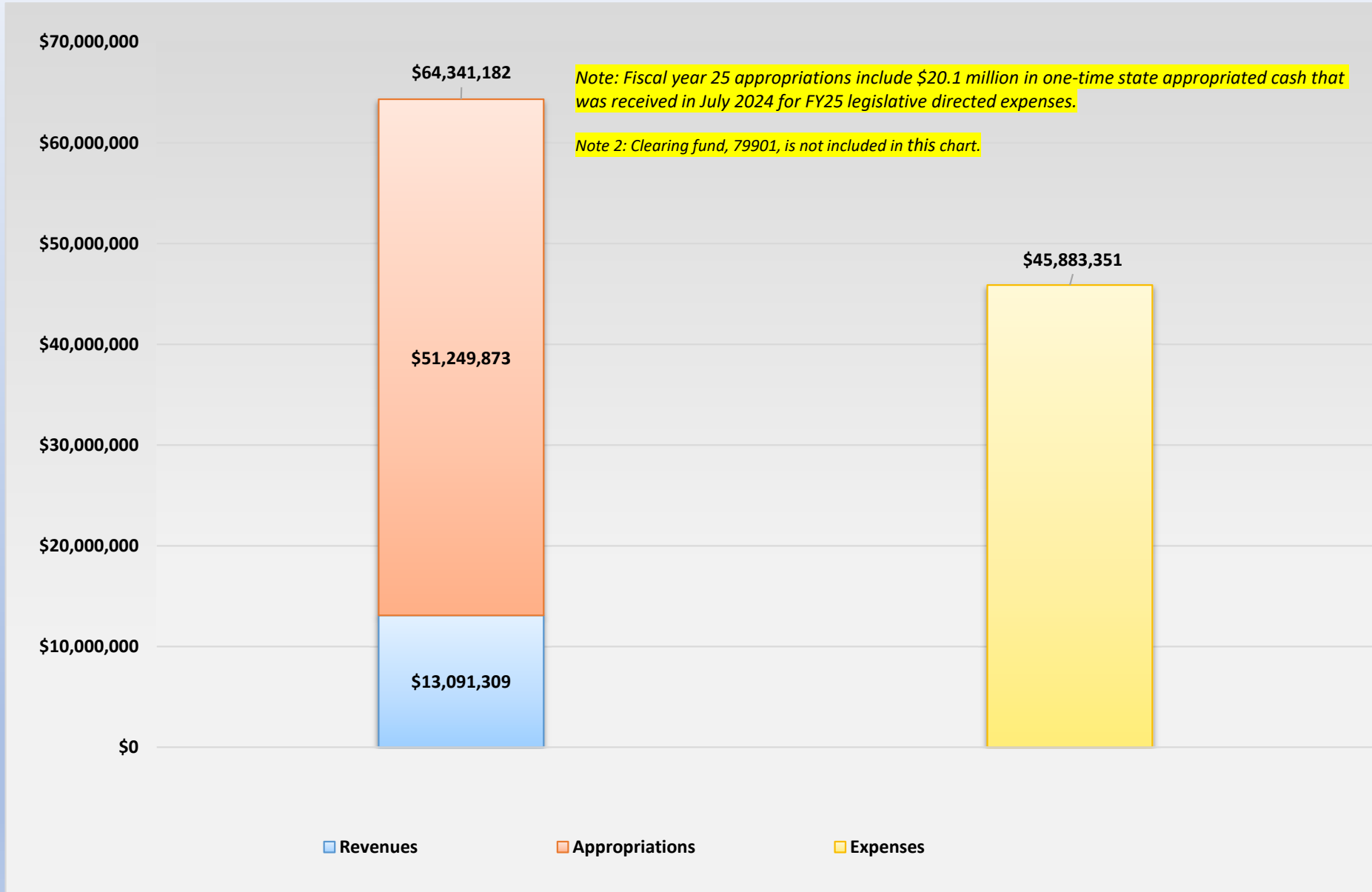


Administrative Services - Finance



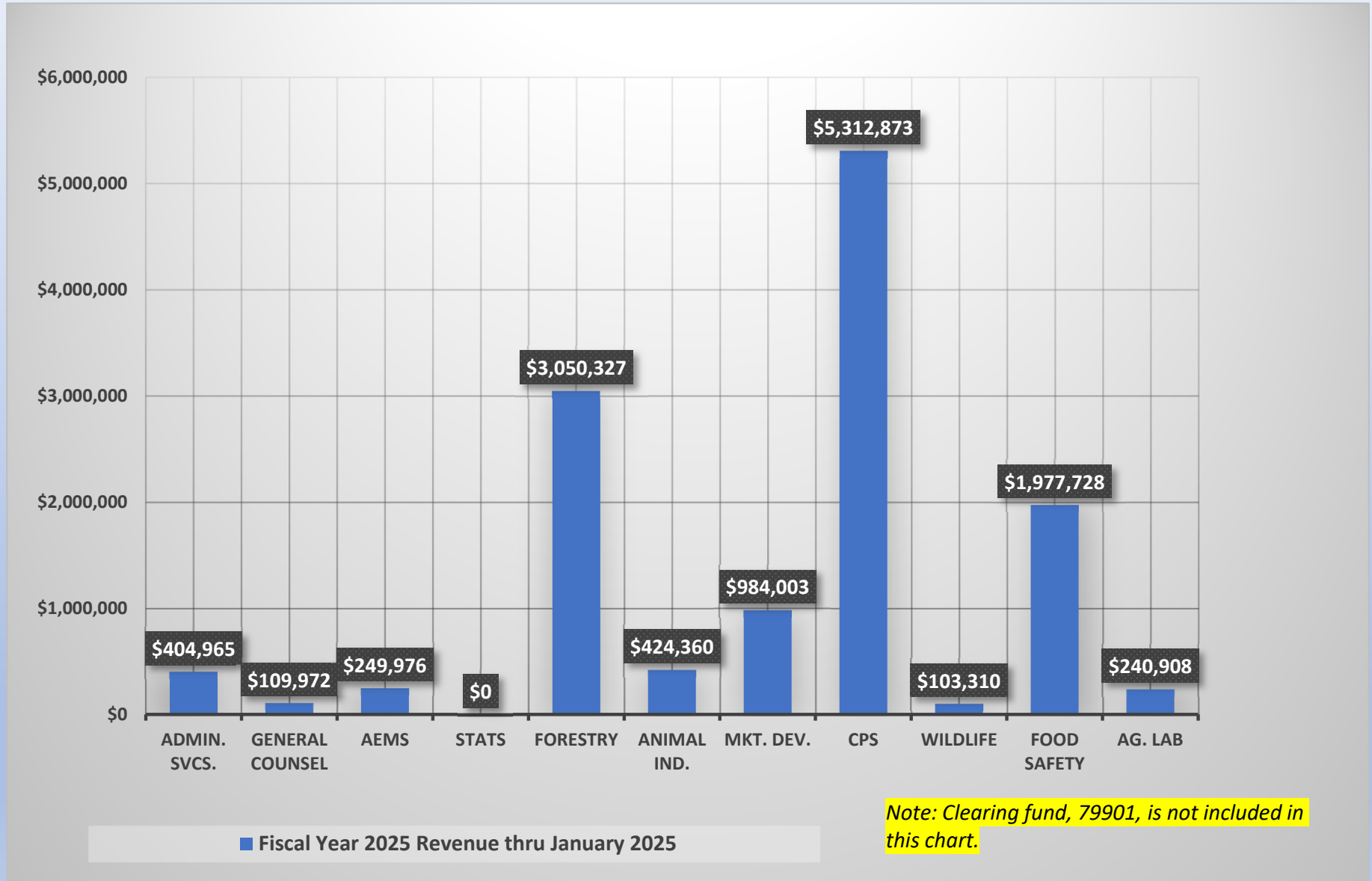
- Cash balance as of January 31, 2025, was \$68.5 million compared to \$47.4 million as of January 31, 2024
 - Increase of \$21.1 million from the prior year and is primarily attributed to the following:
 - Increase in state appropriated cash received in July 2024 for fiscal year 2025 legislative directed spendings
 - Increase in monthly state appropriations due to increase in legislative directed spendings
 - Timing of payments

Total Revenues, Appropriations and Expenses FY 2025 thru January 2025





Revenue By Division Fiscal Year 2025 thru January 2025





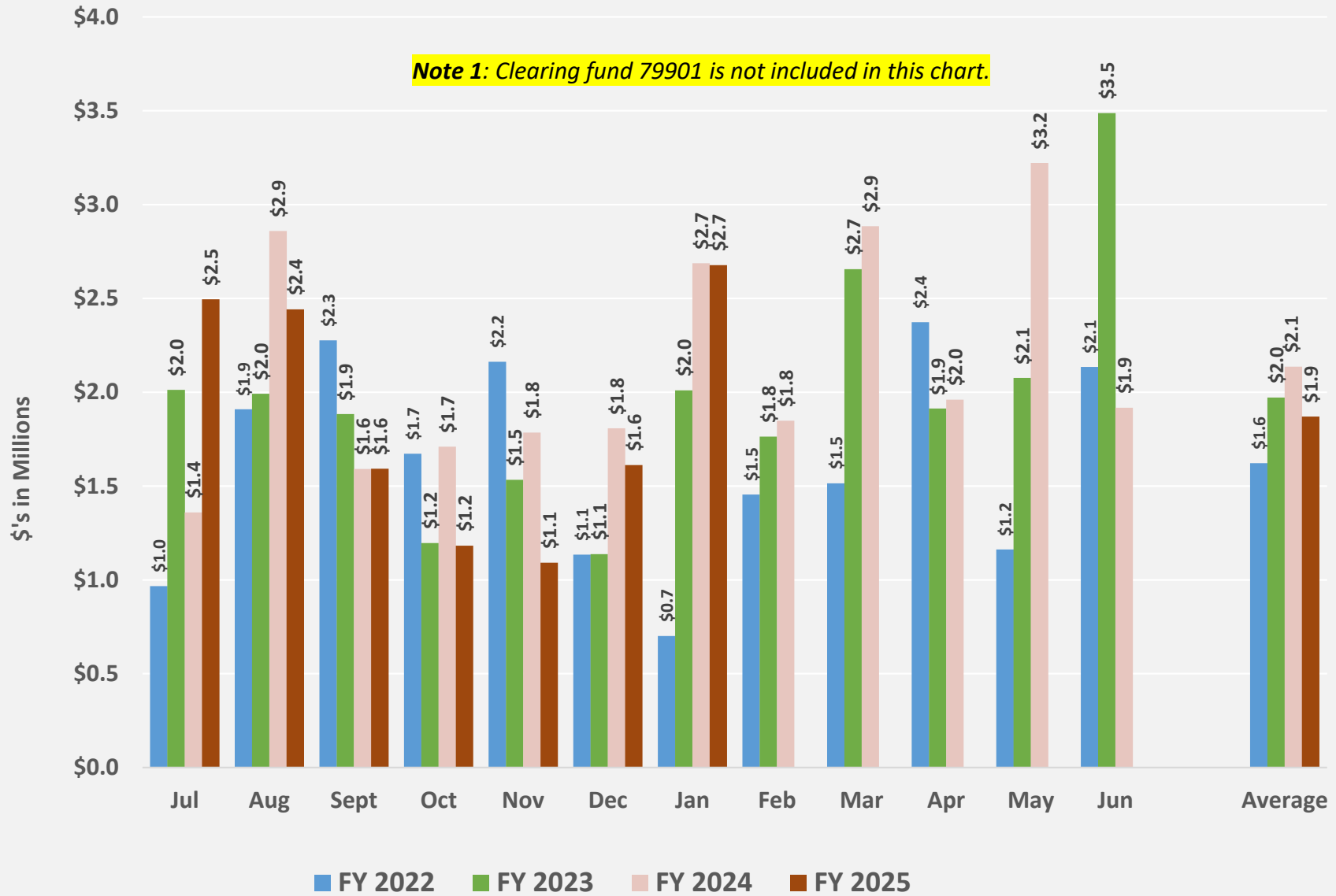
Revenue By Division January 2025

Division	January 2025 Revenue	Fiscal Year 2025 Revenue thru January 2025
Admin. Svcs.	144,455	404,965
General Counsel	7,532	109,972
AEMS	70,010	249,976
Stats	-	-
Forestry	1,164,691	3,050,327
Animal Ind.	130,195	424,360
Mkt. Dev.	58,561	984,003
CPS	861,320	5,312,873
Wildlife	5,000	103,310
Food Safety	220,126	1,977,728
Ag. Lab	(19,072)	240,908
Division Total (see division receipts graph on next slide)	2,642,817	12,858,422
Commodity Storage Indemnity	34,287	232,887
Appropriations	4,444,944	51,249,873
Agency Total	7,122,048	64,341,182

Note: Clearing fund, 79901, is not included on this slide.

Total Revenue by Month July 2021 – January 2025

Note 1: Clearing fund 79901 is not included in this chart.

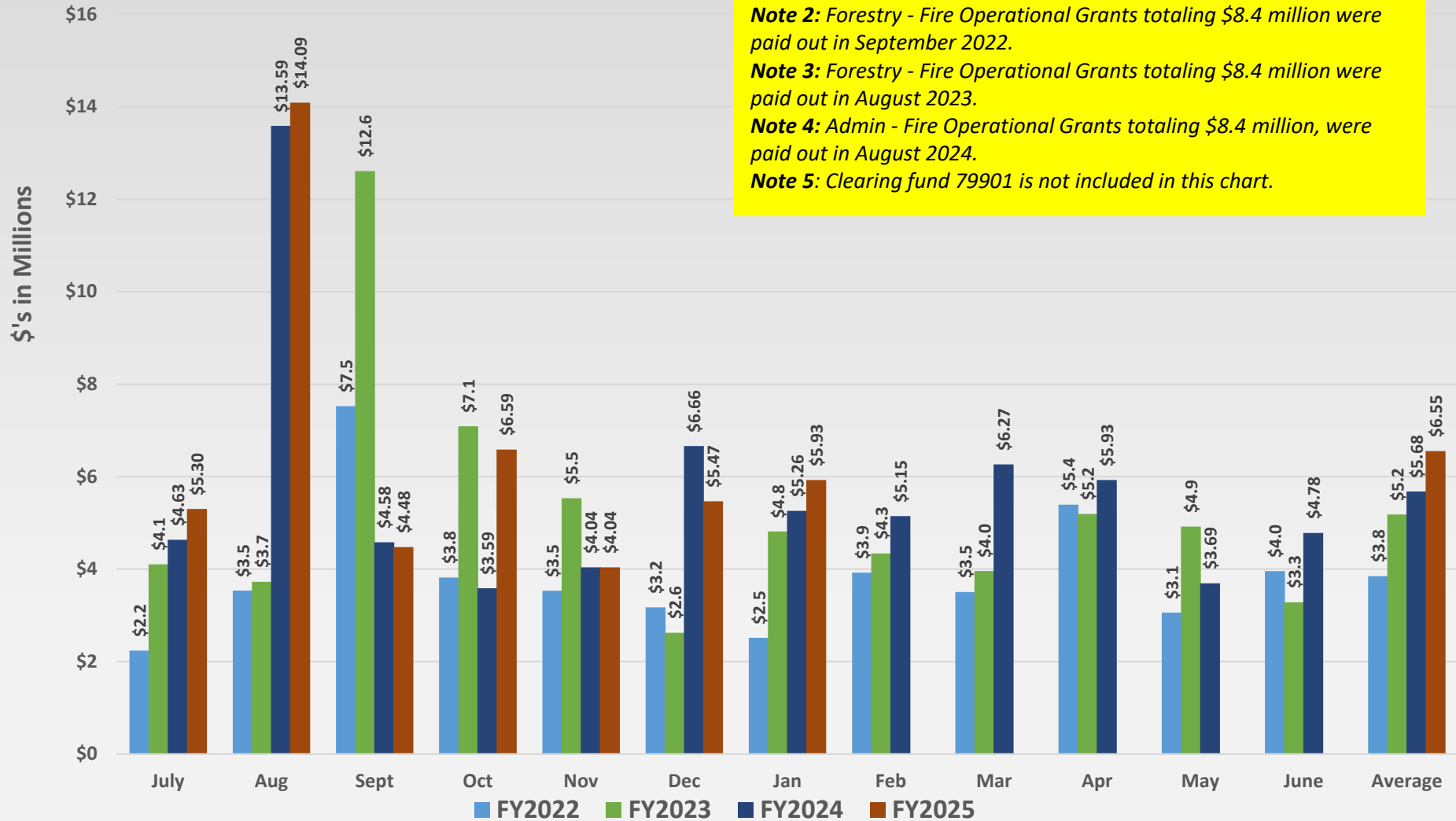


Administrative Services - Finance

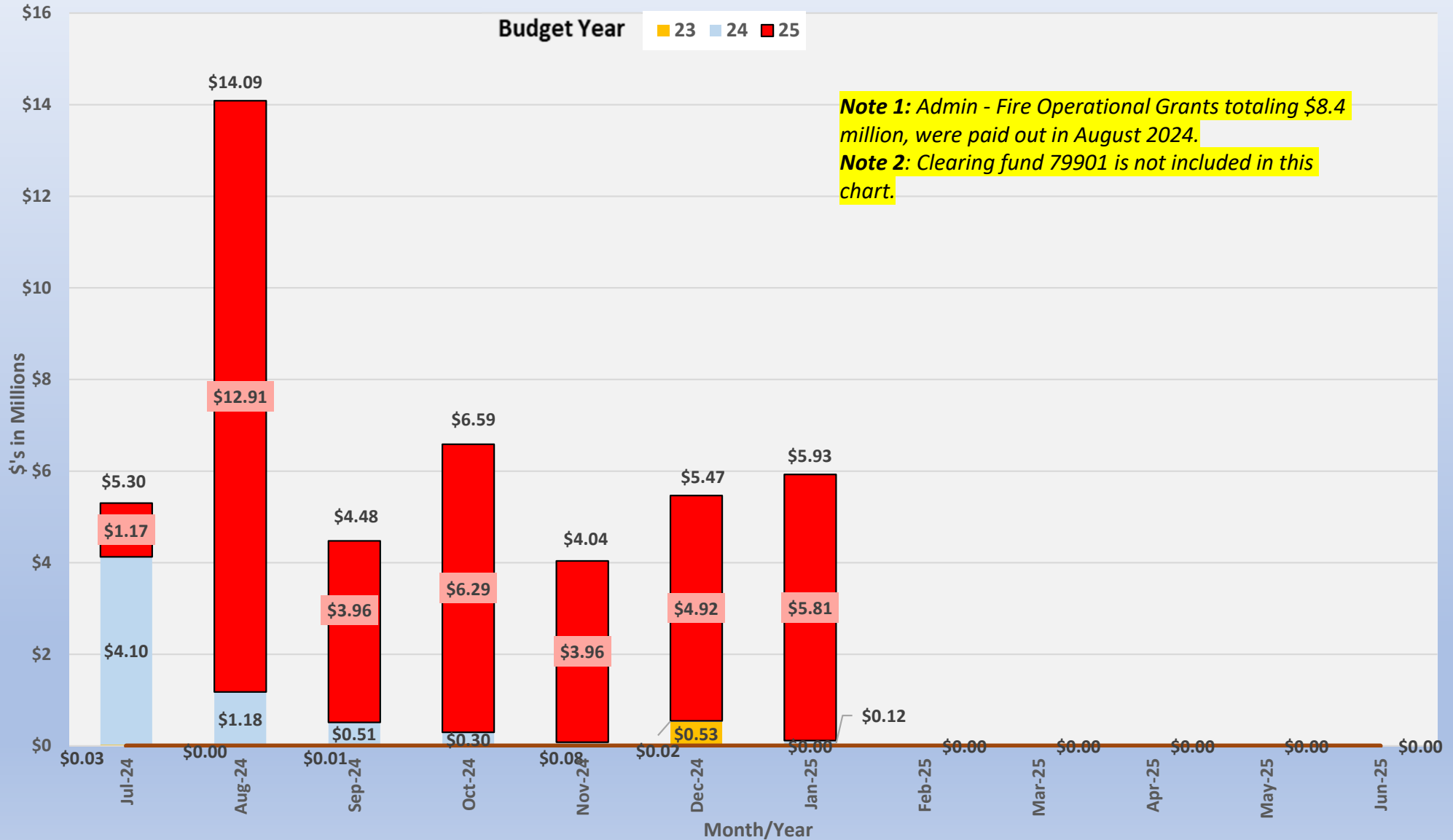
- Revenues (excluding appropriations) for FY 2025 thru January 2025 were \$13.1 million compared to \$13.8 million for the same period last year.
 - This is a decrease of approximately \$700K and is primarily due to a decrease in federal reimbursements



Total Expenses by Month July 2021 – January 2025



FY 2025 Total Expenses by Month with Budget Year

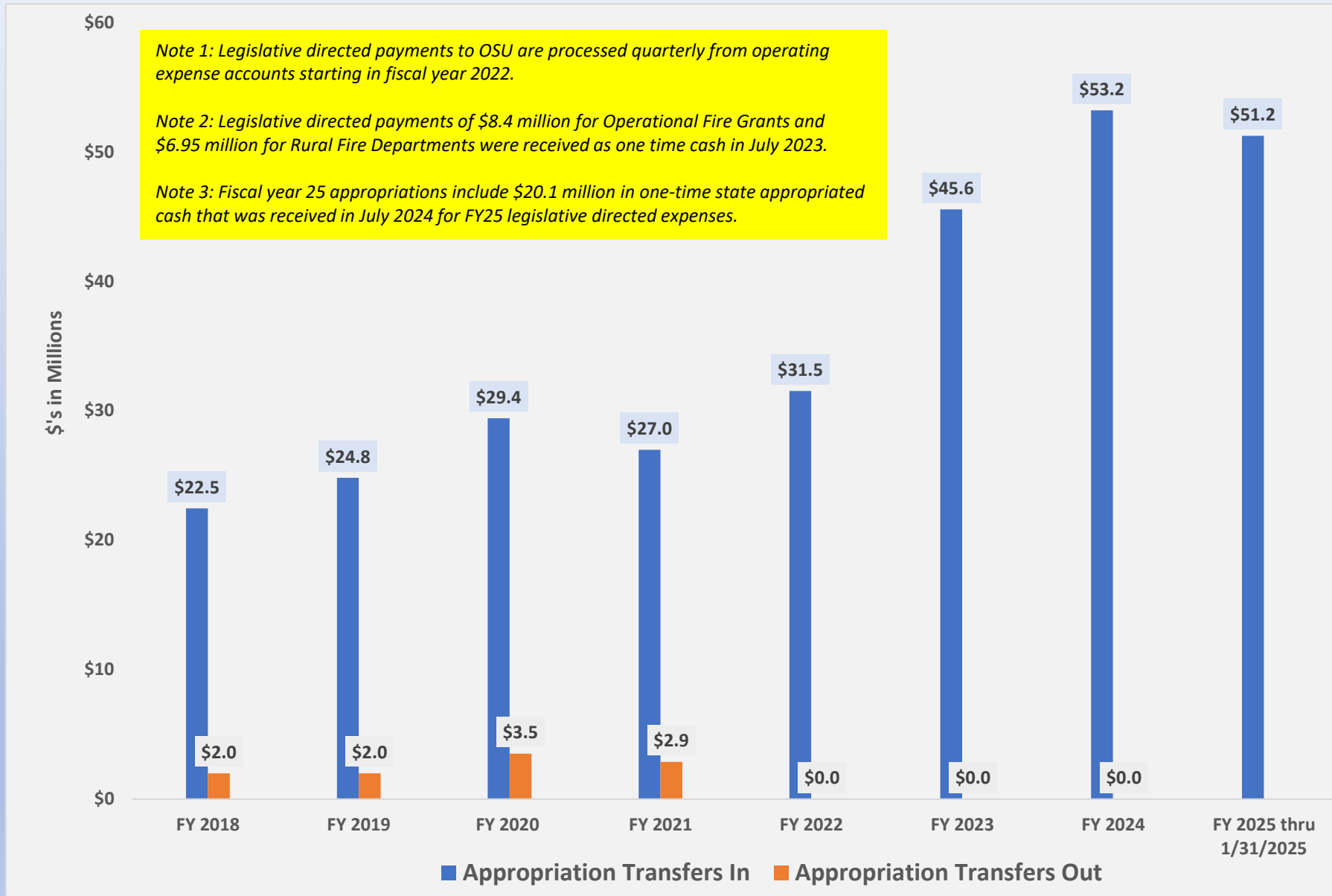


Administrative Services - Finance

- Total expenses for FY 2025 thru January 2025 were \$45.9 million compared to \$42.3 million for the same period last year.
 - This was an increase of \$3.6 million and is primarily attributed to:
 - Increase in legislative directed spendings
 - Catesby, Oklahoma fire - out of state fire assistance payments
 - Replacement of Forestry radios that are no longer manufactured/supported that are used for
 - Wildfire/emergency response
 - Fuels mitigation projects
 - Communication with state and local cooperators
 - Increased payroll and benefit costs
 - Purchase of firefighting bulldozers used for state-wide wildfire response, suppression, and mitigation activities.

