

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

Monday, April 21, 2025
12:00 P.M.

2800 N Lincoln Blvd
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of March 12, 2025.
6. Consideration and Proposed Action on Division Reports
 - A. Administrative Services – Dan Ridings & Chief Elliot
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 – Andy James
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

Tommy Tran, 3202 Glover Golden Road, Broken Bow, Oklahoma
Steve Vue, 12679 W. HWY 16, Haskell, Oklahoma

Consumer Protection Services

Four State Spray Service, LLC, P. O. Box 451507, Grove, Oklahoma
Heinen Brothers Agra Services, Inc., 16705 W. Hubbard Rd., Blackwell, Oklahoma
Orkin, LLC, 1401 S. E. 1st, Lawton, 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

Dream Earth, 23008 County RD. 1560, Stonewall, Oklahoma
Tahah Lawn & Landscape, 626 S. W. Landmark Cir., Geronimo, Oklahoma
Red Queen Extracts, LLC, P. O. Box 310, Chickasha, Oklahoma
Superior Termite and Pest Control, 205 S. 85th E. Ave., Tulsa, Oklahoma

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10. Consideration and Proposed Action on Recommendation of the Administrative Law Judge

Agricultural Environmental Management Services

Niki Latendresse, Iron Dog Kennel, 20585 S 4200 Rd, Claremore, Oklahoma

Food Safety Services

Joel Skip Mitchell dba The Forum Group, LLC, 406 Winona Blvd, Lindsay, Oklahoma
Dennis Yoder, 11106 S. 427 Rd, Inola, Oklahoma

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11. Next Board meeting scheduled for **June 4, 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 tours, lunch and dinner. Board Members, staff, and the public may discuss program issues during those events; no votes or action will be taken during the events. Members of the Board may attend Ag Day at the Capitol on Tuesday, April 22nd; no votes or actions will be taken during the event.*

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

Oklahoma City, Oklahoma
March 12, 2025

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., March 12, 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: Kalley Whitlock, Executive Secretary
 JanLee Rowlett, Deputy Commissioner
 Kirsten Hollansworth, Public Engagement Specialist
 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
 Jeremy Seiger, Envirotech Engineering
 Keith Reiner, The Hanor Company
 Marla Peek, Oklahoma Farm Bureau

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

A motion was made by Mr. Burtrum, seconded by Mr. Bolen, to approve the minutes of the regular meeting of January 29, 2025, 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. Bolen, seconded by Mr. Farris, to approve the division reports as submitted.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

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

Family Dollar, 911 E. Broadway, Enid, Oklahoma

Thompson Lawn Care, 2613 E. Eucalyptus, Enid, Oklahoma

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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

Consumer Protection Services

Central Custom Ag Aviation, 3195 CR 1140, Hydro, Oklahoma

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Abstain
Farris	Aye

The motion carried.

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

Consumer Protection Services

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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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 Grain Warehouse Assignment and Assumption Agreement for Western Producers Cooperative as submitted. This agreement was preapproved by Secretary Arthur in January, but requires further approval by the board.

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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. Burtrum, to approve the Proposed Action on Order Withdrawing and Vacating Consent Agreement and Final Order 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.

There was no old or new business presented for the Board to take action upon. Mr. Bolen moved, Mr. Cook seconded, that the meeting be adjourned at 11:11 a.m.

By _____
President

ATTEST: _____
Executive Secretary

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:

3

- 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 4 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.

Oklahoma Department of Agriculture, Food & Forestry

April 21, 2025, Board Report

Administrative Services

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES FEBRUARY 2025				
 OKLAHOMA				
INVESTIGATIONS		FEBRUARY	YTD	FYTD
LIVESTOCK		6	12	31
FIRE		1	5	11
PROPERTY		4	5	10
TIMBER			0	1
AGENCY ASSISTS	ODAFF		0	0
AGENCY ASSISTS	EXTERNAL	2	2	6
OTHER		2	4	8
TOTAL INVESTIGATIONS OPENED		15	28	67
CLOSED PENDING ADDITIONAL INFORMATION		5	5	14
NO CRIME		8	9	17
NO PROSECUTION			0	0
CLOSED - ASSIST CASE		3	3	5
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		3	3	8
REFERRED FOR ADMINISTRATIVE ACTION			0	0
INVESTIGATIONS COMPLETED		19	20	44
COUNTS FILED		4	6	15
VALUE OF LOSSES - ALL CRIMES		\$108,000	\$253,000	\$809,900
RECOVERED LOSSES - ALL CRIMES		\$90,800	\$121,300	\$485,270
NUMBER OF CATTLE REPORTED STOLEN		26	105	212
NUMBER OF CATTLE RECOVERED		18	27	67



Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES

March 2025



OKLAHOMA



INVESTIGATIONS		MARCH	YTD	FYTD
LIVESTOCK		2	14	33
FIRE		5	10	16
PROPERTY		2	7	12
TIMBER		1	1	2
AGENCY ASSISTS	ODAFF		0	0
AGENCY ASSISTS	EXTERNAL	2	4	8
OTHER			4	8
TOTAL INVESTIGATIONS OPENED		15	40	79
CLOSED PENDING ADDITIONAL INFORMATION		2	7	16
NO CRIME		2	11	19
NO PROSECUTION			0	0
CLOSED - ASSIST CASE		1	4	6
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION			3	8
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		5	25	49
COUNTS FILED		0	6	15
VALUE OF LOSSES - ALL CRIMES		\$38,676	\$291,676	\$848,576
RECOVERED LOSSES - ALL CRIMES		\$0	\$121,300	\$485,270
NUMBER OF CATTLE REPORTED STOLEN		32	137	244
NUMBER OF CATTLE RECOVERED		0	27	67





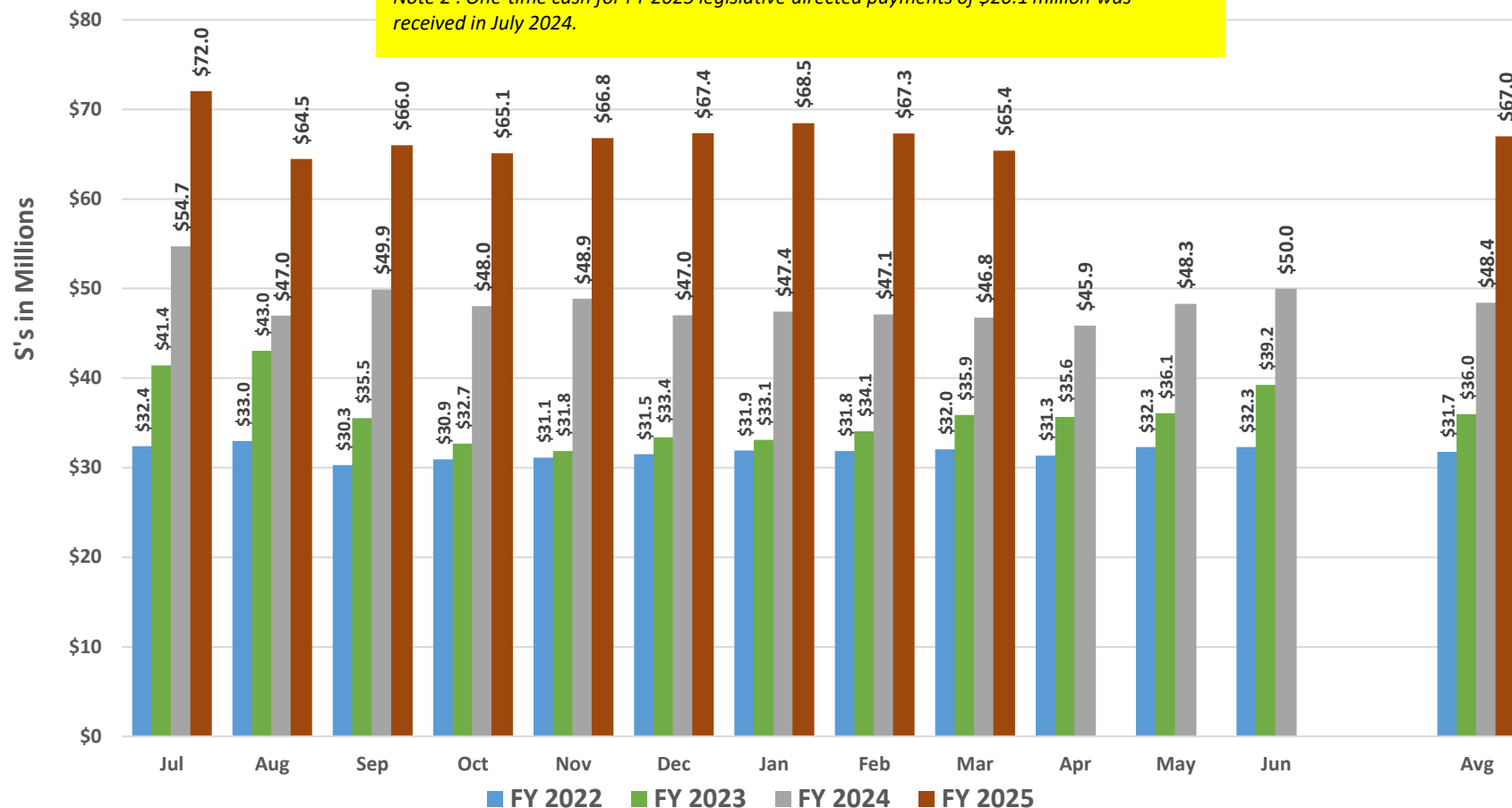
Available Cash at Month End

Months Ending: July 2021 – March 2025

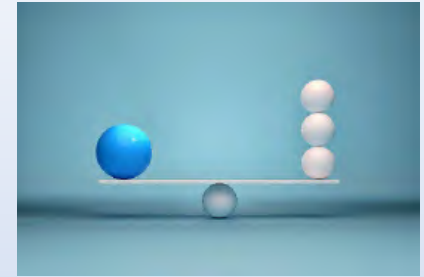
per Allotment Budget & Available Cash Report Fiscal Year 2022-2025

Note 1: The amounts shown here include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,942,472 as of 3/31/2025.

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

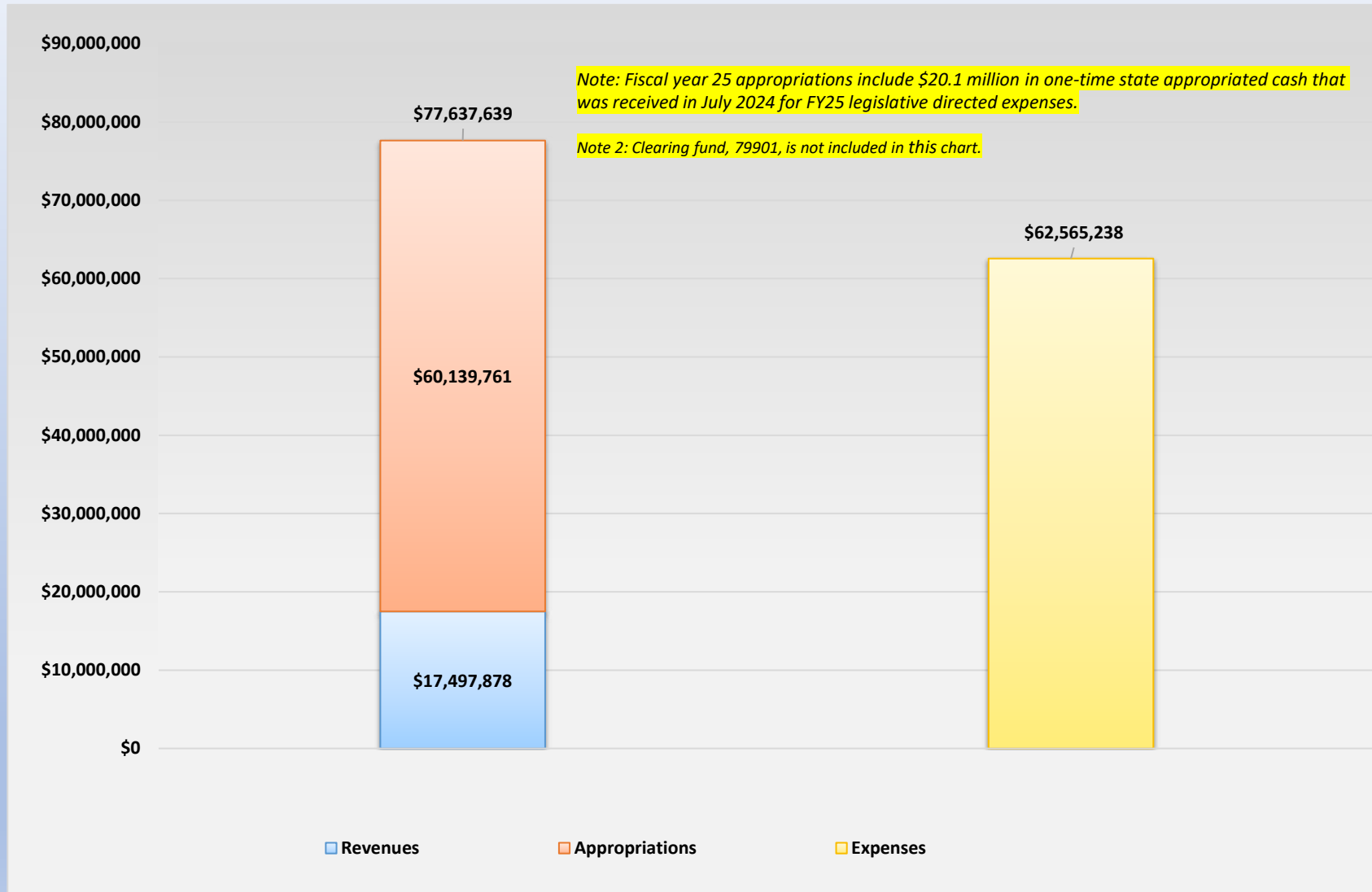


Administrative Services - Finance



- Cash balance as of March 31, 2025, was \$65.4 million compared to \$46.8 million as of March 31, 2024
 - This was an increase of \$18.6 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 March 2025





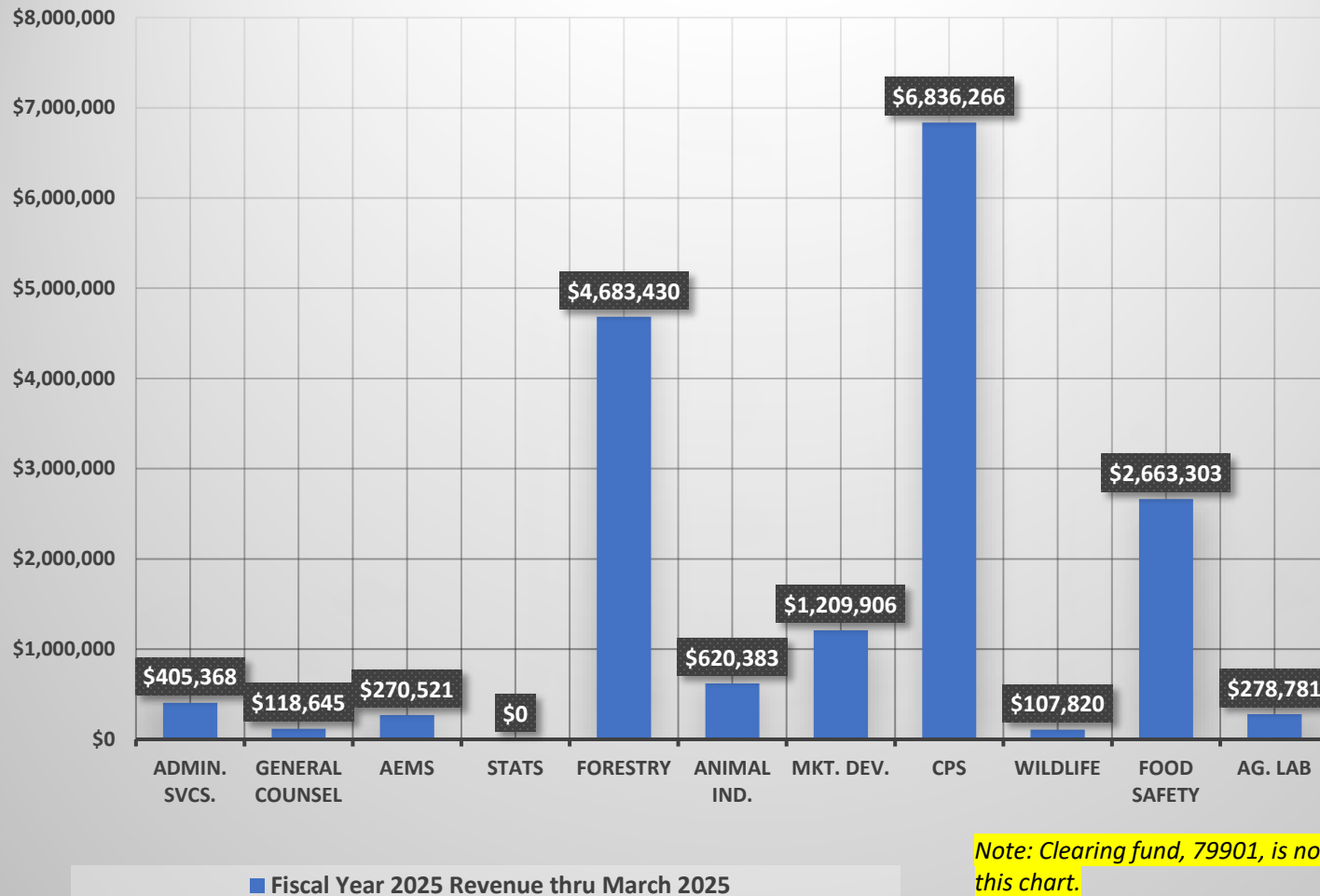
Revenue By Division March 2025

Division	March 2025 Revenue	Fiscal Year 2025 Revenue thru March 2025
Admin. Svcs.	\$310	\$405,368
General Counsel	\$3,358	\$118,645
AEMS	\$17,604	\$270,521
Stats		\$0
Forestry	\$1,418,897	\$4,683,430
Animal Ind.	\$38,910	\$620,383
Mkt. Dev.	\$206,991	\$1,209,906
CPS	\$740,078	\$6,836,266
Wildlife	\$800	\$107,820
Food Safety	\$517,383	\$2,663,303
Ag. Lab	\$32,374	\$278,781
Division Total (see division receipts graph on next slide)	\$2,976,705	\$17,194,424
Commodity Storage Indemnity	\$35,913	\$303,455
Appropriations	\$4,444,944	\$60,139,761
Agency Total	\$7,457,563	\$77,637,639

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



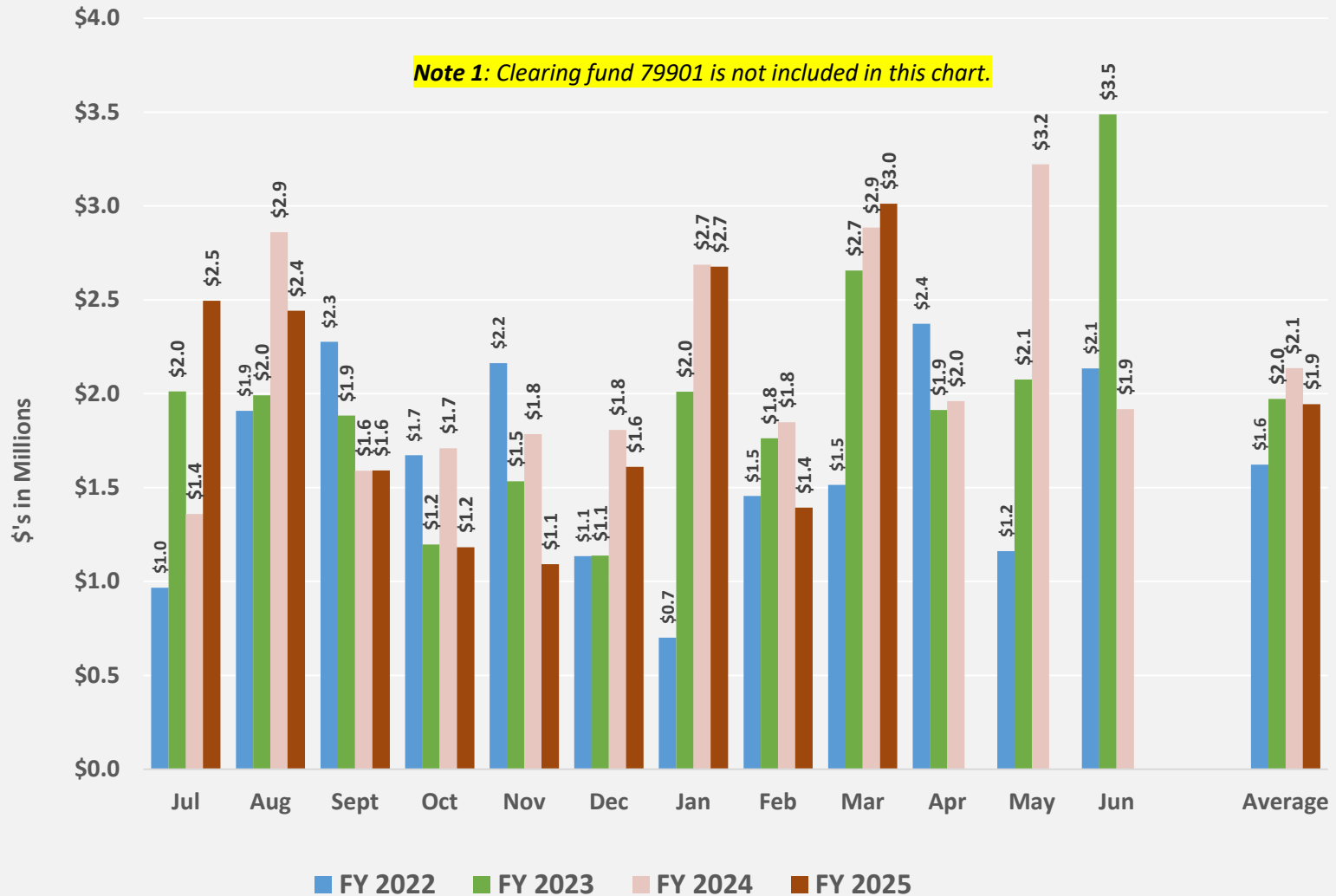
Revenue By Division Fiscal Year 2025 thru March 2025



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

Total Revenue by Month July 2021 – March 2025

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

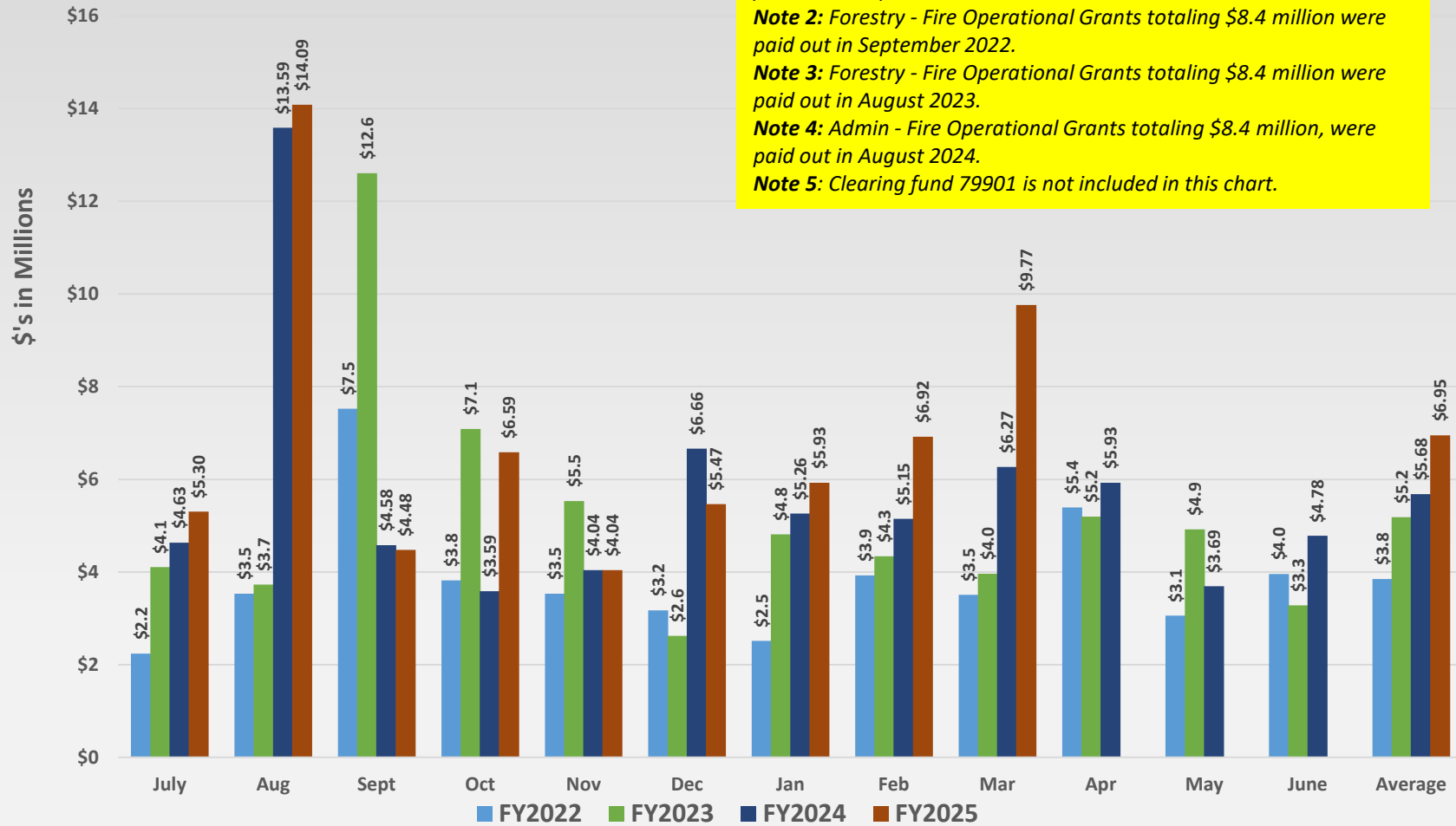


Administrative Services - Finance

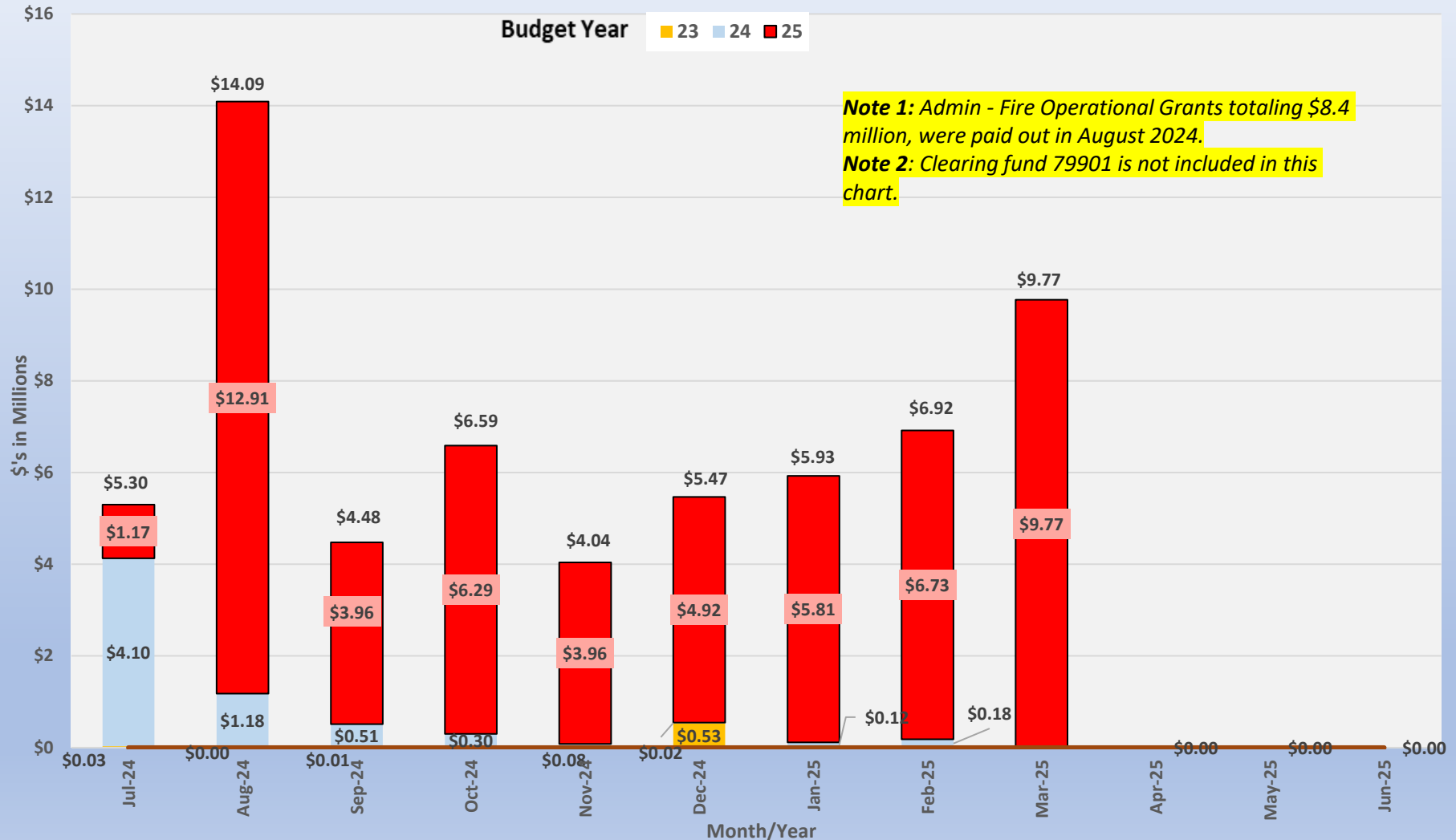
- Revenues (excluding appropriations) for FY 2025 thru March 2025 were \$17.5 million compared to \$18.5 million for the same period last year.
 - This is a decrease of approximately \$1 million and is primarily due to a decrease in federal reimbursements.



Total Expenses by Month July 2021 – March 2025



FY 2025 Total Expenses by Month with Budget Year



Administrative Services - Finance

- Total expenses for FY 2025 thru March 2025 were \$62.6 million compared to \$53.8 million for the same period last year.
 - This was an increase of \$8.8 million and is primarily attributed to the following:
 - An increase in legislative directed spendings
 - Catesby, Oklahoma fire - out of state fire assistance payments
 - Replacement of Forestry radios that are no longer manufactured/supported
 - Increased payroll and benefit costs
 - Timing of payments

Appropriations

FY 2018 thru FY 2025 (thru March 2025)



Commodity Storage Indemnity Investment Report

As of March 31, 2025

Investments with Office of State Treasurer

Cash Management Account: \$11,942,473

	Current Month	YTD
	-----	-----
New	-	-
Interest Revenue	35,913	303,455
Reinsurance	-	-
ODAFF Support Services	-	(50,000)
Recovered Salvage	-	-
Elevator Salvage	-	-
Matured Long Term Investments	-	-
	-----	-----
TOTALS	35,913	253,455
	=====	=====

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

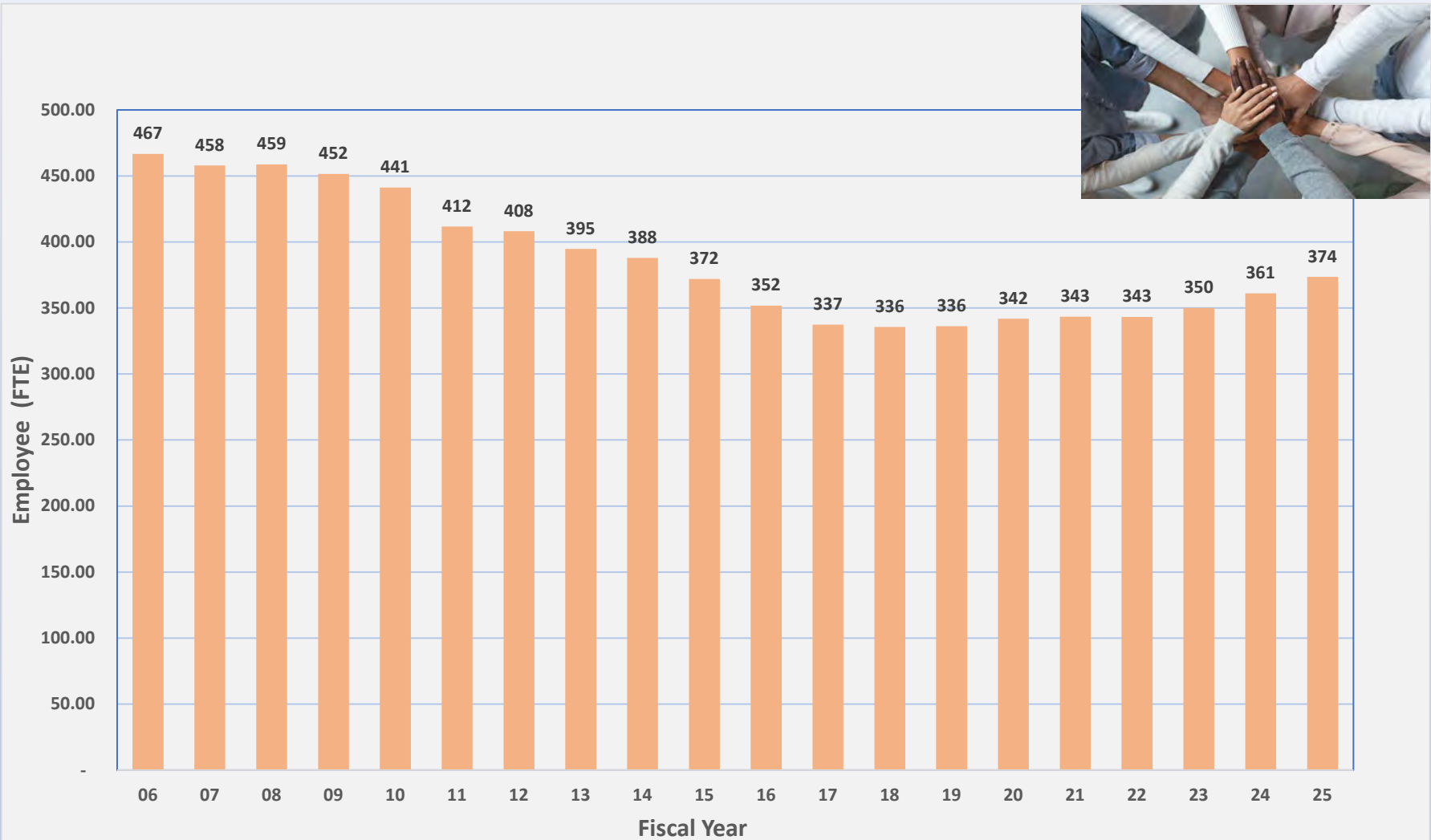
Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	24,176,135	16,599,161	9,403,156	(1,826,181)
512	Insur.Prem-Hlth-Life,etc	5,534,084	3,713,280	214,768	1,606,036
513	FICA-Retirement Contributions	6,378,139	3,942,164	1	2,435,974
515	Professional Services	4,864,534	1,447,775	2,325,511	1,091,248
519	Inter/Intra Agy Pmt-Pers Svcs	60,800	27,398	6,187	27,215
521	Travel - Reimbursements	555,687	174,002	-	381,685
522	Travel - Agency Direct Pmts	612,621	296,600	-	316,021
531	Misc. Administrative Expenses	1,509,717	721,012	174,744	613,960
532	Rent Expense	1,374,563	473,353	340,230	560,980
533	Maintenance & Repair Expense	1,978,335	797,032	288,150	893,153
534	Specialized Sup & Mat.Expense	1,389,975	502,121	495,923	391,931
535	Production,Safety,Security Exp	187,500	112,698	0	74,802
536	General Operating Expenses	298,775	72,811	-	225,964
537	Shop Expense	646,391	387,573	33,704	225,113
541	Office Furniture & Equipment	8,692,632	1,697,795	4,064,482	2,930,356
542	Library Equipment-Resources	1,000	2,772	-	(1,772)
543	Lease Purchases	1,672,295	1,245,666	426,629	-
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	2,800,298	4,256,981	18,653,159
555	Pmts-Local Gov't,Non-Profits	16,820,807	14,038,206	5,205,235	(2,422,634)
559	Assistance Pymts to Agencies	18,230,000	6,288,477	10,211,523	1,730,000
561	Loans,Taxes,Other Disbursements	550	-	-	550
563	Employee Withholding	-	37	-	(37)
564	Merchandise For Resale	150,000	146,526	3,473	1
601	AFP Encumbrances	-	-	5,846,073	(5,846,073)
810	Req Only	-	-	2,320,252	(2,320,252)
	Operating Totals	124,132,418	55,487,457	45,867,022	22,777,939

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

Class Funding	Class Fund Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
19102	Duties	1,500,000	1,053,429	446,571	-
19302	Agriculture Extension Division	20,135,265	6,526,001	10,132,308	3,476,956
19501	GRF-Duties	53,339,326	29,701,380	20,404,235	3,233,711
20500	Rural Fire Defense Eqp Rev Fd	150,000	146,526	3,473	1
21000	Agriculture Revolving Fund	26,625,239	15,280,557	9,933,618	1,411,064
22500	Enhancement & Diversificatn Fnd	97,000	26,667	1,680	68,653
23000	Okla Pet Overpopulation Fund	35,000	19,400	-	15,600
23500	Animal Friendly Revolving Fund	35,000	5,600	6,900	22,500
24000	Unwanted Pesticide Disp Fund	300,000	119,394	230,607	(50,000)
24500	Rural Fire Revolving Fund	2,010,575	447,027	916,780	646,768
25500	Ag. Evidence Law Enforce Fund	4,000	-	-	4,000
25600	Ok Viticulture Enology Revl Fd	446,657	153,328	238,077	55,251
26200	Poultry Grading Revolving Fund	1,234,512	813,768	164,775	255,969
28500	Milk & Milk Prod Inspec Rev Fd	466,489	293,468	147,943	25,078
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	24,006	42,074	33,920
41000	Community Wildfire Def Grant	2,500,000	-	2,350,000	150,000
42000	Specialty Crop Federal Funds	1,100,000	281,084	743,014	75,901
43100	Marketing's Farm to School	278,352	88,258	99,933	90,161
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	55,487,457	45,867,022	22,777,939

Employee FTE Totals

Fiscal Year FY 2006 – FY 2025 (thru March 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 March 31, 2025.

APRIL 2025 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(February 2025 Activities)

QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager)

The Food and Dairy Section has completed phase 1 of the autoclave validations for agars. The Section will perform an additional, supplemental agar validation for the remaining agars. These agars include: Brilliant Green Sulfa (BGS) Agar and Tellurite and Cefixime - Sorbitol MacConkey (TC-SMAC) Agar. When both agar types underwent growth validation, positive control plates did not appear typical. These agars will need to be validated on a different autoclave cycle, containing different parameters than the previous cycle used.

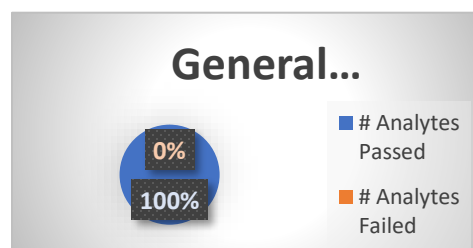
The Pesticide Section has nearly completed the supplemental audit that was issued by the QA Manager. It has been determined that Residue PTs will be suspended for the rest of the fiscal year. This is due to the Section's current inability to confidently detect lower ranges presented in these PTs. The Section plans to purchase a sample concentrator which will allow detections of analytes at very low concentrations in both samples and PTs.

The QA Manager and Laboratory Director will meet with the General Chemistry Section to discuss their supplemental audit. The meeting will discuss the Section's desire to switch to an entirely digital instrument run log. Implementing and establishing a protocol for an MDL or LOD/LOQ for the Section's ICP-OES will also be discussed.

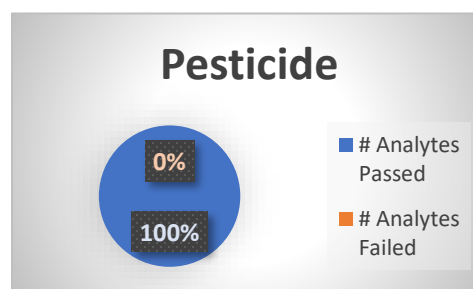
PT Results

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

General Chemistry	
# Analytes Results Received	20
# Analytes Passed	20
# Analytes Failed	0



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

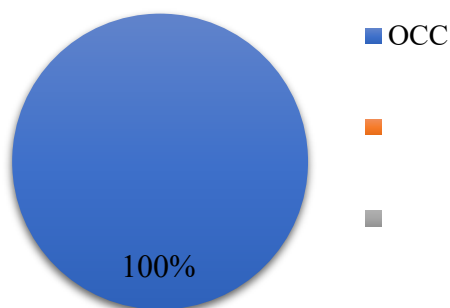


INORGANIC SECTION: (Elena Lyon, Environmental/Chemical Laboratory Scientist IV)

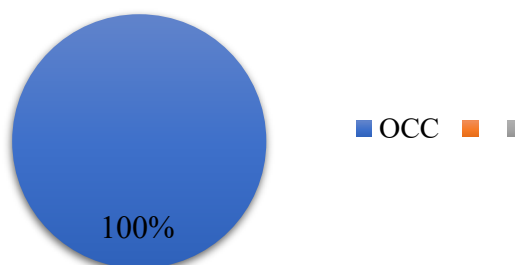
The Section completed 49 samples consisting of 441 determinations, with the following breakdown:

OCC	49	441
OSU	0	0
Pollution	0	0
Service	0	0
Total	49	441

**February 2025
Sample Breakdown**



**February 2025
Determinations Breakdown**



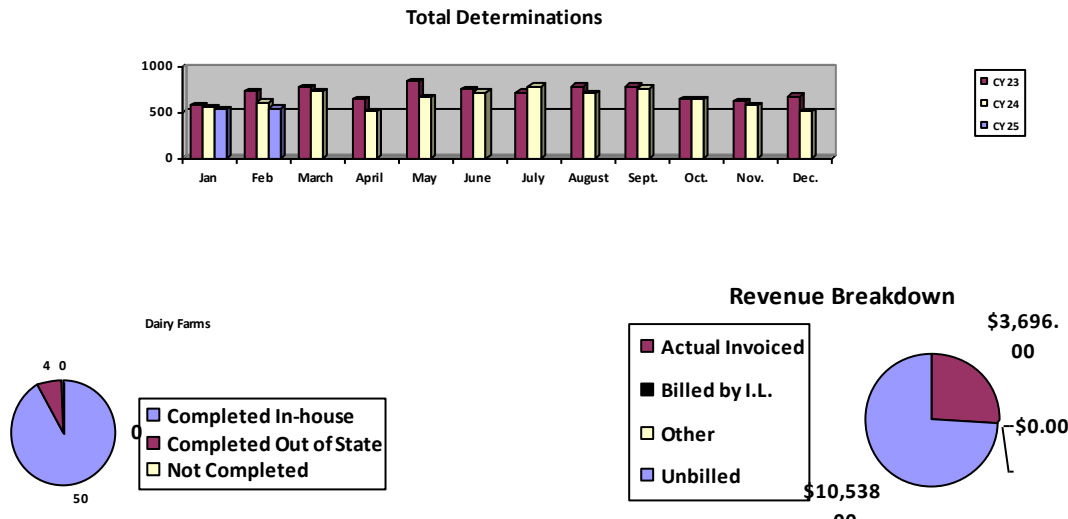
DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

February was an unusual month for the Section. The Section was closed two Wednesdays in a row due to the weather. Testing parameters were affected, forcing the Section to complete a large amount of testing during the last week of the month. One dairy is currently suspended, and four of the fifty-four dairies are being tested out of state. All dairies were tested for the month.

Nineteen meat samples were tested with thirteen being tested the last week of the month.

The Section is in the process of getting information on equipment and supplies needed to be able to test *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 or a mixture. There has been positive *Campylobacter* detected in raw milk on multiple occasions and the Section has had to outsource the testing. Being able to test within the laboratory will ensure the sample's chain of custody stays intact. This will also allow the Section to expand FSIS testing for *Campylobacter* if needed.

The -80 freezer is no longer working, so the Section is looking at replacing it. The control strains are stored in this freezer and are able to be held indefinitely in it.



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

Seed testing activity remained normal for the month of February. A total number of 140 samples were received. Crops being tested consisted of hybrid sorghum, field corn, soybean, spring turf and native grasses. Most samples were taken by CPS inspectors following up on carry over seed needing updated germination tests. Currently there have been no quality issues discovered pertaining to spring crop seed. There were no seed law violations discovered during February.

The Section received hands-on proficiency tests through The Association of Official Seed Analysts (AOSA). There is one sample of alfalfa to be tested for purity and germination. There is also a flax sample to be tested for a germination test only. Analysts have begun working on these during their downtime.

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

February was a rough month for the Section with closings due to weather and having multiple employees out sick during the month which impacted our results. The weather and change in seasonal work for CPS inspectors also had a significant impact on samples coming in. We have officially transitioned to primarily fertilizer testing with our feed sampling and testing expected to be wrapped up by the middle of May. We will still be testing the occasional feed sample but CPS has effectively paused feed sampling for the next few months. All of our Fertilizer testing is currently back on line and running close to full capacity as the number of fertilizer samples continues to rise.

We received 172 samples, completed 157 samples consisting of 730 determinations. These are below our target numbers. We are still sufficiently ahead of our work goals. As long as sampling continues to increase we should be able to exceed 2500 CPS samples and 15,000 determinations for the year.

Our turnaround time is currently at 19.61 days, slightly exceeding our target. This is an improvement from last month. We hope to be back to below 18 day turn-arounds by April.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
Samples Received	110	57	5	172
Samples Completed	144	12	1	157
Determinations	694	30	6	730
Violations	60	0	0	60
Violation %	8.65%	0.00%	0.00%	8.22%

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

For February, Formulation (marketplace) samples and residue soil samples continued to arrive and be analyzed at a steady pace. Residue analysis of Vegetation samples has slowed due to an instrument issue requiring multiple repeated analysis. A preventative maintenance (PM) cleaning has been scheduled for the existing LC-triple Quad instrument and will address an issue of loss in sensitivity. CPS has requested that the Pesticide Residue Section evaluate methods and techniques to increase sensitivity and lower detection limits to approach capabilities of other State Laboratories outside of Oklahoma. Steps are being taken towards this goal now.

Pesticide Section samples completed:

In the month of February, the Section completed 25 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 53 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	4	7	49	163
Residue Soil	-	-	-	-
Residue Water	-	-	-	-
IFA Soil	-	-	-	-

Average Residue Turnaround Time: 125 days

Average Formulation Turnaround Time: 15 days

Average Hemp Turnaround Time: 11 days

Residue, Other	1	1	9	109
Residue, Swab	2	6	46	158
Concentrate	12	24	12	14
Tank Mix	-	-	-	-
Proficiency Test	2	4	4	23
Hemp	4	4	4	11

Totals		
# of Samples	# of Tests	# of Determinations
25	46	124

Samples the Section received by month:

The Section received 82 samples this month, comprising 123 tests. New samples received were split between Residue, Hemp, and Formulations (see Fig A).