Appropriations

FY 2018 thru FY 2025 (thru January 2025)



Commodity Storage Indemnity Investment Report



As of January 31, 2025

Investments with Office of State Treasurer			
Cash Management Account:			\$11,871,905
		Current Month	YTD
		-----	-----
New		-	-
Interest Revenue		34,287	232,887
Reinsurance		-	-
ODAFF Support Services		-	50,000
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	34,287	282,887
		=====	=====

Oklahoma Department of Agriculture, Food & Forestry

Monthly Budget Report - Budget Year 2025

As of January 31, 2025



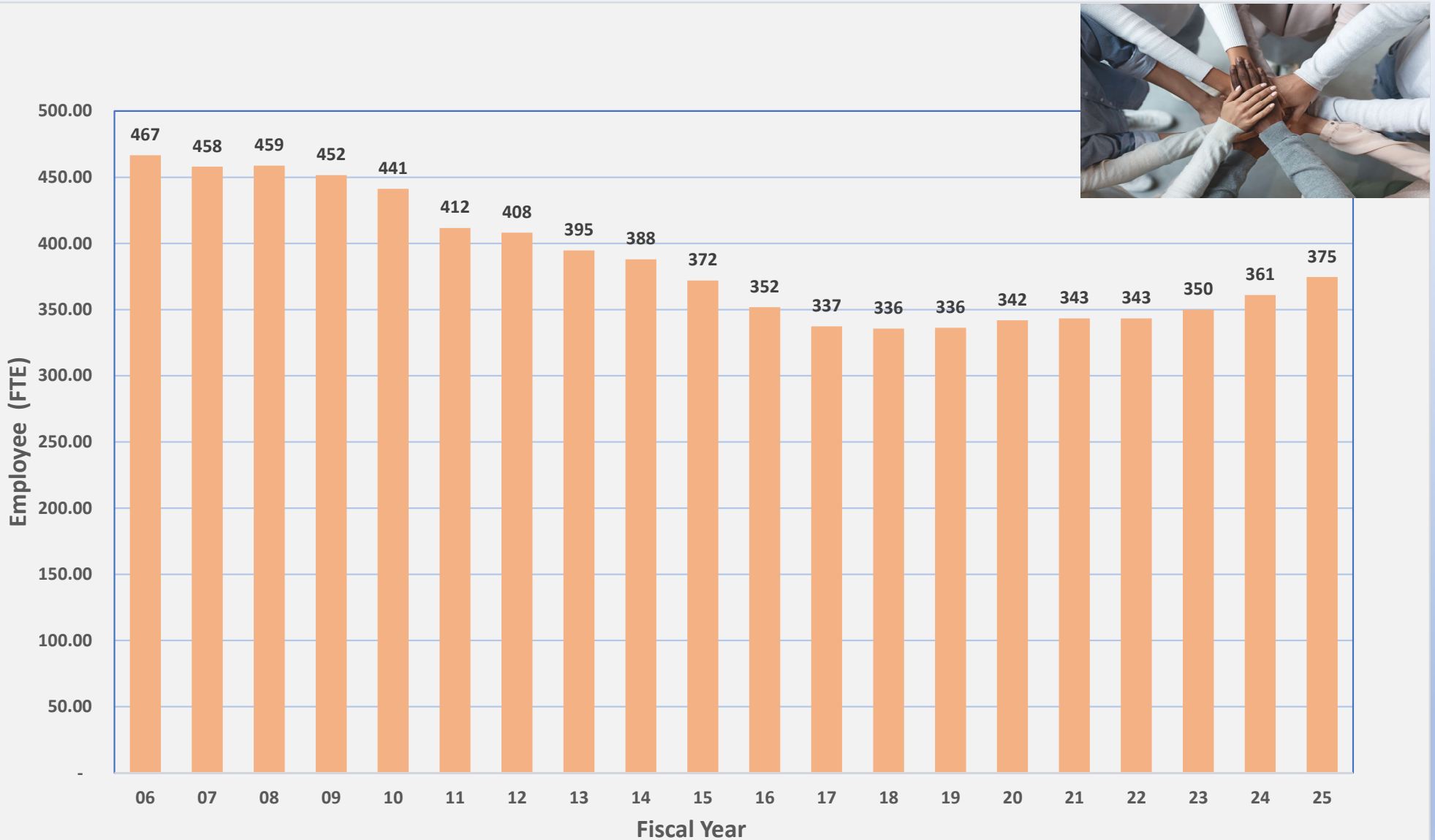
Fiscal Year 2025 Annual Budget to Actuals for Budget Year 2025 thru January 31, 2025

Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	24,176,135	13,063,314	14,575,140	(3,462,319)
512	Insur.Prem-Hlth-Life,etc	5,534,084	2,885,600	214,769	2,433,715
513	FICA-Retirement Contributions	6,378,139	3,106,307	1	3,271,831
515	Professional Services	4,864,534	1,156,962	2,808,890	898,682
519	Inter/Intra Agy Pmt-Pers Svcs	60,800	16,438	16,562	27,800
521	Travel - Reimbursements	555,687	131,452	-	424,235
522	Travel - Agency Direct Pmts	612,621	228,043	-	384,578
531	Misc. Administrative Expenses	1,509,717	557,291	234,490	717,935
532	Rent Expense	1,374,563	447,218	354,422	572,923
533	Maintenance & Repair Expense	1,978,335	576,087	444,403	957,845
534	Specialized Sup & Mat.Expense	1,389,975	376,246	569,033	444,696
535	Production,Safety,Security Exp	187,500	66,862	0	120,638
536	General Operating Expenses	298,775	60,228	-	238,547
537	Shop Expense	646,391	301,727	38,310	306,354
541	Office Furniture & Equipment	8,692,632	824,063	4,452,761	3,415,808
542	Library Equipment-Resources	1,000	54	-	946
543	Lease Purchases	1,672,295	961,246	711,049	-
546	Buildings-Purch.,Constr,Renov.	772,000	-	-	772,000
551	SocSvc-Assist,Grant&ProviderPy	2,500,000	-	250,000	2,250,000
552	Scholar.,Tuition,Incentive Pmt	15,440	700	-	14,740
554	Program Reimb,Litigation Costs	25,710,438	2,228,314	2,347,528	21,134,596
555	Pmts-Local Gov't,Non-Profits	16,820,807	8,821,413	922,028	7,077,366
559	Assistance Pymts to Agencies	18,230,000	3,045,301	13,454,699	1,730,000
561	Loans,Taxes,Other Disbursemnts	550	-	-	550
564	Merchandise For Resale	150,000	146,526	3,473	1
601	AFP Encumbrances	-	-	6,092,837	(6,092,837)
810	Req Only	-	-	2,720,252	(2,720,252)
	Operating Totals	124,132,418	39,001,393	50,210,647	34,920,377

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

Class Funding	Class Fund Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
19102	Duties	1,500,000	795,301	704,699	-
19302	Agriculture Extension Division	20,135,265	837,015	6,103,409	13,194,841
19501	GRF-Duties	53,339,326	22,081,020	26,590,968	4,667,338
20500	Rural Fire Defense Eqp Rev Fd	150,000	146,526	3,473	1
21000	Agriculture Revolving Fund	26,625,239	13,210,797	11,153,592	2,260,850
22500	Enhancemnt & Diversificatn Fnd	97,000	16,667	10,000	70,333
23000	Okla Pet Overpopulation Fund	35,000	12,500	-	22,500
23500	Animal Friendly Revolving Fund	35,000	2,500	10,000	22,500
24000	Unwanted Pesticide Disp Fund	300,000	119,394	230,607	(50,000)
24500	Rural Fire Revolving Fund	2,010,575	12,706	1,331,255	666,614
25500	Ag. Evidence Law Enforce Fund	4,000	-	-	4,000
25600	Ok Viticulture Enology Revl Fd	446,657	123,123	197,616	125,919
26200	Poultry Grading Revolving Fund	1,234,512	647,014	325,406	262,092
28500	Milk & Milk Prod Inspec Rev Fd	466,489	228,844	212,074	25,571
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	20,446	36,141	43,412
41000	Community Wildfire Def Grant	2,500,000	-	2,350,000	150,000
42000	Specialty Crop Federal Funds	1,100,000	171,511	830,843	97,646
43100	Marketing's Farm to School	278,352	68,466	115,530	94,356
43500	Local Food for Schools Co-op	452,000	440,565	5,033	6,401
44000	RsInt Food Sys Infrstr Coop Ag	6,407,933	-	-	6,407,933
57911	Carryover	6,891,070	67,000	-	6,824,070
	Totals	124,132,418	39,001,393	50,210,647	34,920,377

Employee FTE Totals Fiscal Year FY 2006 – FY 2025 (thru January 2025)



Note 1: The 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: The FTE listed for fiscal year 25 was based on the FTE for the period of July 1, 2024 thru January 31, 2025.

**MARCH 2025 BOARD REPORT
 AGRICULTURE LABORATORY SERVICES
 (January 2025 Activities)**

QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager)

The QA Manager has finished the Food and Dairy Laboratory’s Internal Audit for 2024. There were a total of 14 findings, which are down from last year. The Section has completed over half of the findings made within the first month, while maintaining their workload. The QA Manager is working with the Laboratory Director to create an SOP for the transportation and shipment of biological specimens, which the Section currently does not have in place.

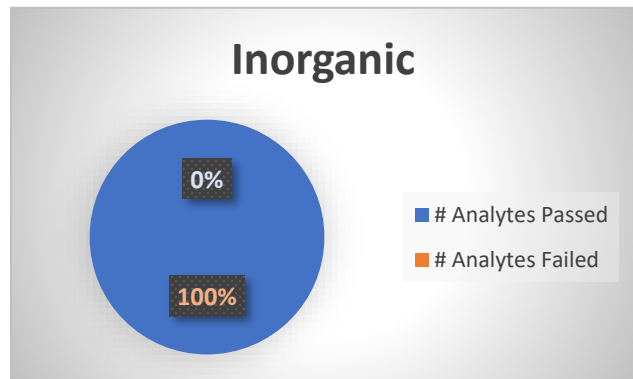
The Food and Dairy Section has completed a total of three autoclave validations this month, cycle contents include: agars (in progress, one more cycle is needed), vials, test tubes and 200 ml bottles.

Heather Rhoads, Pesticide Chemist, has been asked to assist in the quality management of the Pesticide Section with the Laboratory Director and QA Manager. She will be tasked with: method development for various sections, review and update SOPs, and assist in additional quality work as needed.

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.

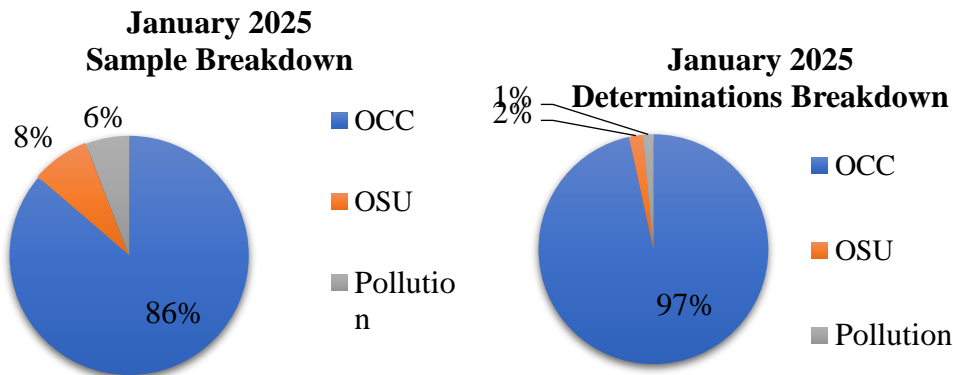
Inorganic	
# Analytes Results Received	4
# Analytes Passed	4
# Analytes Failed	0



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

In January the Section completed 51 samples consisting of 410 determinations, with the following breakdown:

OCC	44	396
OSU	4	8
Pollution	3	6
Service	0	0
Total	51	410

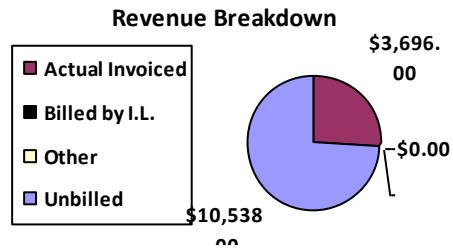
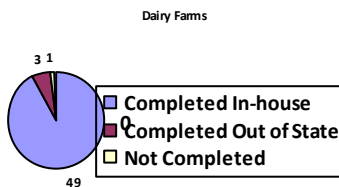
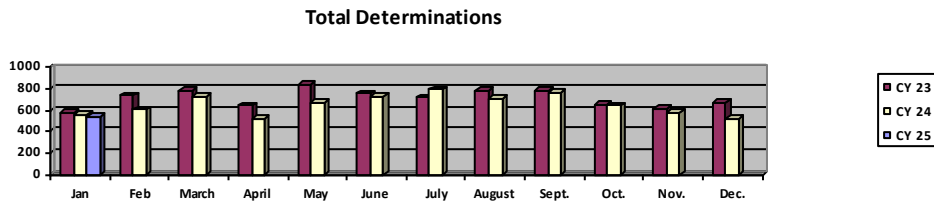


DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

January was a typical month for the Section. Two dairies ceased operation, one dairy is currently suspended and six of the fifty-four dairies are being tested out of state. Only one dairy was not tested for the month.

There were only five meat samples this month and no OCC or LMFO samples but the LMFO's are scheduled to start in February.

The Section is in the process of getting information on equipment and supplies needed to be able to test for Campylobacter. This bacteria is an anaerobic organism that will die when exposed to room air so therefore must be grown in a controlled environment of nitrogen, carbon dioxide mixture. There has been positive Campylobacter detected in raw milk on multiple occasions and the Section has had to outsource the testing. By being able to test in the Section, it will ensure the sample's chain of custody stays intact. This will also allow the Section to expand FSIS testing for Campylobacter if needed.



SEED SECTION: (Tori Gillispie, Agriculture Services Administrator I)

A total of 97 seed samples were received for January. Most of the samples were submitted by CPS field inspectors as facilities begin increasing their inventories for the upcoming spring planting season. Crops being tested consisted primarily of spring and cool season turf grasses, native grasses and hybrid sorghum. There were no seed law violations discovered this month.

The Section continues to participate in training and continuing education through The Association of Official Seed Analyst (AOSA). Analysts are working towards becoming a certified seed analyst to better improve the Section.

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

January was a decent month for the Section. Due to low sample inflow our numbers are down compared to prior Januarys but we should still be able to hit our targets for the year. Equipment repairs to one of our Fiber Analyzers made us aware of some further issues with that unit. We hope to complete assessing the unit this month and determine if further repairs are appropriate or if it would be better to replace the unit.

We received 230 samples, completed 222 samples consisting of 1122 determinations. Our targets for feed rush are around 300-350 samples per month and completing over 1500 determinations. CPS has indicated that they will be starting sampling for Fertilizer and lime testing. We should be able to exceed 2500 CPS samples and 15,000 determinations for the year.

Our turnaround time is currently at 20.09 days, slightly exceeding our target. This number is slightly inflated due to some issues with the LIMS system not printing reports as scheduled. We hope to be to below 18 day turn-arounds in February.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
Samples Received	224	6	0	230
Samples Completed	222	0	0	222
Determinations	1122	0	0	1122
Violations	89	0	0	89
Violation %	7.93%	0.00%	0.00%	7.93%

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

In January, hemp samples and residue soil samples have continued to arrive and be analyzed at a steady pace. Residue analysis of vegetation samples continues to catch up for FY'25. Bid response for a new residue LC-triple Quad instrument selection is completed.

Pesticide Section samples completed:

In the month of January, the Section completed 99 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 samples completed this month is 57 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	27	58	471	154
Residue Soil	60	60	60	19
Residue Water	-	-	-	-
IFA Soil	-	-	-	-
Residue, Swab	2	4	22	120
Concentrate	-	-	-	-
Tank Mix	1	2	2	24
Proficiency Test	-	-	-	-
Hemp	9	9	9	4

Average Residue Turnaround Time: 62 days
Average Formulation Turnaround Time: 24 days
Average Hemp Turnaround Time: 4 days

Totals		
# of Samples	# of Tests	# of Determinations
99	133	564

Samples the Section received by month:

The Section received 54 samples this month, comprising 60 tests. New samples received were split between Residue, Hemp, and Formulations (see Fig A).

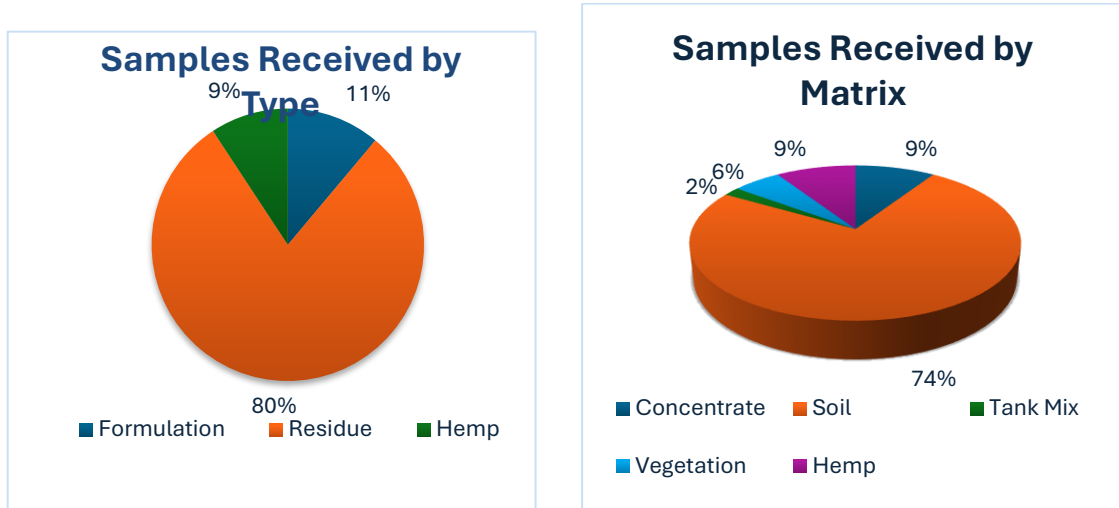


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

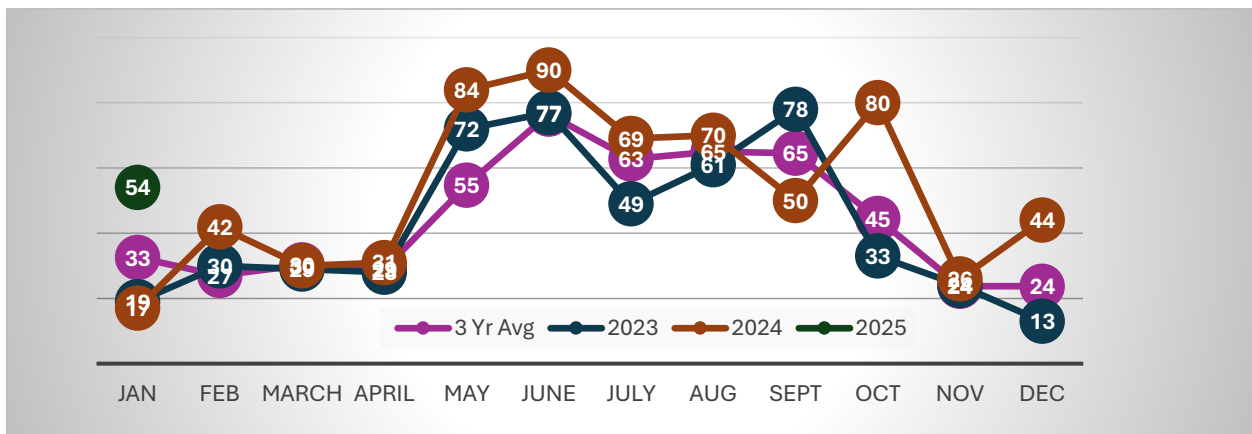
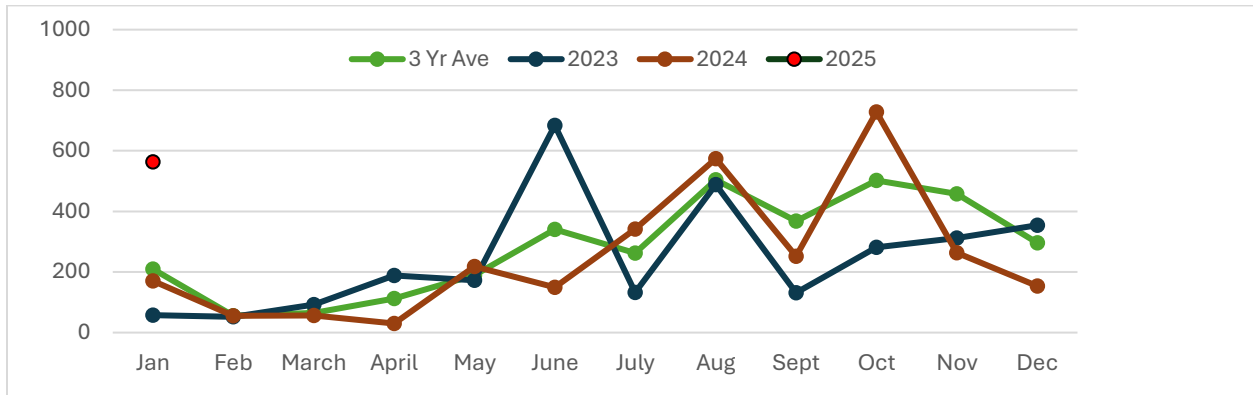


Fig B. Graph showing the number of samples received by the Section each month.

Determinations the Section completed by month:

This month, the Section completed 564 determinations with most of the determinations done on residue Vegetation samples.

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



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

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

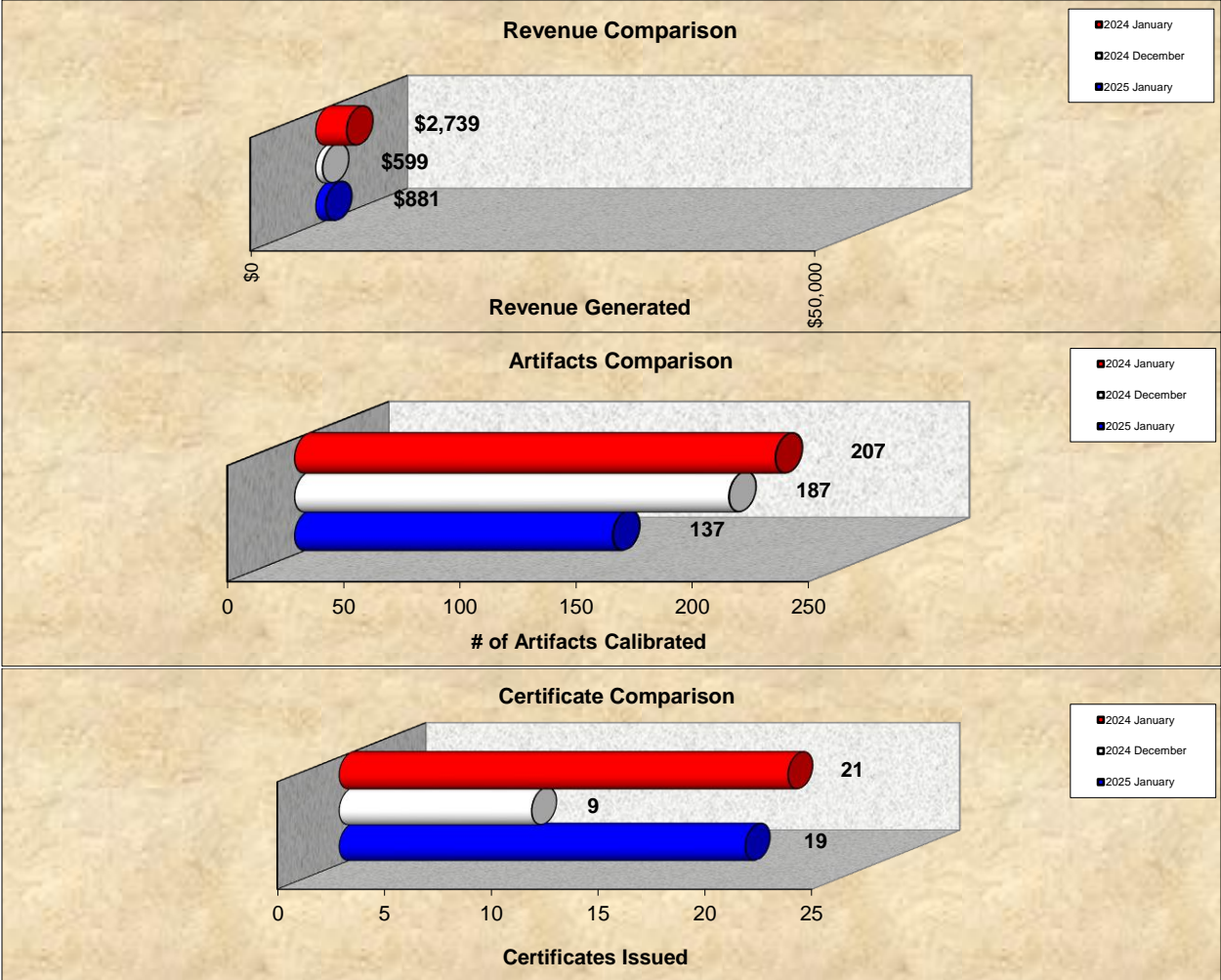
During the month of January 2025, the Oklahoma Bureau of Standards generated a revenue of \$881.00. Throughout the month, most appointments were scheduled for Mass III calibrations, along with some volumetric calibrations performed. Bureau staff also completed a 500-pound proficiency test (PT) for the National Institute of Standards and Technology (NIST). This was a unique PT for the Bureau as it was the first 500-pound PT performed by the current Bureau staff.



Pictured: This is the trailer that is used to store and transport the 500-pound PT to each state.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$0.00	0.00%	34	24.80%
In-State Customers	4	\$881.00	100.00%	103	75.20%
Totals	5	\$881.00	100.00%	137	100.00%

Echelon	Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
Mass I / II	\$0.00	0
Mass III	\$1,250.00	0
Volume	\$120.00	0



Respectfully Submitted,

Brian McDowell
 Laboratory Director
 Laboratory Services Division

**BOARD REPORT
 AGRICULTURAL LABORATORY SERVICES
 JANUARY 2025 ACTIVITIES**

FEED SAMPLES	224
FEED DETERMINATIONS	1122
POSSIBLE VIOLATIONS	89
FERTILIZER SAMPLES	6
FERTILIZER DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
LIME SAMPLES	0
LIME DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
PESTICIDE SAMPLES	90
PESTICIDE DETERMINATIONS	564
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	51
DETERMINATIONS	410
SEED SAMPLES	97
SEED DETERMINATIONS	111
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	19
NUMBER OF STANDARDS CALIBRATED	137
FEE CHARGES	\$881.00
DAIRY SAMPLES	211
DAIRY DETERMINATIONS	532
POSSIBLE VIOLATIONS	18
TOTAL SAMPLES	698
TOTAL DETERMINATIONS	2876
TOTAL POSSIBLE VIOLATIONS	107



OKLAHOMA FORESTRY SERVICES BOARD REPORT

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

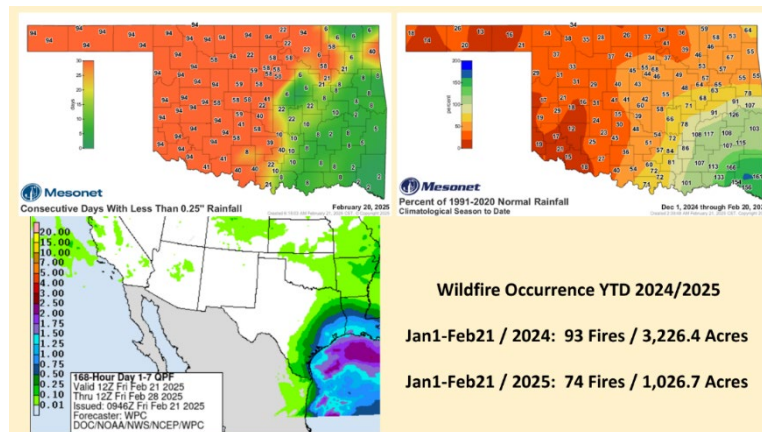
Forestry Services' board report is formatted to reflect the priorities of the National Cohesive Wildland Fire Management Strategy, which includes Resilient Landscapes, Fire Adapted communities, and Wildfire Response.

Activity from January 16 thru February 14, 2025

FIRE MANAGEMENT

Executive Summary - Wildland Fire Activity and Outlook

Similar to the start of the 2024 calendar year, 2025 began with anomalously low wildfire occurrence and severely limited opportunity for execution of prescribed fire plans. While it is very challenging to compare one fire-year to another given the vast number of variables, it does point to the requirement that we remain vigilant in monitoring subtle fire environment changes. In 2024, there was a rapid increase in fire occurrence in the latter half of February culminating in a fire outbreak that burned 1.4 million acres on February 26th & 27th. The need for vigilance in monitoring the fire environment is highlighted in the graphic below.



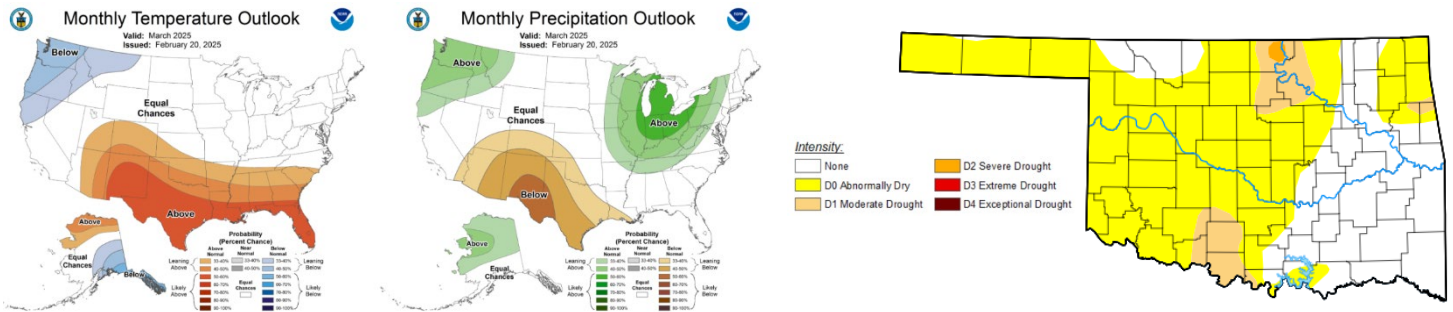
It has been 58-94 days since the entirety of western Oklahoma and much of central Oklahoma have had the benefits of wetting precipitation events. Additionally, the percent of Normal Rainfall for the Climatological Season (Dec 1/24 – Current Date) is concerningly low across western Oklahoma where most sites are registering less than 30% of normal. The near-term precipitation outlook will do nothing to improve the building moisture deficit

Through the dormant season, we actively monitor the triggers that drive expectation for increasing fire occurrence and severity:

- ≥ 5 Days Since Wetting Rain
- Critical Fuel Moisture Thresholds
 - 1 Hr. 3%
 - 10 Hr. 8%
 - Accelerated Drying
 - Fire-Effective Weather Patterns
- Positive Temperature Anomaly
- Intensifying Energy Release Component

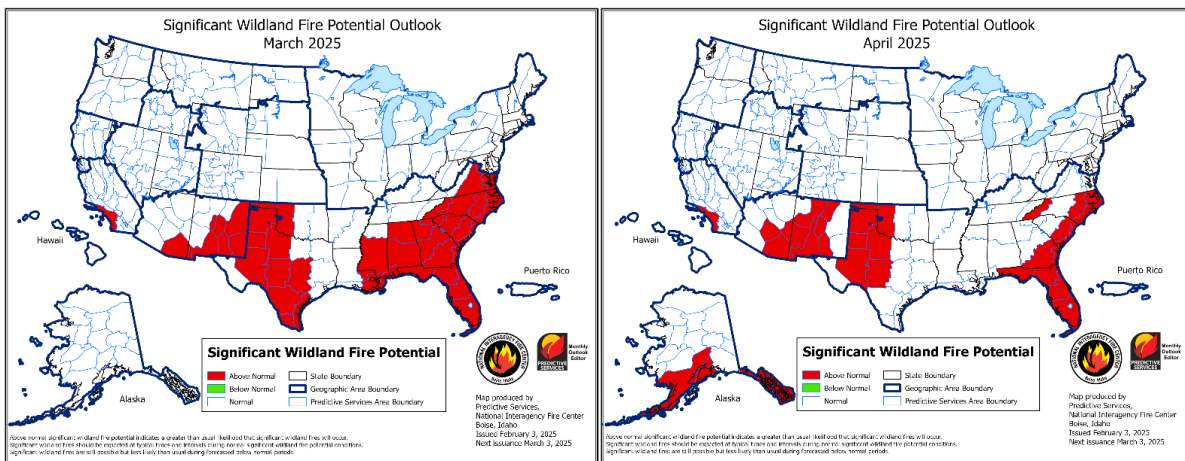
Fire Environment Outlook

Fuel dryness, i.e., combustible plant material in a forest, including trees, shrubs, grasses, and leaves, underlies the recent cold air intrusions and wintry-mixed precipitation that have served to significantly mute alignment in the fire environment where wildfire occurrence would be of concern. An indicator of fuel dryness is highlighted in the previous graphic outlining the concerning lack of moisture. Although most precipitation occurs during the winter months, the current building dryness poses concern as we enter March when the potential for fire-effective weather patterns increases. The current March Temperature and Precipitation Outlooks point to the potential for warmer/drier conditions aligning with the weak La Niña expectation of the season.



The current Drought Monitor expresses little change in the past few weeks although it does highlight the building dryness captured from the many inputs. The stretches of cold air intrusion and precipitation events (although light) have, fortunately, relaxed Energy Release Component (ERC) observations. ERC is a build-up index that inputs live and dead fuel moisture and recent weather occurrence. Observations \pm 70th percentile indicate increasing resistance to control translating to longer duration wildfire incidents requiring heavier resource commitment. Currently, observations are generally less than the 30th %tile with only extreme southwest Oklahoma expressing observations above the 50th percentile.

In both March and April, the National Significant Wildland Fire Potential Outlook, developed with interagency input, continues to point to the potential for above normal wildfire potential for the western and Panhandle Predictive Service Areas. This outlook is currently considering amplification of the La Niña trend and consistent with current composite fuel moisture and near-term weather forecasts. Those near-term forecasts favor warmer than average temperatures and lower than average precipitation.



Fire Department Training

During the month of February, OFS 84 rural fire department personnel attended three different training courses that were held in Choctaw, Pittsburg and Comanche Counties. In each of the 3-Day courses, firefighting personnel were trained in fire weather and fuels relationships, topographic influence, transitioning into tactical operations on the fire ground framed by utilization of the Incident Command System.

Additionally, the same level of instruction was given to OSU students in January in partnership with the NREM Department offering college credit for the next generation of foresters, rangeland managers and wildlife biologists. This training provides students with a solid foundation for both utilization of prescribed fire and wildfire suppression depending on the career paths they choose.



URBAN AND COMMUNITY FORESTRY



On January 15th the Urban Forestry Coordinator Riley Coy and Urban and Community Partnership Coordinator Elizabeth Bland-Corbishley participated in the OSU Forestry Students Capstone Panel. The Panel allows current OSU seniors enrolled in the Capstone Course to pose questions to local professionals who have graduated from OSU. Riley and Elizabeth will be working with a small group of students as professional advisors on their Capstone project.

On January 16th Foresters Caleb Field, Madison Gore, and Tony Pascall attended the Journey of Hope Tour with the Oklahoma City Memorial in McAlester. There they presented a Survivor Tree sapling to 888 students and faculty in attendance at McAlester High School.

On January 17th Elizabeth met with the Mayor of Bristow to discuss memorial trees for their community as well as Bristow becoming a Tree City. Also on this day, foresters Caleb Field and Craig Marquardt presented a Survivor Tree sapling to Wilburton High School with 250 students in attendance as part of the Journey of Hope Tour.

On January 22nd Riley and Elizabeth attended a site visit for the OSU seniors as part of their Capstone project at St. Francis of the Woods. Also on this day, Riley, Craig Marquardt, and Mark Bays presented a Survivor Tree sapling at the Journey of Hope at Perry High School to 450 students.





January 23rd Elizabeth presented a Survivor Tree sapling to FFA students during the Journey of Hope at Hennessey High School (364 students attended the event).

On February 3rd – 6th Riley and Elizabeth traveled to Knoxville, TN to participate in the Southern Group of State Foresters Urban and Community Forestry Committee Winter Meeting to discuss challenges and new goals for the coming year.

On January 30th Riley and Forest Regeneration Center Manager Justin Jones attended the Oklahoma Christmas Tree Growers Association Meeting in Edmond.

On January 31st Riley and Craig Marquardt presented and planted a Survivor Tree sapling to 420 students as part of the Journey of Hope at Stillwater Junior High School. This is the same building that Riley was in at the time of the Murrah Building bombing nearly 30 years ago!





On February 11th Riley and Elizabeth met with representatives from the City of Shawnee at a tree nursery to teach them how to select a quality tree for their parks planting project funded through the Inflation Reduction Act (IRA) grant. They plan to plant over 150 trees in parks across Shawnee as part of their recovery efforts from the tornado that went through Shawnee in 2023.

On February 15th Elizabeth presented on ‘Right Tree, Right Place’ at the Oklahoma City Beautiful’s Community Foresters workshop series. During the workshop, Elizabeth and Edmond Urban Forester Leigh Martin educated attendees on tree planting practices and planted 18 fruit trees. This four-week workshop series trains community members on the importance of urban trees as well as how to plan, plant, and maintain the trees for the future.

FOREST INVENTORY AND ANALYSIS

Forest Inventory and Analysis (FIA) has completed an entire year’s worth of data collection and has begun another year. The ‘year’ of data collection began in August of 2024 but exceptionally persistent and consistent field work from the crew culminated with the assignment of the final approximately 50 plots in January of 2025.

The crew has begun working on the next year of data collection. Pittsburg county is already completed, and work has spread out into Latimer, Atoka, and Coal. After those counties are inventoried, work will continue in McCurtain, Pushmataha, Leflore, Tillman, Jackson, Greer, and Harmon counties. Program coordinator Joshua Bradley extends his gratitude and appreciation for the hard work done by FIA foresters in challenging weather and terrain.

FOREST HEALTH

Oklahoma Forestry Services, in combination with ODAFF-Consumer Protection Services and USDA’s Animal and Plant Health Inspection hosted a workshop in Ardmore on emerald ash borer and available bio-control options. This workshop brought in professionals working with bio-control across the country, representing fifteen different states. This comes in preparation for Oklahoma planning to release parasitic wasps as a bio-control for emerald ash borer in 2025.

Forest Health Coordinator Dieter Rudolph attended the Forest Health Committee Winter Meeting in Asheville, NC. The Forest Health Committee is made up of Forest Health Coordinators from each state in the southern region and works with US Forest Service personnel in Forest Health Protection. This meeting allows each state to promote their State’s Forestry Programs, to work with other coordinators to develop multistate initiatives, and build and enhance partnerships with Oklahoma’s partners, both in the Forest Service and other state forestry agencies.





Dieter assisted the Girl Scouts of the USA at Camp Trivera for their Love Bugs event in February. Dieter led the girls on a nature hike, discussed the role of native insects in the ecosystem, and the dangers of invasive insects. During this event Dieter had the girl scouts play a game where they played the part of birds trying to find “bugs” (multi-colored noodles) in the grass to demonstrate camouflage in nature.

FOREST LEGACY PROGRAM

On January 14th, The Conservation Fund (TCF) received the 1st private donation of \$100,000 to go towards the State match for the Musket Mountain Forest project. TCF and OFS continue to work together to make connections and raise funds for the project.

On February 5th, OFS began looking into the process of hiring a title company to provide a title commitment & policy for the Musket Mountain Forest project.

On February 7th, Madison Gore attended the Environmental Education Expo to promote the Musket Mountain Forest project. Madison emphasized its potential importance for forestry and fire fighting education as well as the potential benefits to local, rural Pushmataha schools.

On February 11th, Madison Gore continued work with TCF to plan a Site Tour of the Musket Mountain Forest on March 26th.



FOREST HERITAGE CENTER

- Both January and February 1st Saturday Programs were a big success, with great community engagement.
- The McCurtain County Tourism authority (MCTA) Grant was awarded with these funds going toward emergency exit upgrades in the museum.
- The New Youth Education Program will assist in developing an educational connection program to engage younger audiences.
- The Environmental Education Expo was held in OKC alongside Forestry to promote environmental education.
- The Lunar New Year Celebration partnered with the Museum of the Red River for a cultural event.

- The Annual Artist of the Year Competition & Gallery opens March 6th – May 2025. This is a major event for the woodworking community featuring grand prizes and art from across the U.S.
- Broken Bow Chamber Luncheon helps to connect us with local business owners and educational institutions.
- There is ongoing work on improvements and planning of more 1st Saturday programs at the Museum.
- Plans for speaking to McCurtain County teachers in late February and superintendents in March as part of our upcoming Education Outreach.

COMMUNITY OUTREACH AND COMMUNICATIONS

FORESTRY EDUCATION

Forestry Education Highlights

In January and February, Education Coordinator Tony Pascall co-led a virtual facilitator training for new Project Learning Tree state coordinators across the country. Tony facilitated discussions on how to improve and grow your PLT program for 30 new coordinators across four sessions, helping other states to learn from what we are doing here in Oklahoma.

On January 16th, Tony taught at the Academy of Seminole for their second annual STEAM night. 150 students and parents came to the event, and learned about dendrochronology and how trees grow.

On January 22nd, Tony went to Blackwell Elementary School and taught approximately 400 students about the lifecycle of a tree and sustainable forestry. Students in preK through 5th grade were able to learn about the importance of taking care of our forests.

On January 23rd, Tony attended the Oklahoma Environmental Education Coordinating Committee meeting at the OKC Zoo to discuss the work that OFS does with our education programs and how we can collaborate with other state and local agencies, as well as nonprofit organizations.

On January 25th, Tony and a PLT volunteer taught a Project Learning Tree workshop in Stillwater for early childhood educators. Ten educators were in attendance and learned how to use PLT's "Trees & Me" guide to teach young students about the importance and value of forests.

On January 29th, Tony and OCC Education Coordinator Jack Hilgert taught a PLT workshop for preservice teachers at NWOSU in Alva. Twenty-nine future educators who will graduate in the next two years now have training and resources to do hands-on forestry education.





On February 6th, Tony led an hour PLT preview for Keep Oklahoma Beautiful's Winter Workshop. This event helped community leaders from across the state to understand the importance of environmental education and explained how OFS and PLT can help students and educators.



February 7th was the 26th annual Environmental Education Expo, hosted by the Oklahoma Association for Environmental Education (OKAEE). As Board President for OKAEE, Tony Pascall helped lead the planning of this conference to bring together 190 educators from all across the state to help foster collaboration and community in order to share best practices in the field. Tony moderated the keynote panel on cultivating community and led a breakout session on universal design for learning principles. Forest Legacy Coordinator Madison Gore held the OFS booth to share PLT and OFS resources with teachers, and the Forest Heritage Center Director Shalee Buzan also had a booth to share resources and information about the museum.



On February 17th, Tony and a PLT volunteer taught a workshop for 35 elementary science teachers at Moore Public Schools. These teachers work with hundreds of 3rd-6th grade students a year, and now have a way to incorporate outdoor education about their local environment into their curriculum in a hands-on way.

COMMUNICATIONS

PIO Keith Merckx has completed his review of Landscape Scale Restoration grant applications and returned his assessments to the Grant Committee Chair. This year, the first of two for Keith as the Southern Group of State Foresters representative, the committee combed through 21 applications from around the southeast US.



Keith has been working with Education Coordinator Tony Pascall, Forest Health Specialist Dieter Rudolph, and Administrative Programs Officer Taylor Centrella to develop an Invasive Species educational text for inclusion in a Forestry Discovery backpack. These are being developed in collaboration with the Oklahoma Department of Libraries for distribution to schools around the state. Keith edited the text for the book and has developed a logo that will be attached to the project.

Keith attended a number of in-house trainings aimed at OFS staff and has turned those into videos accessible to staff that were not able to attend in person. They include Emergency Vehicle Operations and Interagency Response trainings.

The OFS Centennial observation on the social media channels continues with highlights pulled from the OFS archives that span the past 100 years.



PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

NORTHEAST AREA

Forest Protection Highlights

From January 10th through February 20th, the Northeast Area extinguished sixteen fires that burned 399.7 acres in the Protection Area. NE Area employees completed the Emergency Vehicle Operation training on January 16th. Craig Longshore attended the Integrated Warning Team meeting held in Norman on January 30th. Geotab installations were completed on NE Area equipment. Andy James, Connie Robinson and Craig Longshore interviewed several applicants for the Jay Forest Ranger I position on February 13th. NE Area employees attended the Interagency Assignment meeting



held in McAlester on February 3rd. Craig Longshore attended the Red Card committee meeting and a meeting to discuss upcoming prescribed burns.

Forest Management/Program Highlights

Connie Robinson wrote two Oklahoma forest management plans for properties in Rogers County. One plan addressed timber stand improvement on 34 acres with the second focusing on wildlife habitat improvement and tree planting on one acre. Connie assisted six property owners through phone calls and emails. She also conducted site visits on eight properties. Connie reviewed and submitted comments on twenty Landscape Scale Restoration grant proposals. She attended the Emerald Ash Borer workshop and the SGSF Specialties, Utilization, and Marketing Committee meeting. Craig Longshore, Ryan Pope, and Chad Bateman assisted Westville Public Schools prepare for FFA forestry competitions coming up this year. Ryan Pope assisted landowners with timber harvest information. He has begun updating the logging information for the NE Area. Harris Groberg assisted eight landowners in his area. He met with six property owners to talk about prescribed fire, one with tree planting, and another with timber harvest information. Harris completed a Forest Stewardship Plan for a property in Muskogee County for 50 acres that focused on wildlife habitat improvement. He completed another plan for a property in Sequoyah County addressing timber stand improvement on 67 acres.

Administration

Kaley Helton attended a CPO webinar that counts one credit toward her Certified Procurement Officer certificate- “Doing Business with CAM”. Kaley also met with Ashley Johnson to create how to guide all administration on topics for creating purchase orders, how to create ePro Requisitions, and how to pay off an authority order. More how to guides are in the works in hopes to create an administrative guide for all Admins/APO/CPO’s within the agency.

Ongoing Issues & Upcoming Events

- FFA NE Forestry Competition 4/8/2025
- S-130/190 Adair County and Bartlesville
- “Careers in Forestry” Career Fair in Muskogee 4/22/25
- “Youth Tree Identification Program” in Muskogee 5/13/25

EAST CENTRAL (EC) AREA

Forest Protection Highlights

Since the last board report submission, the EC Area has suppressed eight fires within the EC Protection Area on a total of 207.2 acres, with an average fire size of 25.9 acres. Three (3) primary structures were saved at a total value of \$200,000. Three (3) secondary structures were saved at a total value of \$50,000.

Hazardous Fuels Mitigation

OFS Forest Rangers Richard Marrow and Kale Haney assisted with pile burning at Turner Falls. Traven Sumpter assisted with fireline construction and prescribed burn preparations at Lake Thunderbird. Michael Gentry, Traven Sumpter, and Brett



Boland traveled to Foss Lake for prescribed burn activities, but the weather was uncooperative. Harley Johnson, Jake Keen, and Traven Sumpter assisted with the forest mastication project at Turkey Mountain in Tulsa.

Forest Management Highlights

Forester Brandon Faulkenberry met with OSU Capstone students and a representative of the Camp Tom Hale Boy Scouts of America to discuss the students' senior capstone forest management plan project. For the last several years, OFS has worked closely with the OSU professors and students in finding suitable projects for the Capstone projects. OFS welcomes the opportunity to assist OSU and the Boy Scouts of America in student and camper learning.

Forester Eddie Woods flagged fire lines for one property in preparation for fireline construction and prescribed burning.

EC Wilburton rangers constructed fireline on four properties in preparation for upcoming prescribed burns planned to treat 2,416 acres and completed one prescribed burn on 140 acres.

Information / Education

Foresters Eddie Woods, Caleb Fields, and FCO Brian Emmert attended the Journey of Hope presentation at McAlester in Pittsburg County. The Oklahoma City National Memorial & Museum launched the Journey of Hope, an outreach program that will visit all 77 counties in Oklahoma to honor those who were killed, those who survived, and those forever changed by the tragic events of April 19, 1995, and to commemorate the 30th anniversary of the bombing.



FCO Brian Emmert was one of those who responded and provided assistance following the bombing, serving as a sergeant in the 445 Military Police Company of the 45th Infantry Brigade stationed at McAlester. Foresters Eddie Woods and Caleb Fields also attended the Journey of Hope presentation at Wilburton in Latimer County.

Personnel Update

EC has posted the Forester I vacancy located in the Talihina office and currently has nine applicants for the position. The Forester I position is an entry level position whose primary duties involve working closely with private forest landowners to meet their timber and land management objectives. The position also provides wildfire response and prescribed burning assistance within the agency. The selected applicant will work alongside foresters Eddie Woods and Brandon Faulkenberry.

Safety / Training Highlights

Clint Vaughn and Arron Sumpter attended the S-330 Taskforce/Strike Team Leader and S-339 Division Supervisor courses at the Red River Valley Wildfire Academy held in Burkburnett, TX. These courses are upper-level fire management courses that are requirements for Task Force Leader and Division Supervisor qualifications. The pair also won a drawing for an engraved drip torch to honor a former academy instructor. OFS will also have employees attend the Arkansas River Valley Fire Academy and serve as instructors.

OFS recently concluded instruction of the S-130/190 course for Pittsburg County firefighters at the Canadian fire department. These courses are a great way for rural firefighters to develop and strengthen their wildland firefighting knowledge and skills while also building OFS' relationship with our VFD partners. Thanks to rangers Stacy Lovell, Clayton Hurst, and Bobby Kennon for class instruction.

EC conducted the S-130/190 training for three OFS employees at the Wilburton office. This course addresses the foundational skills universal to all wildland firefighters and is a requirement for personnel to be on the fireline. Thanks to EC rangers Richard Marrow, Clayton Hurst, Stacy Lovell, Clint Vaughn, Harley Johnson, Arron Sumpter, and Tucker Trowbridge for class instruction.

EC Area completed its' RT-130, Wildland Fire Safety Training Annual Refresher (WFSTAR) on January 15th. The intent of RT-130, is to focus line-going personnel on operations and decision-making issues related to fireline safety to recognize and mitigate risk, maintain safe and effective practices, and reduce accidents and near misses. It is required to maintain currency, for all personnel assigned to positions with fireline duties, and for any position assigned to the fireline for non-suppression tasks.

EC employees also attended Pipeline Safety and Awareness Training. The training covers equipment operation around pipelines, provides attendees with up-to-date safety protocols, damage prevention information, and current contacts for pipeline operators.

Foresters Eddie Woods and Brandon Faulkenberry and FCO Brian Emmert attended the Fire Weather – Integrated Warning Team Meeting in Norman. The meeting discussed and took a closer look at wildfire predictive services, wildfire detection fire warnings and rapid values at risk assessment in Oklahoma. These processes are designed to support preparedness, response, and initial stages of recovery.



Special Projects

After a long, drawn-out process, the East Central area is finally moving forward with removing the out-of-service Above Ground Storage Tanks (ASTs) at the Wilburton and Talihina offices. These tanks were originally used for bulk fuel storage for vehicles and equipment. The process for removal and closeout has been lengthy but thanks to work started by former Area Forester Craig Marquardt and multiple emails, phone calls, and persistence by EC APO Eve Hawkins we have a date scheduled for removal. Thanks to all involved in helping get this project completed.



Ongoing Issues

Again, with new employees coming onboard, our most pressing issue will continue to be new employee training in preparation for the upcoming spring fire season. As the spring weather approaches, the focus will also be on facilities upkeep projects that will include a new roof for the Wilburton shop, a roof reseal on the Talihina office and shop, and a new HVAC unit for the Talihina office.

SOUTHEAST AREA

Forest Protection Highlights

In Protection Fires: five fires for 37.1 acres in January; three fires for 8.6 acres to date in February. Structures lost: 0, structures saved: one. Justin Grimmatt was hired as Ranger I at the Cloudy Unit in Pushmataha County. He started February 9, 2025. SE Area personnel attended the Interagency Wildland Fire Assignment meeting in McAlester on February 3rd.

Forest Management/Programs Highlights

Will Phifer had twelve landowner assists, Tyler Hyatt had eight landowner contacts, Jacob Lewis had five landowner contacts, hand planting of tress on 39 acres in McCurtain County and 33 acres in Pushmataha County.

Rx Assistance

Terron Gee, Derik Gee, Calvin Webb and Mark Web assisted a landowner with preparing for a prescribed burn in the Kiamichi Wilderness Area in Pushmataha County.

Safety/Training Highlights

Broken Bow District conducted safety meeting Blood Borne Pathogens, Asbestos Exposure, and Vehicle Accidents and forms. Pat Wayman facilitated safety meetings at the Antlers district over shop safety, PPE, and slip, trips and falls. Brock Hill facilitated the yearly RT-130 class with all Antlers personnel. Tony Macon, Tanner Wilson, and Chris Hutson held the S130/190 class for the Choctaw County Rural Fire Department personnel. Mandatory Emergency Vehicle Operator (EVOP) training at Antlers Technology Center on January 14th for all SE Area employees.

Geotrackers were installed in all SE Area Transports on January 28th. Brock Hill and Leon Maon attended the Fire Weather Warning Integrated Team Meeting in Norman on January 30th. Leon Macon completed the OK-First Mesonet training class. Don Cook assisted with the annual Destry Horton Wildland Fire Academy in Lawton, OK on February 7th and 8th.



Recognition/Other

Tony Macon attended the Pushmataha County Fire Chief's association meeting. Don Cook, Sonny Johnson, and Bryden Walker attended the McCurtain County Fire Chief's association meeting. Rangers will assist the Fuels Mitigation team with multiple burns at Thunderbird State Park, Foss State Park and Tinker Air Force Base in OKC.

Don Cook and Sonny Johnson spoke to the Broken Bow Lions Club about the Hochatown WUI project. Will Phifer and Jacob Lewis attended the Survivor Tree Planting at Hugo and Wright City Public Schools. They assisted with planting seedlings from the survivor tree at each school.

Upcoming Events/Activities

- Mobile Radio installation
- Site Prep – ripping
- Seedling planting

- The planning period for the prescribed burn at McGee Creek State Park and the WMA have begun with intentions of starting operations ASAP.
- Pack Test – February 25th
- RT 130 at Broken Bow week of February 24th
- APO Meeting at Wilburton on February 26th
- Arkansas River Valley Wildland Fire Academy in May

STATE FORESTER ACTIVITIES from 16 January thru 14 February

- Attended a follow-up meeting of the OFS Incident Management Team
- Participated in the After Action Review of the January course delivery of *S-520 Advanced Incident Management* at the National Advanced Fire Resource Institute in Tucson, AZ. Goeller serves as a Steering Committee member/Cadre/Subject Matter Expert for the course.
- Participated in the Southern Group of State Foresters' Fire Management Chiefs' monthly conference call
- Participated in a "Pre-Sprint Program" meeting with the National Weather Service
- Participated in a conference call to discuss Federal grant funding issues
- Attended the January Board of Agriculture Meeting
- Attended the OFS/National Weather Service Integrated Warning Team Emergency Manager/Fire Chief statewide training session at the University of Oklahoma
- Participated in a MS-Teams meeting with the Incident Management Team Course Steering Committee to discuss needed updates to the *S-320 Introduction to Incident Management Teams* course. Goeller serves as the Southern States representative to the course's Steering Committee
- Participated in several National Association of State Foresters' All-Member Policy Calls
- Participated in a virtual meeting of the National Association of State Foresters' Wildland Fire Committee
- Participated in interviews for the Administrative Assistant I vacancy in the OKC HQ office
- Participated in numerous Emergency Support Function winter weather preparedness and response virtual meetings with Oklahoma Emergency Management for two February winter weather events
- Participated in a virtual meeting with OFS leadership addressing Prescribed Fire emphasis and priorities
- Attended Director's Meetings
- Work to finalize the Rural Fire Equipment Replacement Grant program
- Attended the February meeting of the Oklahoma Rural Fire Coordinators
- Attended two meetings of the Oklahoma Fire Council at the Oklahoma State Capitol

Respectfully submitted,

Mark Goeller, State Forester/Director
Oklahoma Forestry Services



CONSUMER PROTECTION SERVICES DIVISION

**MARCH 12, 2025, BOARD MEETING
REPORT FOR JANUARY/FEBRUARY 2025**

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations from December 1st in 2024 to February 21st in 2025 are presented in the following chart. A total of 3541 products were registered, of the products registered 3209 were renewals and 332 were new. 341 products cancelled.

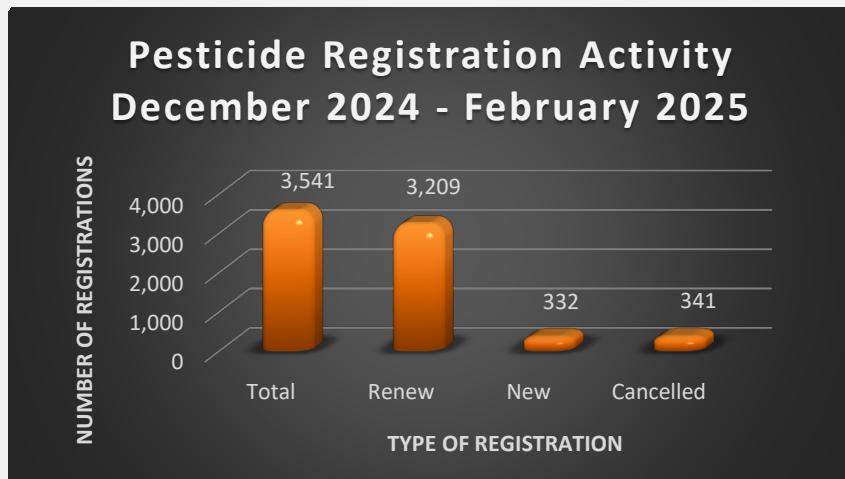


Table 1. Inspection Count for January - February 2025*

Inspection Type	Number of Inspections		
	January	February	Two Month Total
Marketplace	82	47	129
Pesticide Applicator Facility	25	14	39
Restricted Use Pesticide Dealer	19	9	28
Container Containment Inspection	0	0	0
Producer Establishment	0	0	0
Use	41	14	55
Pre-treat	10	5	15
Drift Investigation	0	0	0
Worker Protection	3	0	3
Total	180	89	269

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

Along with the above inspections CPS Field Agents took 59 nonagricultural use samples, 29 marketplace samples, and 4 agricultural use samples for a total of 92 samples. These 92 samples consisted of 34 concentrate samples and 58 soil residue samples.