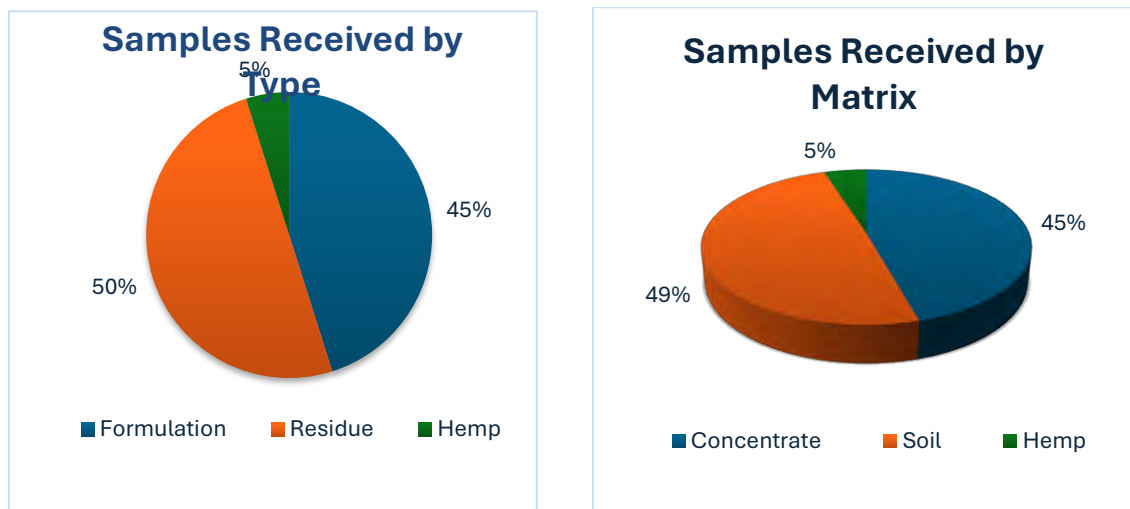


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

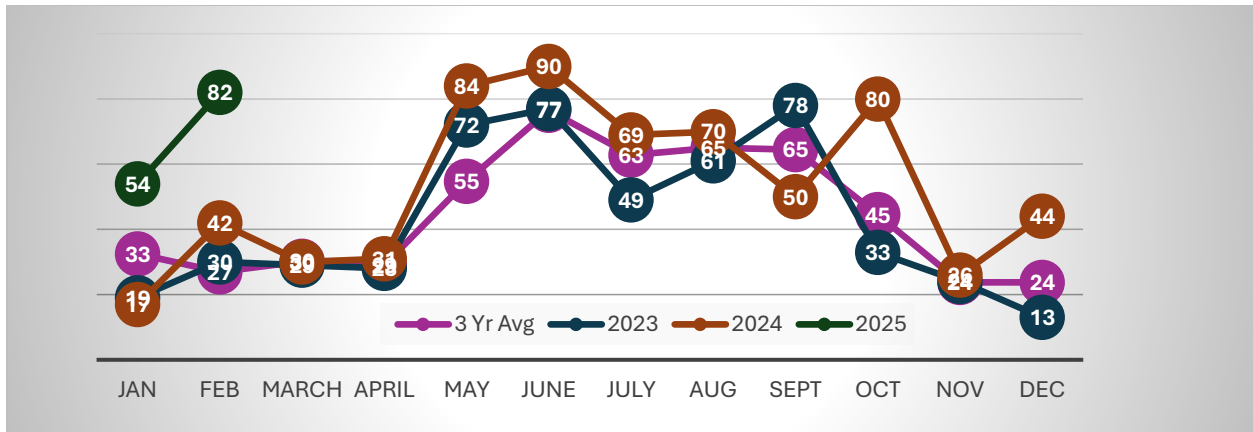
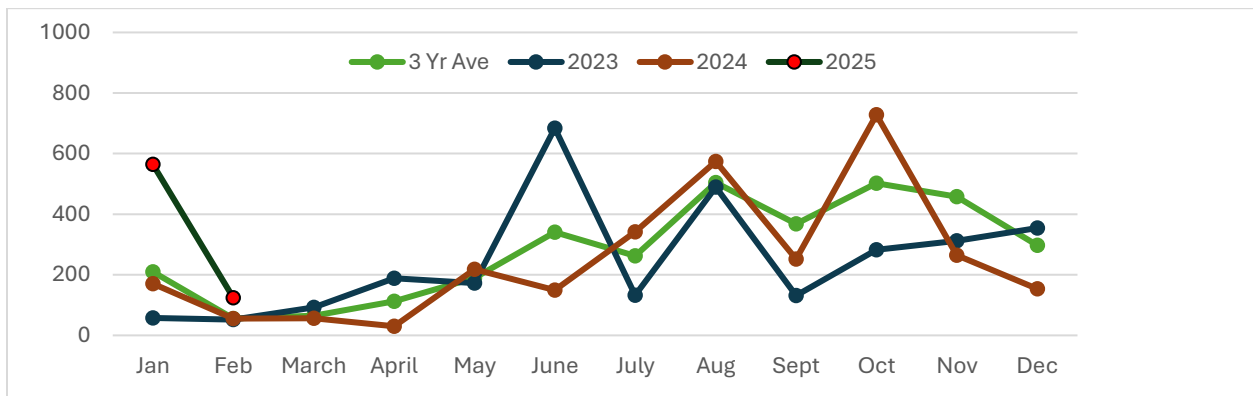


Fig B. Graph showing the number of samples received by the Section each month.

Determinations the Section completed by month:

This month, the Section completed 124 determinations with most of the determinations on residue Vegetation samples.

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



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

The following is a workload summary for the Bureau of Standards from February 1st through February 28th.

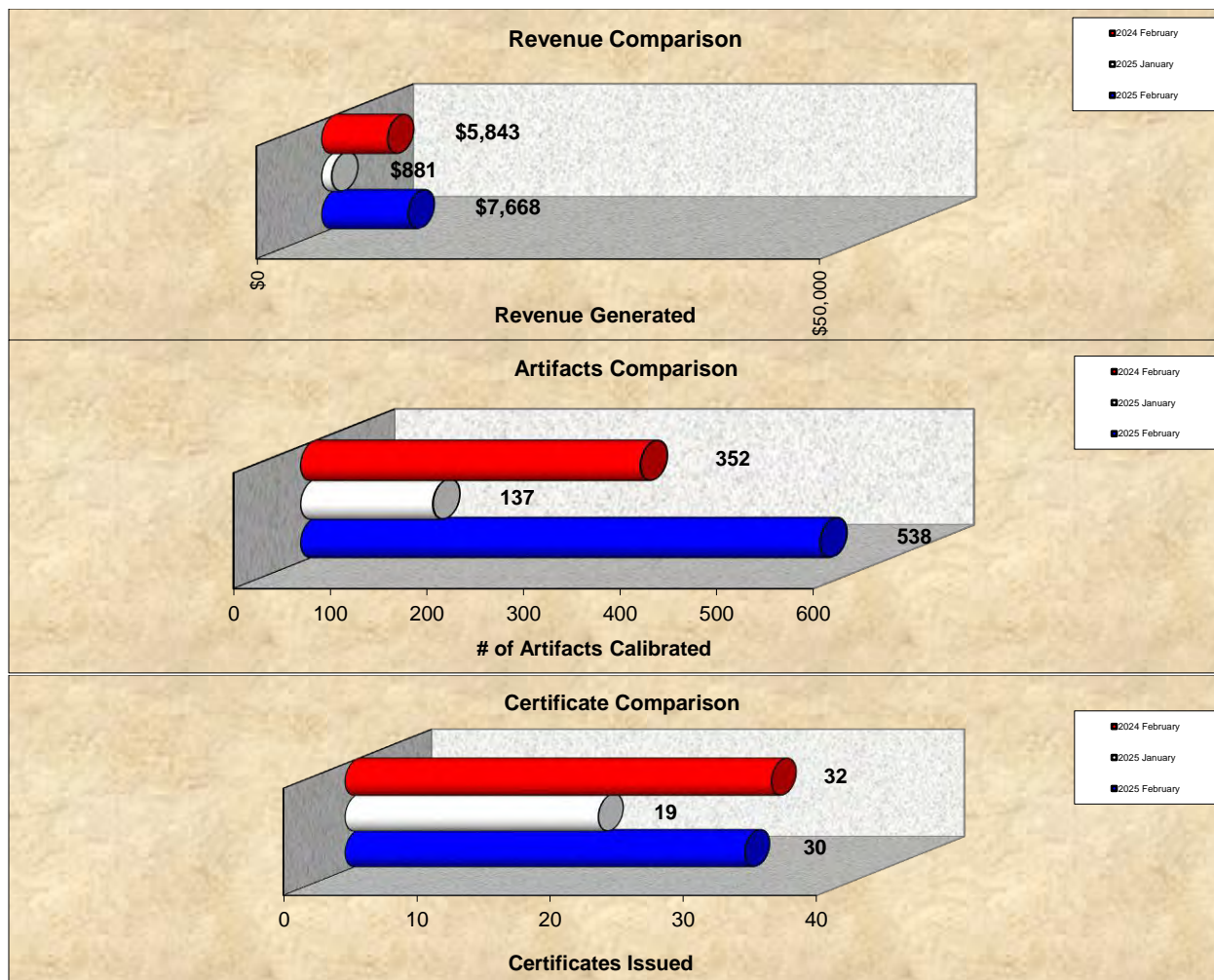
The Bureau of Standards generated a revenue of \$7,668.00 during the month of February. All appointments throughout the month were scheduled for Mass III calibrations. The primary customer was Sooner Scale, as 438 of the artifacts that were calibrated belonged to them. The Bureau also completed a Mass III proficiency test for the National Institute of Standards and Technology (NIST).



Pictured above: The weight kit that the Bureau performed calibrations on for NIST.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$0.00	0.00%	54	10.00%
In-State Customers	3	\$7,668.00	100.00%	484	90.00%
Totals	3	\$7,668.00	100.00%	538	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	\$486.00	0
Volume	\$0.00	0



Respectfully Submitted,

Brian McDowell
Laboratory Director
Laboratory Services Division

BOARD REPORT
AGRICULTURAL LABORATORY SERVICES
FEBRUARY 2025 ACTIVITIES

FEED SAMPLES	110
FEED DETERMINATIONS	694
POSSIBLE VIOLATIONS	60
 FERTILIZER SAMPLES	 57
FERTILIZER DETERMINATIONS	30
POSSIBLE VIOLATIONS	0
 LIME SAMPLES	 5
LIME DETERMINATIONS	6
POSSIBLE VIOLATIONS	0
 PESTICIDE SAMPLES	 25
PESTICIDE DETERMINATIONS	124
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 49
DETERMINATIONS	441
 SEED SAMPLES	 140
SEED DETERMINATIONS	155
POSSIBLE VIOLATIONS	0
 BUREAU OF STANDARDS CERTIFICATES	 30
NUMBER OF STANDARDS CALIBRATED	538
FEE CHARGES	\$7,668.00
 DAIRY SAMPLES	 232
DAIRY DETERMINATIONS	545
POSSIBLE VIOLATIONS	9
 TOTAL SAMPLES	 648
TOTAL DETERMINATIONS	2533
TOTAL POSSIBLE VIOLATIONS	69



OKLAHOMA FORESTRY SERVICES BOARD REPORT

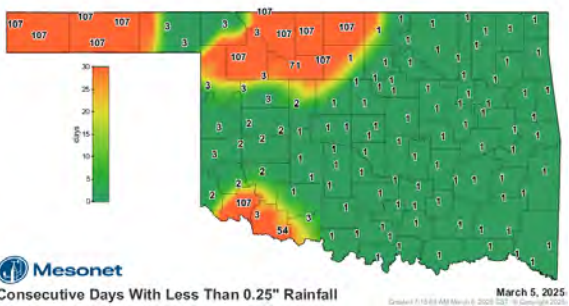
Serving Oklahomans by conserving, enhancing, and protecting our forest and natural resources for present and future generations.

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.

FIRE MANAGEMENT

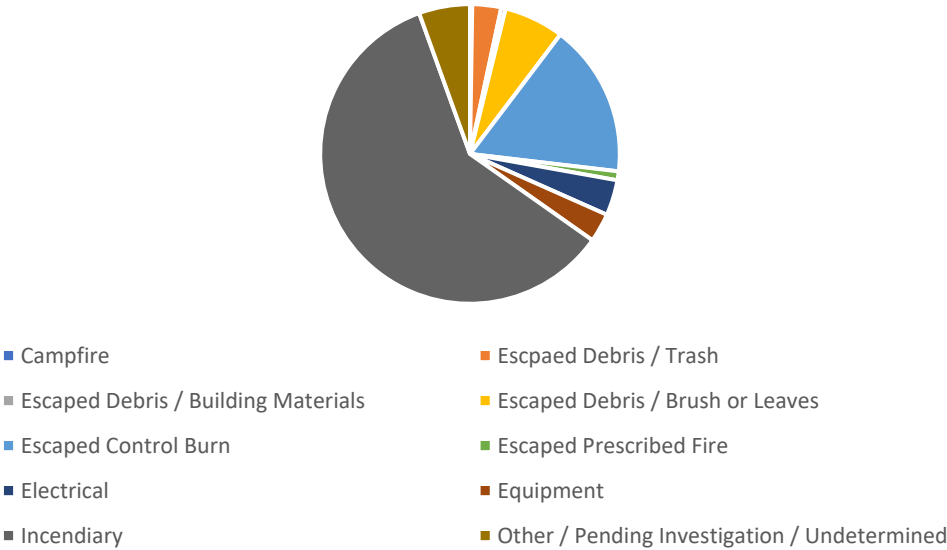
Executive Summary - Wildland Fire Activity

The Fire Environment, a complex array of contributions from fuels components, weather influence and topography/ geographic location, transitioned toward strong alignment in late February supporting increasing wildfire occurrence and severity. For the period January 1 through February 21, Oklahoma Forestry Services responded to 74 wildfires burning 1,026.7 acres. The trend of below fire occurrence and acres burned began a rapid transition late February with OFS responding to 58 wildfires burning 4,571 acres and 19 False Runs February 22 through February 28.



Considering that background fire danger indices, such as Energy Release Component – or composite fuel moisture, was an increasing concern, drought indices increased in March despite some rainfall early in the month that calmed fire danger briefly. Some areas of the state remained 100+ days separated from a wetting rainfall event. During the period March 1 through March 31, OFS responded to 295 wildfires burning 174,549.5 acres. Year-to-date, OFS has protected 4,826 structures valued at \$314,656,555. The total losses on fires responded to by OFS is 431 structures valued at \$65,629,252.

Statistical Wildfire Cause with OFS Response
January 1 through March 31, 2025

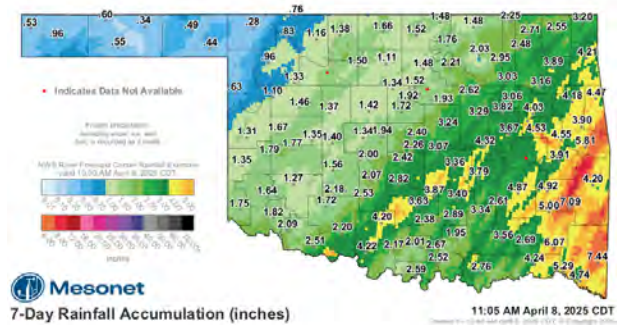


OFS began the year with several prescribed burn plans in place and ready to be implemented in the dormant season. Unfortunately, a brief window of opportunity opened simultaneously to steadily increasing wildfire occurrence. The increasing demand for suppression resources limited OFS’s availability to complete several planned burns. OFS will look for opportunities to conduct some of these planned burns during the growing season where resource management objectives can be met while postponing some of the burn plans until prescription parameters fall back into line. Year-to-Date, OFS has completed 15 Rx Fires treating 6,552.5 Acres.

Date	Rx Fire Name	County	Acres
1/27/2025	Darren Tidwell, Burn Unit 2	Latimer	140
2/22/2025	McGee Creek State Park Unit 2	Atoka	451.5
2/25/2025	Foss MCD	Custer	490
2/26/2025	Yourman WMA Unit 1	Latimer	507
2/27/2025	Carlton Landing Unit 1	Pittsburg	318
2/27/2025	Randy Moore RX Burn	Pushmataha	270
2/27/2025	NSRA Bear Creek RX Burn	Atoka	3571
3/1/2025	Michael Ahlman Field 1	Pittsburg	127
2/25/2025	Cross Boundary Burn with USFS	LeFlore	181
2/28/2025	Cross Boundary Burn with USFS	LeFlore	120
3/1/2025	Cross Boundary Burn with USFS	LeFlore	122
3/11/2025	Wesley Earp, Field 1	McIntosh	80
3/12/2025	Steven Forrester, Field 2	McIntosh	34
3/13/2025	Erich Massad, Field 2	Latimer	47
3/13/2025	Tim Hamilton Field 1	Latimer	94
			6552.5

Fire Environment Outlook

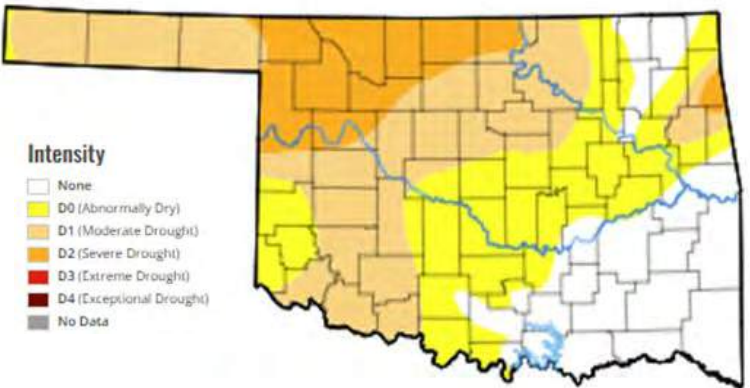
Rainfall in early-April has calmed fire danger to some extent prompting green-up in the herbaceous fuels and initiation of leaf-out in the timber and brush dominated fuelscapes. The improved soil moisture and increasing soil temperature supports the transition to growing conditions. During the transition, some wildfire occurrence will continue given drying conditions although probability of successful initial attack is greatly improved. Late-April into May brings the expectation of more active weather patterns offering rainfall, supporting growing conditions. While this is currently supported by forecast data, longer range outlooks into the summer months are not nearly as favorable.



Below are the Significant Wildland Fire Potential Outlook maps which utilize cumulative forecasts and wildland fuels inputs. These maps identify the trend for wildfire concern increasing into the summer months beginning in western Oklahoma and possibly extending across the state by mid-summer. These outlooks are not specific forecasts, rather a more generalized expectation of potential assembled with interagency input respective of areas of expertise.



The current Drought Monitor holds Severe Drought indices in northwestern, parts of north-central, and in a small area of northeastern Oklahoma. While a slight improvement from the prior week’s product was noted for Oklahoma, the Severe-D2 percentage of area impacted has remained steady. Additionally, the current Drought Monitor (right) issued April 3rd captures the recent trends and absences of meaningful rainfall in northwestern and northern Oklahoma. While recent rainfall may prompt some improvement in the next update, the U.S. Seasonal Drought Outlook (lower right) extending through June causes concern leading into the hot summer months. Drought indices are



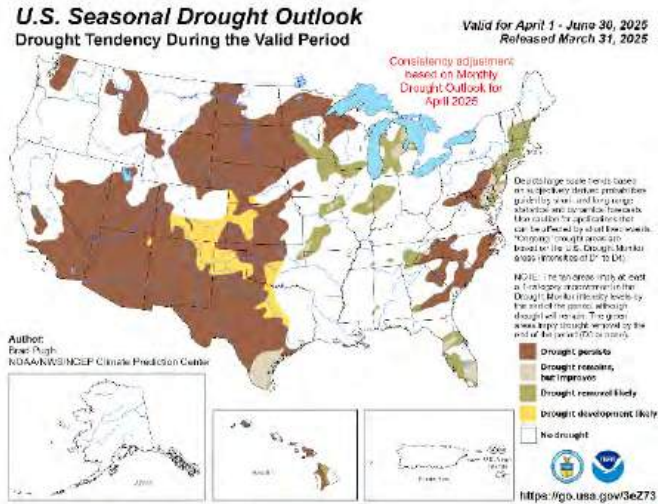
Released April 3, 2025

expected to both persist and expand through the month of June in the western and central regions of Oklahoma. There is some optimism for improving conditions in the northeast.

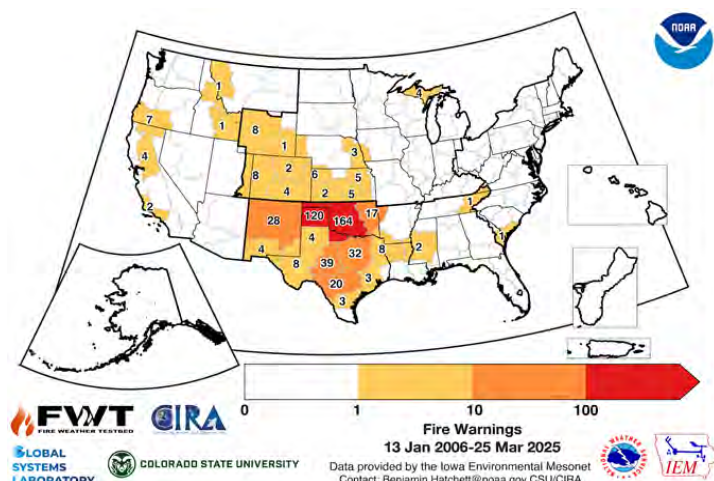
The current Seasonal Temperature and Precipitation Outlooks for the April through June timeframe point to a 50-60% probability of Above Normal Temperature across Oklahoma coupled with precipitation potential leaning below normal probability. Will the hotter/drier expectation be realized is the question that OFS needs to remain mindful of when entering the summer months.

There are many activities that go on behind the scenes of wildfires to support protection of life and property. One such activity is the issuance of highly coordinated Fire Warnings. Oklahoma leads the nation with innovative fire warning applications involving partnered predictive services that leverage satellite-based fire detection coupled with fire spread modeling intelligence, allowing meteorologists and fire analysts to quickly assess threats to the public and values at risk. OFS employs an Integrated Warning Team approach to this paradigm. All of this happens in rapid real-time succession within minutes of a wildfire detection in areas of critical fire weather and very dry wildland fuels. This novel approach to leveraging the expertise and tools of multiple agencies was initiated right here in Oklahoma and is beginning to extend to other areas of the country.

This coordination does not take place within just one agency or a particular level of government. Oklahoma Forestry Services is partnered in this effort alongside the National Weather Service and Oklahoma Department of Emergency Management while also coordinating closely with local emergency managers and incident commanders. This rapid coordination spanning all levels of government service is designed to protect lives and livelihoods of Oklahomans by providing warning notification like that of the weather warnings that Oklahomans are more familiar with. Additionally, OFS Requested Fire Warnings are meant to support evacuations, if necessary, as local law enforcement and responders coordinate locations to be evacuated.



OFS Wildfire GIS Specialist & NWS Meteorologists rapidly developing Fire Warnings in real-time on March 14, 2025



This practice is proving to provide more effective communication when emerging wildfire threatens lives and livelihoods. When OFS first began the development of Integrated Fire Warnings, the process required roughly 90 minutes to issue the product. Due to these implementations, warnings are issued within minutes after wildfire exhibits the tell-tale signs of significant threat on the Oklahoma landscape.

In the month of March, 37 Integrated Fire Warnings were issued by OFS, NWS and OEM.

FOREST HEALTH

March 3rd Forest Health Coordinator Dieter Rudolph and Urban Forestry Coordinator Riley Coy attended a trigonometry class at North Rock Creek High School to talk about real world uses of trigonometry. They taught about foresters using the distance from the tree and angle of sight to measure the height of the tree using the trigonometry saying of SOH-CAH-TOA. Afterwards the students made their own clinometers and measured various objects on campus.



March 5th Dieter Rudolph and GIS Specialist Chris Mask attended GIS Day at the Capitol where they met with legislators, students, partners, and anyone interested in Geospatial Information Systems. They displayed various ways OFS utilizes GIS technology in their day-to-day activities including wildfire prediction models, wildfire suppression, forest health monitoring, forest management, and accomplishment reporting.

March 8th Dieter Rudolph and Forest Health Specialist Evan Long participated in RETREET Shawnee. RETREET works to replant trees in communities following natural disasters.

Shawnee experienced multiple tornadoes in April 2023 which knocked down and killed trees across the community. This event planted new trees on affected landowners' properties, prioritizing native tree species that are best adapted to the area.



March 13th Dieter Rudolph participated at the Oklahoma Library Association Conference where, in partnership with Oklahoma Department of Libraries, he displayed a newly developed learning module being provided to rural libraries across the state. This new resource focuses on invasive animals, their impact on the landscape, and the importance of early detection and rapid response. A pilot project will begin in April providing the learning modules to ten libraries for a period of two months. After the end of the pilot, feedback will be evaluated and the resource will be provided to all willing libraries across rural Oklahoma.

March 28th Dieter Rudolph and Water Quality Forester Aaron Black participated in an outdoor classroom event at Thomas Intermediate School in Holdenville. They promoted OFS programs in both Forest Protection and Forest Management, the importance of Oklahoma's natural resources, and demonstrated how managing the forests leads to healthier trees while also providing wood products to the communities.

With the weather getting warmer and trees putting on leaves, we are also at the point in the year when insects start emerging. Landowners may notice their trees appearing less healthy than usual or might start seeing holes appearing in their trees. Most of the emerging insects are a functioning part of the ecosystem, even if they are sometimes considered pests. Some, such as the emerald ash borer, are invasive and add no benefits to offset the damage they cause. Emerald ash borer trapping began at the start of April and will continue through August. Large purple box traps will start appearing in forests across the eastern half of the state so that OFS can track the spread of this invasive beetle.

URBAN AND COMMUNITY FORESTRY

February 21st Urban Forestry Coordinator Riley Coy taught the Advanced Environmental Science Class at Bishop McGuinness High School on sustainable forestry and forest harvesting methods such as clearcutting.

February 26th – 27th Urban & Community Partnership Coordinator Elizabeth Bland-Corbishley and Forest Health Specialist Evan Long attended Tulsa's Junior Achievement (JA) Inspire Career Exploration Fair where they presented career fields related to forestry and natural resources to eighth graders from Tulsa area and Fort Gibson public schools. There were 7,250 students in attendance.



March 4th Riley attended the OKVMA Legislative Dinner at Cattleman's Steakhouse to meet with Oklahoma Legislatures to discuss forestry and vegetation management issues across the state.