Unwanted Pesticide Disposal Program

The ODAFF will be conducting three unwanted pesticide disposal collections this spring. These disposals will be May 5th at Stephens County Fairgrounds-Duncan, May 7th at the Canadian County Fairgrounds-El Reno, and May 8th at Craig County Fairgrounds-Vinita. More information and details will be officially announced and circulated soon.

Pesticide Applicator’s Licenses

There were 2,346 active pesticide companies that expired in 2024. Of those companies, 1,827 companies renewed their license.

Over 900 Stop Work Orders (939 as of 2/24/2025) were issued for incomplete renewals.

Certified Applicators

Certification categories that expired on 12/31 – Ornamental & Turf (3A), Interiorscape (3B), Nursery/Greenhouse (3C), Right-of-Way (6), and General Pest (7A).

Out of the 6,500 certified applicators that expired, 4,426 certified applicators have recertified.

Pesticide Complaints

PESTICIDE COMPLAINTS	January 10, 2025 – February 24, 2025			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	4	4	6	4
MUSK THISTLE:	0	0	0	0
PMR CASES:	15	4	2	4
CASES REFERRED TO OGC:	8			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Federal phytosanitary certificates Issued from **January 1, 2025 – January 31, 2025**

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

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

Federal Phytosanitary Certificates (January 1, 2025 - January 31, 2025)			
Country	Product	Quantity	Phytos Issued
Indonesia	Miscanthus Seed	20 Totes	1
Italy	Black Walnut Logs	40 Logs	1
Japan	Sesame Seed	28 Lbs	2
Republic of Korea	Sesame Seed	900,000 Kgs	4
Thailand	Miscanthus Seed	40 Totes	2
United Kingdom	Barrelclover Seed	.01 Kg	1
		Total:	11

Companies applying for federal phytosanitary certificates:

Baillie Lumber	1
International Ingredient	3
OSU Bioscience	1
Sesaco	6

State phytosanitary certificates Issued from **January 1, 2025 – January 31, 2025**

8 phytosanitary certificates for 593 plants



Emerald Ash Borer Bio Control Workshop

On January 14, 2025 staff from CPS and Forestry joined 25 other state and USDA staff from around the US for an Emerald Ash Borer (EAB) Bio-Control workshop at Lake Murray State Park. The Emerald Ash Borer is an invasive wood borer that attacks all species of ash and has been found in 5 Oklahoma Counties. The whiteish tree in the background suffers from severe woodpecker damage, one indicator



Figure 1: Attendees of the EAB Biocontrol workshop at Murray State Park.

of possible EAB infestation. Heavily infested ash trees at this location will decline rapidly and a bio-release of parasitic control insects may help slow the spread in areas yet to be infested. Millions of ash trees have been lost to EAB with economic impacts in the billions over the past 20 years.

On February 7, 2025, CPS staff Joe Rackley, State Survey Coordinator, Kaci Hubbell, Nursery Program Administrator, and Aaron Edwards, USDA APHIS Plant Health Specialist, staffed an invasive insect exhibit at the 26th Annual Environmental Education Expo at the OKC Zoo. The exhibit included Vin Vasive (far left) the mascot for the USDA Hungry Pests program. Teacher resources included classroom materials on Oklahoma invasives like the Imported Fire Ant and Emerald Ash borer and pests that are on the horizon like the Spotted Lanternfly. The full day event targeted 197 formal educators from pre-K to high school and informal educators from nature centers and parks. Participants visited 19 exhibits and participated in panels and workshops throughout the day.



Figure 2: Invasive exhibit at the Environmental Education Expo at the OKC Zoo.

AGRICULTURE RESOURCE SECTION

Feed Program

Program Performance

During this reporting period there were a total of 241 official feed samples analyzed, with 1269 feed determinations made from these samples. These determinations resulted in the issuance of

20 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violations include Calcium, Vitamin A, Crude Fat, and Crude Fiber. Six stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Three stop sales were issued for products deficient in Crude Fat. Two stop sales were issued for products deficient in Salt. One stop sale was issued for a product deficient in Vitamin A.

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 November 2024 – December 2024

Nutritional Guarantee	Number of Label Violations		
	December ¹	November ²	Two Month Total
Crude Protein	11	8	19
Non-protein Nitrogen	0	0	0
Crude Fat	2	6	8
Crude Fiber	1	1	2
Calcium	4	7	11
Phosphorus	0	0	0
Salt	0	1	1
Magnesium	0	0	0
Potassium	0	2	2
Copper	0	2	2
Manganese	0	1	1
Zinc	0	0	0
Vitamin A	2	0	2
Methionine	0	0	0
Total	20	28	48

¹ 241 feed samples analyzed with 1269 determinations; ² 174 feed samples analyzed with 1023 determinations

Table 2. Feed Stop Sale Summary November 2024 – December 2024

Nutritional Guarantee	Number of Stop Sales		
	December ¹	November ²	Two Month Total
Crude Protein	0	0	0
Non-protein Nitrogen	0	0	0
Crude Fat	3	4	7
Crude Fiber	0	0	0
Calcium	0	5	5
Phosphorus	0	0	0
Salt	2	5	7
Magnesium	0	0	0
Potassium	0	0	0
Copper	0	3	3
Zinc	0	0	0
Vitamin A	1	7	8
Medicated Feed	0	0	0
Total	6	24	30

¹ 241 feed samples analyzed with 1269 determinations; ² 174 feed samples analyzed with 1023 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 January 1st through 31st, 2025.

Sample Type	Number	Deficiency Penalty/SS
Fertilizer	8	-
Lime	-	-

Investigation Type	Number
Facility Pre-Site Inspections	0
Dry Bulk Fertilizer Storage Facility	21
Liquid Bulk Fertilizer Storage Facility	24
NH ₃ Nurse Tank Inspections	0
NH ₃ Storage Tank Inspections	0

Fertilizer Newsletter

The ODAFF annually inspects all licensed fertilizer facilities dealing in ammonium nitrate. Each CPS Field Agent performs a quarterly ammonium nitrate audit for these firms to check and obtain records of all sales of ammonium nitrate. Those records are required to be maintained for a minimum of two years and include the following information:

- 1) Date of sale;
- 2) Quantity purchased;
- 3) License number of the purchaser's valid state or federal driver's license, or other picture identification card number approved for purchaser identification by the Board; and
- 4) The purchaser's name, current physical address; and telephone number.

During these inspections each dry bulk fertilizer facility is also inspected to ensure that the ammonium nitrate storage is secured to provide reasonable protection against vandalism, theft, or unauthorized access. The firm is also reminded that any retailer of ammonium nitrate may refuse to sell to any person attempting to purchase ammonium nitrate out of season, in unusual quantities, or under suspect purchase patterns. Currently, there are only 36 licensed firms for the distribution and/or sale of ammonium nitrate in the state of Oklahoma.

Weights & Measures Program

During this period the large capacity scale technicians tested 53 Vehicle scales and 9 of the scales were rejected.

CPS Field Agents checked a total of 1531 small scales and 38 platform scales, 16 of the scales were rejected. There were 40 random pack inspections, and 45 standard pack inspections conducted that resulted in 4 companies receiving letters of warning and 1 company receiving a Stop Sale. Additionally, 124 price verification inspections were conducted at various retailers that resulted in 5 companies receiving a letter of warning.

One scale company received a letter of warning for not properly servicing scales. One scrap metal dealer issued a Stop Work Order for operating without a license.

The 2025 ODAFF Ranch Scale testing program has begun. The fee for a ranch scale test is \$200. Call the Weights & Measures office at 405/522-5968 or email Gary Smith at gary.smith@ag.ok.gov to request a scale test.

Note: During FY24 we tested 105 Ranch scales.

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



Kenny M. Naylor



OKLAHOMA
**Agriculture, Food
and Forestry**

Oklahoma Department of Agriculture, Food and Forestry
Animal Industry Services Board Report
March 12, 2025
Activities January 11, 2025 – March 21, 2025

Animal Disease Traceability:

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

On February 3, a meeting was held with the Barnsoft software developer, Mark Thimisch, to discuss how to improve the quality of the data that is being received from the livestock markets that utilize this software. We are having difficulties with uploading data into USAHerds. Mr. Thimisch is willing to update his system to modify the data that is exported out of it to assist with data capture.

During this time, we sent 6,500 orange calftooth vaccination EID tags to veterinarians, and 57,900 official EID tags to veterinarians, livestock markets, and producers.

We distributed two EID readers to private practice veterinarians.

16 new accounts were opened for the no-cost electronic CVI we offer to Oklahoma veterinarians.

Aquaculture:

2025 license renewal final notices have been sent. Eight renewals have been received, along with one new application.

Biologics:

Marissa has started the 2025 biologics renewal process.

During this time, a request to use an imported biological product from Italy was received for use in poultry flocks in Oklahoma to combat avian metapneumovirus. Currently, our rules only allow for the use of biological products that are registered with USDA Center for Veterinary Biologics and are manufactured in facilities licensed by USDA CVB. USDA CVB has approved an import permit to allow this vaccine to be imported into the U.S. due to the unavailability of a domestic commercial vaccine and the economic impact this virus is having on the poultry industry. We have discussed this issue with Secretary Arthur and a MOU will be developed with each poultry company that has requested the use of the imported vaccine.

Expired biologics were found at three stores. The products were removed with verbal education provided to the store manager.

Cattle Programs:

Marissa submitted our 2024 Annual Cattle Health report.

The outbreak of Highly Pathogenic Avian Influenza in dairy cattle is continuing. It has now affected over 975 herds in 18 states. California has had 747 infected herds identified.

We are participating in USDA’s National Milk Testing Strategy. As part of that program, we will test every licensed dairy in Oklahoma monthly. Once we achieve three months of all negative tests we will be able to move to quarterly testing. Once all states have achieved negative status for several months, the US will be declared free of HPAI in the dairy herd. The January tests were all negative and we’re almost finished with the February cycle.

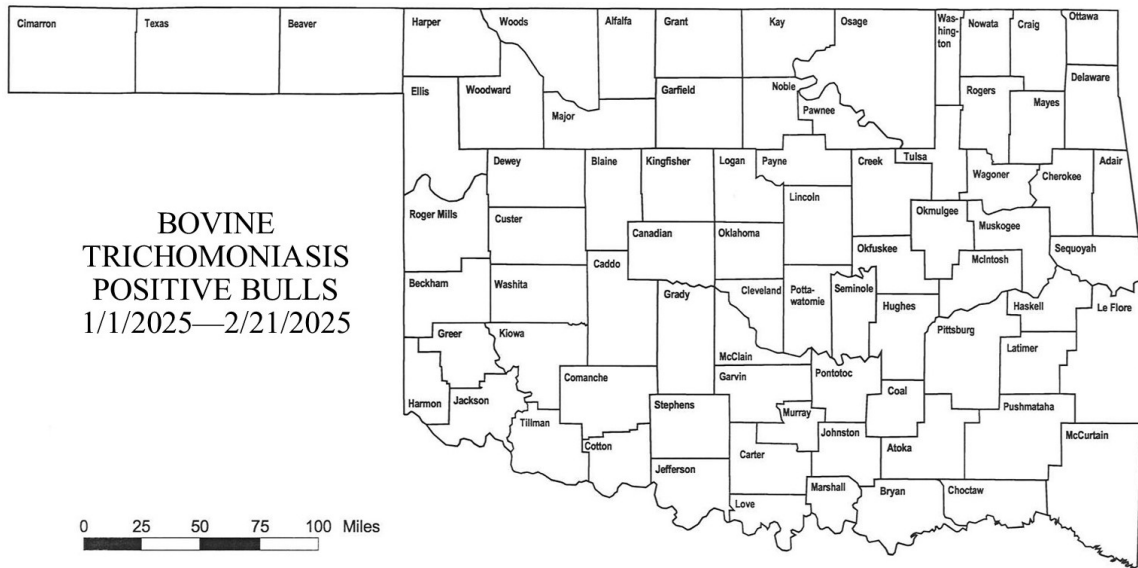
Brucellosis:

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

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

Trichomoniasis:

During this period there were 2,097 Oklahoma bulls tested for Trichomoniasis with none found to be positive.



2,097 bulls tested / 0 positive = 0.00% 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, 0.22% in 2023, and 0.13% in 2024.

Tuberculosis:

Dr. Parrott attended Bovine Tuberculosis training in Amarillo, TX during this time. This training is required for veterinarians to perform Comparative Cervical Testing, which is a confirmatory test when accredited veterinarians find suspects on the screening test they perform.

Johne's Disease:

For the reporting period we received six positive reports, all new infected premises. The same period for the past 10 years has averaged 10.5 positive reports, ranging from a low of six to a high of 21.

Emergency Management:

On February 19, Dr. Gorczyca-Southerland provided an overview of the Multi-States Partnership for Security in Agriculture on the monthly National Association of State Animal and Agriculture Emergency Programs call.

On February 11, Dr. Gorczyca-Southerland and Dr. Parrott met with Lynnette Jordan, Keith Smith, Ada Pfeffer and Marissa Lippencott from AEMS to discuss coordinating responses between the two divisions. We discussed getting personnel respiratory fit tested. Since the meeting, we have found out that USDA can no longer provide respiratory fit testing services. We are currently looking for an occupational health provider to conduct this test for field staff and other responders.

Equine Programs:

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

On January 14, we were notified of a horse in Haskell County that was infected with Piroplasmosis. The owner elected to treat the horse, and the series of treatments were completed on 2/7/2025. We will be doing post treatment testing at monthly intervals for the next 3 months to determine if treatment was successful. The horse is under quarantine to mitigate the risk of further spread.

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

Farmed Cervidae Programs:

AIS Farmed Cervidae program staff attended the annual virtual CWD Symposium, January 13–16. Dr. Alicia Gorczyca-Southerland presented a summary of the 2023 CWD grant funded Cooperative Agreement outcomes during the symposium.

The contract for the North American Deer Registry (NADR) has been finalized and AIS has provided NADR a list of approved participants for the 2024 CWD Cooperative Agreement funding for 1200 genetic tests distributed to 11 participants.

The interest in the CWD Herd Certification Program in Oklahoma continues as we work with current and new producers to establish their herds.

Feral Swine:

There continues to be a significant increase in feral swine hunter license applications for the 2025 calendar year. Many of these applicants are coming from other states to one of the feral swine sporting facilities.

There have been calls regarding feral swine incursion onto private property and those calls have been directed to wildlife services.

There have been no complaints regarding feral swine facilities during this reporting period.

Foreign Animal Disease:

We had two FAD investigations during this time. One was a calf in Canadian County. It was an orphan calf that was being kept in a school Ag barn and was exhibiting symptoms compatible with FMD. The calf was about six months old and apparently doing well but became very ill for a week or so and died. The owner transported it to OADDL where it was diagnosed with Malignant Catarrhal Fever. MCF is very prevalent in Wildebeest and some sheep and goats can carry it. We assume with the calf being an orphan it may have had a compromised immune system and got exposed to a sheep in the barn that was shedding virus and became infected. No other cattle or other livestock in the barn have shown symptoms.

The second FAD investigation was a horse in Kay County that showed symptoms compatible with Vesicular Stomatitis. Testing for VSV was negative.

Livestock Market Audits:

During this period, staff has been working with Mrs. Frances Fortenberry of Wapanucka, Oklahoma and her family in their pursuit of sale barn ownership. The Fortenberry’s plan to start a goat, sheep and chicken sale in their hometown during the month of March.

In addition to this new market activity, this division was able to finish the yearly license renewal of the current livestock markets, as well as training and orientation for the staff at the new 4S Livestock Auction in Overbrook.

Also, packets were sent to two other individuals interested in sale barn ownership. This period also allowed for several custodial account reviews.

Livestock Auction Market Activities

Auction market licenses issued	0
Auction market licenses pending	0
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:

Our Field Staff provided assistance and guidance to the interns at Cattlemen's Congress at the entry gate for the cattle entering the fairgrounds over the course of the show from January 4-14.

Our Field Staff was in for their quarterly meeting on January 15.

On January 15, Dr. Gorczyca-Southerland provided an overview of Oklahoma US SHIP activities to members attending the State of Delaware Swine Committee Field Day.

On January 21, I spoke to the Grady County Cattlemen's Association about the transition to electronic ID and our traceability program.

On January 22, I participated in a panel discussion at OETA with medical professionals from OK State Department of Health and OU Medical School about the HPAI outbreak.

On February 6, I traveled to Bartlesville and gave a presentation on the EID transition and our traceability program to the OKAN Cattle Conference.

On January 23, Drs. Gorczyca-Southerland, Stone, Parrott, Marissa McLaughlin, USDA Veterinary Services personnel, and I hosted a full day of regulatory topics in conjunction with the Oklahoma Veterinary Conference. On January 24-25, we attended the Conference to answer questions, demonstrate EID and electronic CVIs, etc.

On February 6-8, Dr. Stone and our livestock inspectors inspected the livestock to make sure all documentation was correct for the Simon's Bucking Stock Sale at the Canadian County Fairgrounds.

On February 8, Dr. Gorczyca-Southerland and I traveled to Pocola to attend the Whitetails of Oklahoma convention, held in conjunction with the Southern Top 30 Auction. We received the Oklahoma Agency Lifetime Leadership Award.

On February 9, I met virtually with the Board of Directors of Livestock Marketing Association to discuss the transition to electronic official ID for cattle.

On February 12, we hosted the monthly meeting of AIS and APHIS Veterinary Services veterinarians.

On February 21, I attended the Oklahoma Pork Council's Board of Directors meeting to give them a summary of the pseudorabies cases we are involved in and to answer their questions.

Poultry Programs

There have been 23 sick or dead birds submitted for our sick bird/dead bird program in 2025 so far.

Dr. Parrott attended the Live Bird Market System Working Group meeting February 18-21 in San Antonio, Texas. This meeting provided a critical opportunity to collaborate with industry professionals, share insights on current challenges, and contribute to developing practical solutions to improve live bird marketing system operations, biosecurity, and disease surveillance. This group also develops federal guidelines for HPAI response in live bird markets.

All Control Areas and Surveillance Zones in Oklahoma related to HPAI-positive commercial flocks have been lifted. Movement restrictions are no longer in effect, and quarantines have been released, except for the most recent positive premises, which remains pending environmental sample results. Additionally, the HPAI-positive backyard flock in Roger Mills County is still within the 120-day fallow period and remains under quarantine.

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 feed stores.

The 2022 outbreak of Highly Pathogenic Avian Influenza remains ongoing, impacting multiple poultry flocks across the U.S. This continues to be the largest foreign animal disease incursion in U.S. history, with over 136 million birds affected. The virus has impacted domestic flocks in all 50 states and one U.S. territory, with 1,594 confirmed premises and 472 active Control Areas and Surveillance Zones still in effect.

We continue to emphasize the importance of biosecurity for both commercial and backyard flocks through outreach efforts, including emails, social media, and county extension officers. Despite the ending of the southward migration, case numbers have not declined. And when waterfowl begin their northward migration, we anticipate continued cases.

Public Health

We are following the reporting of occasional cases of HPAI in humans. The majority of these cases have been reported in people who worked with poultry or dairy cattle who were infected with HPAI. We have answered numerous questions from veterinarians and the public about the disease and the zoonotic potential of it.

Rabies in Livestock:

We were not notified of any cases of rabies in livestock during this time.

Sheep and Goat Programs:

We have one goat herd that maintains brucellosis certified free status and TB accredited free status. Marissa has received their testing results to renew their status.

Swine Programs:

On February 14, Dr. Gorczyca-Southerland met with USDA US SHIP Coordinator, Vienna Brown, to discuss certification of premises for the US SHIP.

On February 20, Dr. Gorczyca-Southerland provided a presentation discussing the management of slaughter facilities on the US SHIP OSA monthly call.

During this time, Dr. Gorczyca-Southerland participated in a traceability working group for US SHIP. This group was developed in response to a resolution that passed at the 2024 US SHIP HOD meeting requesting a group of SAHOs to work together to come to a consensus on movement record requirements. The working group met on January 21, January 28, and finally on February 5. Recommendations developed by the working group were sent to US SHIP for further review and consideration.

AIS has received the January herd inventories for Oklahoma Validated and Qualified Herds along with their January quarterly testing. The test results identified three VQ herds that had positive results for pseudorabies. USDA was immediately notified, and confirmatory testing was initiated. There were three premises placed under quarantine while test results are pending. Two of the herds had seen feral boars in the pen with their sows.

One herd has applied for indemnity from USDA and it has been granted. The infected pigs will be euthanized and disposed of. Testing of the remaining swine will be conducted after cleaning and disinfection to ensure that disease is no longer present.

Another herd is in the process of testing and removal of infected swine. We hope that they will be able to prove freedom from disease in most of their sows and be able to continue operating their herd.

The third herd had a whole herd test and four additional non-negative results were received. Those four sows are being retested. It has to be confirmed, but we believe this herd is not truly infected with pseudorabies.

We are continuing to negotiate the terms of an MOU with the Misfits of Oz Farm Sanctuary to develop a plan for them to allow Will, an old feral swine that has a positive test for Pseudorabies, to be maintained at the sanctuary without posing a threat to other livestock.

Miscellaneous:

During this time, I submitted our proposed Cooperative Agreements for Animal Disease Traceability and Livestock Health Programs to USDA. With their organization in a state of flux currently, I anticipate it will take longer than usual to get through the approval process.

On January 14, I chaired a meeting of the Animal Technology Advisory Committee. The ATAC is under the statutory authority of the Oklahoma Board of Veterinary Medical Examiners and meets when a request has been made to examine the appropriateness of technologies to be considered the practice of veterinary medicine. The committee was asked to examine the use of Pulsed Electromagnetic Field Therapy.

We received an application for the Pet Overpopulation Fund from a non-profit organization that assists with spay/neuter procedures. The application was submitted to OVMA for consideration.

Respectfully,

A handwritten signature in cursive script that reads "Rod Hall DVM". The signature is written in black ink and is positioned above the typed name.

Rod Hall, DVM

Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for January 2025 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 557 properties with an estimated 1,1324,772 acres of land under agreement. Additionally, WS helped 190 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 \$5,086,590 during this period. Beaver damages accounted for losses totaling \$92,801. Predation, primarily coyotes and black vultures were responsible for a number of damage requests, largely to livestock, with losses totaling \$95,125. Feral swine damages accounted for losses totaling \$4,897,120, while other species of wildlife were responsible for \$1,544 in damages to property, agriculture, and livestock.

Providing Wildlife Services

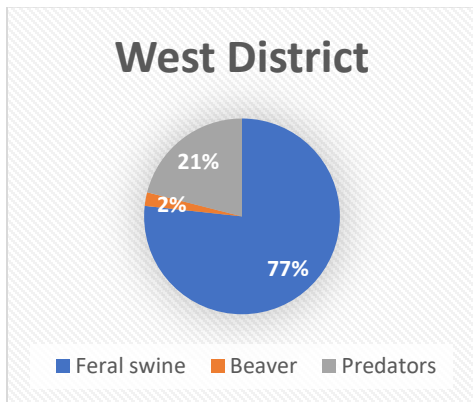


Figure 1: Species Removed in West District by percentage during January 2025

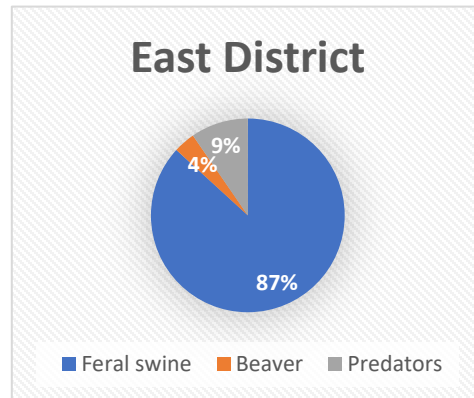


Figure 2: Species Removed in the East District by percentage during January 2025

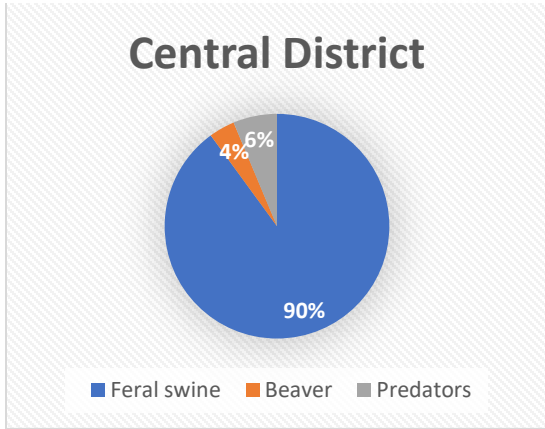


Figure 3: Species Removed in the Central District by percentage during January 2025

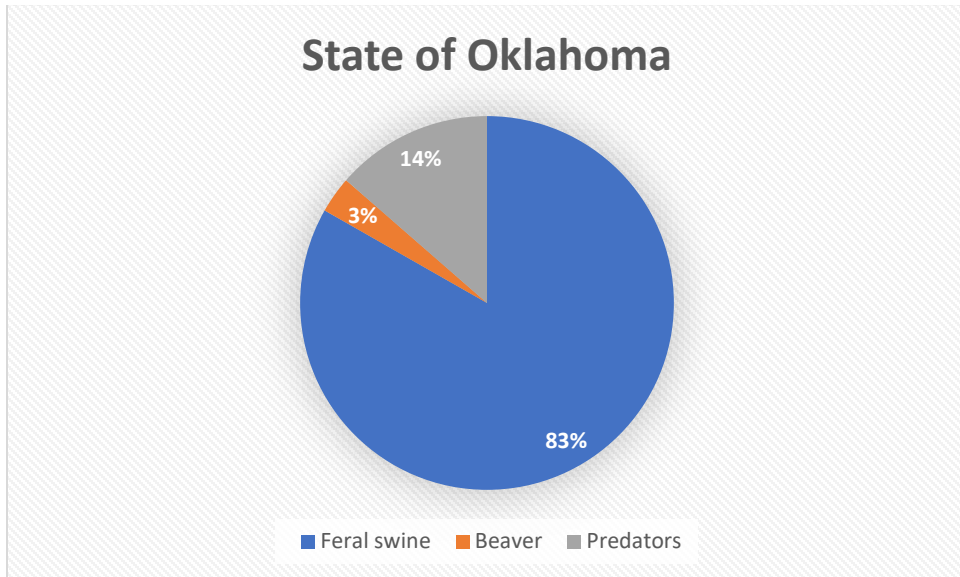


Figure 4: Species Removed in the State by percentage during January 2025

Predator Damage Management

Le Flore County producer called WS for assistance reporting that they were having predation issues due to the black vultures in the area. The predation issue was verified, and the losses were estimated at \$4,000. A corral vulture trap was constructed on the property and 185 black vultures have been removed. No further damage has been reported and this project is still being monitored.

Comanche County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued at \$882. The Wildlife Specialist assigned to Comanche County responded to the request and examined the carcass, confirming coyotes were responsible for the loss of the calf. The Specialist used snares and leg-hold devices to remove five coyotes. Control efforts continue to prevent additional losses.

Beckham County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes killed two calves valued at \$2,000. The Wildlife Specialist assigned to Beckham County responded to the request and examined one of the carcasses, confirming coyotes were responsible for the loss of the calf valued at \$1,000. Control efforts have removed eleven coyotes and are continuing currently to reduce predation losses from coyotes.