March 5th Riley attended the OKVMA Spring Conference in Oklahoma City and Elizabeth and Evan attended the Oklahoma City Junior Achievement (JA) Inspire Career Exploration Fair where they presented career fields related to forestry and natural resources to eighth graders. There were 1,600 students in attendance.

March 8th Riley, Elizabeth, and Forest Inventory and Analysis Coordinator Joshua Bradley attended the Up With Trees Volunteer Honors Luncheon where former Urban Forestry Coordinator Mark Bays was awarded the Lifetime Achievement Award for all his work promoting, educating, and planting trees throughout Oklahoma. Theme of this year's event was Alice in Wonderland.



March 12th Riley was the guest speaker at the Sustainability Social Hour hosted by OKC Beautiful at Core4 Brewing.

March 13th Riley, Elizabeth, and wonderful volunteers from ODAFF worked to spread mulch in the Heartland Memorial Grove in preparation for Oklahoma Forestry's Arbor Day Celebration.



March 14th Riley, Elizabeth, Joshua Bradley, Madison Gore, Randy Holeman, Reagan Ward, Dieter Rudolph, Brad Burnett, Former Urban Forestry coordinator Mark Bays, and Secretary Blayne Arthur hosted Oklahoma Forestry's Arbor Day Celebration and Luncheon at the Oklahoma History Center. There were 65 attendees representing Oklahoma's Tree Cities, Tree Campuses, and Tree Lines from across the state. After the luncheon, all those in attendance assisted with planting the white bud at the center of the Heartland Memorial Grove with guest speaker Secretary Blayne Arthur

March 18th Riley, Elizabeth, and Dieter toured the Red Ridge Nature Preserve in Oklahoma City. This preserve located just a few miles North of the state Capitol aims to combine historic home preservation and conservation to provide a new green space in Oklahoma City. They spoke with the newly appointed Deputy Director of the preserve on partnerships, invasive species management, and outreach opportunities.



March 19th and 20th Riley and Elizabeth presented to City of Tulsa workers at their first tree assessment training on tree hazards and identification. There were 65 people present over the two-day training workshop.

March 24th Elizabeth, Northeast Area Forester Craig Longshore, and Northeast Administrative Assistant Kaley Helton attended the Journey of Hope Tour with the Oklahoma City Memorial in Tahlequah. There they presented and planted a Survivor Tree sapling to 1,200 students and faculty in attendance at Tahlequah High School. Later that evening Elizabeth, Craig, and Kaley rededicated the Survivor Tree planted on NSU campus with the Oklahoma City Memorial to 25 members of the community.

Also, on this day Riley Presented to Edmond City Council on Tree City USA and Tree Line USA.



March 27th Riley supervised routine maintenance on the Survivor Tree as it had branches pruned and mistletoe removed in preparation of the Oklahoma City Memorial & Museum's 30th anniversary remembrance ceremony on April 19th.



March 31st Riley and Madison attended the Journey of Hope Tour with the Oklahoma City Memorial in Holdenville. There they presented and planted a Survivor Tree sapling to 325 students and faculty in attendance at Holdenville High School.



FOREST INVENTORY AND ANALYSIS

The Forest Inventory and Analysis (FIA) crew focused its attention on east central Oklahoma in January. Working in Pittsburg, Atoka, and Coal counties, foresters quantified species abundance, wildfire fuel loads, mortality and regeneration, and potential economic value.

Additionally, program coordinator Joshua Bradley attended and earned the Tree Risk Assessment Qualification (TRAQ) by the International Society of Arboriculture in Houston, TX. The TRAQ certification enables Joshua to be part of a rapid response team to assess tree risks after a major disaster like a tornado, wildfire, or other mortality event. Funding for this training was provided by USFS grant money.

FOREST LEGACY PROGRAM

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 Oklahoma Forestry Services continue to work together to make connections and fundraise for the project.

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.

February 7th Madison Gore attended the Oklahoma Association of Environmental Education's Annual Expo to promote the Musket Mountain Forest Project, emphasizing its importance for forestry education in Oklahoma.

February 28th Madison Gore had a booth at the Backwoods Expo in OKC to promote the Musket Mountain Forest Project & the Oklahoma Forest Legacy Program. Around 550 people were reached throughout the 3-day event.

March 26th OFS and TCF hosted a Musket Mountain Site Tour for supporters and partners to learn more about the project and see the property. Representatives from OFS, TCF, The Nature Conservancy, Oklahoma State University, Oklahoma Forestry Association, American Forest Management, Nashoba Public Schools, Nashoba Volunteer Fire Department, and Tuskahoma Public Schools attended the site tour. All attendees expressed heavy support for the project and emphasized its importance for forestry and fire management, education, and research in Oklahoma.



March 28th Madison Gore had a booth at the Backwoods Expo in Tulsa to promote the Musket Mountain Forest Project & the Oklahoma Forest Legacy Program. Around 300 people were reached throughout the 3-day event.

FOREST HERITAGE CENTER

- 1st Saturday Programs – Both, January and February programs were a big success, with great community engagement.
- MCTA Grant Awarded – Funds will go toward emergency exit upgrades in the museum.
- New Youth Education Program – Developing an educational connection program to engage younger audiences.
- Environmental Education Expo – Attended in OKC alongside Forestry to promote environmental education.
- Lunar New Year Celebration – Partnered with the Museum of the Red River for a cultural event.
- Annual Artist of the Year Competition & Gallery – Opening March 6th May. A major event for the woodworking community featuring grand prizes and art from across the U.S.
- Broken Bow Chamber Luncheon – Connected with local business owners and educational institutions.
- Museum Updates – Ongoing work on improvements and planning more 1st Saturday programs.
- Upcoming Education Outreach – Speaking to McCurtain County teachers in late February and superintendents in March.
- Chuck Wagon Saturday – Another successful event with great turnout and engagement.
- Ft. Towson Education Day – Shared Project Learning Tree (PLT) and Oklahoma Forestry Services (OFS) resources with nearly 800 teachers and students.
- Community Outreach – Spoke to the Idabel Rotary Club, McCurtain County Superintendents, and SOSU's new Educators.
- School Engagement – Hosted multiple elementary tours, bringing students into the museum for hands-on learning.
- SE Woodturners Tour – After leaving Wright City, they taught in Battiest and are finishing at Broken Bow Middle School, where our FREE woodturning classes are running for the next five weeks.
- Education Corner Project – Officially started, expanding our interactive learning space.
- New Summer Exhibit – Created a Smokey Bear exhibit for summer visitors.
- Looking Ahead – Planning Easter egg hunts, Blacksmithing Saturday (April 5th), a collaboration with the Choctaw Cultural Center, and hosting the District Forestry Awards Ceremony, with even more in the works!

COMMUNITY OUTREACH AND COMMUNICATIONS

FORESTRY EDUCATION

February 25th Education Coordinator Tony Pascall taught Project Learning Tree (PLT) to the Elementary Science Methods Class at OU in Norman. 13 students learned the value of outdoor education and how to incorporate forestry education into their future classrooms.

February 26th Tony held a booth at the Oklahoma Association for Elementary School Principals about forestry education and PLT along with Ag in the Class and Oklahoma Farm to School. Together they spoke with over 100 principals and administrators about the offerings that ODAFF has for schools.

March 1st Tony had a booth at the 4th annual TEK (Traditional Ecological Knowledge) Festival at the First Americans Museum in Oklahoma City. More than 200 kids and adults were in attendance and learned about the services that OFS provides, answered questions about urban tree care, and shared a hands on lesson on dendrochronology.

March 6th Tony and Urban Forester Elizabeth Bland-Corbishley attended the Tulsa Regional STEM Alliance's quarterly meeting of community partners- STEM in Motion. They shared resources with 30 community leaders for bringing Project Learning Tree into schools as well as the upcoming Forestry Youth Camp.

March 7th Tony taught a PLT workshop to all 7 teachers at Stidham Public School. This small rural school district serves 90 students, and all participants in the workshop were very interested in the materials and how they can bring forestry education to their students.

March 10th- 13th Tony attended the annual PLT conference, this year held in Greenville, SC. This conference is a great way to network with, learn from, and collaborate with 150 other PLT coordinators and professionals from across the country. At the conference, Tony led a session for 10 other state coordinators and SFI forestry professionals about PLT training specifically for foresters called "Engaging youth and community as a non-educator using PLT's For the Trees and Forest Literacy Framework."

March 18th Tony taught a lesson on the importance of worms as decomposers with PLT volunteer and Master Teacher Tammy Coffee at the YMCA early childhood center. 15 pre-K students learned about worms and why they are important for soil health.

March 20th Tony gave a PLT and Forestry Youth Camp report to partners at the Forest Heritage Center board meeting in Broken Bow, OK.

March 26th Tony and Urban Forester Riley Coy planted a tree for Arbor Day at the First Presbyterian pre-school and daycare in OKC. 45 students learned about the life cycle of a tree, the importance of a tree, and how to plant and take care of it.

March 26th Tony and Service Forester Ryan Pope partnered with the Muskogee Jr. Master Gardeners to plant 29 trees at Cherokee Elementary School and the MLK Civil Center in Muskogee. 40 elementary students in the Jr. Master Gardener program helped to plant trees for Arbor Day, and learned about tree care.



March 29th Tony had a hands-on booth at the National American Indian Science and Engineering Fair in Stillwater. More than 150 students from all across the country, as well as their parents and teachers learned about the science of dendrochronology and how it can be applied to study weather and climate.

PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

NORTHEAST AREA

Forest Protection Highlights



From February 20th through April 3rd, the Northeast Area had 145 fires for 10,962.5 acres in the protection area. This timeframe focused mostly on fire suppression response. NE Area held the annual Work Capacity Test (pack test) on February 27th, and then another one for a couple employees and a new hire on March 13th. Joe Leak and Cole Hix assisted with the McGee Creek prescribed burn in the SE Area. New Jay Forest Ranger Ivan Bingham started work on March 10th. Several Rangers assisted with fires outside of the protection area during the month of March.

Forest Management/Program Highlights

Ryan Pope assisted six landowners with tree health, logging, and prescribed fire questions. He developed a prescribed fire plan for a property near Bixby. Ryan assisted with the Arbor Day tree planting in Muskogee, OK. Ryan and Harris Groberg also helped with the Quapaw Journey of Hope presentation. Craig Longshore, Ryan Pope, and Harris Groberg worked a timber theft request for property located near Nowata, OK. Craig Longshore and Harris Groberg started a timber theft project in Cherokee County. Craig Longshore and Kaley Helton attended the Journey of Hope at Tahlequah HS and NSU campus. Harris developed a prescribed fire plan for a property in Sequoyah County.

Administrative

Kaley Helton met with EC, SE, and HQ personnel to discuss and develop training materials for new OFS employees to assist them through purchasing, expenditures, contracts, etc. Kaley completed the required CPO training for P-Card holders.

Ongoing Issues and Upcoming Events

- FFA NE Forestry Judging Competition 4/8/2025
- Journey of Hope – Vinita 4/9/2025
- S-130/190 – Basic Firefighter Training for Adair County VFDs
- S-130/190 – Basic Firefighter Training for Washington County VFDs
- “Careers in Forestry” Career Fair in Muskogee 4/22/25
- “Youth Tree Identification Program” in Muskogee 5/13/25

EAST CENTRAL AREA

Forest Protection Highlights

The end of February and the month of March saw a significant uptick in fire suppression activities. Since the last board report submission, EC has suppressed 108 fires within the EC protection area for a total of 34,058.9 acres for an average fire size of 315 acres.

Since the last board report, every EC Forest Ranger responded outside of the protection area for wildfire pre-position and response. OFS resources stretched thin as wildfires occurred across the state as pre-position and requests for assistance rolled in. Regardless of where in the state they were positioned, all resources worked long hours up into the night and morning to suppress these wildfires.

Prescribed Fire

Forester Eddie Woods and rangers Jake Keen, Ry Johnson, and Clint Vaughn assisted with the prescribed fire at Foss Lake totaling 490 acres. Rangers Garret Rowland and Brayden Hoffman assisted the SE Area with a private landowner prescribed fire in Pushmataha County covering 270 acres.

Forest Management Highlights

Forester Brandon Faulkenberry met with OSU NREM 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.

Information / Education Highlights

EC foresters set up and ran the Tri-County High School forestry judging contest at Cedar Lake. Forester Eddie Woods set up and ran the Forestry Exam at EOSC Scholastics Contest at EOSC in Wilburton. Forester Eddie Woods and rangers Richard Marrow and Blake Hadley also set up and ran the EOSC FFA Interscholastic Forestry Contest also held at EOSC in Wilburton.

Forester Eddie Woods presented as guest lecturer at the EOSC Soils Labs in Wilburton.

Personnel update

EC has filled the Forester 1 position vacancy located in Talihina. The new hire will be Craig Hunnicutt. Craig will graduate from Louisiana Tech University with a bachelor's degree in forestry. Craig has worked as an intern with Potlatch Deltic in Flowood, Mississippi. He has also served as a student ambassador for Louisiana Tech, School of Ag Science and Forestry. He worked as an intern for 360 Surveying in Longview, TX. Craig has served as treasurer and vice president in the Louisiana Tech Forestry Club. He is also a member of the Society of American Foresters and the Temple Baptist College Ministries and the Baptist College Ministries (BCM).

Safety / Training Highlights

Preparations for the Arkansas River Valley Wildland Fire Academy in May are underway, with multiple OFS personnel having been enrolled in courses. As mentioned in the last board report, several employees are also slated to help instruct some of the courses being offered to fire personnel from various agencies. New employees Brayden Hoffman and Blake Hadley will also be attending the FR-105 Heavy Equipment Operations course in April. This course includes everything from equipment loading, hauling, daytime/nighttime operations, and stuck equipment extraction.

Special Projects

The out-of-service, Above Ground Storage Tanks (ASTs) at the Wilburton and Talihina offices are now gone. We hold much gratitude to all involved in helping get this project completed. Other projects slated for completion during this fiscal year also include a new roof for the Wilburton shop, a new HVAC system for the Talihina office, and some minor upgrades to both facilities.

With the extended firefighting operations experienced during March, focus will shift to any equipment repairs needed. Talihina rangers recently completed installing new track pads on the 650K dozer that typically is out of state for fire suppression following Oklahoma's spring fire season.

Ongoing Issues

As the spring fire season winds down, focus will also be on facilities upkeep projects that will include a new roof for the Wilburton shop, roof reseals on the Talihina office and shop, and a new HVAC unit for the Talihina office all while reducing comp hours earned during the March wildfires.

SOUTHEAST AREA

Forest Protection Highlights

In Protection Fires: February – 16 fires burning for 401.5 acres, March – 81 fires burning for 7525 acres, April – No fires to date. Structures lost: 3 Structures saved: 46

Forest Management/Programs Highlights:

Brock Hill had 8 landowner contacts. Will Phifer had 13 landowner contacts. Tyler Hyatt had 3 landowner contacts with various landowners to plan and conduct site visits for timber management and prescribed fire plans. Jacob Lewis had 4 landowner contacts with various landowners to plan and conduct site visits for timber management, health and prescribed fire. Hand planting completed, 312 acres. Machine planting completed, 60 acres.

Prescribed Fire Assistance:

McGee Creek State Park Unit 2 Burn – 451.5 acres – Pat Wayman, Steve Painter, Brock Marble, Oley Walker, Bryden Walker, Anthony Williams, Tyler Hyatt

Randy Moore Burn – 270 acres – Terron Gee, Mark Webb, Derik Gee, Calvin Webb, Chris Hutson, Jacob Lewis, Garret Rowland (EC), Brayden Hoffman (EC)

NSRA Bear Creek Burn – 3,571 acres – Pat Wayman, Brock Marble, Steve Painter, Forrest Cave, Kent Kellogg, Cory Kellogg, Billy Reeves, Will Phifer, Oley Walker, Blayne Hardaway, Bryden Walker, Woodrow Wilson, Joe Leak (NE), Cole Hix (NE)

Safety/Training Highlights:

Broken Bow District completed the RT-130 refresher training conducted by Will Phifer. SE Area Rangers completed the yearly work capacity test (pack test). Tama Lester completed the IS-800 An Introduction to the National Response Framework course. SE Area has several personnel signed up to attend classes in May at the Arkansas River Valley Wildland Fire Academy. Pat Wayman held a safety meeting dealing with the dangers of fighting fire in an unfamiliar area at night, the terrain, hazards and the watchouts.

Employee Recognition/Other:

SE Area has sent 30 of its personnel to help fight the recent wildfires in Central and Western OK starting March 11th. Tama Lester has supported wildfires in Oklahoma by leading the Finance Section of the OK IMT. Tama Lester attended an APO Meeting in Wilburton on February 26th. Tony Macon attended a firefighters association meeting in Clayton on March 5th. Sonny Johnson and Don Cook attended the Fire Chiefs meeting in McCurtain County in March.

Upcoming Events/Activities:

- Mobile Radio installation
- Arkansas River Valley Wildland Fire Academy in May
- Complete Herbaceous Spraying
- Hochatown Structure Assessment Mapping and Collecting

HAZARDOUS FUELS MITIGATION PROGRAM:

Wildfire Mitigation Crews have completed work at Turkey Mountain Urban Wilderness Area. The final step will be submitting necessary paperwork to close out the grant and mark the project complete. OFS is on track to complete mastication and burning of residual wood piles which finishes the project implementation of this project. These final steps have been on hold awaiting the correct weather conditions and available resources.

This year's USFS State Fire Assistance Grant application has been submitted and focuses on the VFW Community south of Wilburton. This is a community where Veterans can build and reside without ad valorem taxes applied. The property is in an area subject to critical wildfire behavior.

FOREST REGENERATION CENTER:

Last month the Forest Regeneration Center presented a quick afternoon tour of the seedling nursery facility to ODAFF's Ag Youth Council. The tour showcased OFS's annual conservation seedling sale, and highlighted all the strenuous work involved in growing, harvesting, and processing the conservation seedlings for the landowners of Oklahoma.



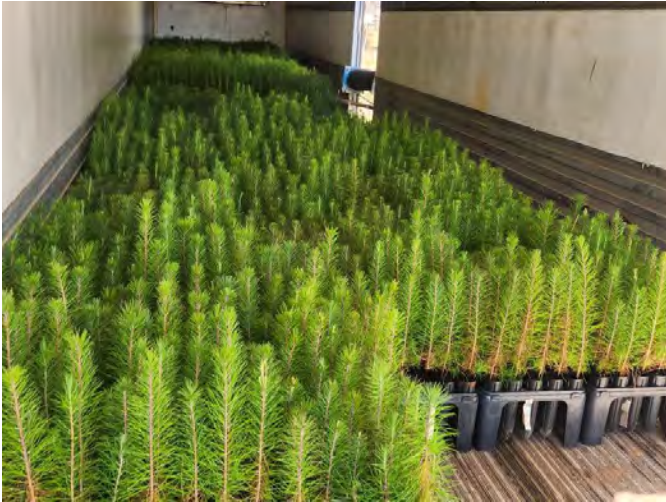
The hard work and dedication of the Regeneration team is paying off with close to 700 seedling orders nearing completion and only a few remaining to be processed. The timing and efficiency of handling the landowners' needs across the state

remains an incredible feat each year. There are a lot of obstacles or hurdles the Regeneration team must overcome throughout the short harvest season, but through excellent customer service, the landowners of Oklahoma will continue to have great experience of planting seedlings for their conservation needs.



The current number of Conservation Tree Seedling Revenue seedling orders are at 655 and will continue to rise as we enter the last couple of weeks of the seedling harvest season. Current orders reflect 1,065,750 seedlings being distributed for revenue sales totaling \$307,089.17.

Containerized seedlings being loaded from our greenhouse facility located at the Forest Tree Improvement Center in Idabel. The containerized seedlings will be distributed from the FRC facility and will offer another option for landowners to plant in harsher environments to help increase chances of survival for a more successful planting experience.





CONSUMER PROTECTION SERVICES DIVISION

APRIL 21, 2025, BOARD MEETING REPORT FOR FEBRUARY/MARCH 2025

PESTICIDE SECTION

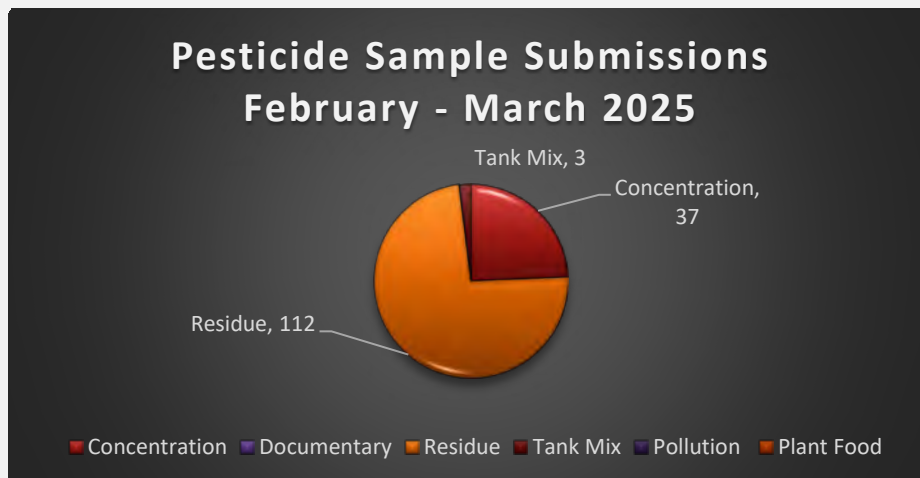
Pesticide Registration Activity

Pesticide registrations from January 1st to April 7th in 2025 are presented in the following chart. A total of 6135 products were registered, of the products registered 5559 were renewals and 576 were new. There were 462 products cancelled.



Pesticide Samples

Pesticide samples taken February-March 2025 are presented in the following chart. A total of 112 Residue, 3 Tank Mix, and 37 Concentration samples were taken.



Inspection Type	Number of Inspections		
	February	March	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	53	46	99
Pesticide Applicator Facility	18	19	37
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	11	6	17
Container Containment Inspection	0	0	0
Producer Establishment	0	0	0
Use	27	57	84
Termite	0	0	0
Wood	9	19	28
Pre-treat	0	0	0
Drift Investigation	0	0	0
Pesticide Label	105	127	232
Worker Protection	0	0	0
Total	223	274	497

* 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 also took 118 nonagricultural use samples, 28 marketplace samples, and 6 agricultural use samples for a total of 152 samples.

Pesticide Applicator's Licenses

There were 2,346 active pesticide companies that expired in 2024. Of those companies, 1,915 commercial companies renewed their license.

As of 4/7/2025, 1008 Stop Work Orders have been issued for incomplete renewals.

Certified Applicators

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, 4,743 certified applicators have recertified.

OKVMA Sprint Conference

The Oklahoma Vegetative Management Association hosted their annual spring conference in Oklahoma City on March 5, 2025. There were over 300 applicators in attendance at OKVMA.

Megan Parker, Pesticide Program Administrator, gave the first presentation of the day covering pesticide program updates.

Pesticide Complaints

PESTICIDE COMPLAINTS		February 25, 2025 – April 4, 2025		
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	6	7	8	7
MUSK THISTLE:	1	0	0	0
PMR CASES:	40	32	0	32
CASES REFERRED TO OGC:	8			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Federal phytosanitary certificates Issued from February 1, 2025 – February 28, 2025.

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

11 Federal Phytosanitary certificates issued @ \$106.00 each

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

3 Federal Phytosanitary Certificates issued @ \$61.00 each

<u>Federal Phytosanitary Certificates (February 1, 2025 - February 28, 2025)</u>			
Country	Product	Quantity	Phytos Issued
China	Barrelclover Seed	0.02 Kg	2
Dominican Republic	Mixed Feed	500 Bags	1
Germany	Black Walnut Logs	70 Logs	1
Italy	Bermuda Grass Seed	0.9 Kg	1
Japan	Black Walnut Logs	12 Logs	1
	Black Walnut Logs	77 Logs	2
Republic of Korea	Sesame Seed	800,000 Kgs	4
	Sorghum bicolor Seed	40,000 Kgs	1
Turkey	Barrelclover Seed	0.015 Kg	1
		Total	14

Companies applying for federal phytosanitary certificates:

Baillie Lumber	3
Big V Feeds	1
John S Conner	1
Johnston Seed Company	2
OSU Bioscience	3
Sesaco	4

State

State phytosanitary certificates Issued from February 1, 2025 – February 28, 2025.

33 phytosanitary certificates for 2,854 plants.



Phytophthora ramorum Survey

We are continuing to survey for *Phytophthora ramorum* (Sudden Oak Death) in Oklahoma. This is a federally funded survey that begins in January each year. As Spring plant shipments increase CPS Field Agents are inspecting host species (Azalea, Rhododendron, Camellia, Kahlmia, and Viburnum) as they find them in nurseries and garden centers. As of April 7, we have completed 11 inspections and expect that to increase over the Spring and Summer.



Figure 1: *P. ramorum* symptomatic material.



Hemp

There are currently 51 hemp growers, 28 hemp processors/handlers, 136,657 licensed sq ft, and 2442 licensed acres.

ODAFF has been investigating THCa flower complaints around the state. There have been multiple reports of retailers and wholesalers selling flower with high total THC and claiming the product is hemp.

AGRICULTURE RESOURCE SECTION

Weights & Measures Program

During this period the large capacity scale technicians tested 71 Vehicle scales, and 81 ranch scales of those tested 12 vehicle scales and 14 ranch scales were rejected. The ranch scale testing season has pretty much come to an end, and we will now concentrate on checking vehicle scales at Coops, grain elevators, and ports, prior to the start of wheat harvest.

CPS Field Agents checked a total of 2545 small scales and 21 platform scales, 19 of the checked scales were rejected. There were 22 random pack inspections, and 70 standard pack inspections conducted that resulted in 7 companies receiving letters of warning. Additionally, 151 price verification inspections were conducted at various retailers that resulted in 8 companies receiving letters of warning.

One scale company received a letter of warning for not properly servicing scales.

Feed Program

Program Performance

During this reporting period there were a total of 95 official feed samples analyzed, with 553 feed determinations made from these samples. These determinations resulted in the issuance of 9 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein and Phosphorus. Other violations include Calcium, Salt, Zinc, Crude Fat, and Copper.

Ten stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Three stop sales were issued for products with excessive levels of Feed Medication. Two stop sales were issued for products deficient in Vitamin A. One stop sale was issued for a product with excessive levels of Crude Fiber. One stop sale was issued for a product deficient in Salt. One stop sale was issued for a product deficient in Calcium. One stop sale was issued for a product deficient in Crude Fat. One stop sale was issued for a product deficient in Copper.

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 February 2025 – March 2025

Nutritional Guarantee	Number of Label Violations		
	March ¹	February ²	Two Month Total
Crude Protein	2	4	6
Non-protein Nitrogen	0	0	0
Crude Fat	1	3	4
Crude Fiber	0	0	0
Calcium	1	1	2
Phosphorus	2	4	6
Salt	1	5	6
Magnesium	0	1	1
Potassium	0	1	1
Copper	1	0	1
Manganese	0	0	0
Iron	0	0	0
Zinc	1	0	1
Vitamin A	0	2	2
Methionine	0	0	0
Total	9	21	30

¹ 95 feed samples analyzed with 553 determinations; ² 138 feed samples analyzed with 668 determinations

Table 2. Feed Stop Sale Summary February 2025 – March 2025

Nutritional Guarantee	Number of Stop Sales		
	March ¹	February ²	Two Month Total
Crude Protein	0	1	1
Non-protein Nitrogen	0	0	0
Crude Fat	1	1	2
Crude Fiber	1	1	2
Calcium	1	0	1
Phosphorus	0	0	0
Salt	1	2	3
Manganese	0	2	2
Potassium	0	0	0
Copper	1	1	2
Zinc	0	1	1
Vitamin A	2	2	4
Medicated Feed	3	0	3
Total	10	11	21

¹ 95 feed samples analyzed with 553 determinations; ² 138 feed samples analyzed with 668 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 February 1st through March 31st, 2025.

Sample Type	Number	Deficiency Penalty/SS
Fertilizer	218	17
Lime	14	-

Investigation Type	Number
Facility Pre-Site Inspections	0
Dry Bulk Fertilizer Storage Facility	17
Liquid Bulk Fertilizer Storage Facility	14
NH ₃ Nurse Tank Inspections	21(489 total tanks)
NH ₃ Storage Tank Inspections	22 (36 total tanks)

During this time-period, Fertilizer Program Administrator, Joshua Maples, represented Oklahoma at the 2025 Association of American Plant Food Control Officials (AAPFCO) Winter Annual Meeting in New Orleans, LA from February 16th – 18th. His attendance provides Oklahoma with a voice in leadership in AAPFCO decision making, as Joshua is a current Board Member, Chair for the Education and Information committee, vice-chair for the Ag Lime and labeling committees for the model documents group, committee member on numerous committees, and is active in participating in discussions throughout this organization. He was acting chair of and led the meeting for the Education and Information committee, whose purpose is *“To promote the role of AAPFCO as a source of uniformity in plant food regulations, labels, and definitions. To develop and disseminate information and educational materials to help ensure the safe and effective use of fertilizers, beneficial substances, and soil amending products in agricultural and consumer applications.”* He oversees the AAPFCO labeling guide, as well as the AAPFCO inspector manual. The purpose of AAPFCO is to help achieve regulatory uniformity through state regulations, as well as provide regulatory control officials and industry a chance to interact with and discuss the implementation of regulatory issues. AAPFCO’s mission highlights the benefits of involvement and inclusion from the state regulatory programs to better maintain uniformity across the states regarding the regulation of our industry: *“The mission of the Association of American Plant Food Control Officials is to establish uniform standards that promote consumer protection, environmental stewardship, and provide a forum to achieve regulatory consensus.”* Twenty-Nine states, including Canada, were represented by a combined 165 control official and industry liaisons in attendance.

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



Kenny M. Naylor



Oklahoma Department of Agriculture, Food and Forestry
Animal Industry Services Board Report
April 21, 2025
Activities February 22, 2025 – April 4, 2025

Animal Disease Traceability:

AIS has been working with Acclaim Systems throughout this reporting period in preparation of the database move from USA Herds to Ag Enterprise. Dana Call has had several meetings with the transition team to move and format the licenses for the Farmed Cervidae and Feral Swine programs. There will also be an electronic version of the special sale and exhibition permits. These applications and payment options will be available through a public access portal through Ag Enterprise.

During this time, we sent 6,000 orange calfhood vaccination EID tags to veterinarians, and 53,860 official EID tags to veterinarians, livestock markets, and producers.

Eight new accounts were opened for the no-cost electronic CVI we offer to Oklahoma veterinarians. Since we stopped distributing paper CVIs at the end of December, we are seeing a decrease in the number of paper CVIs being returned, and an increase in the number of electronic CVIs. For the most part, the transition has gone smoothly and there have been only a few major complaints.

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

On April 2, Jason Williams, a Territory Sales Manager with Datamars, provided an overview during the quarterly livestock inspector meeting over EID wands and best practices to assist livestock market veterinarians to connect wands to devices.

Aquaculture:

The renewal period has ended. We currently have 15 licensed aquaculture producers.

We have received questions and complaints concerning the sale of live crayfish out of trucks for immediate consumption. These individuals are not licensed with ODAFF. They purchase crayfish from gulf coast states and then bring them back to Oklahoma to fulfill orders these companies have received. Aquaculture rules do not address the transportation of covered aquatic species that are sold out of a truck for immediate food use and not for production.

Biologics:

On March 7, Dr. Gorczyca, Dr. Parrott, and I met with Tiffany Nation, a Biologics Specialist with Boehringer Ingelheim to discuss the avian Metapneumovirus (aMPV) imported vaccine approval process.

We continue to receive requests for the imported aMPV vaccine for use in poultry flocks in the state. We have currently approved five imported aMPV vaccines for three biological companies and have approved one experimental autogenous aMPV vaccine.

On April 7, Dr. Gorczyca and Dr. Parrott met with the Wilson Veterinary Co, an egg-layer consulting group, to discuss the use of the imported Egg Drop Syndrome vaccine in Oklahoma. Like aMPV vaccine, there is not a domestically produced EDS vaccine. Oklahoma currently does not have any confirmed cases of EDS in poultry and to approve the use of this imported vaccine, we would need a confirmed case of EDS. Once confirmed, we would then go through the same process that we've been doing to review and approve aMPV imported vaccine requests for imported EDS vaccine requests.

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

Cattle Programs:

The outbreak of Highly Pathogenic Avian Influenza in dairy cattle is continuing. It has now affected 998 herds in 18 states. California has had 758 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. Testing for the first three months of 2025 has all been negative. Once all states have achieved negative status for several months, the US will be declared free of HPAI in the dairy herd.

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.

Tuberculosis:

There was no significant activity in the TB program.

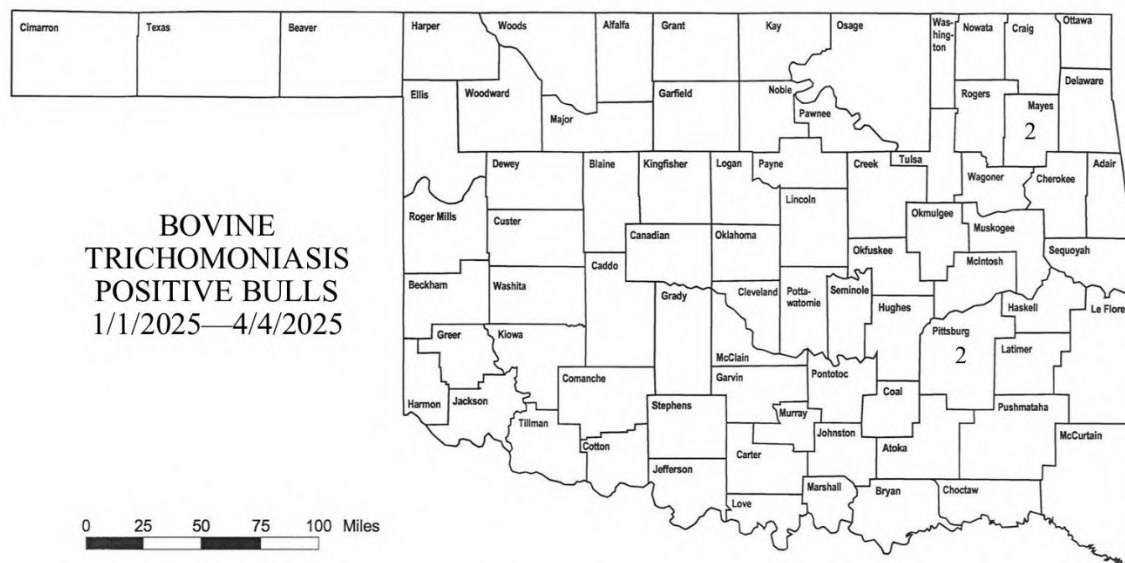
Johne's Disease:

For this reporting period we received 14 positive reports of Johne's disease with 10 being new premises. 11 years of reports average 16 positive reports with 10 being new premises. Trends for testing follow market trends. As cattle prices increase testing increases exposing more premises that are affected.

We continue to help producers and veterinarians with testing strategy and management decisions.

Trichomoniasis:

During this period there were 4,448 Oklahoma bulls tested for Trichomoniasis, and four were confirmed to be positive.



6,545 bulls tested / 4 positive = 0.06% 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.

Emergency Management:

During the wildfire outbreak March 14-21, we monitored Oklahoma Emergency Management's WebEOC and I spent several hours in the Emergency Operations Center on March 15. The Payne County Animal Response Team with assistance from Oklahoma Medical Reserve Corps set up and maintained an animal shelter in conjunction with the Red Cross human shelter in Stillwater.

On February 28, the Livestock Market tabletop exercise was held at ODAFF. The Livestock Marketing Agreement Disaster Response Committee participated in the role of the auction owner. The scenario focused on a foot and mouth disease outbreak and the resulting response that would occur when a livestock market was involved.

On March 4, Dr. Gorczyca and Dr. Beth Ruby along with Chief Elliot and several Special Agents met with members of the Oklahoma Counterterrorism and Information Center to discuss concerns in agriculture.

On March 7, Dr. Gorczyca held a planning meeting for the upcoming FBI sponsored biosecurity and threats in agriculture workshop to be held in June 2025.

On March 17, Dr. Gorczyca provided a presentation about small animal emergency sheltering to the Oklahoma Animal Control Officer Association's spring boot camp group.

On March 27, Dr. Gorczyca provided a presentation over secure pork supply planning in Oklahoma to the USAHA Committee on Animal Emergency Management.

Dana Call has enrolled in the Secure Beef Supply train-the-trainer program and has been working through the course material. There will be two virtual sessions in May as part of the training. This affords the opportunity to present the course materials to anyone interested in creating and implementing a Beef Supply plan.

Equine Programs:

The Piroplasmosis positive horse identified in Haskell County, Oklahoma, continues to undergo post-treatment testing and remains under quarantine to mitigate the risk of further transmission.

On February 24 we were notified of a case of Equine Infectious Anemia (EIA) in Carter County. The diagnosis was officially confirmed on March 6, and the affected horse was euthanized on March 8. An investigation revealed the horse had been housed at three different training facilities after entering Oklahoma from Texas. All exposed horses at these locations were tested, with no additional positive cases identified. One of the facilities remains under quarantine, pending a second round of testing scheduled for May 2025.

On April 4, a second EIA positive horse was identified in Garvin County. Confirmation testing is pending at the time of this report. The affected horse and any exposed horses have been placed under quarantine as a precautionary measure.

Farmed Cervidae Programs:

AIS is receiving and processing the Farmed Cervidae license renewals. There has been a steady interest in importing whitetail deer from Texas. Some producers are moving their herds to Oklahoma, and Oklahoma producers are importing deer. Texas's deer producers are looking for other places to do business due to the rapid spread of CWD in the state. Oklahoma producers are importing deer from Texas due to many deer in Texas having increased resistance to diseases such as EHD and Blue Tongue. They are also importing deer that have superior genetic resistance to CWD.

On April 1, Dr. Gorczyca-Southerland and Dana Call had a meeting with Gary Cook of the North American Deer Registry (NADR), Dr. Seabury of Texas A&M University and Tim Condict with the Oklahoma Whitetail Association to discuss the logistics of the genetic analysis of samples collected by ODWC. These samples, as stated in HB 3462, have been collected from all areas of the State and are to be analyzed to create a baseline of the genetic make-up of the native whitetail deer within the state. On April 4, over 500 tissue samples were delivered to AIS. Dana Call and Dr. Gorczyca-Southerland verified and numerically organized the samples in preparation for delivery to NADR for analysis. The bill, as passed in the 2024 legislative session, was not clear as to what agency is responsible for paying NADR for the testing. It is looking more and more like ODAFF will have to find the funds.

Feral Swine:

AIS is receiving and processing the Feral Swine Facility license renewals.

There was one Feral Swine complaint during this reporting period. AIS responded by sending an LSI to investigate the complaint which stated that an individual had obtained feral swine piglets with the intent to keep them. The individual in possession of the feral swine did contact Dana Call and has applied for a feral swine handling facility license. The individual stated their intent of raising them to butcher. Dana encouraged the individual to test them for pseudorabies and brucellosis, as these are contagious diseases that are prevalent in the feral swine population.

Misfits of Oz is a rescue organization that moved from New Mexico to Oklahoma has been quarantined due to a positive pseudorabies test. The facility will become a licensed feral swine handling facility and will remain under surveillance until further notice.

Feral Swine sporting facilities reported a total of 6,675 feral swine harvested in these facilities in 2024.

Foreign Animal Disease:

During this time we had no FAD investigations.

Livestock Market Audits:

Southern Oklahoma has seen one of their long-time family-owned sale barns change hands this period. With the recent passing of Waurika Livestock's George Williams, his spouse Jo has made the decision to sell the market to Ben and Aimee Hale. The Hale family adds the southern Oklahoma facility to their stable of markets that include Western Livestock Commission at ONSY, Comanche Livestock Auction, and Woodward Livestock Auction. The Hale's plan to host their first Waurika sale on April 8.

Staff has also been working with Gil Gilbreath of Blanchard in his pursuit of adding goats and sheep to his already established poultry auction. Mr. Gilbreath and his staff have started the license process and are currently upgrading their facility to handle the added livestock.

In addition to this new market activity, this division sent information to a few other individuals interested in the sheep and goat marketing business. This period also allowed for several custodial account reviews.

Livestock Auction Market Activities

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

Outreach:

On March 6 I traveled to OSU College of Veterinary Medicine and gave a presentation on reportable diseases to the second-year class.

March 10-21 our livestock inspectors checked livestock to verify testing and Certificates of Veterinary Inspection for movement into OYE. Our VMO's followed up with daily checks of all pigs and education outreach for exhibitors.

On March 12 I submitted my State Veterinarian's Report for the Oklahoma Veterinary Medical Association Communique newsletter.

On March 12 I was interviewed by a high school FFA student about our CWD predictive genetics program to assist him with a speech he was preparing.

On March 12 I was interviewed by Jordan Fremstad of News 9 about the HPAI cases in backyard flocks in Grady and Woodward Counties.

On March 14 I was interviewed by Anna Pope of KOSU radio about the HPAI cases in the backyard flocks.

On March 18 Drs. Gorczyca-Southerland, Parrott, and I, along with Administrative Staff Dana Call and Marissa McLaughlin assisted with ExpOSure at OYE. ExpOSure is a hands on learning experience for students that is sponsored by OSU CVM, ODAFF, OVMA, OK Beef Council, and OK Pork Council. It exposes students to different aspects of veterinary medicine and hopefully piques their interest and spurs some of them on to pursue veterinary medicine as a career.

On March 24 the AIS Office Staff met to discuss what each of us was working on and answer questions from the administrative staff. Dr. Gorczyca-Southerland and I discussed the hiring freeze and Governor Stitt's mandate to cut FTEs to match what we had when he took office. We also discussed OFS Director Mark Goeller's retirement and answered questions about that situation. Dr. Parrott discussed the HPAI outbreaks in backyard flocks.

On March 25 Dr. Stone spoke and answered questions for the Pottawatomie County Cattlemen's Association meeting on Johne's disease, with about 45 persons in attendance.

On March 26 we hosted our monthly VMO meeting with ODAFF veterinarians and USDA Veterinary Services Field Operations veterinarians and staff.

On March 28 Dr. Stone hosted a wet lab for OSU veterinary students and Wildlife Club students for training in collection for spongiform disease samples. 19 students and one veterinarian participated in the training.

On March 31 I was interviewed by Noah Mack of OETA about the HPAI cases in Oklahoma and the outbreak in the USA and across the world.

On April 1 I was interviewed by Lacey Vilhauer of the High Plains Journal about the Foot and Mouth Disease outbreak in Germany, Hungary, and Slovakia. We also discussed the HPAI outbreak.

On April 1 I met virtually with members of the Board of Veterinary Medical Examiners and a couple other veterinarians to discuss potential changes to the Veterinary Practice Act sections that deal with Veterinary/Client/Patient Relationships, Telemedicine, treatments such as PEMF Therapy, and equine dentistry.

On April 2 I met with Representative Jim Grego, Deputy Commissioner Rowlett, Dr. Rosslyn Biggs, Dr. Neil Ichord, and a 4th year veterinary student to discuss opportunities for veterinary students and new veterinarians to receive assistance to pay student loans.

On April 2 our field staff was in for their quarterly meeting. A representative from Tru Test was here to give them instructions on the use and advantages of electronic tag readers. We discussed the same issues with the field staff that we did with the office staff two days earlier.

Poultry Programs

There were 35 sick or dead birds submitted for our sick bird/dead bird program during this time, for a total of 58 in 2025.

On March 10 our office was notified of a HPAI positive result from a Guinea in Grady County that was submitted for necropsy. The bird was submitted by an accredited veterinarian after the producer noted increased mortality in a mixed backyard flock of guineas, chickens, and ducks beginning on March 2. Confirmatory results were received March 12, as was the completion of the depopulation and disposal. The premises will remain under quarantine for 120 days.

On March 12 we were notified of a backyard mixed poultry flock with high mortality in Woodward County. Several deceased birds from the affected flock were submitted to OADDL for testing. HPAI was confirmed in these samples on March 17. Depopulation and disposal were completed on March 15. The premises will remain under quarantine for 120 days. Several cats from this premises died and tested positive for HPAI.

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 1,676 confirmed premises and 438 active Control Areas and Surveillance Zones still in effect.

We have observed a slight downward trend in HPAI cases across the United States; however, with the imminent onset of the northward waterfowl migration, we anticipate continued activity and a potential increase in cases. Therefore, 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.

Public Health

On March 13 Drs. Parrott, Gorczyca-Southerland, and I met with Oklahoma State Department of Health personnel to discuss the backyard HPAI cases and the potential impact to human health.

Rabies in Livestock:

A week before OYE began we were notified of a confirmed rabies case in a show calf from Dewey County. Unfortunately, this calf, and several others, had not been vaccinated against rabies. Due to the risk of other calves having the same exposure as the calf that was confirmed to be infected, we had to quarantine the show cattle and not allow them to show at OYE. Multiple humans were exposed and had to take the post exposure rabies treatment.

Sheep and Goat Programs:

There were no significant activity in the Sheep and Goat program during this time.

Swine Programs:

AIS, with the assistance of USDA-APHIS veterinary staff continue to monitor the swine herds that were affected by pseudorabies. All four affected herds remain under quarantine. One herd has been depopulated and will have the quarantine released soon. The other two herds have had two complete herd tests with all swine tested negative. We should be able to release their quarantines soon.

On March 31, AIS met with AgView, The National Pork Board, Seaboard Foods and representatives from the Kansas Department of Agriculture to discuss a pilot project for Swine Production Health Plan (SPHP) management through Ag View. The producer will be able to submit their SPHP on the Ag View platform and state animal health officials will be able to review and approve them.

The annual pseudorabies report was submitted by Dana Call in March. The report has been converted to a digital format through the USDA DIS website. In total, there were 23,407 domestic swine and 374 feral swine tested for pseudorabies and brucellosis in 2024.

Miscellaneous:

Administrative Assistant Austyn Fuss is working with two interns from Redlands Community College who are working with producers to help them develop Secure Food Supply Plans.

On February 24, Mollie Throckmorton, a member of the Agriculture Youth Council, job shadowed Dr. Gorczyca.

Respectfully,

A handwritten signature in black ink that reads "Rod Hall DVM". The signature is written in a cursive, flowing style.

Rod Hall, DVM

Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for March 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 505 properties with an estimated 1,065,910 acres of land under agreement. Additionally, WS helped 795 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 \$1,796,253 during this period. Beaver damages accounted for losses totaling \$241,611. Predation, primarily coyotes and black vultures were responsible for a number of damage requests, largely to livestock, with losses totaling \$37,714. Feral swine damages accounted for losses totaling \$1,505,401, while other species of wildlife were responsible for \$11,527 in damages to property, agriculture, and livestock.

Providing Wildlife Services

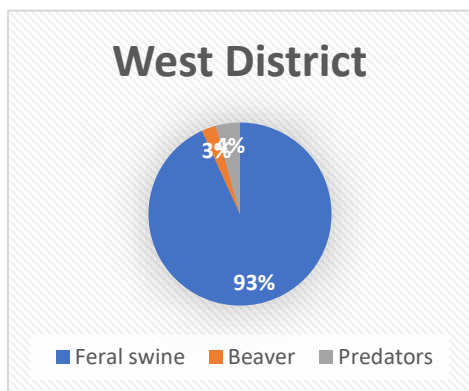


Figure 1: Species Removed in West District by percentage during March 2025

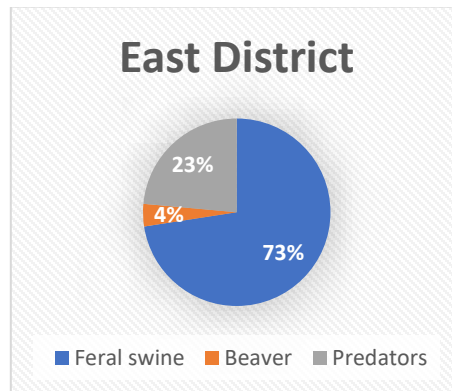


Figure 2: Species Removed in the East District by percentage during March 2025

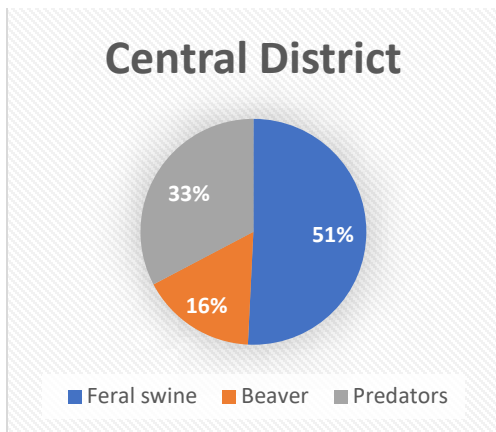


Figure 3: Species Removed in the Central District by percentage during March 2025

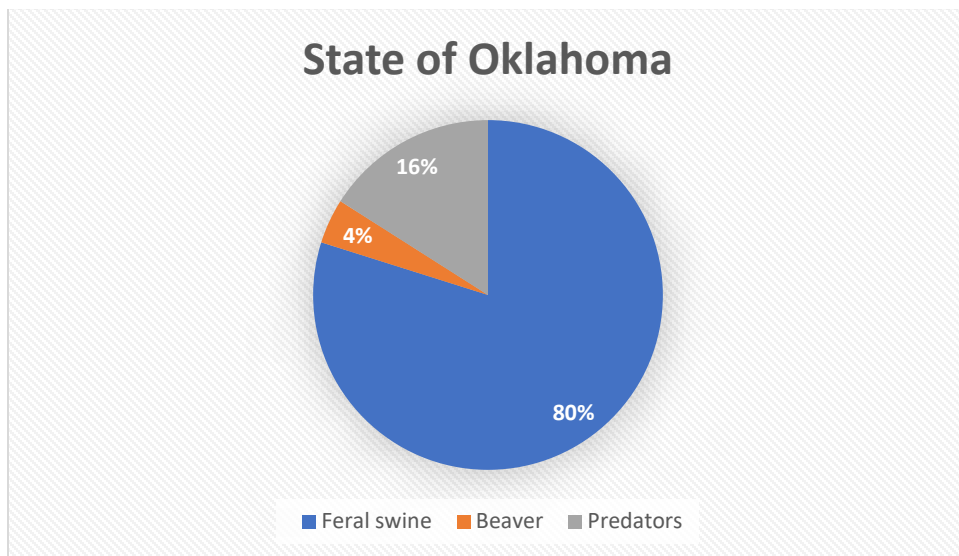


Figure 4: Species Removed in the State by percentage during March 2025

Predator Damage Management

Le Flore County commercial facility called WS for assistance with black vultures reporting human health and safety concerns for their employees. The human health concerns were verified, and the clean-up cost were estimated at \$15,000. A corral trap was placed, and 65 black vultures were removed. This project is still being monitored.