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

Woodward County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued at \$881s. The Wildlife Specialist assigned to Woodward County responded to the request and examined one of the carcasses and confirmed coyotes were responsible. The Specialist used leg hold traps and snares to remove six coyotes. Control efforts continue to prevent additional losses.

Dewey County landowner requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one of his calves valued at \$882. The Wildlife Specialist assigned to Dewey County examined the carcass and verified coyotes were responsible for the loss. Damage management efforts were successful in removing twelve coyotes from the property.

Kingfisher County landowner contacted WS with reports of coyotes killing a calf in calving pasture. WS Specialist met with the landowner and verified coyotes where the cause of depredation. Devices were set on the property and two coyotes were removed. Work is ongoing currently.

Garfield County WS received a request from a cooperater with reports of the loss of 2 lambs valued at \$400 due to coyote predation. Three coyotes removed with no further losses.

Feral Swine Damage Management

Osage County producer called WS for assistance with feral swine, reporting damage to his wheat fields. The damaged to the wheat fields was verified and estimated at \$3,500. After pre-baiting, a remote camera trap was placed, and thirty-one feral swine were removed with this project being monitored.

Choctaw County cooperater called WS for assistance, reporting feral swine damage to their cattle pastures. The damage was verified and estimated at \$5,500. The owner had already started pre-baiting, a remote camera trap was placed. A total of nine feral swine have been removed to date. This project is still being monitored.

Hughes County producer called WS reporting feral swine damage to his cattle pastures. The rooting damage was verified and estimated at \$3,600. After pre-baiting, a remote camera trap was placed, and fourteen feral swine were removed to alleviate the damages.

McCurtain County producer called WS reporting feral swine damage to his cattle pastures. The damage was verified and estimated at \$3,500. After pre-baiting, a remote camera trap was placed, and twenty-six feral swine have been removed to conclude this project.

Bryan County producer called WS for assistance reporting feral swine rooting damage to his hayfields. Th damage was verified and estimated at \$5,000. After pre-baiting, a remote camera trap was placed. A total of 29 feral swine have been removed to date. This project is still being monitored.

Greer County landowner contacted WS needing assistance with feral hogs damaging his wheat fields and pastures. The landowner estimated that feral hogs damage to the wheat fields and pastures to be \$10,000. The Wildlife Specialist assigned to Greer County quickly responded to the request and verified feral hogs were responsible for the damage. Feral hog live trap was utilized to remove twenty-eight feral hogs from the property. No additional damage has occurred, and feral hog population in the area is being monitored to determine if additional management is needed.

Ellis County landowner requested assistance with feral hogs rooting up his pastures. The landowner estimated that feral hogs were responsible for \$2,000 in damage to his pastures. The Wildlife Specialist assigned to Ellis County quickly responded to the request and verified feral hogs were responsible damage to the field. The specialist utilized feral hog live trap to remove twenty-two feral hogs from the area. Feral hog activity in this area is closely being monitored to determine if further management is needed.

Tillman County landowner contacted WS needing assistance with feral hogs damaging his wheat fields and haybales. The landowner estimated that feral hogs damage to the haybales was \$2,000 and damage to his wheatfields to be valued at \$1,000. The Wildlife Specialist assigned to Tillman County quickly responded to the request and verified feral hogs were responsible for the damage. Feral hog live trap was utilized to remove thirty-one feral hogs from the property. No additional damage has occurred, and feral hog population in the area is being monitored to determine if additional management is needed.

Oklahoma County WS received a call about feral hogs doing damage to a hayfield. Damage was found on most of the 60 acres. WS Specialist requested an aerial operations due to the amount of damage taking place and a shortage of trapping equipment at the time. Aerial hunting produced a total take of 35 hogs, with a small number of hogs getting out of the allotted air space. Follow up trapping is active as of this date, and permission to work adjoining properties is being sought. Damages estimated at \$2500.

Noble County OG&E power plant and neighboring landowners were having issues with feral swine. The swine were confirmed to have caused \$200 dollars in damage to pasture. Prebait was applied and monitoring took place. Three boars were identified and two were removed during thermal operations. Efforts are ongoing.

Cleveland County landowner called WS to report feral swine damage to their hayfield. A WS Specialist met with the landowner and verified the damage at \$13,119. A corral trap was set, and thirty-two feral swine were removed.

Pottawatomie County landowner called WS with reports of feral swine tearing up hayfields. WS responded to the call and determined the damage estimated at \$5000 was caused by feral swine. A corral trap was placed on the property and twenty-seven feral swine have been removed from the property. There is no more sign of activity on his property.

Grady County landowner contacted WS with complaints of feral swine rooting up wheat fields. WS responded to the call and determined the damages were caused by feral swine, estimating at \$5000. A corral trap was deployed, and thirteen feral swine were removed.

Jefferson County landowner called WS and claimed feral swine were rooting up his pasture and eating his pecans. A Wildlife Specialist met with the landowner and verified the damage at \$2500 in pecan loss and \$1000 in rooting. A corral trap was set and fifty-nine feral swine were removed to present and trap is still set.

Aerial Operations

Aerial operations were conducted in **Dewey County** in response to multiple farmers and ranchers requesting feral swine assistance. The Specialist for Dewey County reported damage to wheat fields, pastures, and livestock feed estimated at \$10,000. To reduce feral swine damage in this area, the helicopter was utilized for 4.9 flying hours to remove two hundred and eighty-seven feral swine. This area will be closely monitored to determine if additional aerial operations are needed.

Beaver Damage Management

Okfuskee County Commissioner called for assistance with beavers that had dammed-up the culvert and had flooded a county road. The damage was verified, and the county workers were able to remove the dam by using the county equipment. Night shooting was utilized to remove two beavers from the drainage ditch with no further damage reported.

Mayes County property owner called WS for assistance reporting beaver damage to the timber around his pond. The damage to the timber and to the stock pond dam was verified and estimated at \$4,500. Conibear traps were placed, and one beaver has been removed to date with this project being monitored.

Craig County Commissioner contacted WS reporting beavers were causing flooding concerns along a county road. The beaver activity was confirmed, and no damage had yet occurred to the roadway. The beaver dam causing the flooding was removed and conibear traps were set. This project is still being monitored and the commissioner's office was advised of environmental changes that could deter future beaver damage.

Dewey County Road Commissioner requested assistance with beavers that had flooded one of the roads in his district. The Commissioner reported that the beaver was responsible for damages of \$1,800 to the bridge structure and roadbed. The Specialist for Dewey County responded to the

request and verified beavers were responsible for the damage. Conibears were utilized to remove the beaver from the creek and no further damage has occurred, and work is concluded.

Jackson 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 pasture to be at \$2,500. The Specialist for Grant County responded and verified the damage. Control measures employed by the Specialist were successful in removing the beavers from the pond to help reduce any additional damage to the pond dam structure.

Payne County landowner contacted WS with concerns regarding beaver damage. The landowner reported seeing beaver damage at a pond estimated at \$2,000. A WS Specialist responded to the report and verified the damage. Six beavers were removed from the property and work continues currently.

Canadian County foremen contacted WS with reports of beavers stopping up culverts at two separate locations. One location the concern was that the road would eventually erode. Trap devices were put in place and other methods were applied to remove eight beavers. Work is ongoing.

Kay County Commissioner was having recurring issues with beavers damming up water at a low bridge with an estimate cost of the damage at \$2,000. A WS technician responded to the call and broke the dams and trapped two beavers with efforts ongoing.

Alfalfa County WS was contacted by the County Commissioner about beaver's building a damn in front of a cement culvert with concerns with water being up against the shoulder of the road. Damages were estimated at \$5500. WS provided technical assistance on habitat modifications and trapping is ongoing.

Wildlife Disease Sampling

WS Disease program biologist reports that seventeen feral swine samples were collected from two counties during January. Eight of the samples were collected from Oklahoma County and were added to the CONUS ASF surveillance in coordination with the National Feral Swine Programs African Swine Fever surveillance plan.

Table 1: Beaver, Predator, and Feral Swine removal in Oklahoma by WS January 2025

County	Beaver	Predators	Feral swine	District
Adair		1	3	E
Alfalfa				C
Atoka	2		15	E
Beaver		20		W
Beckham	4		68	W
Blaine	8	5		W

Bryan	12		39	E
Caddo		4	286	C
Canadian	3			C
Carter	4		16	C
Cherokee		1	32	E
Choctaw	4		942	E
Cimarron				W
Cleveland	3		32	C
Coal				C
Comanche	11	58	266	W
Cotton			13	W
Craig	3		13	E
Creek	1	5	69	E
Custer				W
Delaware		9		E
Dewey	1	35	459	W
Ellis		99	221	W
Garfield		2		C
Garvin	2	1	11	C
Grady			59	C
Grant	2			C
Greer		28	57	W
Harmon				W
Harper		6		W
Haskell	2		75	E
Hughes	5	1	14	E
Jackson	2	28		W
Jefferson				C
Johnston				C
Kay				C
Kingfisher	1	23		C
Kiowa		2		W
Latimer	3		15	E
Leflore	11	185	63	E
Lincoln				C
Logan	14	11	108	C
Love	6		42	C
Major			1	W
Marshall				C
Mayes	1			E
McClain		2		C

McCurtain	14		72	E
McIntosh			45	E
Murray			1	C
Muskogee			88	E
Noble	4		97	C
Nowata			43	E
Okfuskee	2		178	E
Oklahoma		3	8	C
Okmulgee	2		87	E
Osage				E
Ottawa				E
Pawnee			252	C
Payne			21	C
Pittsburg	8		8	E
Pontotoc		20	8	C
Pottawatomie				C
Pushmataha	6	2	9	E
Roger Mills		18	10	W
Rogers			18	E
Seminole	2	8	83	E
Sequoyah	2			E
Stephens	5	7		W
Texas				W
Tillman	3	26	28	W
Tulsa				E
Wagoner			9	E
Washington				E
Washita		17		W
Woods		22		W
Woodward		8	40	W
TOTAL	153	657	4024	

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

Respectfully submitted,

Justin Cooper
Division Director
Wildlife Services Division

**February 2025 Activity Report
for
March 2025 Board Meeting
Agricultural Statistics Division**

General

For the **month of January**, rainfall totals averaged 1.23 inches throughout the state. According to the January 28th, US Drought Monitor Report, 26 percent of the state was in the abnormally dry to exceptional drought category, up 4 points from the previous year. Additionally, 5 percent of the state was in the moderate drought to exceptional drought category, down 2 points from the previous year. Statewide temperatures averaged in the 30's, with the lowest recording of -17 degrees at Beaver on Tuesday, January 21st and the highest recording of 75 degrees at Tipton on Friday, January 17th . Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals the **3rd week of February** in Oklahoma averaged 0.09 inches. According to the February 19th US Drought Monitor Report, drought conditions were rated 8 percent abnormally dry to exceptional drought, up 5 points from previous year. Additionally, less than 1 percent of the state was in the moderate drought to exceptional drought categories, unchanged from previous year. Statewide, temperatures averaged in the 20's. Topsoil and subsoil moisture conditions were rated adequate to short.

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

Survey	Enumerated by:	Survey Dates
Hemp PDI	DCC	1/30 – 3/6
Grain Prices	DCC	2/1 – 2/8
Berry PDI	DCC	2/20 – 3/19
Predator Loss	DCC	2/17 – 2/28
Pecan Sheller and Processor	DCC	2/26 – 2/28
March Crops APS	DCC	2/27 – 3/18
Cattle on Feed	DCC	3/3 - 3/10
Cotton Ginnings EOS	DCC	3/12 – 3/21
NACS Phase 2	DCC	3/17 - 4/5
Total – Landlord	DCC	3/5 – 3/28
Cash Rents	DCC	3/16 – 6/10

Statistics: On January 31, 2025, the **Cattle Inventory Report** was released. Highlights include:

The inventory of Oklahoma cattle and calves totaled 4.6 million head on January 1, 2025, down 2 percent from last year's inventory. Oklahoma makes up 5 percent of the total United States inventory.

Total inventory of all cows that have calved in Oklahoma was 1.99 million head, up 2 percent above last year's total. Beef cow inventory, at 1.95 million head, was up 1 percent from 2024. Milk cow inventory, at 40 thousand head, was up 2 thousand head from the 2024 total of 38 thousand head.

Inventory of all heifers 500 pounds and over in Oklahoma totaled 800 thousand on January 1, 2025, 6 percent below 2024. Beef replacement heifers, at 340 thousand head, is 1 percent higher than 2024. Milk replacement heifers totaled 20 thousand head, unchanged from last year.

Oklahoma inventory of steers 500 pounds and over totaled 810 thousand head on January 1, 2025, down 12 percent from last year. Inventory of calves less than 500 pounds, at 850 thousand head, is 4 percent above last year's total. The 2024 calf crop totaled 1.85 million head, 3 percent higher than the 2023 calf crop.

On February 14, 2025, the **Farms and Land in Farms Report** was released. Highlights include:

For 2024, Oklahoma had an estimated 70,000 farms, which is down 300 farms from 2023. Oklahoma had an estimated 32.9 million acres of land in farms, which is unchanged from 2023. Both estimates resulted in an increase in the average farm size from 468 in 2023 to 470 in 2024.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 28.

Releases for February:

Crop Production

Farms and Land in Farms

Cattle on Feed

Agricultural Prices

Relating Dates:

February 1, 2025

2024 Calendar Year

February 1, 2025

February 15, 2025

Release Dates

February 11, 2025

February 14, 2025

February 21, 2025

February 31, 2025

Releases for March:

Price Reactions for Livestock

Crop Production

Price Reactions for Crops

Cattle on Feed

Hogs and Pigs

Prospective Plantings

Grain Stocks

Agricultural Prices

Relating Dates:

2024 Calendar Year

March 1, 2025

2024 Calendar Year

March 1, 2025

March 1, 2025

March 1, 2025

March 1, 2025

March 15, 2025

Release Dates

March 10, 2025

March 11, 2025

March 12, 2025

March 21, 2025

March 27, 2025

March 31, 2025

March 31, 2025

March 31, 2025

Meetings and Events:

AYC Session 6
NASDA ARMS Training School
OLAC Advisory Board
AFR Convention
National Farmers Union Convention
SEB/FAC Meeting
AYC Session 7

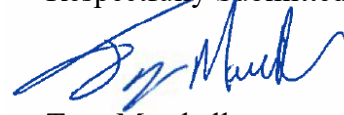
Date:

February 6, 2025
February 7, 2025
February 11, 2025
February 21-22, 2025
March 9-11, 2025
March 13, 2025
March 24, 2025

Location:

OKC, OK
Virtual
Virtual
Norman, OK
OKC, OK
Stillwater, OK
OKC, OK

Respectfully Submitted,



Troy Marshall

MARKET DEVELOPMENT SERVICES

March 12, 2025

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 179
- Total Number of Pre-service Teachers Impacted: 0
- Total Number of Extension Educators Impacted: 3
- Total Number of Students Directly Impacted by Coordinators: 2,423
- Total Number of Resources Given: 3,579
- Total Number of Teachers/PreService Teachers Resources Given to: 90
- Total Number of PreK-12th Grade Students Resources Given to: 3,256

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

- The AITC monthly email is delivered to 17, 560 accounts.
- The AITC Facebook page now has 10,127 followers.
- The AITC Twitter page now has 577 followers.
- Oklahoma AITC Instagram account now has 886 followers.
- Oklahoma AITC Pinterest account now has 155 followers.
- The AITC YouTube channel now has 10,086 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
31	Edmond Conference Center - OKLAS Conference Session 31 attendance, BOOTH too	Resources, Website, Tree Cookies,	Agritourism Tear Sheets, pumpkin, berries, christmas trees, etc.
11 participants Prek-8	OCIC Osage County	Spec Crop Cards, Tear Sheets - green beans, watermelon, bees honey	Spec Crop Cards, Tear Sheets - green beans, watermelon, bees honey
7 Oklahoma Educators	Environmental Education Expo	Journey 2050 Program; AITC Website and resources	Journey 2050 swag sent from NAITCO
27 Oklahoma Educators	Zoom	Nutrien Seed Survivor Mobile classroom training	N/A

Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
50 5th grade students	Colonial Day at the	Wheat Braiding	N/A

	State Capitol		
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Ag in the Classroom- Nutrien Seed Survivor Mobile Classroom

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
96 students - 3rd, 4th, grade students	Meeker Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
82 students - 1st - 4th grade students	White Rock Elementary School in McLoud, OK - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
67 students - 5th - 8th grade students	White Rock Elementary School in McLoud, OK - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
167 students - K- 6th grade students	Davenport Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
68 students - 3rd grade students	Park Road Elementary School (Chandler)- Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
105 students - 3rd, 4th, and 5th grade students	Frederick Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
85 students - K - 6th grade students	Tipton Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
78 students - K - 6th grade students	Blair Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
80 students - 3rd- 4th grade students	Navajo Elementary School in Altus, OK - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
92 students - 3rd grade students	Lt. General Thomas P Stafford Elementary School in Weatherford, OK - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
92 students - 3rd grade students	Lt. General Thomas P Stafford Elementary School in Weatherford, OK - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them

105 students - 3rd, 4th grade students	Southwest Elementary School (Clinton) - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
121 students - 3rd - 5th grade students	Southwest Elementary School (Clinton) - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
98 students - 3rd, 4th grade students	Southwest Elementary School (Clinton) - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
80 students - 4th grade students	Lindsay Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
88 students - 3rd grade students	Lindsay Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
90 students - 2nd - 5th grade students	Newcastle Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
131 students - 1st - 6th grade students	Maysville Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
175 students - 1st - 5th grade students	Monroe Elementary School (Enid) - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
108 students - 3rd, 4th grade students	Cornelsen Elementary School (Fairview) - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
78 students - 2nd- 5th grade students	Cimarron Elementary School (Lahoma) - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
137 students - 4th grade students	Bridge Creek Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
150 students - K, 2nd, 5th grade students	Minco Elementary School - Nutrien Seed Survivor Mobile Classroom	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them

Nutrien Seed Survivor Mobile Classroom Schedule

Seed Survivor Mobile (Unit #2)		Seed Survivor Mobile (Unit #3)	
<u>Date</u>	<u>Tour Area</u>	<u>Date</u>	<u>Tour Area</u>
Jan 27 – 31	Jackson Co, Tillman Co	Jan 27 – 31	Lincoln, Pottawatomie
Feb 3 – 7	Custer, Blaine, Dewey	Feb 3 – 7	Garvin, McClain
Feb 10 – 14	Major, Garfield	Feb 10 – 21	Caddo, Grady
Feb 17 – 28	Payne, Noble, Pawnee	Feb 24 – Mar 7	Cleveland, Oklahoma
Mar 3 – 7	Harper, Beaver	Mar 10 – 14	Canadian
Mar 10 – 14	Texas	N/A	N/A

Ag in the Classroom- Resources Mailed or Delivered

Locations where Resources are Mailed or Delivered	
Sarah Griffin - City of Glenpool Arbor Day	Dana Bessinger - using in PreK classes in Tulsa
School in Kenya, Africa	Colcord Elementary
Edmond Cimarron Middle School	Lynn Wood Elementary - Broken Arrow
Earlywine Elementary - OKC	Wynnewood Middle School
Earletta Headley - homeschool	Clayton School
Newkirk 4H Go-getters	Vici Public Schools
Coalgate Public Schools	Maysville Elementary
Kaiser School - OKC	Oak Crest Elementary - Broken Arrow
OSU Extension - Comanche County	Broken Arrow FFA

Woodward County 4-H	Duke Schools
Brown Homeschool	William R teague Elementary - Wagoner
Bridge Creek Intermediate	Osage Hills - Bartlesville
Mark Twain Elementary Duncan	Willard 5th Grade Center
Empire Elementary - Duncan	Sweet's Childcare in Tahlequah
Medford Schools	

Ag in the Classroom- Other Events

Event	Highlights
Emily Ague attended OALP Seminar	Emily Ague, Class XXI, attended the Oklahoma Agricultural Leadership Program Seminar centered around "Broadening our International Understanding." This seminar was meant to prepare members for their international trip to Kenya, Africa from February 16 - March 2, 2025.
Nutrien's Seed Survivor Mobile Classroom	Nutrien's Seed Survivor Mobile Classroom started its journey through Oklahoma from January 27 through March 14. Chloe, Nutrien's educational director, helped us determine a route through Oklahoma based on the number of schools and Nutrien locations in our state. We hope to invite them back in future years to visit more schools and areas of the state! More information on the Mobile Classroom: https://seed survivor.com/seed-survivor-register-now/seed-survivor-mobile-classroom/ It has been a great experience for students and teachers so far!



H-5

AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Ralph's Ranch	Oklahoma City	Farm-to-Table, Petting Farms, Horticulture, Teachable Moments	OKLAS Agritourism Bus Tour
Cross Timbers Christmas Tree Farm and Pumpkin Patch	Harrah	Christmas Trees, Petting Farms, Pumpkin Picking, Horticulture	OKLAS Agritourism Bus Tour
Sunshine Shelly's Pumpkin Patch	Shawnee	Pumpkin Picking, Mazes, Teachable Moments	OKLAS Agritourism Bus Tour
Valley View Pecan Company	Shawnee	Farm-to-Table	OKLAS Agritourism Bus Tour

Producer	Location	Category	Highlights
Red Hill Ranch	Minco	Country Stay, Horseback Riding, Teachable Moments	Site visit, added into the program

Social media

Facebook

- 23,013 likes
- 25,803 followers

Instagram

- 3,866 followers

Agritourism - Other Activities

- Phone consult/conversations with: Rowdy Stickhorse Farmers Market, McCloud Farmers Market, City of Perkins (potential farmers market), Ben Berry (potential agritourism farm), All Selsor (potential farm hub), Carolyn Piquet (finalized farm to table details), Jan Long (LINK conference presentation), Mattie Alewine (potential farm hub), Jennifer Hernandez at 3J Farms (next feature story in Edible OKC),
- OKLAS
 - Hosted the Oklahoma Local Ag Summit (a 3-day event featuring technical workshops, educational sessions, a keynote presentation, farm-to-table dinner, bus tours and more)
 - Review surveys from OKLAS
- Farmers Markets and Hubs
 - Processed 42 farmers market and hub applications
 - Created 2025 certificates for 42 farmers markets and hubs for registering with ODAFF
 - Updated farmers market and hub landing page on agritourism website
- Attended NAFDMA Convention in Lexington, KY
 - Attended multiple educational sessions and service provider roundtable
 - Attended bus tour
 - Networked with agritourism service providers and producers from around the country

- Speak to potential business owners at NW Tech Center in Alva
- Answer agritourism questions for OKFFA student
- Write letter of agritourism definition to Wagoner County Commissioners

ECONOMIC DEVELOPMENT

Activity	Action
HFFI	The Healthy Food Financing Programs selection committee met on February 26 th to review applications for grants and loans. Five (5) applications were up for consideration with four (4) being grants and one (1) loan application. The committee is recommending that three of the projects be funded.
Tulsa Port meeting	ODAFF staff met with Brian Bigbie, Economic Development Manager with the Tulsa Ports on February 13 th at the Tulsa Port of Catoosa to learn more about their initiative to establish intermodal service for agriculture shipments from the Tulsa Port of Catoosa to Los Angeles/Long Beach, California to reach Asia-Pacific markets.
Ag Enhancement and Diversification Program	The Ag Enhancement and Diversification Program's selection committee met on February 7 th to consider applications for loans and grants. The committee is recommending that eight (8) projects be funded.

FARM TO SCHOOL

F2S Contact Meetings and Events	Highlights
<p>F2S Meeting with Taryn DeWitt, Lisa Griffin, and Union Public School Child Nutrition Directors</p> <p>Discussing the NEOK F2S Coalition Pilot Program</p> <p>1/15/25</p>	<p>The pilot program focuses on 15 independent schools around the Tulsa area that are interested in expanding and growing their F2S Program. Participating schools will be trained in the following:</p> <ul style="list-style-type: none"> • Creating procurement plans • Budget for purchasing local • What to purchase first if starting small • Brainstorming sessions with all participants • How to find a producer • Distribution and Logistics 101 • Work with your food management companies • Pre-built calendar to suggest monthly options
<p>National Farm to School Network Fundamentals Training</p> <p>1/21/25</p>	<p>This is be a basic course on farm to school and Child and Adult Care Food Program (CACFP). This course aims to help participants create a vision for their role, using examples from other states and providing space for participants to research on their own and reflect.</p>
<p>Local Ag Summit</p> <p>1/29-31/25</p>	<p>Had a booth and taught a F2S workshop.</p> <p>38 attendees</p>
<p>State LFS Webinar</p> <p>2/4/25</p>	<p>Help with hosting the OKLFS Webinar.</p>

FreshRX Meeting 1/13/25	Met with ReshRX and toured Better Day Farms.
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School Visits: Met with the school nutrition directors for the schools below to discuss F2S and OKLFS. These meetings will continue throughout the year with schools that are participating in OKLFS.

- Lexington Public Schools: 1/28/25
- Mountain View Schools: 2/10/25

New Resources:

- [Product Price and Availability Worksheet](#)
- [Farm Bio Worksheet](#)
- [Producer Checklist](#)
- [Get to Know Your Local School Market Worksheet](#)

Projects:

- F2S website updates
- F2S School Garden QuickStart Guide
- F2S Handbook

F2S Social Media: Nov. 18, 2024 – Jan. 13, 2025

FB Followers	Total: 2,152
FB Post Reach: This metric counts reach from the distribution of your post.	3,028
FB Impressions: The number of times your content was on screen.	3,044

INTERNATIONAL

Activity	Action
Certificate of Free Sale	<ul style="list-style-type: none"> • Lopez • OK Foods
Food Export	<ul style="list-style-type: none"> • Food Export Focused Trade Mission to the Caribbean took place in Kingston Jamaica Feb 3-6th. 9 companies joined the mission for a 2day event. Day 1 We heard from the FAS and Embassy staff Eric Baylor; Regional Agricultural Attaché and Rasheeda Hanson; Agricultural Specialist for an overview of the market, current opportunities, and technical guidelines. Then took off for a retail tour of the market so our companies could get hands on with the retail environment, pricing, packaging etc, We were greeted at each location by a member of management to learn about their purchasing, logistics and in store promotions. Day 2 Kicked off our one-on-one business meetings set up unique to each company with buyers from Jamaica, Dominican Republic, and The Virgin Islands. One of the companies American Trading International was representing several product from Oklahoma’s own Clements Foods. • Organizing Food Show Plus for Food Show Plus! FHA (Food & Hotel Asia), conducting calls, collecting documents etc Show is in Singapore April 8-11

MADE IN OKLAHOMA COALITION

Made in Oklahoma Coalition – Advertising, Web and Social Traffic

Type	\$ Spent and Information	Highlights
MIO Featured Monthly Recipes in Tulsa World and Oklahoman	\$500/month each	Featured press release and 1-2 showcased recipes in food section
Marketing, Consulting and Graphics Retainer with Krush	\$9,025	Social media management, graphic design, account management, project management, email marketing, analytics, website hosting and SEO, etc.
MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 & 9 in OKC	OKC – 8 appearances Tulsa – 4 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
Restaurants of the Month	Each month staff, along with Food Service Committee present the restaurant with their award and eat lunch as a group at their establishment.	January– Napa Flats Wood Fired Kitchen, Tulsa February – Emma Elle’s Italian Kitchen
MIO Winter Recipe Guide	Members were able to participate in this guide for \$250. This is the third of three installments (winter, fall and spring). This guide will run from mid- October- December.	Call to action: Download our Recipe Book! Total of 337 clicks Link to guide
Edible OKC Giveaways	\$100/giveaway	Every other month MIO partners with Edible OKC to give away a \$100 gift card to our restaurant of the month.
MIO Monthly Newsletter		<ul style="list-style-type: none"> o 5700+ distribution list o December Newsletter stats: o 29.9% open rate o 2,298 total opens o 329 clicks o 4.3% click through rate
OK Living Partnership highlighting MIO Recipes	Highlights 2-3 MIO recipes per month - Free publication to electric coop members	MIO provides recipe content and OK Living does the ad design
Recipes of the Month	MIO recipes are developed each month highlighting member company products.	January: <ul style="list-style-type: none"> - One Pot Beer Braised Pork Roast - Cornmeal Pancakes - Okie Ramen Bowl - Thick Cut Cast Iron Grilled Steak with Garlic Butter February: <ul style="list-style-type: none"> - Super Bowl Taco Soup - Double Chocolate Cherry Brownies

		<ul style="list-style-type: none"> - Loaded Fries - Meatball Subs with 5-minute Marinara - One Pot Red Beans and Rice
January Retailer of the Month	Williams Foods	Statewide locations
February Retailer of the Month	FireLake Foods	Shawnee, McCloud, Tecumseh

Made in Oklahoma Coalition – Other Activities

Activity	Information
Digital Advertising with Uptown Grocery/Pruett’s Food: <ul style="list-style-type: none"> - OKC & Edmond locations - Oct-Jan 	MIO co-ops the marketing cost of in-store digital signs in both Uptown Grocery locations and the NW Expressway Pruetts Food Store. These digitals are located throughout the store and at the checkout counters.
Reasor’s Sampling Events: <ul style="list-style-type: none"> - Monthly - Tulsa Metroplex 	Staff assisted Reasor’s and Brookshire Grocery Company employees and management team in recruiting local vendors to participate in sampling events in select Reasor’s stores. Additionally, MIO endcaps, shelf tags and in-store marketing materials are being integrated into the Grand Re-Openings of several Reasor’s locations.
Uptown Grocery Valentines Day Event <ul style="list-style-type: none"> - Free Hot Dog Lunch and Vendor Sampling Event 	On February 13th MIO partnered with Uptown Grocery in Oklahoma City to provide a free hot dog and sausage lunch on the day before Valentines Day. Over 200 hotdogs were given away to shoppers. We also had 10 members sampling their products and offering BOGO deals. A MIO gift basket was also given away
MIO Court Cart with OKC Thunder <ul style="list-style-type: none"> - October-April - Paycom Center: OKC, OK 	MIO is entering its 4 th season with the OKC Thunder where we have partnered with Levy Restaurants on local themed concession cart. We pivoted concepts this year to a “cantina” theme with Mexican inspired dishes utilizing MIO products. So far sales are up 80% from last year. The cart is well advertised throughout the concourse and stadium.
MIO membership meeting <ul style="list-style-type: none"> - February 7th 	The February meeting was held at J-M Farms in Miami, Oklahoma. 22 members made the drive to Northeast OK to tour J-M’s mushroom growing operation, meet with fellow members, and have lunch before heading to Miller Pecan Company. After we wrapped up at J-M Farms, members caravanned to Miller Pecan where we received another tour of their state-of-the-art pecan shelling facility. MIO hopes to do these “field trip” style meetings once per quarter.