Bryan County cattle producer called WS for assistance with black vultures reporting the predation loss of one newborn calf to the vultures. The loss was verified and estimated at \$880. A corral trap was placed and baited, and 400 black vultures were removed. This project is still being monitored due to the high number of black vultures still on the property.

Beckham County livestock producer requested assistance with coyotes depredating on his calves. The producer reported coyotes had killed one calf valued at \$882. The Wildlife Specialist assigned to Beckham County responded to the request and examined the carcass and confirmed coyotes were responsible for the loss of the calf. The Specialist used snares and leghold traps to remove 12 coyotes. Control efforts continue to prevent additional losses.

Jackson County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes killed three calves valued at \$2,640. The Wildlife Specialist assigned to Jackson County responded to the request and confirmed coyotes were responsible for the loss of the calves. Control efforts have removed nine coyotes and are continuing at this time to further reduce predation losses to coyotes for the producer.

Blaine County landowner requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued \$881. The Wildlife Specialist assigned to Blaine County examined the carcass and verified that coyotes were responsible for the loss of the calves. Damage management efforts were successful in removing twenty coyotes from the property. Control efforts are completed, and no additional losses have occurred.

Carter County rancher contacted WS about coyotes chewing tails off calves. WS verified the coyotes were causing the damage. Devices were deployed and 13 coyotes were removed.

Garfield County cooperator contacted WS with reports of the loss of two lambs valued at \$400 due to coyote predation. After scouting the area, equipment was set, and three coyotes were removed with no further losses occurring.

Love County landowner called WS and reported black vultures had killed three calves with a loss of \$2400. A WS Specialist met with the landowner and determined black vultures were causing the loss. WS started trapping the black vultures and captured 137 black vultures.

Feral Swine Damage Management

Craig County rancher called WS for assistance with feral swine, reporting rooting damage to his cattle pastures. The damage was verified and estimated at \$8,000. After pre-baiting, a remote camera trap was placed, and 20 feral swine were removed. This project is still being monitored, and the rancher was advised about barrier fences that could deter future feral swine damage.

Osage County producer called WS for assistance with feral swine reporting significant rooting damage to his wheat fields. The damage was verified and estimated at \$2,600. A remote camera trap was placed, and 62 feral swine were removed with this project still being monitored.

Seminole County producer called WS for assistance with feral swine reporting rooting damage to his hay fields. The damage was verified and estimated at \$2,400. After pre-baiting, a remote camera trap was placed and 29 feral swine were removed. This project is still being monitored.

Dewey County landowner requested assistance with feral swine rooting up his wheat pastures. The landowner estimated that feral swine were responsible for \$2,000 in damages to his wheat pastures. The Wildlife Specialist assigned to Dewey County responded to the request and verified the damage to the field. The Specialist utilized a live trap to remove 31 feral swine from the area. Activity in this area is closely being monitored to determine if further management is needed.

Custer County landowner contacted WS needing assistance with feral swine rooting in his wheat fields. The landowner estimated that feral swine rooted up 20 acres valued at \$2,650 in damages. The Wildlife Specialist assigned to Custer County responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove 44 feral swine from the property. No additional damage has occurred, and the population in the area is being monitored to determine if additional management is needed.

Pottawatomie County landowner called WS with reports of feral swine rooting up hayfields with an estimated damage at \$5000. WS responded to the call and determined the damage was caused by feral swine. Pre-bait was started with corn and a corral trap was placed on the property. Twenty-seven feral swine have been removed from the property with no more feral swine activity on his property.

Caddo County farmer contacted WS and about feral swine rooting up a wheat field and a hayfield. WS responded verified the damage estimated at \$5000. A feral swine corral trap was placed on the property and 125 feral swine were removed.

Aerial Operations

Aerial operations were conducted in **Greer and Kiowa Counties**. The area around Oklahoma Department of Wildlife Conservation Lugert Wildlife Management Area has historically has high feral swine populations adjacent to private landowners that have high levels of feral swine damage to corn and peanut fields in the area. To help reduce feral swine damage in these areas, the helicopter was utilized to reduce feral swine populations prior to planting season. Aerial operations were conducted for 5.3 flight hours to remove 253 feral swine. Feral swine activity will be closely monitored in the area to determine if additional operations are needed.

Aerial operations were conducted in **Kiowa County** in response to several farmers requesting feral swine damage to wheat fields and pastures. Damage in the area flown was estimated at \$20,000. To reduce feral swine damage in this area, the helicopter was utilized for 5.9 flying hours to remove 201 feral swine. This area will be closely monitored to determine if additional aerial operations are needed.

Beaver Damage Management

Muskogee County producer called WS reporting flooding issues on his property caused by beavers. The beaver damage was verified and estimated at \$750. Conibear traps were placed, and five beavers were removed with this project being monitored. The owner was advised of environmental changes that could deter future beaver damage.

Craig County Commissioner contacted WS for assistance with beavers causing flooding issues along a county road. The damage to the roadway was verified and estimated at \$7,500. Night vision equipment was utilized to remove nine beavers with a firearm. This project has concluded, and the county was advised of beaver dam removal/environmental changes that could deter future beaver damage.

Okmulgee County producer called WS for assistance with beavers, reporting tree damage and flooding along his hay meadows. The damage was verified and estimated at \$1,000. Conibear traps were placed, and four beavers were removed to conclude this project. No further damage has been reported.

Latimer County producer called WS for assistance reporting flooding damage to his cattle pastures. The damage was verified and estimated at \$2,000. Conibear traps were placed, and three beavers were removed with this project being monitored.

Woods County Road Commissioner contacted WS for assistance with beavers that were responsible for damming up a road culvert and causing damage to the road structure. The Commissioner estimated the damage to the road to be valued at \$1,000. The Specialist for Woods County responded and verified beavers were responsible for damage. Control measures employed by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to the road and bridge structure.

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

Alfalfa County Commissioner contacted WS about beavers building a damn in front of a cement culvert with damage at \$5500. Technical assistance was given on habitat modifications.

McClain County rancher contacted WS, reporting beavers were cutting down trees on his pond. WS responded to the call and determined that beavers were responsible for the damage of around \$1000. Devices were deployed and six beavers were removed with no further damage reported.

Kingfisher County Commissioner called WS with reports of beavers damming a creek and flooding a county road. A WS Specialist met with them and verified beavers were the cause of the damage estimated at \$1000. Devices were set on the property, and four beavers were removed with work currently ongoing.

Wildlife Disease Sampling

WS Program Disease Biologist collect 58 feral swine samples during the month of March. These samples came from nine counties. Five of the samples were CONUS African Swine Fever (ASF) samples collected from Oklahoma County in coordination with the National Feral Swine Programs ASF surveillance plan.

Special Projects

McCurtain County Commercial Processing facility called WS for assistance with feral pigeons, reporting human health and safety concerns for their employees. The human health and safety concerns were verified, and structural changes were recommended to make the facility less attractive to future pigeons. A pellet rifle was utilized to quickly remove 61 pigeons. This project is still being monitored.

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

County	Beaver	Predators	Feral swine	District
Adair	2		11	E
Alfalfa	1	9		C
Atoka	5		37	E
Beaver		4		W
Beckham	4	9		W
Blaine	6	9	34	W
Bryan	9	474	33	E
Caddo			27	C
Canadian			26	C
Carter	1	2	15	C
Cherokee				E
Choctaw	11		133	E
Cimarron				W
Cleveland	3			C
Coal	1	34	17	C
Comanche	10		211	W
Cotton				W
Craig	7		26	E
Creek	4		70	E
Custer		19	17	W
Delaware				E
Dewey	9	2	172	W
Ellis		11	41	W
Garfield	2	11		C
Garvin				C
Grady	6	7	31	C
Grant	7	21		C
Greer		1	204	W
Harmon			93	W
Harper		3		W

Haskell	1		20	E
Hughes			427	E
Jackson		8	435	W
Jefferson				C
Johnston				C
Kay				C
Kingfisher	9	5		C
Kiowa			168	W
Latimer	3			E
Leflore	14	84	63	E
Lincoln	6			C
Logan	3		1	C
Love	2	4		C
Major				W
Marshall				C
Mayes				E
McClain				C
McCurtain			86	E
McIntosh	4	30	402	E
Murray		3		C
Muskogee	3		66	E
Noble				C
Nowata			55	E
Okfuskee	2		50	E
Oklahoma	1	4	2	C
Okmulgee	8		30	E
Osage				E
Ottawa				E
Pawnee				C
Payne	6		1	C
Pittsburg	5		87	E
Pontotoc	5	8	43	C
Pottawatomie				C
Pushmataha	10	2	136	E
Roger Mills	3	18	28	W
Rogers	4			E
Seminole	3		50	E
Sequoyah				E
Stephens				W
Texas				W
Tillman	6		463	W
Tulsa	2		11	E

Wagoner			24	E
Washington				E
Washita		1	26	W
Woods	11			W
Woodward	4	3	39	W
TOTAL	203	786	3911	

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

Respectfully submitted,

Justin Cooper
Division Director
Wildlife Services Division

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

General

Most of the state received much needed rain the **first week of March**, but some areas reported heavy rain events resulting in damage to some crops and property. Rainfall totals in Oklahoma averaged 1.34 inches. According to the March 4th US Drought Monitor Report, drought conditions were rated 81 percent abnormally dry to exceptional drought, up 46 points from the previous year. Additionally, 26 percent of the state was in the moderate drought to exceptional drought categories, up 22 points from the previous year. Statewide, temperatures averaged in the upper 40's to lower 50's. Topsoil and subsoil moisture conditions were adequate to short.

Strong winds and wildfire conditions were reported across the state the **second week of March**. Rainfall totals in Oklahoma averaged 0.01 inches. According to the March 11th US Drought Monitor Report, drought conditions were rated 71 percent abnormally dry to exceptional drought, up 26 points from the previous year. Additionally, 32 percent of the state was in the moderate drought to exceptional drought categories, up 28 points from the previous year. Statewide, temperatures averaged in the lower 50's to lower 60's. Topsoil and subsoil moisture conditions were rated adequate to short.

Extreme winds, lack of rainfall, and wildfires were reported across much of the state the **third week of March** resulting in reduced soil moisture and crop conditions. Rainfall totals in Oklahoma averaged 0.01 inches. According to the March 18 th US Drought Monitor Report, drought conditions were rated 73 percent abnormally dry to exceptional drought, up 29 points from the previous year. Additionally, 42 percent of the state was in the moderate drought to exceptional drought categories, up 38 points from the previous year. Statewide, temperatures averaged in the lower 50's to lower 60's. Topsoil and subsoil moisture conditions were rated short to adequate.

Rainfall totals in Oklahoma the **fourth week of March** averaged 0.49 inches. According to the March 25th US Drought Monitor Report, drought conditions were rated 77 percent abnormally dry to exceptional drought, up 43 points from the previous year. Additionally, 48 percent of the state was in the moderate drought to exceptional drought categories, up 39 points from the previous year. Statewide, temperatures averaged in the lower 60's. Topsoil moisture conditions were rated short to very short and subsoil moisture conditions were rated short to adequate.

Small Grains: Winter wheat jointing reached 35 percent, up 8 points from the previous week but down 2 points from normal. Rye jointing reached 20 percent, up 10 points from the previous week but down 1 point from normal. Oats jointing reached 16 percent, up 6 points from the previous week but unchanged from normal.

Pasture and Livestock: Pasture and range condition was rated at 63 percent good to fair. Livestock condition was rated at 82 percent good to fair.

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

Survey	Enumerated by:	Survey Dates
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 - 6/5
Total – Landlord	DCC	3/5 – 4/12
Cash Rents	DCC	3/16 – 6/10
Ag Labor	DCC	4/16 – 5/8
May Ag Yield	DCC	4/29 – 5/7

Statistics: On March 31, 2025, the **Prospective Plantings Report** was released. Highlights include:

Oklahoma Upland cotton is expected at 330 thousand acres, down 24 percent from last year.

Growers intend to plant 480 thousand acres of corn, up 7 percent from last year.

Producers intend to plant 400 thousand acres of sorghum this year, 8 percent above last year.

Oklahoma winter wheat planted, at 4.15 million acres, is down 5 percent from a year ago.

Oklahoma canola planted acreage at 16.0 thousand acres decreased 24 percent from last year.

Soybean growers intend to plant 400 thousand acres, is down 21 percent from last year.

Planted acreage for peanuts is expected at 20.0 thousand acres, up 5 percent from 2024.

An estimated 3.30 million acres will be harvested for dry hay this year, down 2 percent from last year.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 42.

Releases for March:

Price Reactions for Livestock
Crop Production
Price Reactions for Crops
Cattle on Feed

Relating Dates:

2024 Calendar Year
March 1, 2025
2024 Calendar Year
March 1, 2025

Release Dates

March 10, 2025
March 11, 2025
March 12, 2025
March 21, 2025

Hogs and Pigs
Prospective Plantings
Grain Stocks
Agricultural Prices

March 1, 2025
March 1, 2025
March 1, 2025
March 15, 2025

March 27, 2025
March 31, 2025
March 31, 2025
March 31, 2025

Releases for April:

Crop Production
Cattle on Feed
Meat Animal PDI
Agricultural Prices

Relating Dates:

April 1, 2025
April 1, 2025
2023, 2024 year
April 15, 2025

Release Dates

April 10, 2025
April 17, 2025
April 29, 2025
April 30, 2025

Meetings and Events:

National Farmers Union Convention
AYC Session 7
Lincoln County CCD
OKC Farm Show
OLAC Assessment committee meeting
OLAC Advisory

Date:

March 9-11, 2025
March 24, 2025
April 1, 2025
April 5, 2025
April 3, 2025
April 8, 2025

Location:

OKC, OK
OKC, OK
Chandler, OK
OKC, OK
Virtual
Virtual

Respectfully Submitted,



Troy Marshall

MARKET DEVELOPMENT SERVICES

April 21, 2025

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 176
- Total Number of Pre-service Teachers Impacted: 0
- Total Number of Extension Educators Impacted: 0
- Total Number of Students Directly Impacted by Coordinators: 2,339
- Total Number of Resources Given: 1,243
- Total Number of Teachers/PreService Teachers Resources Given to: 29
- Total Number of PreK-12th Grade Students Resources Given to: 185

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

- The AITC monthly email is delivered to 17,398 accounts.
- The AITC Facebook page now has 10,156 followers.
- The AITC Twitter page now has 577 followers.
- Oklahoma AITC Instagram account now has 891 followers.
- Oklahoma AITC Pinterest account now has 156 followers.
- The AITC YouTube channel now has 10,160 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given	
11	COSSA Oklahoma Elementary School Principals Conference, Hampton Inn by the office	Project Learning Tree, Oklahoma Farm to School, Oklahoma Ag in the Classroom, information given for Free Professional Development for teachers	Rack Cards	Conference and Booth

Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
30 Cache FFA Students, Ag Teachers, and 3 members of Cache School Administration	Oklahoma Ag in the Classroom Contest Presentation - Cache High School	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	N/A
155 Kindergarten through	Lincoln Elementary	Making Butter	N/A

4th grade students	(Norman, OK) Ag Day		
100 4th grade students, teachers, and administration	Oklahoma Ag in the Classroom Contest Presentation - Bridge Creek Intermediate School	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	
50 Elementary Students	George Washington Elementary - Durant, OK	Bean Seed Necklace	Students took seed necklaces home
350 PreK-6th students	Contest Presentation-Morrison Elementary	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	
500 Prek to 5th grade students	Contest Presentation-Skelly Elementary-Tulsa	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	
200 Students PreK-6	Contest Presentation-Canton Elementary	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	
2 8th Grade Students	Contest Presentation-Santa Fe Middle School	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	
17 Prek-5th students	Osage Hills Spring Break	Newspaper Pots	
25 PreK-5th students	Osage Hills Spring Break	Make Butter	
100 Middle School High School Students	OSU Exposure - OSU Vet College	Supervise Groups in rotations related to veterinary practices	
300 kids and adults	Farm to Table Festival History Center	Make Butter	
40 8th Graders	Contest Presentation-Woodward	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	
150 prek-3rd grade total	Contest Presentation-Fairview, Aline Cleo, and Deer Creek Lamont	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	
70 prek-6th grade	Contest Presentation - Burlington	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	
50 prek-6th grade	Contest Presentation-Norman Homeschool	AITC Contest Presentation: Student receives copy of artwork in frame, gift card	
200 Elementary Students	Holdenville Ag Day	Sports in Agriculture	

Ag in the Classroom- Nutrien Seed Survivor Mobile Classroom

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
134 students - 3rd and 4th grade students	Perry Upper Elementary School	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
106 Students - K - 5th grade	Skyline Elementary	Nutrien Seed Survivor	Sunflower poster for teachers; each

- CANCELLED DUE TO WEATHER	School - Stillwater		student also gets to plant a sunflower and take it with them
142 Students - K - 2nd grade - CANCELLED DUE TO WEATHER	Skyline Elementary School - Stillwater	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
77 Students - 5th grade - CANCELLED DUE TO WEATHER	Skyline Elementary School - Stillwater	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
88 Students - 3rd and 4th grade	Pioneer Elementary in Chickasha OK	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
88 Students - 2nd - 4th grade - CANCELLED DUE TO WEATHER	Amber-Pocasset Elementary School	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
120 students - Kindergarten	Sunset Elementary - Anadarko	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
56 students - 3rd and 4th grade	Friend Elementary School	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
64 students - 4th grade	Will Rogers Elementary - Stillwater	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
122 students - 1st -2nd grade	Perkins-Tryon Elementary	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
133 students - K - 2nd grade	Perkins-Tryon Elementary	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
81 students - K - 1st	Perkins-Tryon Elementary	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
86 students - 2nd-5th grade	Yale Elementary	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
116 students - K-4th grade	Fort-Cobb Broxton Elementary	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
144 students - 1st - 6th grade	Terra Verde Discovery School - Norman	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
144 student - 2nd & 4th grade	John Rex Charter School - OKC	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
150 students - 2nd & 3rd grade	John Rex Charter School - OKC	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
39 students - K - 4th grade	Forgan Public Schools	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
58 students - K - 6th grade	Balko Public Schools	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them

64 students - 4th & 5th grade	Laverne Public Schools	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
118 Students - K - 4th grade	Oakridge Elementary School - Moore	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
112 Students - K - 4th Grade	Oakridge Elementary School - Moore	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
112 students - K - 4th grade	Oakridge Elementary School - Moore	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
105 students - K -4th grade	Oakridge Elementary School - Moore	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
88 students - 5th grade	Bryant Elementary - Moore	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
140 students - 3rd grade	Mustang Centennial Elementary	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
82 students - PreK-6th grade	Union City Elementary	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them
150 students - 1st - 4th grade - MAKE-UP DAY that was previously cancelled because of weather	Minco Elementary School	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	Union City Elementary	Nutrien Seed Survivor	Sunflower poster for teachers; each student also gets to plant a sunflower and take it with them

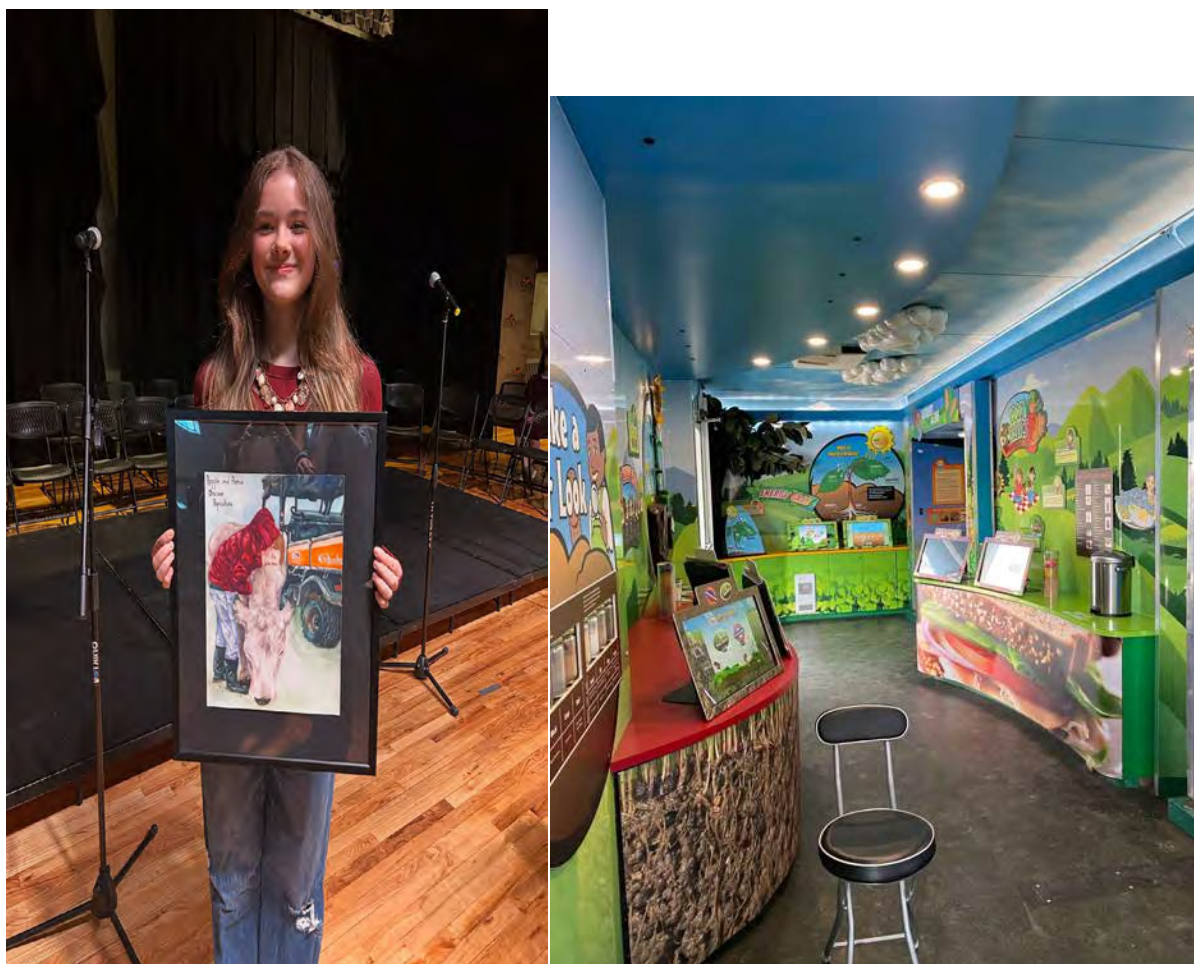
Ag in the Classroom- Resources Mailed or Delivered

Locations where Resources are Mailed or Delivered	
Ryan Smith - Oklahoma Farm Bureau	Edmond Farmers Market
OKC Farmers Market	Elk City AFR
Reading League Oklahoma	OU Early Childhood
School in Kenya	

Ag in the Classroom- Other Events

Event	Highlights
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Emily Ague attended OALP International trip	Emily Ague, Class XXI, attended the Oklahoma Agricultural Leadership Program International trip to Kenya, Africa. In her journey, she was able to share some Oklahoma AITC resources with a local school in Kenya.
Oklahoma AITC named its Teacher of the Year	<p>Jacey Duncan, 6th grade Science and STEM teacher at Oklahoma Union Public Schools, was named out 2025 Teacher of the Year.</p> <p>Duncan focuses on implementing agriculture into her classroom regularly and receives numerous grants to provide opportunities for her students, including learning the use and operation of drones in agriculture.</p> <p>“By combining hands-on activities, technological integration and real-world applications, I aim to equip my students with the skills and knowledge necessary to thrive in the evolving field of agriculture,” Duncan said. “These lessons foster a deeper understanding of agricultural literacy and inspire students to explore careers in agricultural technology, innovation and sustainability.”</p> <p>Through agricultural literacy, Duncan teaches about high-tech farming, robots and automation in agriculture, and innovation and sustainability.</p> <p>“Since my teaching career began in 2019, I have been surrounded by passionate educators that utilize Oklahoma AITC resources within their classroom and celebrate the collaboration from interacting with other educators and stakeholders on the importance of agriculture literacy in the classroom,” Duncan said. “My Ag in the Classroom story is one of collaboration, innovation and utilizing technology inside the classroom to enhance student understanding of the origins of our food, fiber and fuel.”</p>
Heather Buckmaster with the Oklahoma Beef Council has been named the National AITC Partners in Agricultural Literacy Award Winner	Oklahoma AITC learned that our application for Heather to receive the National AITC PALS award was chosen to be the National winner! She will attend the National Ag in the Classroom Conference in June in Minneapolis, MN and receive her award there.



AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Farm Hippie Pawhuska	Pawhuska	Farmers Markets & Hubs	1 st time visit, met the manager, shared update about creating a farm hub resource, captured photos and videos
Dogwood Blooms & Mercantile	Ardmore	U-Pick, Horticulture, Farm Hub	Visited in season for tulips, conversed about struggles getting consumers to the farm this year and plans for next year, Added a farm hub on site.
Bayer's Blooms	Perkins	Horticulture, U-Pick	Visited for tulip season. Saw new additions to the farm and talked about upcoming events.
Easom Farms	Slaughterville	Farm-to-table, U-Pick, Teachable Moments	Went to purchase honey for Simple Snacks project. Visited about upcoming summer season.
Tea and Country Estates	Enid	Horticulture, U-Pick	Visited for tulip season. They expanded tulip production around the farm.
Billingsley Blooms	Lucien	Horticulture, U-Pick	Visited for tulip season, captured photo and video for social media

Oklahoma Tulips	Harrah	Horticulture, U-Pick	Visited for tulip season. Took Market Development team to pick tulips.
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Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
LarHill Farms	Purcell	U-Pick	Site visit, added to the program, u-pick strawberries and blackberries
Alva Beer Co.	Alva	Brewery	Site visit, added to the program
The Petal Patch	Canute	Horticulture, U-Pick	Site visit, added to the program, u-pick tulips and other flowers
Elysium Acres	Altus		Site visit. Talked about adding a potential market or u-pick opportunities
The Goat Farmers Wife Flower Farm	Thomas	Horticulture, U-Pick	Site visit, added to the program, u-pick tulips and other flowers
Hilltop Greenhouse	Cushing		Site visit. Talked about adding a potential market or u-pick opportunities

Social media

Facebook

- 23,013 likes
- 25,803 followers

Instagram

- 3,866 followers

Agritourism - Other Activities

- Phone consult/conversations with: Haylee Austin – potential pumpkin patch, Linda White – Maysville FM, Sara Treadwell – Holdenville Farmers Market, Marie – Random Okie Farms, Carly Williams – Alva Beer Co., Kirsten Hollansworth – ODAFF, Billy Larman – LarHill Farms, Tamie Lucas – Serenity Hollow Campground, Jill Varner – Edible OKC, Lavender Silk Farms
- Zoom consults/meetings: Jason Green/Google Meeting, OKLAS Post Event Stakeholder Meeting, OKLAS Post Event Internal Staff Meeting, Farmers Market Week Meeting, EPOS Ag Olympics Meeting, DOL publications meeting, Intern candidate discussion meeting, ODAFF Agency Wide Meeting, OK FFA Convention Workshop Meeting,
- Email conversations with: Laketop Farms, Claremore Cabin Boys, Rising Eagle Brewery, Woodbridge Ranch, Red Barn Ranch, Fleecy Friends
- Setup booth at Farmers Market Symposium event in OKC
- Started and edited FAQ farm hub resource document (to be finalized by ODAFF and OSDH)
- Presented at a Family and Consumers Science Conference
- Speak to OSU AGCM class about agritourism project
- Send OKLAS programs to West Virginia
- Interview with OK Farm Report radio about spring and summer activities
- Work with Grady Co. 4H to complete a Simple Snacks recipe
- Speak to Central Tech Center about agritourism.

FARM TO SCHOOL

F2S Contact Meetings and Events	Highlights
Oklahoma Association of Elementary School Principals Leadership Conference	Shared a booth with AITC and Forestry

2/26/25	
2025 Oklahoma Summer Meals Regional Convenings 2/27/25	Learn more about summer meals and the many ways they can participate in the program to help improve food security for children and teens in their communities. Sessions included community outreach strategies for summer meals, policy and legislative topics, SNAP, and non-congregate meals in rural parts of the state.
AITC Advisory Committee 3/3/25	Attended advisory meeting.
Southeast OLAC Workshop 3/4/25	Presented session at workshop: Farm to School: How to Get Your Product in Schools Attended: 15
NEOK F2S Coalition Pilot Program Virtual Meeting Taryn DeWitt and Lisa Griffin 3/10/25	This meeting was an introductory meeting, Northeast schools were invited to attend to learn more about the F2S program and the coalition. Attended schools: <ul style="list-style-type: none"> • Jenks • Tulsa Union • Broken Arrow • Jenks
Lincoln Elementary Ag Day 3/11/25	Hosted a Pollinator workshop. Students learned about gardening and the importance of pollinators. Each student planted their own individual pot of wildflowers to take home. Students: 155
SWRO State Agency Farm to CNP Quarterly Call 3/12/25	USDA Updates Farm to Summer check-in
OYE Skillathon 3/17/25	Help with Skillathon.
Fundamentals Session 2 Training opportunity through the National Farm to School Network 3/18/25	The second session focused on the different roles the federal, state, and local entities have in the F2S and CACFP programs.
Meeting with Adam McPhail Director of Workforce Development at Lawton Public Schools 4/1/25	Adam oversees the LPS Farm to Table program at three schools in Lawton that each have a garden and chickens. Adam took me to the gardens at Lawton High School and MacArthur Middle School. He is eager for training opportunities and a partnership.

Projects:

- F2S Handbook
- F2S Website
- F2S School Garden Quick Start Guide

New Resources: Not posted on website yet, being reviewed by AITC

- Farm Field Trip Toolkit
- Hosting a School Ag Day Toolkit
- Practical Advice for School Service Directors: Creating a Successful Farm to School Program

Poster and Cookbooks Sent:

- Coolidge Elementary School: PreK-4th

- Poster: 4
- Cookbook: 1
- Oklahoma Christian Academy: 3rd- 12th
 - Poster: 1
 - Cookbook: 1
- City of Glenpool: Hosting 6th graders for Arbor Day Celebration and wanted to include our cookbook in their grab bags
 - Poster: 0
 - Cookbook: 60
- Minco School: 3rd-5th
 - Poster: 2
 - Cookbook: 1
- Comfort and Joy Child Development Center: PreK
 - Poster: 4
 - Cookbook: 1

F2S Social Media:

FB Followers	Total: 2,157
FB Post Reach: This metric counts reach from the distribution of your post.	1,351
FB Views: The number of times your content was played or displayed.	2,656



Lincoln School Ag Day

INTERNATIONAL

Activity	Action
Certificate of Free Sale	<ul style="list-style-type: none"> • OK Foods • QSM
Food Export	<ul style="list-style-type: none"> • Presented a success story for Stryve Foods to the Food Export Midwest board of directors at the NASDA Winter Policy meeting. This is part of a revision of bylaws for the organization. This role formally was considered the Executive Advisory Committee now this role is reinvented as way to pull all the different state members to inform and advise if needed during the newly formed MSRAC (Member State Representative Action Committee) This committee will engage the board on state issues and focus on the following: Advocacy & Story Telling, Collaboration with members, Resource Stewardship, and Progress Monitoring. • Attended the Bi-Annual Meeting in St Louis. The Food Export Midwest and Northeast marketing directors met together. • Content covered: <ol style="list-style-type: none"> 1. Meeting the new "Export Navigators"- a new resource available to the Food Export member in categories of Product Certifications, Shipping and Logistics, Legal Expertise, Trade Development and Readiness. 2. UES proposals and strategy work groups 3. Program & FAS updates- We have a new FAS Trade Specialist Ammara Bokhari, Cooperator Programs Division, Global Programs, FAS 4. African and India Updates 5. State Engagement Roundtables on various topics facing International Trade • Organizing Food Show Plus for Food Show Plus! FHA (Food & Hotel Asia), conducting calls, collecting documents etc Show is in Singapore April 8-11 • Continued recruitment for OK Companies
USLGE	<ul style="list-style-type: none"> • Applications were submitted for 3 activities in 2026, Inbound for Cattlemens Congress, Outbound to Mexico, Outbound to Canada Agribition • Coordinating an inbound Mission for Brangus Genetics from Argentina: FAS in Argentina is working with US Brangus Association • We were finally notified of our USLGE 2025 funding after the lift on federal funds. We were allocated \$17,000 for 2025. This was less than we applied for but some of the projects were planned in the first quarter so we will be reallocating to La Rural in July and execute another outbound mission to Argentina.
GIT (Governor's International Team)/ODEC	<ul style="list-style-type: none"> • ODEC working on the upcoming April Oklahoma World Trade Conference in April 24th in OKC.

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 – 12 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.	February – Emma Elle’s Italian Kitchen March – J. Farley’s Irish Pub April – Western Concepts Restaurant Group
MIO Spring Recipe Guide	Members were able to participate in this guide for \$250. This is the third of three installments (winter, fall and spring). This guide will run from April-June.	New Spring Guide Launched April 1st 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 February Newsletter stats: o 26.8% open rate o 2,037 total opens o 199 clicks o 2.6% 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.	February: <ul style="list-style-type: none"> - Super Bowl Taco Soup - Double Chocolate Cherry Brownies - Loaded Fries - Meatball Subs with 5-minute Marinara - One Pot Red Beans and Rice March: <ul style="list-style-type: none"> - Toasted Chopped Italian Sandwiches - Peach Pepper Jalapeno Poppers - Loaded Cheese Fry Table April: <ul style="list-style-type: none"> - Pineapple Honey Glazed Ham

		<ul style="list-style-type: none"> - Old Fashioned Banana Cream Pudding - Spinach and Berry Salad with Candied Pecans
February Retailer of the Month	FireLake Foods	Shawnee, McCloud, Tecumseh
March Retailer of the Month	Crest Foods	10 OKC Metro Area Locations
April Retailer of the Month	Uptown Grocery Co.	2 OKC Metro Area Locations

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 	MIO co-ops the marketing cost of in-store digital signs in both Uptown Grocery locations and the NW Expressway Pruett's 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 Metro 	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.
Affiliated Foods Spring Trade Show <ul style="list-style-type: none"> - Amarillo TX - February 27th 	Staff and MIO members represented the Made in Oklahoma Coalition at the annual Affiliated Amarillo Spring Trade Show. Affiliated Foods serves a 9 state area and has a significant impact on several MIO members. This year, Affiliated provided MIO a key booth space in their "Wild, Wild West" themed trade show. The MIO area was themed as the "OK Corral." It was a successful show for all members involved.
MIO Legislative Reception <ul style="list-style-type: none"> - Hamm Center for American Energy at OSU - March 4th 	The MIO Coalition hosted another successful Legislative Reception. This annual event provides MIO members the opportunity to interface with legislators and important industry stakeholders to educate them about our organization.
MIO Membership Meeting <ul style="list-style-type: none"> - Food Bank of Eastern OK, Tulsa, OK - March 7th 	MIO members and associate members met at the Food Bank of Eastern Oklahoma for a meeting and a facility tour. Members also attended the meeting virtually.
Crest Foods Retail Promotion <ul style="list-style-type: none"> - 10 OKC Metro Area Locations - March 19th - April 1st 	16 MIO members participated in a cost-share marketing opportunity with Crest Foods. MIO purchased signage to be installed in each Crest location highlighting the participating MIO companies. The promotion ran for two-weeks leading into MIO month.
Oklahoma City Rotary Club Presentation <ul style="list-style-type: none"> - St. Lukes – OKC, OK - March 18th 	Staff and Edward Clements, President of Clements Foods, presented on the MIO Coalition to a crowd of nearly 200 at the OKC Rotary Club March meeting.
Oklahoma Restaurant Association's Tulsa Fest <ul style="list-style-type: none"> - Summit Club, Tulsa, OK - March 25th 	Staff and MIO President, Colt Clark attended the Oklahoma Restaurant Associations Annual Tulsa Fest event. It was a great networking opportunity to interface with MIO partners such as Ben E. Keith, Tulsa area restaurants, and fellow MIO members.
National Governors Council Dinner <ul style="list-style-type: none"> - Governors Pavilion, OKC - March 26th 	Staff worked with the Governor's team to facilitate the use of MIO products for the National Governor's Council visit. Approx. 90 staff members from Governor's teams from across the nation were exposed to Made in Oklahoma products through this event.

FireLake Discount Foods Retail Event <ul style="list-style-type: none"> - Shawnee, OK - March 27th 	Staff worked with management at FireLake Discount Foods, the largest tribally owned grocery store in the nation to host a MIO member sampling event and free hot dog/sausage lunch. Mountain View Meat Company, John's BBQ, Oklahoma's Own Ozarka Water and Bar-S Foods donated product for this event. 7 MIO members participated in the sampling opportunity. It was a good relationship building opportunity with FireLake management and great brand awareness for MIO and our participating companies.
Uptown Grocery Retail Event <ul style="list-style-type: none"> - Edmond, OK - April 3rd 	On April 3 rd MIO partnered with the Oklahoma Pork Council to host a free pulled pork lunch along with a MIO member sampling event and shopper sweepstakes. 300 pulled pork sandwiches were given away to Uptown Shoppers and over 400 customers entered to win the shopper sweepstakes. We had 7 members sampling their products.
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 Tabling Events at the OKC Thunder	March 27 th – Thunder v Grizzlies April 6 th – Thunder v. LA Lakers City Night featuring MIO Coalition in the in-game timeout promotion
MIO membership meeting <ul style="list-style-type: none"> - April 4th - Shawnee, OK 	The February meeting was held at Shawnee Milling Company in Shawnee, Oklahoma. Members made the drive to tour Shawnee's milling operation, meet with fellow members, and have lunch. These "field trip" style meetings are a once per quarter MIO initiative.

MADE IN OKLAHOMA PROGRAM

Events	Date	Location	Details
Mera Sona Meeting	Feb. 27	OKC	Met with Reina, owner of Mera Sona to discuss business goals, expansion and upcoming events
OAK Meeting	March 3	Virtual	Met to review applicants for the upcoming OAK markets, discuss Made in Oklahoma vendors
Arts Council Meeting	March 11	OKC	Attended Arts Council meeting to discuss Made in Oklahoma Program + Agritourism and Farmers Markets to see how we can collaborate
Meeting with Sunny Martinez	March 19	Virtual	Interview for an article she is writing for the Stockyards City Times, covering the Made in Oklahoma Program
Site Visit	March 28	Norman	Visited Sweet Sips & Sticks to film for social media: Meet the Maker content

Event:	Date:	Location:	Notes:
Tulsa Home and Garden Show	March 6-9	Sage Net, Tulsa Fairgrounds	We had a section of 10 Made in Oklahoma companies in a row, but 23 companies participated in the show all together
Ag Day at the Capitol	April 22	OK State Capitol, OKC	26 ag organizations + 12 MIO companies planned to participate
Made in Oklahoma Showcase	May 19	Oklahoma History Center, OKC	58 MIO companies planned to participate
Wines of the West	June 7	Stockyards City	

New Producers:

DS Designs	Chef Jonny Cordon	Grandy's Goodies	Boedeker Farms
The UnCommon Bag	Avant Modern Cabinets	Dead Rooster Co.	Wild Cactus Creations
Outbackboomerangs	Carousel Customs	Meister Premium Meats	Buzzed Up Designs


Other Made in Oklahoma Activities:

- Planning for 2025 MIO Store at Oklahoma State Fair
 - Follow-up communication with companies to get application and required materials submitted for jury
- Worked with social media intern weekly to develop schedule and content for Facebook and Instagram pages

VITICULTURE & ENOLOGY

Viticulture & Enology – Field Work

Event	Location	Category	Highlights
Rocky Top Site Visit	Allen, OK	Site Visit	Chatted with the owners about grant opportunities, the revamped wine trails app, and how to better promote to their target demographic. We checked out their vines and tasted their non-alcoholic muscadine juice. They are still operating their farm stay cabins.
Whispering Meadows/Urban Wineworks Site Visit	McAlester, OK	Site Visit	Saw the newly debuted Farm Girl brand canned wine that Whispering Meadows is producing. This is a great milestone for our wine industry as cans and non-glass vessels are great not only for lake/river activities but for better placements in restaurants/liquor stores, etc. Their sister business, Urban Wineworks, is located across the street and has been under renovation.
Quartz Mountain Site Visit	Altus, OK	Site Visit	New winery added. They have plans to expand and integrate locally purchased and grown fruit.
On the LAMb Site Visit	Stigler, OK	Site Visit	Checked out the updates to On the LAMb since last Fall. They have added several farm animals that serve as a “pet and feed” attraction. On the LAMb has had much success getting into

			<p>local liquor stores both in eastern OK and in western AR.</p> 
Twisted and Tangled Site Visit	Shidler, OK	Site Visit	<p>The owners recently purchased a well-established vineyard (10+ year old vines) and are working with OSU extension to continue to learn grapevines care & maintenance as well as enological skills.</p>

Viticulture & Enology – Other Activities

- Met with Taste Advisor and Turismo again to go over progress on the new wine trails app. The new app will be interactive with virtual check in. This will make it easier to add and take off new/closed wineries. There are badge features and points and other fun incentives, and I think this will be a beneficial step forward in getting the public out to visit our wineries in person and provide a platform that we can build upon in the future. The backside of the app is finished, and now I am going through and adding the new wineries, drawing geo boundaries on all the properties for virtual check in, and assigning wineries to their respective trails.
- Scoured the ABLE website's downloadable excel sheet of all Small Farm Winery and Winemaker's license in the state. There about six that are not a part of our program that I plan to follow up with.

MARKET NEWS SERVICES

February 25, 2025-April 3, 2025

- **Grain Report:**

	February 25, 2025,	April 3, 2025,	DIFFERENCE	
WHEAT: (bu)	\$4.92-\$5.38	\$4.64-\$5.14	\$0.28 to \$0.24	Lower
MILO: (bu)	\$4.10-\$4.80	\$3.58-\$4.58	\$0.52 to \$0.22	Lower
SOYBEANS: (bu)	\$9.06-\$9.61	\$9.04-\$9.59	\$0.02 to \$0.02	Lower
CORN: (bu)	\$4.60-\$5.10	\$4.17-\$4.83	\$0.43 to \$0.27	Lower
COTTON: (lb)	62.62 cents	60.22 cents	2.40 cents	Lower

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

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
4-02-2024	STEERS	Number 1	\$275.00-\$345.00	\$310.00
3-31-2025	STEERS	Number 1	\$349.00-\$403.00	\$376.00

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
4-02-2024	HEIFERS	Number 1	\$252.00-\$304.00	\$278.00
3-31-2025	HEIFERS	Number 1	\$310.00-\$337.50	\$323.75

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 11,890 subscribers February 25, 2025-April 3, 2025 (**up from 14 subscribers last report**).

- **Voice Messaging System:**

- Monthly Total: February 25, 2025-April 3, 2025, **6,575 Accessed Times**
 - Last Report January 14, 2025, February 25, 2025, **6,657 Accessed Times**
 - Compared to Last Month: **Accessed Times-is DOWN 82 on Accessed times**

- **Oklahoma Agriculture Market News**

- **Facebook Page**
 - Likes/Followers 728
 - **Likes/Followers UP 34**
 - People reached through past report: 1,700 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)**
 - Hay has finally started to pick up due to hearing we might have a dry summer.
 - Alfalfa is still moving steady, been having to pivot and start selling to local feed yards compared to dairy's. Cattle producers are wanting or needing more grinding hay to make

their own ration to save on cost.

- April 15th is when I plan on cutting Alfalfa. I might have to drop my tonnage price to move all the hay for my new crop.

This Month: February 28, 2025-March 28, 2025, Hay Traded 23,274

Last Year February 16, 2024, March 29, 2024, Hay Traded 12,731

UP 10,543 Bales Reported

OKLAHOMA HAY MARKET REPORT

3-28-25

Receipts: 8,080 Last Reported: 8,910 Year Ago: 1,660

Compared to the last report, demand and prices for hay remain steady. Drought continues to set in Oklahoma, which has caused the constant movement of hay to try and prep for a dry spring and summer. Hay in Oklahoma remains highly available, there are still a lot of holdovers and barns full of hay.

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	Round	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
Grass	Any Size	Round	25.00	Per Bale	Unfertilized Hay 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, 14.10 percent is in severe drought, 47.52 percent is moderate, 76.95 percent is abnormally dry conditions, and 23.05 percent has no drought conditions.

*** The next report release will be on April 11th ***

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	165.00		F.O.B
Alfalfa	Good/Premium	Ask	Per Ton	Large	Square	320	175.00	150.00	F.O.B
Alfalfa	Good	Trade	Per Ton	Large	Square	1440	90.00	90.00	F.O.B
Alfalfa	Fair/Good	Ask	Per Ton	Large	Square	0	135.00		F.O.B.
Bermuda	Fair/Good	Ask	Per Bale	Medium	Round	0	60.00		F.O.B.
Grass	Good	Ask	Per Bale	Large	Round	0	50.00		F.O.B
Prairie/ Meadow Grass	Fair	Ask	Per Ton	Medium	Round	0	40.00		Delivered
Wheat	Fair/Good	Trade	Per Ton	Large	Round	460	70.00	70.00	F.O.B

North Central

Type	Quality	Ask or Trade	Bale/ Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Bermuda	Premium/ Supreme	Ask	Per Bale	Large	Round	0	90.00		F.O.B
Bermuda	Premium/ Supreme	Ask	Per Bale	Small	Square	0	11.00		F.O.B
Bermuda	Good/Premium	Trade	Per Bale	Large	Round	600	80.00	80.00	F.O.B
Bermuda	Good	Ask	Per Bale	Large	Round	0	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		Delivered
Alfalfa	Good	Trade	Per Ton	Large	Square	320	150.00	150.00	F.O.B
Bermuda	Good/Premium	Ask	Per Bale	Large	Round	0	150.00		Delivered
Prairie/ Meadow	Premium	Trade	Per Bale	Medium	Round	1200	55.00	500.00	F.O.B
Prairie/ Meadow	Good/Premium	Ask	Per Bale	Medium	Round	0	50.00		F.O.B
Prairie/ Meadow	Good	Trade	Per Ton	Large	Round	940	80.00	80.00	F.O.B
Prairie/ Meadow	Good	Ask	Per Bale	Medium	Round	0	45.00		F.O.B
Wheat	Good	Trade	Per Bale	Small	Square	400	7.00	7.00	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	880	165.00	165.00	Delivered
Alfalfa	Good	Ask	Per Ton	Ground	Ground	0	90.00		F.O.B.
Alfalfa	Fair/Good	Ask	Per Ton	Large	Square	0	130.00		Delivered
Bermuda	Good/Premium	Ask	Per Ton	Large	Round	0	80.00		F.O.B.
Prairie/ Meadow	Good	Trade	Per Ton	Large	Round	800	140.00	140.00	Delivered
Wheat	Good	Trade	Per Ton	Large	Round	720	85.00	85.00	F.O.B

Agricultural Environmental Management Services (AEMS)
Division Activities

General Activities

- AEMS Staff attended the Quarter 1 OWCP Source Water Protection (SWP) Collaborative Workgroup meeting on February 28.
- AEMS Staff attended the Oklahoma Comprehensive Water Plan Round 5 public meetings on March 4 in Lawton, March 5 in Woodward, March 25 in Tulsa, and March 26 in Tahleah.
- AEMS Staff participated in the review and assessment of the 2025 proposals for the OWRC Water Research Advisory Board in coordination with OSU on March 26.
- AEMS Staff are attending a six-week (four-hour/week) compost course which started March 24.