MADE IN OKLAHOMA PROGRAM

Events	Date	Location	Details
Rural Community Resource Meeting	Jan. 15	OKC	Hosted by the Arts Council, meeting designed to bring many organizations together to create a resource for rural Oklahomans
Site Visit – Shop Good	Jan. 24	OKC	Site visit to learn more about producer and operation + get content for

			social media to promote them
Site Visit - ChloeBella	Jan. 24	OKC	Site visit to learn more about producer and operation + get content for social media to promote them
Made in Oklahoma Workshop	Jan. 29	OKC	Hosted educational workshop for Made in Oklahoma members, day consisted of 4 different sessions and had 48 attendees.
Oklahoma Local Ag Summit	Jan. 30	OKC	Gave presentation regarding creating on-farm retail displays, opportunities and merchandising + partnering with Made in Oklahoma producers
MIO x F.C Tulsa	Feb. 4	Virtual	Met to discuss ways to incorporate Made in Oklahoma brands into F.C. Tulsa season
Sailor & the Dock	Feb. 10	Virtual	Met to discuss planning of Made in Oklahoma retail store inside Sailor & the Dock + how we can support and provide connections
MIO x F.C Tulsa Follow-Up	Feb. 10	Virtual	Went over proposal plans and details of involvement. Potential of Made in Oklahoma night featuring our vendors

Upcoming Events:		
Tulsa Home and Garden Show	March 6-9	Sage Net, Tulsa Fairgrounds
Ag Day at the Capitol	April 22	OK State Capitol, OKC
Made in Oklahoma Showcase	May 19	Oklahoma History Center, OKC

New Producers:

Mulligan Woodworks	Haus of Thread and Seams	Big Dog Beard Company	Stillwater Creek Farms
Urban Dirt Life, LLC	Bridging Vines Winery & Brewery	AFROPOP	Meat Society
Dougherty Forestry Mfg.	Lilly Philly Home Fragrances	Big Red Chili	Woodtricity LLC
Moon Fairy Scents LLC	Oklahoma Correctional Industries	Bobbi's T-Shirt Quilts	Tied with Love
Restore Wood Windows	Aunt J's Redesigns	Faithfully Fit OKC	Penn Pottery
Bee Unique	CMF Creations	Okie Dokie Bakery	heidiART
Red Dirt Garden Girl Flower Farm			

Other Made in Oklahoma Activities:

- Assist with OAK Markets
 - Extensive communication with OAK staff to host monthly Made in Oklahoma Markets at Heartwood Park
 - Discussed city licensing, health department licensing, ABLE licensing, vendor requirements, etc.
 - Created, edited, sent, gathered applications for markets in April, May, June and July
- Planning for Made in Oklahoma Showcase
- Worked with Oklahoma State Fair team to update 2025 MIO Store guidelines, deadline calendar, rules, etc.

VITICULTURE & ENOLOGY

Viticulture & Enology – Field Work

Event	Location	Category	Highlights
Pecan Creek Winery	Muskogee	Site Visit	Picked up wine from Pecan Creek for the farm to table dinner. They were just awarded a federal grant that he is going to use to purchase a Charmat tank.
Bridging Vines	Yukon	Site Visit	Winemaker of the month.
Canadian River	Slaughterville	Site Visit	Informed about grant opportunities and upcoming events

Viticulture & Enology – Other Activities

- New winery located in Shidler, Oklahoma, site visit planned.
- New winery in Altus, Quartz Mountain Winery.

MARKET NEWS SERVICES

January 14, 2025-February 25, 2025

- **Grain Report:**

	January 14, 2025,	February 25, 2025,	DIFFERENCE	
WHEAT: (bu)	\$4.61-\$5.07	\$4.92-\$5.38	\$0.31 to \$0.31	Higher
MILO: (bu)	\$4.09-\$4.74	\$4.10-\$4.80	\$0.01 to \$0.06	Higher
SOYBEANS: (bu)	\$9.22-\$9.77	\$9.06-\$9.61	\$0.16 to \$0.16	Lower
CORN: (bu)	\$4.49-\$5.09	\$4.60-\$5.10	\$0.11 to \$0.01	Higher
COTTON: (lb)	63.07 cents	62.62 cents	0.45 cents	Lower

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

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
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2-20-2024	STEERS	Number 1	\$294.00-\$334.00	\$314.00
2-24-2025	STEERS	Number 1	\$321.00-\$385.00	\$353.00

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
2-20-2024	HEIFERS	Number 1	\$242.00-\$307.00	\$274.50
2-24-2025	HEIFERS	Number 1	\$300.00-\$332.00	\$316.00

- **Weekly Report:**
 - Six weekly Oklahoma Market Reports were sent to 11,876 subscribers January 14, 2025, February 25, 2025 (**up from 25 subscribers last report**).
- **Voice Messaging System:**
 - The market news voice messaging system during 6657
 - Monthly Total: January 14, 2025, February 25, 2025, **6,657 Accessed Times**
 - Last Report November 14, 2024, January 14, 2025, **6,980 Accessed Times**
 - Compared to Last Month: **Accessed Times-is DOWN 323 on Accessed times**
- **Oklahoma Agriculture Market News**
 - **Facebook Page**
 - Likes/Followers 694
 - **Likes/Followers UP 33**
 - People reached through pasted report: 1,900 people
- **Oklahoma Hay Directory**
 - Hay Directory
 - **106 people are on the Oklahoma Hay Directory.**
- **Hay Report**
 - **Hay Remarks – From our Producers (Each statement or comment is from a different hay producer)**
 - The winter weather has helped, but not enough to affect movement.
 - At the beginning of the year, I was busy due to beginning of the year purchases. Now I am back to slow to steady on movement.
 - Changing my program to push hay out has helped. Having noticed more cattle producers are wanting or needing more grinding hay to make their own ration of hay to save on cost.
 - Not much has changed, still hustling to move hay. Slow to steady on movement.
 - Looking into the future of new crop hay, we will have a lot of hold over hay across Oklahoma.

This Month: January 17, 2025, February 14, 2025, Hay Traded 11,040
Last Year January 19, 2024, February 16, 2024, Hay Traded 23,235

DOWN 13,860 Bales Reported

**OKLAHOMA HAY MARKET REPORT
2-14-25**

Receipts: 4,020 Last Reported: 3,120 Year Ago: 4,575

Compared to the last report, demand for hay remains light to moderate, and prices remain steady. Winter weather helped trade. Winter weather will continue moving in over the next couple of weeks. Oklahoma hay remains highly available, as most hay producers still have barns full. However, the snow and ice might help the demand rise for trade.

Type	Size	Shape	Trend Price Range	Bale/ Per Ton	2024/2023/Rough
Alfalfa	Large	Square	130.00-150.00	Per Ton	2024 Hay
Alfalfa	Large	Round	130.00-150.00	Per Ton	2024 Hay
Grinding Hay	Large	Ground	80.00-90.00	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	80.00-90.00	Per Ton	2024 Hay
Wheat	Large	Square	80.00-90.00	Per Ton	2024 Hay
Grass	Large	Round	No Trend	N/A	N/A
Grass	4x5-4x6	Round	45.00-55.00	Per Bale	2024 Hay
Grass	4x5-4x6	Round	25.00-35.00	Per Bale	2024 Hay Unfertilized Hay
Grass	Any Size	Round	25.00	Per Bale	2023/Rough Hay

The Oklahoma Mesonet Drought Monitor shows that 0 percent of the state is in exceptional drought, 0 percent is in extreme drought, 0.33 percent is in severe drought, 7.75 percent is moderate, 65.73 percent is abnormally dry conditions, and 34.27 percent has no drought conditions.

*** The next report release will be on February 28 ***

Central

Type	Quality	Ask or Trade	Bale/ Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Premium/Supreme	Ask	Per Ton	Large	Square	0	175.00	175.00	F.O.B
Alfalfa	Good	Trade	Per Ton	Large	Square	1080	90.00	90.00	F.O.B
Alfalfa	Fair/Good	Ask	Per Ton	Large	Square	0	135.00	135.00	F.O.B.
Bermuda	Fair/Good	Ask	Per Bale	Medium	Round	0	60.00	60.00	F.O.B.
Grass	Good	Ask	Per Bale	Large	Round	0	50.00	50.00	F.O.B
Prairie/Meadow Grass	Fair	Ask	Per Ton	Medium	Round	0	40.00	40.00	Delivered

North Central

Type	Quality	Ask or Trade	Bale/Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Bermuda	Premium/Supreme	Ask	Per Bale	Large	Round	0	90.00	90.00	F.O.B
Bermuda	Premium/Supreme	Ask	Per Bale	Small	Square	0	11.00	11.00	F.O.B
Bermuda	Good/Premium	Trade	Per Bale	Large	Round	380	80.00	80.00	F.O.B
Bermuda	Good	Ask	Per Bale	Large	Round	0	70.00	70.00	F.O.B

Northeastern

Type	Quality	Ask or Trade	Bale/Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Good/Premium	Ask	Per Ton	Large	Square	0	200.00	200.00	Delivered
Alfalfa	Good	Ask	Per Ton	Large	Square	0	150.00	150.00	F.O.B
Bermuda	Good/Premium	Ask	Per Bale	Large	Round	0	150.00	500.00	Delivered
Prairie/Meadow	Premium	Trade	Per Bale	Medium	Round	1000	55.00		F.O.B
Prairie/Meadow	Good/Premium	Ask	Per Bale	Medium	Round	0	50.00	50.00	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	Premium	Trade	Per Ton	Large	Square	840	165.00	165.00	Delivered
Alfalfa	Good	Ask	Per Ton	Ground	Ground	0	90.00	90.00	F.O.B.
Alfalfa	Fair/Good	Ask	Per Ton	Large	Square	0	130.00	130.00	Delivered
Bermuda	Good/Premium	Ask	Per Ton	Large	Round	0	80.00	80.00	F.O.B.
Prairie/Meadow	Good	Ask	Per Bale	Large	Round	0	140.00	140.00	Delivered



Agricultural Environmental Management Services (AEMS)
Division Activities

General Activities

➤ No activity report for this period.

Complaints

	Received	Closed*
This Reporting Period	7	7
Total FY25	47	54

**These numbers include closing of older complaints.*

Complaint Breakdown for this Reporting Period

Cattle:	1
Swine:	0
Poultry:	1
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

	Dec 16-Jan 15	FY 25 Total
Complaint or Compliance Follow-ups	8	41
Annual Inspections	48	275
Technical Assistance with Contacts	46	94
Site Visit/Review – No contact made	52	93

POULTRY ACTIVITIES

	Dec 16-Jan 15	FY 25 Total
Complaint or Compliance Follow-ups	3	17
Annual Inspections	26	235
Technical Assistance with Contacts	172	774
Site Visit/Review – No contact made	42	354
OSU Poultry Education Classes Attended	0	3
Eucha-Spavinaw CNMP Written	4	32

PET BREEDER & SHELTER ACTIVITIES

	Dec 16-Jan 15	FY 25 Total
Complaint or Compliance Follow-ups	13	36
Annual Inspections	17	175
Technical Assistance with Contacts	43	82
Close Outs	2	20

AGPDES ACTIVITIES

	Dec 16-Jan 15	FY 25 Total
Complaint or Compliance Follow-ups	0	5
Site Inspections	0	4
Technical Assistance with Contacts	1	18

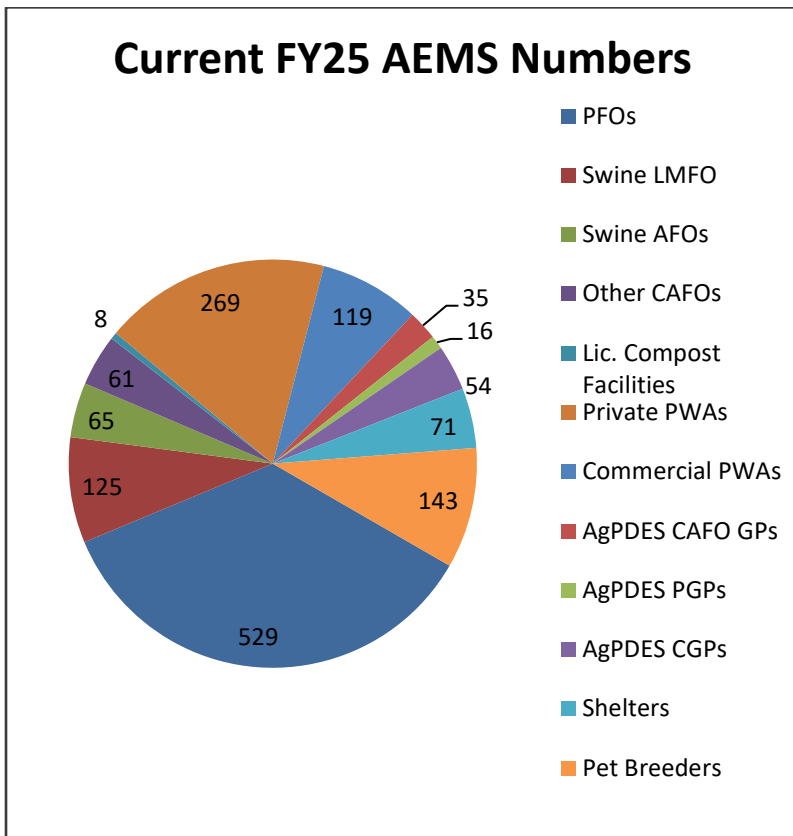
COMPOSTING ACTIVITIES

	Dec 16-Jan 15	FY 25 Total
Complaint or Compliance Follow-ups	1	1
Site Inspections (all)	1	5
Technical Assistance with Contacts	4	20

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: 0

Active Licenses/Registrations/Certifications/Permits



Respectively,

Teena G. Gunter
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE
 OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
 MARCH 2024 BOARD REPORT
 REGARDING JANUARY 13, 2025 THROUGH FEBRUARY 21, 2025
 ACTIVITIES OF THE OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (2025)	Amount of Fines for this Board Meeting
\$16,700	\$14,815
\$236,230	2024
\$372,095	2023
\$207,400	2022

CONTRACTS REVIEWED OR DRAFTED (222):

Marketing: 175
Admin: 4
Exec: 1
Animal Industry: 4
CPS: 1
FOR: 35
AGS: 1
OGC: 1

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 188
Total Number of New Cases: 166
Total Number of Cases Closed: 72
NOVs Sent: 41

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>
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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 occurred May 9, 2024. Judge Ogden ruled for the Attorney General. The case was accepted for review by the Oklahoma Supreme Court.
Spring Creek Coalition v. ODAFF and Trong, Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
Spring Creek Coalition v. ODAFF and Phan, et al., Delaware County Case Number CJ-2021-33: Petition Seeking Declaratory and Injunctive Relief. Order Granting Partial Summary Judgement entered June 28 th , 2024. Motion to Reconsider overruled. Petition in Error filed in Supreme Court September 25, 2024. Motion to Dismiss filed and Answered. Motions to intervene/file Amicus.

MEETINGS:

Date	Activity
January 13, 2025	AEMS Legal
January 14, 2025	OBA GALPS
January 15, 2025	Director’s Meeting
January 15, 2025	ODAFF Safety Committee
January 15, 2025	Webinar – Election impact on Ag policy
January 16, 2025	OMES Deloitte
January 16, 2025	OBA Legislative Monitoring Committee
January 17, 2025	DCAM CAP 25 Building monthly OAC
January 22, 2025	Marijuana Intel Meeting
January 23, 2025	Senate Administrative Rules Committee
January 24, 2025	OBA Legislative Monitoring Committee
January 27, 2025	AEMS Legal
January 28, 2025	Federal funding call
January 29, 2025	Board of Agriculture
January 30, 2025	OGC Staff
January 30, 3035	AgPDES
January 31, 2025	Governor’s Office and Agency General Counsel
January 31, 2025	OBA Legislative Kickoff
February 3, 2025	AEMS Legal
February 4, 2025	ODAFF Deferred Maintenance
February 4, 2025	Directors
February 4, 2025	House General Government Committee
February 4, 2025	House Agriculture Committee
February 5, 2025	House Energy Committee
February 5, 2025	Animal Industries
February 10, 2025	Job Shadow

February 10, 2025	Directors
February 10, 2025	Senate Agriculture and Wildlife Committee
February 10, 2025	AEMS Legal
February 11, 2025	House Agriculture Committee
February 11, 2025	GALPS
February 11, 2025	AEMS Case
February 13, 2025	ALJ Docket
February 13, 2025	Commissioners of Land Office
February 13, 2025	OGC Docket
February 17, 2025	Senate Agriculture and Wildlife
February 21, 2025	DCAM CAP 25 Building monthly OAC

RULE ACTIVITIES:

<p>Chapter 10. Agricultural Products (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 2, 2024. A public hearing took place on December 3, 2024. On December 16, 2024, the rules were approved by the Board. On December 18, 2024, the rules were submitted to the Legislature.</p>
<p>Chapter 15. Animal Industry (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 2, 2024. A public hearing took place on December 3, 2024. On December 16, 2024, the rules were approved by the Board. On December 18, 2024, the rules were submitted to the Legislature.</p>
<p>Chapter 17. Water Quality (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 2, 2024. A public hearing took place on December 3, 2024. On December 16, 2024, the rules were approved by the Board. On December 18, 2024, the rules were submitted to the Legislature.</p>

<p>Chapter 30. Consumer Protection (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 1, 2024. A public hearing will take place on December 2, 2024. On December 16, 2024, the rules were approved by the Board. On December 18, 2024, the rules were submitted to the Legislature.</p>
<p>Chapter 37. Food Safety (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 1, 2024. A public hearing will take place on December 2, 2024. On December 16, 2024, the rules were approved by the Board. On December 18, 2024, the rules were submitted to the Legislature. On November 11, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 15, 2024. Public comment was open from November 15, 2024, through December 16, 2024. A public hearing will take place on December 16, 2024. On January 29, 2025, the rules were submitted to the Legislature.</p>
<p>Chapter 40. Market Development (Permanent FY 2025): On November 11, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 15, 2024. Public comment was open from November 15, 2024, through December 16, 2024. A public hearing will take place on December 16, 2024. On January 29, 2025, the rules were submitted to the Legislature.</p>

OPEN RECORDS REQUESTS (34):

AEMS: 6
CPS: 9
AIS: 7
Pet Breeders: 3
Market Development: 1
Food Safety: 1
Forestry: 5
Investigative Services: 2

OTHER ACTIVITIES:

Phone calls or emails with the public: 6
Assistance to industry: 4
Assistance to AEMS: 5
Assistance to CPS: 2
Assistance to Wildlife Services: 0
Assistance to Forestry: 15

Assistance to AIS: 5
Assistance to Admin: 9
Assistance to Market Development: 4
Assistance to other state agencies: 3
Assistance to federal agencies: 0
Assistance to Food Safety: 10
Assistance to NASS: 0
Assistance to Executive Office: 10
Assistance to Lab: 0
Assistance to Investigative Services: 1
Assistance to Human Resources: 0
Assistance to Legislature: 2
Assistance to Attorney General: 0
Assistance to Public Information: 0
Assistance to Governor: 0

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY BOARD REPORT

FEBRUARY 2025

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 1,867,851 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA shell egg grading on 37,528 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. Child Nutrition Labeling Program Review was conducted under the USDA cooperative agreement at Mitchell's Sausage Rolls in Claremore. Also, routine egg quality inspections under the Oklahoma egg law were conducted.

ORGANIC FOODS SECTION

Organic inspectors completed compliance and certification inspections at:

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

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

PRODUCE SAFETY SECTION

- Conducted outreach and education at the Oklahoma Local Agriculture Summit
- Sent an e-mail newsletter to advertise our Produce Safety Alliance classes
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Visited 2 farmers markets providing outreach and education to producers
- Taught a Produce Safety Alliance online grower course
- Working on learning and preparing to teach the new water rule, we are working on developing a multi-state agricultural water workshop for farms
- Completed mid-year grant report to FDA
- Meeting with FDA state liaison to discuss goals and concerns

HOMEMADE FOOD FREEDOM ACT

- Received 5 complaints on Homemade Food Freedom Act businesses.
- Meat compliance assisted with 4 complaints.
- On two complaints we did not find any evidence or were found to not be a homemade food business.

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

Planned Compliance Reviews	07
Random Compliance Reviews	216
Person-to-Person Contacts	21
Special Investigations and/or Projects	18
Reports of Apparent Violations	00
Detentions	00
Consumer Complaints	06
Verbal Warnings Issued	12
Letters of Warning Issued	00
Samples Submitted to Lab for Analysis	00
Accident Investigations	02
Administrative Procedures Act	00

The Oklahoma Highway Patrol notified Meat Inspection Compliance with three (2) truck accidents in the month of December 2024.

See details below:

ACCIDENT LOCATION	ANIMAL PRODUCT	DISPOSITION
<ul style="list-style-type: none"> • Boise City 	<ul style="list-style-type: none"> • 38,103 lbs. frozen ground beef patties 	<ul style="list-style-type: none"> • Trailer caught on fire. All product was taken to Guymon landfill.
<ul style="list-style-type: none"> • Enid 	<ul style="list-style-type: none"> • 68 head of mixed load 	<ul style="list-style-type: none"> • 14 dead were buried on private land.

Highlighted Activities

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

Leave: Ron- 72 hours Wayne- 24 hours Brad- 59 hours

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

SLAUGHTER MEAT INSPECTION

Number of Cattle	1,400
Total Beef Condemned	13,240 lbs
(Beef heads & livers)	(avg. H wt 20 lbs, avg. L wt 10 lbs)
Number of Swine	150
Total Pork Condemned	586 lbs
(Pork heads & livers)	(avg. H wt 10 lbs, avg. L wt 2 lbs)
Number of Sheep & Goats	4,317
Total Condemned	0 lbs
Number of Chickens	1,025
Number of Rabbits	0
Total Condemnations	0 lbs
Number of Buffalo	20
Total Condemnations	320 lbs
TOTAL MEAT INSPECTED	1,478,371 lbs

AVG. CARCASS WT

Beef 700 lbs, Pork 250 lbs,
Sheep/Goat 100 lbs

AVG. SWINE

HEAD/LIVER
Head 10 lbs / Liver 2 lbs

AVG. BEEF HEAD/LIVER

Head 20 lbs / Liver 10 lbs

AVG. LAMB/GOAT

HEAD
Head 2 lbs

PROCESSED BOXED MEAT INSPECTED

Processed Red Meat	746,881.9 lbs
Condemned on Reinspection	0 lbs
Poultry (Portions)	299,484 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	1,046,365.9 lbs

MEAT SAMPLE ACTIVITY

- 11 Samples Submitted for Analysis
- 11 Samples Analyzed
- 10 Samples Negative Analysis
- 0 (Heat) Samples Not Analyzed
- 0 Samples Non-Compliant
- 1 Sample Positive Results

2/24 - Dr. Hardage has initiated the training of five (5) Poultry, Egg, Organic inspectors to assist with the relief efforts for Meat Inspection; ensuring proper inspection services at State and T/A facilities.

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 the following dairy farm surveys: Steve Koehn Dairy (BTU 40-135) in Meno, SMP (BTU 40-030) in Frederick, Lone Star 43 (BTU 40-043) in SE Oklahoma, and Braum's Dairy (40-105) in Tuttle. These BTUs received passing scores and information regarding these surveys are available on FDA's Interstate Milk Shippers List website.

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 and USDA, Dairy services expanded HPAI sampling to all dairy farms beginning January 6, 2025. Farm samples are tested at the Oklahoma Animal Disease Diagnostic Laboratory in Stillwater. To date, all Oklahoma permitted dairy farms have tested negative for HPAI for January and February sampling.

In December, Dairy Services was approved for 2025 training funding by AFDO in the amount of \$17,740.89. These funds are to cover 100% of the travel expenses associated with the FDA sponsored dairy/plant courses and NADRO.

On January 17, 2025, Dairy Services was issued reimbursement by AFDO in the amount of \$17,103.08 for 2024 Dairy Training Expenses. 2024 Training included: Western Milk Seminar, Dairy Farm and plant courses, State Rating Officer training, and NADRO.

In February, Dairy services was approved for a \$6,000 grant by AFDO to supplement the expenses related to Oklahoma's participation in the 2025 National Conference of Interstate Milk Shipments (NCMIS) being held on April 11-16 at Hyatt Regency - Minneapolis, MN.

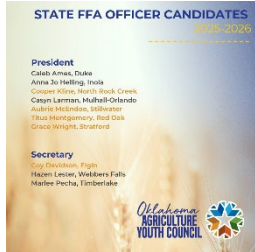
Sincerely,

Scott Yates
Director of Food Safety

Communications

Compiled 2/28/2025

Social Media Highlights



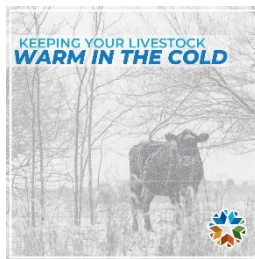
2025-2026 State FFA Officer Candidates – Feb. 19 | One of the top social media posts was recognizing the State FFA Officer Candidates and celebrating our current and former Agriculture Youth Council members. On Instagram, the post was viewed by 16,492 accounts and received 485 interactions (the number of post likes or reactions, saves, comments).



We're Hiring – Feb. 10 | Posts on Facebook help get the word out about new job postings. One of our top performing posts was a job announcement for Oklahoma Forestry Services. This post reached 92,390 accounts and 240 interactions.



The Year of Youth in Ag Spotlight (Example of Series) – Feb. 10 | Posts on Facebook and Instagram highlighted youth in agriculture as part of the Year of Youth in Agriculture Social Media Campaign. One Facebook post reached 60,517 accounts and received 665 interactions.



Keeping Your Livestock Warm in the Cold – Feb. 18 | Posts on Facebook and Instagram shared resources for keeping livestock warm and protected from the elements. On Facebook, the post reached 26,161 accounts and received 100 interactions.



Market Development Summer Internships (Press Release) – Jan. 14 | On Facebook, the press release announcing the 2025 Market Development Summer Internships reached 27,462 accounts and 120 interactions. Similar promotional content (left) included quotes from previous interns encouraging other students to apply.

Social Media Impact

Facebook

Followers: 24.3K Followers (Up 115.3%)

Reach: 250.4K Accounts (Up 53.4%)

Instagram

Followers: 4.1K Followers (Up 74.2%)

Reach: 19.1K Accounts (Up 12.2%)

MARCH 12, 2025, BOARD MEETING

PURCHASES/CONTRACTS

AGRICULTURAL ENVIRONMENTAL MANAGEMENT SERVICES

FY26 – Contract for OSU Poultry Waste Management Education – Professional Services: Request approval to renewal, not to exceed \$48,276.00 for the OSU Poultry Education program. The funds are appropriated dollars. The funding is for Poultry Waste Management training, as needed, for operators of poultry feeding operations and land applicators of poultry waste, to attend educational training on poultry waste management which is provided by Oklahoma State University through the Oklahoma Cooperative Extension Service. Failure to renew will result in noncompliance with the law that regulates poultry feeding operations operators and land applicators of poultry waste.

CONSUMER PROTECTION SERVICES

FY2025 Online Server and Databases for licensing, tonnage, and registration from OMES - \$35,000.00

ODAFF is working to transition the agencies licensing, tonnage, and registration programs off the current legacy systems onto a new online system. The \$35,000 will be used for OMES to set up the database and servers needed for the public access portal for the UI Bakery program.

Failure to update the system may lead to the failure of some of the agency's systems do to them no longer being supported by Microsoft or failure of online systems do to the age of system with no scheduled updates by the software company.

FORESTRY SERVICES

FY 25 - \$90,000

Purchase one Bobcat T76 T4 Compact Track Loader with attachments including, but not limited to: quick attach 80" Heavy Duty bucket with long bolt-on tooth kit, quick attach 6K pallet fork frame with forks, and a 72" High Flow hydraulic Brushcat to be utilized by the Forest Regeneration Program at the Forest Regeneration Center at Goldsby and the Forest Tree Improvement Center at Idabel. ***This purchase will be reimbursed by the BIL-Revegetation National Seed Strategy Funding Grant.***

Justification: The equipment purchase is necessary to improve efficiency, safety and delivery of forest tree seed and seedlings for the OFS Forest Regeneration Program. These seedlings greatly influence the Oklahoma landscape and provide multiple conservation benefits to landowners across Oklahoma.

FY 25 - \$24,200

Purchase one 4WD utility vehicle for the Forest Regeneration Center. This UTV will be used for hauling conservation seedlings and soil material to and from the fields and shipping building. Forestry staff are currently moving these materials by hand, which is labor-intensive and time-consuming. The 4WD utility vehicle will also replace one high-maintenance vehicle, which will reduce Forestry Services vehicle fleet and eliminate its high maintenance cost.

Justification: The equipment purchase is necessary to improve efficiency, safety and delivery of forest tree seed and seedlings for the OFS Forest Regeneration Program. These seedlings greatly influence the Oklahoma landscape and provide multiple conservation benefits to landowners across Oklahoma.

FY26 - \$5,000.00

Telecommunications-phone/internet/Long Distance service for the OFS Community Fire Assistance Program; and cell phone services for Goldsby Office.

Justification: Above is the necessary expenditure to operate the office. The purchase is crucial to maintain operations of the Community Fire Assistance Program.

FY26 - \$5,000.00

Utility-water, sewer, and trash service for Community Fire Assistance Program at Goldsby

Justification: Above is the necessary expenditure to operate the office. The purchase is crucial to maintain operations of the Community Fire Assistance Program.

FY26 - \$30,000.00

Equipment/Building Maintenance & Repair - maintenance and repair of Community Fire Assistance Program equipment including: mowers, dozers, trailers, tractors, chain saws, blowers, and building maintenance/repair at the Goldsby Office facilities.

Justification: This expenditure is necessary to support various program functions and to maintain the office facility.

FY26- \$750,000.00

Updating and remodeling of main office building at Community Fire Assistance Program and Forest Regeneration Program at Goldsby. Funds will be used to replace the septic system, connect to city water, install a new central heat and air system, new windows, addition of conference room, replace roof, siding, etc.

Justification: Above is the necessary expenditure update and repair the current office facility which is over 40 years old. The operation of this office is crucial to maintain operations of the Community Fire Assistance and Forest Regeneration Programs. Funding for this purchase is FY25 one-time appropriations from the Oklahoma Legislature.

FY26 - \$155,000.00

Purchase firefighting equipment (Pumps) 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: This purchase allows rural fire departments to save their limited funds for operational costs.

FY25 - \$60,000

This purchase will retain the services of Title company to supply Forestry Services with a title commitment, and later a title policy, for the Musket Mountain Forest property. This company will also serve as the closing agent for the project.

Justification: The Musket Mountain State Forest will serve the State of Oklahoma, support the schools in Pushmataha County, and benefit ODAFF & Oklahoma Forestry Services by:

- Permanently secure 11,333 acres of public land access for hunting, fishing, and other recreation activities
- Paying 15% of gross revenue to Pushmataha County to be used for school purposes
- Generating revenue through timber sales to fund Forestry Services operational costs
- Providing a space for forestry education for all ages
- Providing training grounds for foresters and state, tribal, and volunteer firefighters

LABORATORY SERVICES

FY25 - \$6,038.00 – Lab Equipment

Purchase of a Black Stack Thermometer for Mass II testing.

FY25 - \$6,227.00 – Lab Software

Purchase of Quality Management Software Service.

MARKET DEVELOPMENT

FY2025 – Charles Fontainer – Veteran or Young Farmer/Ag Enhancement & Diversification Grant - \$6,732.00

FY2025 – Swade King – Veteran or Young Farmer/Ag Enhancement & Diversification Grant - \$10,000.00

FY2025 – Matt Gard – Veteran or Young Farmer/Ag Enhancement & Diversification Grant - \$10,000.00

FY2025 – Benjamin Birdwell – Veteran or Young Farmer/Ag Enhancement & Diversification Grant - \$10,000.00

FY2025 – Carol Jones – Healthy Food Finance Grant - \$10,000.00

FY2025 – Lane Jackson – Healthy Food Finance Grant - \$10,000.00

FY2025 – Chris Beach/Tulsa Cornerstone Assistance Network – Healthy Food Finance Grant - \$10,000.00

FY2025 – Oklahoma School Garden Quick Start Guide & Oklahoma Farm to School Handbook – graphic design – funded entirely by Farm to School Formula Grant - \$10,500.00

OFFICE OF GENERAL COUNSEL

FY26 - \$5,328.00 for Thomson-Reuter Clear – This is a continued service with Thomson-Reuter. The Clear service allows OGC access to current, legal addresses and other information regarding individuals in enforcement, background checks or other business matters with the agency. Without having these services, investigative research and enforcement efforts would be slowed.

FY26 - \$22,956 for Thomson-Reuter Westlaw – This is a continued service with Thomson-Reuter. Westlaw allows OGC the ability to quickly access and review Oklahoma, Federal, and

other states' case law and statutes thereby speeding up legal research efforts. Without having these services, investigative research and enforcement efforts would be slowed.

FY26 - Contract for an OGC Administrative Law Judge – The Contract not to exceed \$10,000 to perform services as a Hearing Officer/Administrative Law Judge (ALJ) in cases assigned, in accordance with a signed agreement on file with the Oklahoma Department of Agriculture Food, and Forestry. The vendor will perform services at an hourly rate of \$125.00/hour.

WILDLIFE SERVICES

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

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

APPROVAL OF CASES

ON THIS 12th day of March 2025, 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 12th March Day of 2025.

Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
March 12, 2025

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>
Blake Harris	OGC-24-186	AEMS	\$115.00
Nhialong & Drou Her	OGC-24-714	AEMS	\$200.00

Animal Industry Service

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Rikki Vanorsdol	OGC-24-302	AIS	\$200.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Central Custom Ag Aviation	OGC-24-723	CPS	\$750.00
Family Dollar	OGC-24-245	CPS	\$2,250.00
Thompson Lawn Care	OGC-25-05	CPS	\$1,000.00

Consideration and Proposed Action on Cases Resolved by Consent Order

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Larry Hinds	OGC-24-44	CPS	\$300.00
Ponds RX dba Turnpro Aquatic	OGC-24-733	CPS	\$1,500.00
Maysea Lee, Dove28, LLC	OGC-24-867	CPS	\$5,000.00

Wheeler Brothers Grain Company

OGC-25-15

CPS

\$3,500.00

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. BLAKE HARRIS

Case File No. OGC-24-186

**BLAKE HARRIS
35304 S 4250 ROAD
INOLA, OK 74036**

Summary of Facts: The Agriculture Environmental Management Services (AEMS) Division of the Department sent the Respondent a renewal notice for their 2024 Poultry Waste Application (PWA) Certification. The Department sent a second notice by mail or email. A Letter of Warning was sent regarding the expired PWA Certification, and the renewal fee of Fifteen Dollars (\$15.00). The Respondent failed to submit the necessary forms for their PWA Certification and pay the renewal fee.

Statute or Rule Violation: Respondent violated 2 O.S. § 10-9.17(E)(1) by failing to submit all necessary forms for their PWA Certification and pay the renewal fee.

Proposed Administrative Penalty: The proposed penalty for this case was One Hundred and Fifteen Dollars (\$115.00). Respondent stipulated to and paid the penalty, as well as turned in the PWA Certification forms.

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
FEB 01 2025
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
BLAKE HARIS)
35304 S 4250 ROAD)
INOLA, OK 74036)
)
RESPONDENT.)

Case No: OGC-24-186

STIPULATION

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

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

RESPONDENT:

Blake Harris
Signature

Blake Harris
Printed Name and Title:

Date: 2-2-25

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

FILED
MAR 11 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

BLAKE HARIS)
35304 S 4250 ROAD)
INOLA, OK 74036)

RESPONDENT.)

Case No: OGC-24-186

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

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

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, § 31 and Okla. Stat. Tit. 2 § 2-4(16); accordingly, this is the proper forum to hear this matter.

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

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

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

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

ALLEGATIONS OF FACT

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

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

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

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

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

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

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

ALLEGED CONCLUSIONS OF LAW

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

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

a.) Administrative fines or penalties;

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

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

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

PRAYER FOR RELIEF

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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

DATED THIS _____ day of _____, 2024.

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

Abigail Wilburn

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Wendi Morse, OBA # 33571

Kiersten Hamill, OBA #33187

Abigail Wilburn, OBA #33641

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-6104

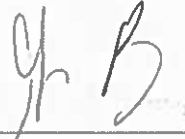
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

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

Requested, as follows:

**BLAKE HARIS
35304 S 4250 ROAD
INOLA, OK 74036**



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.)
)
BLAKE HARIS)
35304 S 4250 ROAD)
INOLA, OK 74036)
)
RESPONDENT.)

Case No: OGC-24-186

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. NHIALONG & DROU HER

Case File No. OGC-24-714

**NHIALONG & DROU HER
110080 S 4630 RD
SALLISAW, OK 74955**

Summary of Facts: The Agriculture Environmental Management Services (AEMS) Division of the Department sent the Respondent a reminder letter in the mail that the deadline for Poultry Feeding Operation (PFO) annual reports, is the first of September. A Letter of Warning was sent regarding the missing 2024 annual reports. The Respondent failed to submit the annual reports.

Statute or Rule Violation: Respondent violated 2 O.S. § 10-9.7(J) by failing to file their 2024 annual report by the first of September.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred Dollars (\$200.00). Respondent stipulated to and paid the penalty, as well as turned in the PFO annual reports.

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.

NHIALONG & DROU HER
110080 S 4630 RD
SALLISAW, OK 74955

RESPONDENT.

Case No: OGC-24-714

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (\$200.00) for this action and has accordingly signed this Resolution by Stipulation, attached the 2024 annual report, 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: 2-25-25

**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.)

**NHIALONG & DROU HER)
110080 S 4630 RD)
SALLISAW, OK 74955)**

RESPONDENT.)

FILED
JAN 23 2025
STATE BOARD OF AGRICULTURE

Case No: OGC-24-714

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. March 13, 2025**, 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 § 10-9.7(J) states: "*Every poultry feeding operation shall file by September 1 of each year an annual report with the Department regarding all poultry waste removed from or land-applied by the facility for the period from July 1 of the previous year through June 30 of that year...*"

18. That Act at Okla. Stat. Tit. 2 § 10-9.11(B)(1) states: "*In addition to the criminal penalties specified by this section, the Oklahoma Department of Agriculture, Food, and Forestry may take one or more of the following actions: a. assess an administrative penalty pursuant to [Section 2-18](#) of this title for each day of noncompliance related to administrative violations including but not limited to late filing of paperwork or incomplete paperwork,*"

ALLEGATIONS OF FACT

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

20. Annual reports for Poultry Feeding Operations (PFOs) shall be filled by September 1st of each year.

21. In May of 2024, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a reminder letter in the mail regarding the September 1 due date of PFO annual reports.

22. On or about September 16, 2024, the Department sent Respondent a Letter of Warning (LOW) regarding their missing annual report for 2024.

23. To date, the Respondent has failed to file their 2024 annual report.

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.7(J) by failing to file their annual report by the 1st of September.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

PRAYER FOR RELIEF

31. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 10-9.11(A)(1). In this case we are seeking a Two Hundred Dollar (\$200.00) administrative penalty, and submission of 2024 annual report.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

32. 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

33. 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

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

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

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

STIPULATION

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

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, **submit the 2024 annual report**, sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 23RD day of January, 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 23 day of Jan, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**NHIALONG & DROU HER
110080 S 4630 RD
SALLISAW, OK 74955**

JB

GINA BLAYLOCK

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-714

**NHIALONG & DROU HER)
110080 S 4630 RD)
SALLISAW, OK 74955)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (\$200.00) for this action and has accordingly signed this Resolution by Stipulation, attached the 2024 annual report, and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY

v. RIKKI VANORSDOL

Case File No. OGC-24-302

**Rikki Vanorsdol
36970 West Hwy 16
Bristow, OK 74010**

Summary of Facts: Respondent allowed cattle to leave livestock auction without first being individually identified.

Statute or Rule Violation: OAC 35:15-13-3(f)

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

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

STATE BOARD OF AGRICULTURE
FEB 20 2025

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
)
v.)
)
RIKKI VANORSOL)
36970 WEST HWY 16)
BRISTOW, OK 74010)
)
RESPONDENT.)

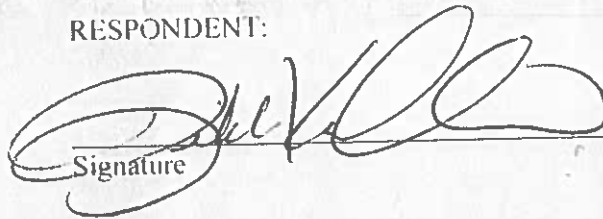
Case No: OGC-24-302

STIPULATION

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

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

RESPONDENT:


Signature

Rikki VanOrsdol, Respondent / Representative
Printed Name and Title: of Mid Am Gateboard

Date: 2/4/2025

**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.)

**RIKKI VANORSOL)
36970 WEST HWY 16)
BRISTOW, OK 74010)**

RESPONDENT.)

FILED
DEC 19 2024
STATE BOARD OF AGRICULTURE

Case No: OGC-24-302

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on February 13, 2025 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(3); 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/operating MidAmerica Stockyards, located at 36970 West HWY 16 in Bristow, Oklahoma.

16. Pursuant to 2 O.S. § 6-2(A), ODAFF has authority to regulate livestock within the state.

17. OAC 35:15-13-3(f) states: *"No person owning, operating, conducting, or maintaining a livestock auction market shall allow any of the following animals to leave the livestock auction market unless it is individually identified by an official identification with an exception for weak cattle or cattle that pose a greater than normal risk of being injured or injuring a person: (1) All beef cattle eighteen (18) months of age or older, except terminal fed steers and heifers, going directly to a feedlot or slaughter which will not be reintroduced into the breeding herd; (2) All dairy cattle; (3) All "M" branded cattle including any commingled cattle, and (4) All roping, exhibition, event, and rodeo cattle."*

ALLEGATIONS OF FACT

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

19. Respondent own/operates a livestock auction market in Bristow, Ok.

20. On or about May 11, 2024, the Animal Industry Division of the Department was made aware of cattle at a livestock auction that were not documented by the veterinarian on site.

21. On or about May 13, 2024, the Animal Industry Division of the Department sent Respondent a Letter of Warning documenting the violation.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, Respondent violated OAC 35:15-13-3(f) by allowing two (2) cattle to leave the livestock auction without first being individually identified.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

27. Pursuant to 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 Two Hundred Dollars (\$200.00).

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

DATED THIS 18 day of December, 2024.

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

Wendi Morse

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abigail 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 19 day of Dec, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

RIKKI VANORSOL
36970 WEST HWY 16
BRISTOW, OK 74010

GP!

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.)
)
RIKKI VANORSOL)
36970 WEST HWY 16)
BRISTOW, OK 74010)
)
RESPONDENT.)

Case No: OGC-24-302

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. CENTRAL CUSTOM AG AVIATION

Case File No. OGC-24-723

CENTRAL CUSTOM AG AVIATION

3195 CR 1140

HYDRO, OK 73048

Summary of Facts: In May of 2024, an investigation was conducted at a residence in Washita County near Cordell, Oklahoma. During this investigation, our inspector found that Respondent made an application using Patriot and Weedmaster below the volume required by the product label.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86(A)(4) by using a pesticide in a manner inconsistent with its label.

Proposed Administrative Penalty: The proposed penalty for this case was Seven Hundred Fifty Dollars (\$750.00). Respondent stipulated and paid.

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-24-723

**CENTRAL CUSTOM AG AVIATION)
3195 CR 1140)
HYDRO, OK 73048)**

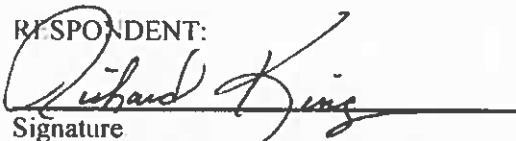
RESPONDENT.)

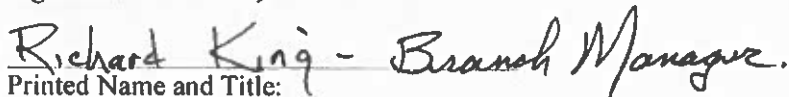
STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Seven Hundred Fifty Dollars (\$750.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:


Signature


Printed Name and Title:

Date: 1-6-25

**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.)

**CENTRAL CUSTOM AG AVIATION)
3195 CR 1140)
HYDRO, OK 73048)**

RESPONDENT.)

FILED
DEC 10 2024
STATE BOARD OF AGRICULTURE

Case Nos: OGC-24-723

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 9th day of January 2025, 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 application 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 28, 2024, a complaint investigation was performed by the Consumer Protection Division of the Department at his farm located in the NW ¼ & N1/2 N1/2 section 15 9N 16W in Washita County near Cordell, OK.

19. During this investigation, our inspector found that your company made an application to a pasture in the NW ¼ of section 14-9N-16W.

20. According to your application records on May 7, 2024, you applied Patriot and Weedmaster to the field at a rate of 1.81 gallons per acre.

21. The Patriot label requires that an application volume of 2-10 gallons per acre be applied aerially, and the Weedmaster label requires that an application volume of 3-10 gallons be applied aerially.

22. According to our investigation you applied the products below the volume required by the product labels.

23. Using a pesticide in a manner inconsistent with its label is violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(4).

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(4) which is 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.”

PRAAYER FOR RELIEF

25. The Department is seeking an administrative penalty in the amount of **Seven Hundred Fifty Dollars (\$750.00)**.

ATTORNEY CONFERENCES

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

ENFORCEMENT PROCEEDINGS

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

32. 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

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Seven Hundred Fifty Dollars (\$750.00)**.

39. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check

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

DATED THIS 25th day of November, 2024.

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

Kiersten Wormus

Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA #33571
Kiersten Wormus, 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 Dec day of 10th, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CENTRAL CUSTOM AG AVIATION
3195 CR 1140
HYDRO, OK 73048**

YAB

Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case Nos: OGC-24-723

**CENTRAL CUSTOM AG AVIATION)
3195 CR 1140)
HYDRO, OK 73048)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Seven Hundred Fifty Dollars (\$750.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. 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 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 24-245/BAL

FAMILY DOLLAR #25804)
911 E BROADWAY)
ENID, OK 73701)

RESPONDENT.)

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

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**

Gina Blaylock

Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case No: OGC 24-245

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

RESPONDENT.)

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

DATE 4/5/2024

COUNTY Garfield

LOCATION*

CORPORATE

AGN NUMBER AGN0062619

AGN NUMBER

Family Dollar
911 E Broadway Ave
Enid



2024 APR

MANAGER Courtney

INSPECTION TYP Followup

Original Insp# 24-JCB-0021

TELEPHONE* (580) 242-4244

Other Store Type

ITEM STATUS

NON-SALE

TYPE OF STORE MASS MERCHANDISER

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
bo/s camo bb szM 4pk	194423037290	\$7.50	\$8.00	(\$0.50)
mr. clean liquid lemon 41 fl oz	030772112915	\$4.00	\$6.00	\$2.00)
fabuloso cleaner lavender 33.8fl oz	035000530967	\$2.75	\$3.50	(\$0.75)
TC chld allergy 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 sltzr HB relief frt 66 ct	016500592822	\$8.00	\$9.00	(\$1.00)
little tree wild chery air frsh 3pk	076171320117	\$3.35	\$3.50	(\$0.15)
FP rawhide free basted sticks 6pc	032261901774	\$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	\$2.60	\$2.75	(\$0.25)
cg lsh bist volume vry blk .44fl oz	022700097777	\$9.00	\$10.00	(\$1.00)
canada dry gin erale 2L bottle	078000162463	\$2.35	\$2.65	(\$0.30)
mott's apple juice 64fl oz	014800000344	\$3.35	\$3.75	(\$0.40)
MB homog whole white milk 128fl oz	072060001174	\$3.85	\$4.05	(\$0.20)
MB 2pct white milk 64fl oz	072060007114	\$2.90	\$2.95	(\$0.05)

Total Number Checked 100 **Total Number Of Violation** 15 **Accuracy** 85% **Inspection Result** 84% **Notice of Violation** 4-11-2024

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 Amador* **INSPECTOR***

Joseph Baker *JB* 4-5-2024

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. THOMPSON LAWN CARE

Case File No. OGC-25-05

**THOMPSON LAWN CARE
2613 E. EUCALYPTUS
ENID, OK 73701**

Summary of Facts: In July of 2024, an investigation was conducted at a residence in Enid, Oklahoma. During this investigation, our inspector found that Respondent made an application using Trimec 992 and Target 6.6 MSMA. The Environmental Protection Agency banned the use of MSMA on lawns, and Target 6.6 MSMA is not labeled to be applied to lawns.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86(A)(4) by using a pesticide in a manner inconsistent with its label.

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

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FEB 20 2025
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-25-05

THOMPSON LAWN CARE)
2613 E. EUCALYPTUS)
ENID, OK 73701)

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Alan Thompson
Signature

Alan Thompson CWIP
Printed Name and Title:

Date: 2/18/25

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JAN 07 2025
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

THOMPSON LAWN CARE)
2613 E. EUCALYPTUS)
ENID, OK 73701)

RESPONDENT.)

Case Nos: OGC-25-05

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 13th day of March 2025**, 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 application 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 July 24, 2024, a use inspection was performed by the Consumer Protection Division of the Department at 102 S. Cimarron Dr. in Enid, OK.

19. During this investigation, our inspector found that you had just completed a lawn application at this residence. When asked what was being sprayed you informed our inspector that you applied Trimec 992 and Target 6.6 MSMA.

20. Our inspector took a sample of your tank mix during this inspection and Dicamba, 2,4-D, and MSMA were detected in the sample.

21. The Environmental Protection Agency banned the use of MSMA on lawns, and Target 6.6 MSMA is not labeled to be applied to lawns.

22. Applying pesticide in a manner inconsistent with its label is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(4).

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) which is 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.”

PRAYER FOR RELIEF

24. The Department is seeking an administrative penalty in the amount of **One Thousand Dollars (\$1,000.00)**.

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.wormus@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 (\$1,000.00)**.

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 7th day of February, 2025.

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

Kiersten Wormus

Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA #33571
Kiersten Wormus, 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 17th day of Jan, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**THOMPSON LAWN CARE
2613 E. EUCALYPTUS
ENID, OK 73701**



Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case Nos: OGC-25-05

**THOMPSON LAWN CARE)
2613 E. EUCALYPTUS)
ENID, OK 73701)**

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. LARRY HINDS

Case File No. OGC-24-44

**LARRY HINDS
HC 2 BOX 33
BOISE CITY, OK 73933**

Summary of Facts: In August of 2023, a drift complaint investigation was conducted in Cimarron County, Oklahoma. During this investigation, the Department found that Respondent had applied paraquat to his field. Paraquat is a restricted-use pesticide. Paraquat products and ODAFF require the applicator to be certified, and application records must be kept. In December of 2023, a records request was sent to Respondent, and the Respondent did not respond until fifty-one (51) days after the due date.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-17-21(d) by failing to timely submit records to the Department.

Proposed Administrative Penalty: The proposed penalty for this case was Three Hundred Dollars (\$300.00).

Deviations: Respondent and Department entered a settlement for a one (1) year deferment. If the Respondent has no additional infractions and complies with the terms of the settlement during that year, the penalty will be waived, and the matter will be closed. The deferment was entered based on the violation and Respondent's lack of prior violations.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JAN 28 2025
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

LARRY HINDS)
HC 2 BOX 33)
BOISE CITY, OK 73933)

RESPONDENT.)

Case No: OGC-24-44

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 Larry Hinds (the "Respondent").

AUTHORITY

2. 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

3. On the 2nd day of August 2024, the Department issued an Amended Notice of Violation in Case No. OGC-24-44, ("Notice") to the Respondent, 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

4. In compromise of *this matter*, respondent will be subject to a one (1) year deferred prosecution agreement. As part of said agreement Respondent agrees that there will not be any infractions committed by him for one (1) year. Upon completion of that one (1) year, ODAFF will consider this matter fully resolved and closed. The one-year time begins to toll upon approval of the ODAFF Board.

EFFECT OF THE AGREEMENT

5. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
6. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
7. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

NO ADMISSION

8. 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

9. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

10. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

NOTICE

11. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Hamill
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For Respondent:


LARRY HINDS
HC 2 BOX 33
BOISE CITY, OK 73933

MISCELLANEOUS

12. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
13. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
14. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
15. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
16. 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.
17. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY



Kenny Naylor, Director
Consumer Protection Services
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-0625

Date: 1/28/2025

- and by -

RESPONDENT



LARRY HINDS
HC 2 BOX 33
BOISE CITY, OK 73933

Date: 1-8-2025

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

FILED
AUG 02 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-24-44

LARRY HINDS)
HC 2 BOX 33)
BOISE CITY, OK 73933)

RESPONDENT.)

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 10th day of October 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 applying restricted pesticides to property located in Cimarron County, 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 August 2, 2023, the Consumer Protective Services Division of the Department conducted a consumer complaint investigation in Cimarron County, Oklahoma.

19. During this investigation the ODAFF inspector took a sample from Mr. Hinds' fallow field in section 4-3N-8E. This sample tested positive for 2,4-D and Paraquat.

20. Paraquat is a restricted use pesticide. Paraquat products and ODAFF require the applicator be certified, and application records must be kept.

21. ODAFF records show that Mr. Hinds is a certified private applicator.

22. On December 4, 2023, ODAFF sent an application records request to Mr. Hinds for records of applications to the field referenced above. The records were due to ODAFF on December 11, 2023.

23. The records were not provided to ODAFF within seven (7) working days from the request.

24. On January 25, 2024, a Letter of Warning was sent to the Respondent.

25. On January 31, 2024, ODAFF received the records from Respondent. The records were fifty-one (51) days past the due date.

ALLEGED CONCLUSIONS OF LAW

26. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-17-21(d) which states: "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."

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.wormus@ag.ok.gov.

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

PRAYER FOR RELIEF

38. The Department is seeking an administrative penalty of **Three Hundred Dollars (\$300.00)**.

STIPULATION

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Three Hundred Dollars (\$300.00)**.

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 2nd day of August, 2024.

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

Kiersten Wormus

Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA #33571
Kiersten Wormus, 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 2 day of Aug., 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

LARRY HINDS
HC 2 BOX 33
BOISE CITY, OK 73933

GB.

Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-44

**LARRY HINDS)
HC 2 BOX 33)
BOISE CITY, OK 73933)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Hundred Dollars (\$300.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. PONDS RX DBA TURNPRO AQUATICS

Case File No. OGC-24-733

**PONDS RX DBA TURNPRO AQUATICS
22995 COVE WOOD CIR
EDMOND, OK 73025**

Summary of Facts: In May of 2024, an investigation was conducted Welch Park in Yukon, OK where a fish kill event was reported. During this investigation, our inspector received records from Respondent. The records provided failed to include the exact location of the pond and size of the area for both applications. In June of 2024, the Department received an email from Respondent stating that 4.47 acres of the pond were treated both times. According to Respondent's application records and the size of the pond at Welch Park, both applications did not follow the label directions for treatment, which resulted in the fish kill due to oxygen depletion. Specifically, the label requires that only half of the water area be treated at one time.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-83(A), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(8), and O.A.C. 35:30-17-21(a) by applying a pesticide in a manner inconsistent with the product label and failing to maintain complete and accurate records.

Proposed Administrative Penalty: The proposed penalty for this case was Five Thousand Dollars (\$5,000.00).

Deviations: Respondent and Department entered a settlement for One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00). The remaining penalty of Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00) is subject to a one (1) year deferment. If Respondent has no additional infractions during that one (1) year, the remaining penalty will be waived, and the matter will be closed.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

FILED
FEB 25 2025
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-24-733

**PONDS RX DBA TURNPRO AQUATICS)
22995 COVE WOOD CIR)
EDMOND, OK 73025)**

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 Ponds RX DBA Turnpro Aquatics (the "Respondent").

AUTHORITY

2. 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

3. On the 10th day of December 2024, the Department issued an Amended Notice of Violation in Case No. OGC-24-733, ("Notice") to the Respondent, 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

4. In compromise of *this matter*, Respondent shall pay to the Department an administrative penalty of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00). The case is to be settled under the following terms:
 - a. Respondent will be subject to a one (1) year deferred prosecution agreement. As part of said agreement Respondent agrees that there will not be any infractions committed for one (1) year. Upon completion of that one (1) year, ODAFF will consider this matter fully resolved and closed.

- b. If the Respondent does not meet the requirements of the deferment, the ODAFF Board will issue an Order, upon filing of a new Notice of Violation, for the remaining penalty of Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00). Payment of the remaining penalty for *this matter* will be due thirty (30) days after the Order is issued.
- c. The one-year time begins to toll upon approval of the ODAFF Board.

EFFECT OF THE AGREEMENT

5. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
6. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
7. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

NO ADMISSION

8. 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

9. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

10. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

NOTICE

11. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Wormus
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For Respondent:

Tina Izadi
Attorney for Ponds RX DBA Turnpro Aquatics
16354 Muirfield Place, Suite B
Edmond, OK 73013

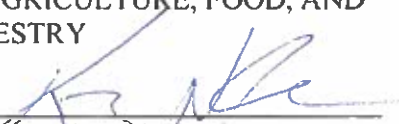
MISCELLANEOUS

12. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
13. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
14. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.

15. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
16. 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.
17. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:


OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY


Kenny Naylor, Director
Consumer Protection Services
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-0625

Date: 2/25/25

- and by -

PONDS RX DBA TURNPRO AQUATICS


Tina Izadi
Attorney for Ponds RX DBA Turnpro Aquatics
16354 Muirfield Place, Suite B
Edmond, OK 73013

Date: 2/21/25

**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-24-733

**PONDS RX DBA TURNPRO AQUATICS)
22995 COVE WOOD CIR)
EDMOND, OK 73025)**

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 13th day of February 2025**, 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 application 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 15, 2024, a complaint investigation was performed by the Consumer Protection Division of the Department at the Welch Park, 615 Annawood Drive, Yukon, OK 73099, where a fish kill event was reported.

19. On May 20, 2024, the Department emailed a request for records to Respondent. On May 30, 2024, the Department received incomplete records from Respondent. The records provided failed to include the exact location of the pond and size of the area for both applications.

20. The records that were received showed that Respondent had completed two water treatments using Copper Sulfate Crystals on April 22nd and May 7th of 2024.

21. On June 4, 2024, the Department received an email from Respondent stating that 4.47 acres of the pond was treated both times.

22. According to the Oklahoma Department of Wildlife Conservation the pond at Welch Park is 4.00 acres.

23. The Instructions for use on the Copper Sulfate Crystals label states that treatment of algae can result in oxygen loss from decomposition of dead algae. This loss can cause fish suffocation. Therefore, to minimize this hazard, treat no more than one-half of the water area in a single operation and wait at least 14 days between treatments.

24. On June 28, 2024, the Department issued a Letter of Warning to Respondent. The Department received a response from Respondent reiterating that the area covered for the application was 4.47 acres.

25. According to Respondent's application records and the size of the pond at Welch Park, both applications did not follow the label directions for treatment, which resulted in the fish kill due to oxygen depletion. Specifically, the label requires that only half of the water area be treated at one time.

26. Applying a pesticide in a manner inconsistent with the product label and failing to maintain complete and accurate records are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-83(A), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(8), and O.A.C. 35:30-17-21(a).

ALLEGED CONCLUSIONS OF LAW

27. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-83(A), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(8), and O.A.C. 35:30-17-21(a) 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.”

- 2 O.S. §3-86(A)(4): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”
- 2 O.S. §3-86(A)(8): “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: 8. Failure or refusal to keep and maintain complete and accurate records as specified in this subarticle.”

- 35:30-17-21(a):
 - (a) Commercial and non-commercial applicators shall keep accurate records pertaining to pesticide activities, which, at a minimum, show:
 - (1) Start and stop time of application.
 - (2) Total amount of pesticide used.
 - (3) Name and address of the commercial or non-commercial company.
 - (4) Name, certification number, and certification expiration date of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
 - (5) Name and address of person for whom applied.
 - (6) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
 - (7) Date of application.
 - (8) Application rate.
 - (9) Dilution rate for mixing.
 - (10) Total quantity tank mix used.
 - (11) Complete trade name of pesticide product used.
 - (12) EPA registration number of pesticide product used.
 - (13) Name of adjuvants used when the label requires specific adjuvants.
 - (14) Name of drifting agents used when the label requires specific drifting agents.
 - (15) Target pest for the application.
 - (16) Site where the pesticide was applied.
 - (17) Size of the area treated.
 - (18) Restricted Entry Interval as stated on the product label.
 - (19) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
 - (20) Copies of any contracts issued.
 - (21) Copies of any wood infestation reports issued.
 - (22) Other information as required by the Board.”

PRAYER FOR RELIEF

28. The Department is seeking an administrative penalty in the amount of **Five Thousand Dollars (\$5000.00)**.

ATTORNEY CONFERENCES

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

ENFORCEMENT PROCEEDINGS

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

35. 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

36. 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

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 **Five Thousand Dollars (\$5000.00)**.

42. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may 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 6th day of December, 2024.

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

Kiersten Wormus

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

CERTIFICATE OF MAILING

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

**PONDS RX DBA TURNPRO AQUATICS
22995 COVE WOOD CIR
EDMOND, OK 73025**

Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case Nos: OGC-24-733

**PONDS RX DBA TURNPRO AQUATICS)
22995 COVE WOOD CIR)
EDMOND, OK 73025)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Thousand Dollars (\$5000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. DOVE28, LLC

Case File No. OGC-24-867

**MAYSEA LEE
DOVE28, LLC
11601 WALLACE AVENUE
OKLAHOMA CITY, OK 73162**

Summary of Facts: In December of 2024, an investigation was conducted into the Respondent. During this investigation, the Department found that Respondent was selling clones that had not been tested within thirty (30) days prior to harvesting. Based on the investigation Respondent handled, processed, and/or sold non-compliant hemp which entered the stream of commerce. Specifically, Respondent sold untested hemp plants and allowed them to enter the stream of commerce. Additionally, Respondent failed to submit the Inspection Request Forms for all harvests, interfered with the inspection process and failed to follow transportation rules.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(5), O.A.C. 35:30-24-12(h)(10), and O.A.C. 35:30-24-12(h)(12) by failing to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department, interfering with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections, handling, processing, or selling non-compliant hemp which enters the stream of commerce, and failing to follow transportation rules.

Proposed Administrative Penalty: The proposed penalty for this case was Five Thousand Dollars (\$5,000.00).

Deviations: Respondent and Department entered a settlement for a two (2) year deferment. If the Respondent has no additional infractions and complies with the terms of the settlement during those two (2) years, the penalty will be waived, and the matter will be closed. The deferment was entered based on the parent plant of the clones testing below the THCa threshold earlier in the year.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
FEB 21 2025
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-24-867

MAYSEA LEE)
DOVE28, LLC)
11601 WALLACE AVENUE)
OKLAHOMA CITY, OK 73162)

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 Dove28, LLC (the "Respondent").

AUTHORITY

2. 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

3. On the 8th day of January 2025, the Department issued an Amended Notice of Violation in Case No. OGC-24-867, ("Notice") to the Respondent, 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

4. In compromise of *this matter*, this case is to be settled under the following terms:
 - a. This matter will be subject to a two (2) year deferred prosecution agreement.
 - b. As part of said agreement, the Respondent agrees that within two (2) years there will be no violations of the Oklahoma Industrial Hemp Act, or the Oklahoma Industrial Hemp Program rules committed by Respondent.
 - c. Respondent will timely submit all required reports and comply with testing of clones prior to harvest and sale.

- d. If the Respondent does not meet the requirements of the deferment, the ODAFF Board will issue an Order, upon filing of a new Notice of Violation, for the remaining penalty of Five Thousand Dollars and Zero Cents (\$5,000.00). Payment of the remaining penalty for this matter will be due thirty (30) days after the Order is issued.
- e. The two-year period begins upon approval of the ODAFF Board.
- f. Upon signatures of both parties, ODAFF will issue a conditional license renewal.
- g. Upon approval by the Board, ODAFF will issue a grower license to Dove28, LLC.
- h. Upon the completion of two years without a violation this matter will be considered settled and closed.

EFFECT OF THE AGREEMENT

5. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
6. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
7. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

NO ADMISSION

8. 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

9. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

10. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

NOTICE

11. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Wormus
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For Respondent:

Maysea Lee
Dove28, LLC
11601 Wallace Avenue
Oklahoma City, OK 73162

MISCELLANEOUS

12. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
13. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
14. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.

15. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
16. 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.
17. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY

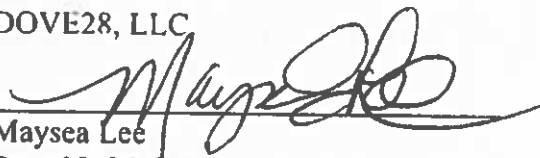


Kenny Naylor, Director
Consumer Protection Services
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-0625

Date: 2/21/25

- and by -

DOVE28, LLC



Maysea Lee
Dove28, LLC
11601 Wallade Avenue
Oklahoma City, OK 73162

Date: 2/14/2025

**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.)

MAYSEA LEE)
DOVE28, LLC)
11601 WALLACE AVENUE)
OKLAHOMA CITY, OK 73162)

RESPONDENT.)

Case No: OGC-24-867

FILED
JAN 06 2025
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 13th day of February 2025 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 growing and handling commercial hemp.

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

ALLEGATIONS OF FACT

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

18. In December of 2024, the Consumer Protective Services Division of the Department performed an investigation.

19. During the investigation, the Department was informed that Respondent was selling clones.

20. The last inspection request submitted to the Department for testing of hemp was in January of 2024.

21. Based on the investigation Respondent handled, processed, and/or sold non-compliant hemp which entered the stream of commerce. Specifically, Respondent sold untested hemp plants and allowed them to enter the stream of commerce.

22. Respondent failed to submit the Inspection Request Forms for all harvests.

23. Respondent interfered with the inspection process by failing to comply with the Oklahoma Industrial Hemp Program Laws & Rules.

24. Respondent failed to follow transportation rules by failing to comply with the Oklahoma Industrial Hemp Program Laws & Rules.

25. Based on the allegations above, the Respondent has violated the Oklahoma Industrial Hemp Program Laws & Rules, specifically O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(5), O.A.C. 35:30-24-12(h)(10), and O.A.C. 35:30-24-12(h)(12).

ALLEGED CONCLUSIONS OF LAW

26. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(5), O.A.C. 35:30-24-12(h)(10), and O.A.C. 35:30-24-12(h)(12) which are stated below:

- O.A.C. 35:30-24-12(h)(2): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department.”
- O.A.C. 35:30-24-12(h)(5): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (5) Interference with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections.”

- O.A.C. 35:30-24-12(h)(10): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (10) Handling, processing, or selling non-compliant hemp which enters the stream of commerce.”
- O.A.C. 35:30-24-12(h)(12): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (12) Failure to follow transportation rules as provided within this subchapter.”

PRAYER FOR RELIEF

27. The Department is seeking an administrative penalty in the amount of **Five Thousand Dollars (\$5,000.00)**.

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 405-522-5803 or by email at Kiersten.wormus@ag.ok.gov.

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. Any person, holder or non-holder of a valid license violating any of the provisions of 2 O.S. §3-86(A)(1)-(22) shall be guilty of a misdemeanor and shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00), imprisonment in the county jail for not less than thirty (30) days and not more than one (1) year, or both.

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

40. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Thousand Dollars (\$5,000.00)**.

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

DATED THIS 6th day of January, 2025.

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

Kiersten Wormus

Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA #33571
Kiersten Wormus, 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 8th day of Jan., 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**Maysea Lee
Dove28, LLC
11601 Wallace Avenue
Oklahoma City, OK 73162**



Gina Blaylock

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. WHEELER BROTHERS GRAIN COMPANY

Case File No. OGC-25-15

**WHEELER BROTHERS GRAIN COMPANY
320 N. GRANT
CORDELL, OK 73632**

Summary of Facts: In August of 2024, an investigation was conducted near Dill City in rural Washita County, Oklahoma. During this investigation, our inspector found that Respondent's employee was applying Axill Solutions Paraquat 3SL. Axill Solutions Paraquat 3SL is a restricted use product, and the product label requires that it only be applied by certified applicators. At the time of this investigation, Respondent's employee was not a certified applicator and had not taken the required Paraquat training.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86(A)(4) and O.A.C. 35:30-17-25(h) by applying a pesticide in a manner inconsistent with the product label and allowing a non-certified individual to apply a restricted use pesticide.

Proposed Administrative Penalty: The proposed penalty for this case was Five Thousand Dollars (\$5,000.00).

Deviations: Respondent and Department entered a settlement for Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00). The monetary penalty for this matter was reduced to remain consistent with other cases and the Respondent agreed to consent order reflecting that reduction.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

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

Complainant,)

v.)

**WHEELER BROTHERS)
GRAIN CO. CORDELL)
320 N. GRANT)
CORDELL, OK 73632)**

Respondent,)

Case No: OGC-25-15

FILED
FEB 03 2025
STATE BOARD OF AGRICULTURE

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Wheeler Brothers Grain Company (the "Respondent").

AUTHORITY

2. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(16).

DEPARTMENT'S NOTICE

3. On the 27th day of January 2025, the Department issued a Notice of Violation in Case No. OGC-25-15, ("Notice") to the Respondent, 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

4. In compromise and full settlement of *this matter*, respondent shall pay to the Department an administrative penalty of Three Thousand Five Hundred Dollars and Zéro Cents (\$3,500.00).
5. Upon the execution of this agreement by both parties, payment shall be made within thirty (30) days by Respondent 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

6. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based on or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
7. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
8. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

NO ADMISSION

9. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of 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

10. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in 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

11. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

NOTICE

12. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Wormus
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For Respondent:

Todd Lafferty
Wheeler Brothers Grain Co.
PO Box 29
Watonga, OK 73772

MISCELLANEOUS

13. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
14. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
15. Payment for the administrative penalty shall be presented 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.
16. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
17. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.

18. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.

19. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

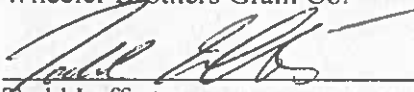
OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY

Kenny Naylor, Director
Consumer Protection Services
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-0625

Date: _____

- and by -

Wheeler Brothers Grain Co.



Todd Lafferty
Wheeler Brothers Grain Co.
PO Box 29
Watonga, OK 73772

Date: 1/29/2025

**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.)

**WHEELER BROTHERS)
GRAIN CO. CORDELL)
320 N. GRANT)
CORDELL, OK 73632)**

RESPONDENT.)

FILED

JAN 27 2025

STATE BOARD OF AGRICULTURE

Case Nos: OGC-25-15

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 13th day of March 2025**, 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 application of pesticide.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate people 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 August 21, 2024, a use inspection was performed by the Consumer Protection Division of the Department near Dill City in rural Washita County.

19. During this investigation, our inspector observed your employee Danny Rolens making an application in section 30-10N-18W. Mr. Rolens informed our inspector that he was applying Axill Solutions Paraquat 3SL.

20. Axill Solutions Paraquat 3SL is a restricted use product, and the product label requires that it only be applied by certified applicators.

21. At the time of this inspection Mr. Rolens was not a certified applicator and had not taken the required Paraquat training.

22. A tank mix sample was taken from the application rig, and 0.826% of Paraquat was detected in the sample.

23. Applying a pesticide in a manner inconsistent with the product label and allowing a non-certified individual to apply a restricted use pesticide are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(4) and O.A.C. 35:30-17-25(h).

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(4) and O.A.C. 35:30-17-25(h) 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.”
- O.A.C. 35:30-17-25(h): “A noncertified applicator shall receive approved safety training from a certified applicator or qualified trainer prior to application of a restricted use pesticide as outlined in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 40 CFR Section 171.201.”

PRAYER FOR RELIEF

25. The Department is seeking an administrative penalty in the amount of **Five Thousand Dollars (\$5,000.00)**.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

32. 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

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Thousand Dollars (\$5,000.00)**.

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

DATED THIS 24th day of January, 2025.

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


Kiersten Wormus

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

CERTIFICATE OF MAILING

This is to certify that on this 27 day of Jan., 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

Todd Lafferty
Wheeler Brothers Grain Co.
PO Box 29
Watonga, OK 73772



Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case Nos: OGC-25-15

**WHEELER BROTHERS)
GRAIN CO. CORDELL)
320 N. GRANT)
CORDELL, OK 73632)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Thousand Dollars (\$5,000.00)** 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: _____

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (this "Contract") is entered into by and between COMARK EQUITY ALLIANCE ("CEA"), WESTERN PRODUCERS COOPERATIVE ("WPC"), and the OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY ("ODAFF") with an effective date of January 24th, 2025 (the "Effective Date"). CEA, WPC, and ODAFF are each a "party" and collectively the "parties."

RECITALS

WHEREAS, WPC operates grain facilities in Rocky, Sentinel and Dill City.

WHEREAS, on December 2, 2024: (a) WPC had 34,783.75 bushels of wheat in terminal open storage with CEA; and (b) WPC had 37 customers with 33,912.26 bushels of wheat in open storage with WPC that have yet to sell their wheat to WPC (the "Customers").

WHEREAS, it is anticipated that WPC will soon be unable to continue operations, that WPC and CEA both use AgTrax, and that WPC and ODAFF have requested that CEA assume the obligations of purchasing open storage wheat directly from the Customers.

WHEREAS, WPC charges storage for wheat in open store to its customers, and CEA charges storage to WPC for its terminal open store wheat with CEA.

WHEREAS, WPC's storage rate is \$0.00134 per bushel per day (approximately 4 cents per bushel per month), and CEA's storage rate is \$0.00167 per bushel per day (approximately 5 cents per bushel per month).

WHEREAS, CEA is unable to change its storage rate to WPC's storage rate on the Customers' accounts assigned to CEA; and CEA is unable to determine which loads of WPC's terminal open store wheat were owned by any particular WPC Customer.

WHEREAS, the parties desire to enter into this Contract to govern the purchase of the remaining open store wheat of the Customers (and any remaining terminal open store wheat owned by WPC) and to agree to allocate storage charges in a manner that is workable for the parties and fair to the Customers, WPC and CEA.

AGREEMENT

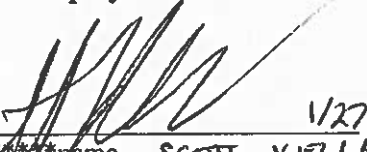
1. CEA will be assigned the accounts of the Customers to the extent of their wheat in open storage as of the date WPC and CEA sign this agreement.
2. On the Effective Date, the open store wheat bushels of the Customers shall be transferred from WPC's AgTrax system into CEA's AgTrax system by using one ticket for the total bushels in each Customer account. For example, if Customer A has 11,200 bushels of 2024 open store wheat in their account with WPC with 12 different tickets on the Effective Date, Customer A's wheat shall be transferred to CEA with one ticket for 11,200 bushels.

3. No grades will be transferred to CEA, and no premiums will be paid or discounts taken on the bushels purchased by CEA from the Customers.
4. On the effective date, the Customers will each have a start storage date of December 2, 2024 (the "Start Storage Date") with a daily storage rate of \$0.00167 per bushel per day. After the effective date CEA will purchase wheat from the Customers at CEA's Hobart farmer bid, less storage.
5. Due to poor quality on wheat shipped to CEA. The discounts on the 34,783.75 bushels shipped to CEA on December 2, 2024 totaled \$33,582.23. Any grain purchased from WPC up to the effective date will be used to pay down the \$33,582.23 worth of discounts. If there is a long, those bushels will be sold of the effective date to pay down the discounts first.
6. Since December 2nd, 2024 WPC has sold CEA a total of 10,358.73 bushels of wheat. This was done in two separate transactions in which CEA will ACH this total amount less discounts to the WPC's account at the All American Bank. These sales will bring their open storage bushel quantity down to 23,553.53 bushels. These bushels will transfer over as stated in "2" on the effective date.
7. On the Effective Date, WPC's accrued storage owed to CEA on WPC's terminal open storage wheat will be eliminated except to the extent of WPC's terminal open store bushels that exceed the open store bushels of the Customers. Any excess terminal open store wheat owned by WPC will be purchased by CEA at CEA's Hobart, OK bid, plus 10 cents/bushel, less storage on the effective date. This dollar figure will first be applied to any discount money owed to CEA and the remainder will be ACH to WPC's account with All American Bank.
8. WPC will be responsible for invoicing customers their storage amounts due up to the start storage date of December 2, 2024. (the date CEA first received terminal open store wheat from WPC); and storage will accrue to the benefit of CEA after December 2, 2024 through the date of sale by the Customers at a rate of .00167 per bushel per day.
9. Nothing contained in this Contract shall be considered to be an extension of the Charter between the Board and WPC, nor shall the provisions constitute a waiver of any rights of the Board, or causes of action by the Board, against WPC arising from the performance, or failure of performance, of any of the terms or conditions of the Oklahoma Public Warehouse and Commodity Storage Indemnity Act, 2 O.S. 2001, Section 9-20 *et seq.* and promulgated Rules.


This Contract may be signed by physical wet ink signature, electronically, or by facsimile and in separate counterparts, which may be scanned or otherwise electronically reproduced as pdf and exchanged by email, and all such signed counterparts will constitute a single signed document. In the event a dispute arises between the parties in connection with this Contract, the defaulting party or the party not prevailing in such dispute, as the case may be, shall pay any and all costs and expenses incurred by the other party(ies) in enforcing or establishing its rights hereunder, including, without limitation, court costs and reasonable attorney's fees.

-----[Signatures appear on following page(s)]-----
IN WITNESS WHEREOF, the parties hereto executed this Contract as of the day and year first written above.

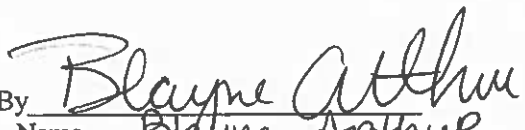
CoMark Equity Alliance:

By:  1/27/25
****Name SCOTT KELLER
****position CEO

Western Producers Cooperative:

By: 
Name Eddie Diffschaller
Its WPC board President

Oklahoma Board of Agriculture:

By:  1/28/25
Name Blayne Arthur
Its President

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

Water Quality Services Division)
Oklahoma Department of Agriculture,)
)
Complainant,)
)
vs.)
)
Kronseder Farms, Inc. and)
The Hanor Company, Inc.,)
Hanor Roberts Ranch)
License No. 1489)
Woodward County, Oklahoma,)
)
Respondents.)

Case No. WQC-00-190

**ORDER WITHDRAWING AND VACATING
CONSENT AGREEMENT AND FINAL ORDER**

This matter comes on for consideration by the Oklahoma State Board of Agriculture (the “Board”), with the Complainant appearing by and through its counsel, Teena G. Gunter of the Oklahoma Department of Agriculture, Food and Forestry, and the Respondents¹, appearing by and through their counsel, Brendon S. Atkinson of The Atkinson Law Firm, PLLC.

FINDINGS OF FACT

The Board finds that:

1. This proceeding was initiated by the Oklahoma Department of Agriculture, Food and Forestry (“ODAFF”) by service of a Notice of Violation upon Respondents on February 23, 2001.

¹ The Hanor Company, Inc. is now known as The Hanor Company of Wisconsin, LLC.

2. On or about November 15, 2001, this Board adopted and issued a Consent Agreement and Final Order (“Final Order”) which had been stipulated to by the Parties.

3. The Final Order outlined seventeen (17) requirements, itemized as A through Q, that Respondents were required to complete immediately and/or comply with on an ongoing basis.

4. As of the date of this Order, Respondents have completed and/or complied with each and every requirement set forth in the Final Order.

5. Consequently, the Final Order should be withdrawn and vacated.

ORDER

Based upon the foregoing Findings of Facts, IT IS HEREBY ORDERED AND DECREED that the Consent Agreement and Final Order entered herein on November 15, 2001, is VACATED and WITHDRAWN.

IT IS FUTHER ORDER AND DECREED that this Order shall become effective immediately upon the signature of the President of the State Board of Agriculture.

DATED this 12th day of March, 2025.

Blayne Arthur, President
State Board of Agriculture

Approved:

Teena G. Gunter, OBA # 17767
Oklahoma Department of Agriculture Food and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105
Phone: (405) 521-3864
teena.gunter@ag.ok.gov

Attorney for the Complainant

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The Atkinson Law Firm, PLLC
P.O. Box 328
Enid, OK 73702
Phone: (580) 478-2747
Fax: (580) 325-6002
brendon@atkinsonlaw.org

Attorney for Respondents