Complaints

	Received	Closed*
This Reporting Period	21	13
Total FY25	67	67

**These numbers include closing of older complaints.*

Complaint Breakdown for this Reporting Period

Cattle:	2
Swine:	1
Poultry:	2
Misc Animal:	3
Other:	3
Animal Shelter:	3
Pet Breeder:	7

Program Activities

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

CAFO & LMFO ACTIVITIES

	Jan 16-Mar 15	FY 25 Total
Complaint or Compliance Follow-ups	12	53
Annual Inspections	116	391
Technical Assistance with Contacts	132	226
Site Visit/Review – No contact made	24	117

POULTRY ACTIVITIES

	Jan 16-Mar 15	FY 25 Total
Complaint or Compliance Follow-ups	2	19
Annual Inspections	144	379
Technical Assistance with Contacts	216	990
Site Visit/Review – No contact made	83	437
OSU Poultry Education Classes Attended	0	3
Eucha-Spavinaw CNMP Written	39	71

PET BREEDER & SHELTER ACTIVITIES

	Jan 16-Mar 15	FY 25 Total
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Complaint or Compliance Follow-ups	11	47
Annual Inspections	20	195
Technical Assistance with Contacts	28	110
Close Outs	3	23

AGPDES ACTIVITIES

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

COMPOSTING ACTIVITIES

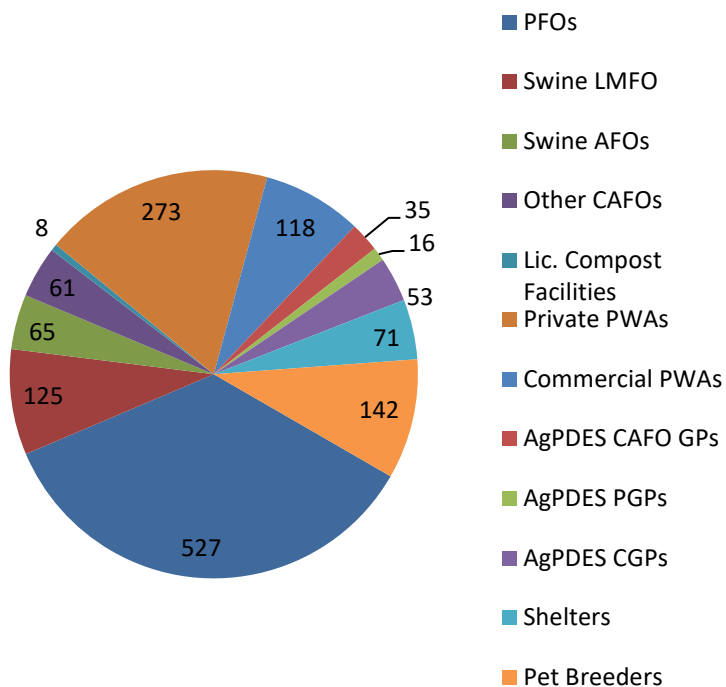
	Jan 16-Mar 15	FY 25 Total
Complaint or Compliance Follow-ups	0	1
Site Inspections (all)	0	5
Technical Assistance with Contacts	4	20

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: 1

Active Licenses/Registrations/Certifications/Permits

Current FY25 AEMS Numbers



Respectively,

Teena G. Gunter, AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
APRIL 2025 BOARD REPORT
REGARDING FEBRUARY 23, 2025 THROUGH APRIL 4, 2025 ACTIVITIES OF
THE OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (2025)	Amount of Fines for this Board Meeting
\$31,515	\$46,100
\$236,230	2024
\$372,095	2023
\$207,400	2022

CONTRACTS REVIEWED OR DRAFTED (61):

Marketing: 36
Admin: 3
Animal Industry: 8
CPS: 10
FOR: 1
OGC: 2
AEMS: 1

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 251
Total Number of New Cases: 25
Total Number of Cases Closed: 14
NOVs Sent: 62

OTHER ACTIONS AND PROCEEDINGS:

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 28th, 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
February 17, 2025	Senate Agriculture and Wildlife Committee
February 24, 2025	AEMS Legal
February 24, 2025	Senate Agriculture and Wildlife Committee
February 24, 2025	Choctaw Nation
February 24, 2025	House Agriculture Committee
February 25, 2025	Deloitte Lunch and Learn
February 25, 2025	Oklahoma Poet Laureate
February 26, 2025	Black History Luncheon
February 27, 2025	OGC Staff
February 27, 2025	AgPDES
February 27, 2025	AALA Paying for Long-Term Care without Selling the Farm
February 27, 2025	AEMS HQ Meeting
February 27, 2025	Emergency Drought Committee
March 3, 2025	Senate Agriculture and Wildlife Committee
March 3, 2025	AEMS Legal
March 4, 2025	Directors
March 4, 2025	OBA GALPS
March 5, 2025	House Administrative Rules Committee
March 10, 2025	Weaver Technology
March 10, 2025	AEMS Legal
March 11, 2025	Director's Meeting
March 12, 2025	State Board of Agriculture
March 12, 2025	Intern Interview
March 12, 2025	EPA AAWQ Administrative
March 13, 2025	ALJ Docket
March 13, 2025	OMES Workday
March 17, 2025	Intern Interview
March 18, 2025	Intern Interview
March 19, 2025	ODAFF AgPDES/EPA
March 19, 2025	AALA Symposium Planning Committee
March 20, 2025	Intern Interviews
March 20, 2025	OBA ILS

March 21, 2025	DCAM CAP 25 Monthly
March 24, 2025	VOBO
March 24, 2025	AEMS Legal
March 25, 2025	Directors
March 25, 2025	OBA Day at the Capitol
March 27, 2025	OGC Staff
March 27, 2025	General Counsel Forum
March 27, 2025	ODAFF Agency-Wide
March 27, 2025	AgPDES
March 28, 2025	Decentralized Security Representative (DSR) Training
March 31, 2025	AEMS Legal
March 31, 2025	Director's Meeting
March 31, 2025	House General Government Committee
April 1, 2025	OBA GALPS
April 3, 2025	EEOC/DOL Webinar

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>

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.

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.

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.

OPEN RECORDS REQUESTS (35):

AEMS: 7
CPS: 9
AIS: 8
Pet Breeders: 4
Food Safety: 1
Forestry: 6

OTHER ACTIVITIES:

Phone calls or emails with the public: 6
Assistance to industry: 1
Assistance to AEMS: 5
Assistance to CPS: 7
Assistance to Wildlife Services: 0
Assistance to Forestry: 18
Assistance to AIS: 1
Assistance to Admin: 12

Assistance to Market Development: 1
Assistance to other state agencies: 6
Assistance to federal agencies: 0
Assistance to Food Safety: 4
Assistance to NASS: 0
Assistance to Executive Office: 16
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: 7
Assistance to Governor's Office: 1

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY BOARD REPORT

APRIL 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 3,397,633 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA shell egg grading on 73,790 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. 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
- One organic livestock producer
- Three organic processors
- Collected one organic sample
- Nineteen 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 4 requests for organic crop applications, 1 request for an organic livestock application and 2 requests for organic processing applications.

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

PRODUCE SAFETY SECTION

- Justin McConaghy, Bryan Buchwald and Jamie Allen-Hitt attended the NASDA Produce Safety Consortium in Fort Worth, TX
- Conducted outreach and education at the Oklahoma Local Agriculture Collaborative workshop in Tishomingo
- Educational presentation on Produce Safety at 4 farmers market vendor meetings
- Conducted 3 farm inspections
- Assisted 2 farms with remote technical assistance
- Working on learning how to inspect and teach the new water rule to our farmers and working on developing a multi-state agricultural water workshop for farms
- Visited 6 farmers markets or local food stores providing outreach and to collect farm inventory
- Working on reviewing/updating current farm inventory and adding new farms
- Conference call with FDA to discuss next year's budget
- Regular conference calls with TX, LA, AR, NM, MO, MS

HOMEMADE FOOD FREEDOM ACT

- Received 10 complaints on Homemade Food Freedom Act businesses.
- Meat compliance assisted with 8 complaints.
- Warning letters were sent to 4 businesses.
- We now have over 200 registered homemade food freedom act businesses.
- Taught two Homemade Food Freedom Act Workshops with OSU.

OKLAHOMA MEAT INSPECTION SERVICES

INVESTIGATIONS AND COMPLIANCE ACTIVITIES

Planned Compliance Reviews	12
Random Compliance Reviews	245
Person-to-Person Contacts	65
Special Investigations and/or Projects	18
Reports of Apparent Violations	01
Detentions	03
Consumer Complaints	10
Verbal Warnings Issued	12
Letters of Warning Issued	01
Samples Submitted to Lab for Analysis	00
Accident Investigations	00
Administrative Procedures Act	00

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

See details below:

ACCIDENT LOCATION	ANIMAL PRODUCT	DISPOSITION

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- 0 hours

Wayne- 0 hours

Brad- 17.75 hours

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

SLAUGHTER MEAT INSPECTION

Number of Cattle	1,921
Total Beef Condemned	24,848 lbs
(Beef heads & livers)	(avg. H wt 20 lbs, avg. L wt 10 lbs)
Number of Swine	267
Total Pork Condemned	1,976 lbs
(Pork heads & livers)	(avg. H wt 10 lbs, avg. L wt 2 lbs)
Number of Sheep & Goats	6,163
Total Condemned	0 lbs
Number of Chickens	511
Number of Rabbits	8
Total Condemnations	0 lbs
Number of Buffalo	8
Total Condemnations	78 lbs
TOTAL MEAT INSPECTED	2,027,750 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	1,903,763 lbs
Condemned on Reinspection	0 lbs
Poultry (Portions)	391,298 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	2,295,061 lbs

MEAT SAMPLE ACTIVITY

26 Samples Submitted for Analysis
 26 Samples Analyzed
 26 Samples Negative Analysis

 2 (Heat) Samples Not Analyzed
 0 Samples Non-Compliant
 0 Sample Positive Results

DAIRY SECTION

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

Additionally, Dairy Services conducted the following dairy farm and plant surveys:

- Amelia Creamery (PMO 40-124) located in Nowata
- Lone Star 58 (BTU 40-058) located in Boise City
- Lone Star 74 (BTU 40-0074) located in Boise City
- Independent Dairy Producers Inc. (TR 40-111) located in Boise City
- Hiland Dairy (PMO 40-125) located in Norman

These state surveys 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 shows symptoms related to HPAI.

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 2025 sampling. Since testing negative for HPAI three months in a row, application is being submitted to advance Oklahoma to Stage 4 testing.

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.

In April, Dairy Services was approved reimbursement by AFDO in the amount of \$6,335.96. These funds covered the cost for new laboratory and field equipment purchased for the dairy program.

Sincerely,

Scott Yates
Director of Food Safety

Communications

Compiled 4/10/2025

Social Media Highlights



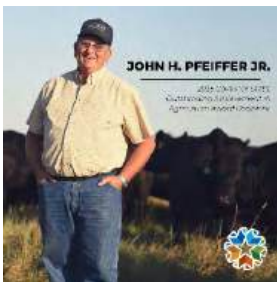
Ag Youth Council March Session – April 4 | The Ag Youth Council toured the National Weather Center and Oklahoma City National Memorial and Museum. This post reached 3,450 accounts on Instagram.



Skillathon at OYE – April 1 | Nearly 150 entries completed a written exam testing their industry knowledge before the top 30 finalists were invited back to complete the hands-on practicum. This post reached 3,014 accounts on Instagram.



Legislative Showmanship – March 26 | Oklahoma legislators teamed up with 4-H and FFA members in the show ring! Legislative Showmanship creates an opportunity for legislators to engage with ag youth during this unique tradition at Oklahoma Youth Expo. This post reached 10,649 accounts on Facebook.



Ag Hall of Fame Announcement – April 10 | Sec. Arthur is proud to announce Mr. John H. Pfeiffer Jr. as the recipient of the 2025 Governor Stitt's Outstanding Achievement in Agriculture Award. This post reached 3,702 accounts on Facebook.

Social Media Impact

Facebook

Followers: 24.9K Followers

Reach: 196.6K Accounts

Instagram

Followers: 4.2K Followers

Reach: 15.5K Accounts

April 21, 2025, BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATIVE SERVICES

FY26 – OMES Central Printing - \$7,000

FY26- Presort Mail Services - \$7,000

FY26- ImageNet Consulting – \$14,000

Annual Laserfiche software maintenance (LSAP) renewal for the agency document scanning software.

FY26 - Compsource - Rural Firefighters Workers Compensation - \$171,300

Premiums for insurance to cover the claims of injured rural firefighters. ODAFF would be in violation of state law. This would increase the state's liability in the event of the injury of uninsured rural firefighter. Legislative directed spending.

FY26 - Rural Fire Pension Fund - \$92,000

The Oklahoma Firefighters Pension and Retirement System shall determine the number of persons who are eligible members of the Oklahoma Firefighters Pension and Retirement System. Upon adequate documentation of membership in the Oklahoma Firefighters Pension and Retirement System pursuant to the provisions of subsection D of Section 351 of Title 19 of the Oklahoma Statutes, the State Department of Agriculture shall make a transfer payment from the Volunteer Firefighter Employer Contribution Payment Revolving Fund to the Oklahoma Firefighters Pension and Retirement System. The amount transferred shall equal the sum of Sixty Dollars (\$60.00) multiplied by the number of members as certified by the System to the Department. Legislative directed spending.

FY26 AT&T Wireless - \$70,000.00

This purchase is for the agency pooled plan cellular service. This purchase allows agency employees to conduct state official abroad which increases efficiency and productivity. This allows for internet connectivity to cell phones, hotspots and iPads. If not approved, the agency will become less efficient and greatly reduce agency response times and agency deliverables. This expense is vital to agency operations.

FY26 Comdata Inc. - \$1,650,000

This purchase is for agency fuel and maintenance of the fleet. Each agency vehicle is issued a credit card for fuel and maintenance purposes which are tracked on a monthly basis. If not approved, the agency will become less efficient and greatly reduce agency response times and agency deliverables. This expense is vital to ensure agency operations

FY26 Agency Workers Comp Insurance premium - \$200,000

Premiums for insurance to cover the claims of injured workers. ODAFF would be in violation of state law. If not approved, this would increase the State's liability in the event of the injury of uninsured state employees.

FY26 Onsite Security Guard Services (Prosecur Security) - \$70,000

The agency has onsite security services for building and personnel safety. Without this service agency property and employee safety would be placed at a greater risk daily.

FY26 Bank of America – Credit Card charges - \$5,000

The State contracts with Bank of America to process credit card payments. If not approve, ODAFF will not be able to accept credit card payments in person, mail order or for the online store operated by Forestry.

FY26 Federal Express - \$65,000

This purchase is a release against the mandatory statewide contract for small package delivery. This allows for the agency to conduct daily mail services. Without this purchase the agency would be unable to send packages, thus resulting in potential work stoppage of agency activities.

FY26 Petroleum Traders (Bulk Fuel) - \$95,000

Forestry Services has several remote office locations with heavy firefighting equipment. Providing bulk fuel allows for these locations to fuel it firefighting equipment and remain in a ready status when dispatched. Without this purchase this could greatly reduce agency response times, thus putting the public and property at greater risk.

FY26 National Association of State Departments of Agriculture (NASDA) - \$17,000

NASDA grows and enhances agriculture by forging partnerships and creating consensus to achieve sound policy outcomes between state departments of agriculture, the federal government, and stakeholders. Without this membership the agency would no longer be allowed to vote/approve NASDA policy priorities. This would weaken agency partnerships and discontinue agency resources; such as member leadership, regulatory expertise, political connections, white papers and subject matter experts. NASDA's tactics support the strategic initiatives, which carry out the business objectives of our mission statement and strategic intent statement.

FY26 Oklahoma Capital Improvement Authority – Bond Payments - \$1,670,286

Payments on the bond that financed the construction of the Agriculture Lab building. These payments are required by state law.

FY26 Oklahoma Employment Security Commission – Unemployment benefits - \$32,000

This is an estimate of the claims that ODAFF would have to pay former employees who file for unemployment and are approved. These payments are required by state law.

FY26 Oklahoma Public Employees Retirement System – Retirees unused sick leave \$100,000

When an employee retires, they can use the balance of their accrued sick leave to purchase time to count for retirement eligibility. These payments are to transfer the value of the leave to the OPERS system. These payments are required by state law.

FY26 Oklahoma Management Enterprise Services (OMES) – Risk Management- \$120,000

Purchase of insurance for liability, vehicle, equipment, agency contents, tort and Directors & Officers. The agency would be uninsured and unable to fulfill its statutory mission.

FY26 Oklahoma Management Enterprises Services (OMES) FICA Savings \$30,000

When an employee selects 'Premium Conversion' they can see a lowering of their tax base for tax purposes and for the withholding of FICA. Since the State matches FICA withholding, this results in a savings for the state as well. These payments transfer that savings to EBC to administer the program. These payments are required by state law.

FY26 Oklahoma Management Enterprises Services (OMES) - Facility Services - \$438,606.84

Service Management Agreement with OMES, OMES agrees to furnish janitorial services, maintenance services, and all utilities. OMES maintains the building's existing heating, ventilating and air-conditioning (HVAC) system, water system, electrical system, and plumbing system. If not approved, laboratory operations would cease, and the agency would be unable to fulfill its statutory mission.

FY26 Oklahoma Management Enterprises Services (OMES) – Information Technology - \$700,000

Pursuant to the Information Technology Consolidation and Coordination Act codified at 62 O.S. §35.1 et seq., as amended (the "Act"), OMES -ISD shall provide information technology shared services to each State Agency. The agency will have no computer operations and would be unable to fulfill its statutory mission.

FY26 Pitney Bowes – Mail Machine Lease - \$20,000

Statewide mandatory contract for leased mailroom postage equipment. Without this purchase the agency would be unable to fulfill its statutory mission.

FY26 Oklahoma Turnpike Authority – Pikepass - \$27,000

Agency payment of toll expenses for agency vehicles which use toll roads. Without this contract, the agency would be unable to use toll roads.

FY26 United States Postal Services (Postage) - \$90,000

Purchase of postage for the agency mail machine. Without this purchase the agency would be unable to fulfill its statutory mission.

FY26 Factor 110 – Walnut Storage Facility - \$32,407

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

FY26 Copier contract - \$78,500

Lease of multifunction devices for agency operations, these devices are used as printers, copiers, scanners, faxes. Also, maintenance and supply services for agency laser printers. Without this purchase the agency would be unable to fulfill its statutory mission.

FY26 Temporary Services - \$150,000

Purchase from statewide contracts for temporary services. These individuals provide a variety of agency mission critical functions which allow the agency to operate in an efficient as possible manner. Without this purchase the agency would be unable to fulfill its statutory mission.

FY26 BancFirst - \$17,900

ODAFF lockbox services. This service allows for agency deposits to be received directly by BankFirst staff and deposited directly into agency accounts.

FY26 Oklahoma Governor's Office - \$37,500

This MOU will provide shared office space, furniture, and salaries for OG staff for its office in Washington D.C. with the support of funds provided by ODAFF. ODAFF will receive access and use of the facilities, subject to availability, and support from the staff in Washington D.C.

FY26 Oklahoma Management Enterprise Services (OMES) Fleet Management (AVL services) \$100,000

This purchase is required per Governor Stitt's executive order 2020-04, that all state agencies are mandated to install "Automatic Vehicle Locator (AVL)" equipment on all state-owned vehicles. This directive will be achieved through a "shared services agreement" with OMES Fleet Management.

FY26 SHI – Adobe Subscription Services - \$13,000

Purchase of the Adobe subscription services. The agency will purchase (5) Creative Cloud licenses for Enterprise All Apps. We also purchase of (68) licenses of Acrobat Pro DC for enterprise for agency staff and one Adobe Captivate license for ODAFF staff for a 12-month period.

FY26 \$6,000 – Asset Panda – Renewal of subscription agency inventory software system. This system will allow for easy asset tracking. It is a cloud-based technology that offers complete flexibility to manage assets for our agency. The software offers a mobile application for users and customizable content creation. This system will replace an outdated Microsoft Database, the system will allow for migration of those assets into this new cloud-based program.

FY26 - Grant Training for Staff - \$17,000

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

FY24 –Forestry - Wildfire detection cameras, \$118,580 (Federal Funding–SICF SFA Response) – Funding and Scope correction.

Purchase of three (3) PTZ IP Detection Cameras. The cameras will re-establish wildfire detection in the Eastern Oklahoma protection areas. An early warning detection system is necessary for keeping fire sizes manageable and ensuring a prompt response. With this system in place, OFS will have the ability to detect fires 24 hours a day, 365 days a year. Funding for this purchase will come the US Forest Service – FY22 SICF SFA Response Grant and the Forestry HQ Budget.

LABORATORY SERVICES

FY26 - \$7,844.00 – SCC Standards

Contract to provide Somatic Cell Standards (SCC) for milk testing. Contract effective 07/01/25 – 06/30/26.

FY26 - \$6400.00 – DI Water and Maintenance

Contract purchase of analytical grade water for laboratory testing and tank maintenance. Contract effective 07/01/25 – 06/30/26.

FY25 - \$33,548.24 – Service Contract

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

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

(To be purchased by Consumer Protection Service).

FY25 - \$17,515.00 – Service Contract

Purchase of a one-year service maintenance contract renewal for a dual HPLC System LC 1260 Infinity II dual system. (To be purchased by Consumer Protection Service).

FY25 - \$6,955.00 – Service Contract

Purchase of a one-year service contract for Vitamin A HPLC. (To be purchased by Consumer Protection Services).

FY25 - \$15,656.98 – Laboratory Equipment

Purchase of a Biotage TurboVap LV for the assistance of solvent evaporation.

Justification: Will be used to concentrate chemical extraction samples to increase method sensitivities (potential to improve analyte detection from PPM to PPB for our current methods).

(To be purchased by Consumer Protection Services).

FY25 – \$12,184.32 - Service Contract

Purchase of a one-year Preventative Maintenance Agreement for the ICP (Inductively Coupled Plasma-Optical Emission Spectrometry Unit), in the General Chemistry Section to ensure continuous and consistent operation of the instrument and ensure the overall quality of the data being reported. (To be purchased by Consumer Protection Services).

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

FY25 - \$6,500.00 – Service Contract

Purchase of a one-year Service Contract for the Skalar San (Flow Analyzer) with Autosampler, UV Vis and Flame Photometers for the General Chemistry Section. (To be purchased by Consumer Protection Services).

FY25 - \$16,609.80 Service Contract

Purchase of a Service Contract for the LECO Sulphur and Nitrogen Analyzer for the General Chemistry Section. (To be purchased by Consumer Protection Services).

FORESTRY SERVICES

FY25 Wilburton shop new roof- \$40,000

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

on OMES CAP RAMP service estimate of \$38,090.54 plus 3.5% administrative fee.
Originally approved on August 28, 2024.

CONSUMER PROTECTION SERVICES

FY2026 South Dakota Agricultural Laboratories testing fees for pesticide samples and feed samples - \$9,800.00

FY2026 OSU laboratory testing fees for soil and water samples related to environmental pollution investigations - \$5,000.00

FY2026 Oklahoma State University Soil Fertility Research --\$475,000.00

Pursuant to 2 O.S. § 8-77.7 (A), ODAFF is required to collect an inspection fee of \$1.00 per ton of which \$0.50 per ton shall be forwarded directly to a special Soil Fertility Research Account in the Department of Plant and Soil Sciences of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University (OSU) for the purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops and forages and groundwater and surface water protection from plant food nutrients. Though tonnage amounts vary each year due to when a crop is planted, commodity prices, fertilizer prices and the weather we use the upper range of inspection fees paid annually to determine the amount of \$475,000.00 that could potentially be paid out to OSU. However, the actual amount paid to OSU will be based on the amount of inspection fees paid to ODAFF.

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

FY2026 Unwanted Pesticide Disposal Program --\$350,000.00

Pursuant to 2 O.S. § 3-82(J) (3), ODAFF is required to collect a registration fee of \$210.00 for each pesticide or device label registered. A portion of these fees, in the amount of \$300,000.00 annually, shall be dedicated to conducting programs for unwanted pesticide disposal. This amount shall be deposited into the State Department of Agriculture Unwanted Pesticide Disposal Fund and shall be dedicated for this use only. Since not all the \$300,000.00 in the funds is utilized each year, they are then carried forward into the next fiscal year and the amount available for unwanted pesticide disposal in fiscal year 2024 is \$350,000.00.

This is a statutory requirement of the Combined Pesticide Law and needs to be done to prevent the pollution of lands and waters of Oklahoma from unwanted pesticides.

FY2026 Oklahoma State University Pesticide Program Contract Approval --\$128,000.00

Pursuant to 2 O.S. § 3-82 (B), applicators are required to be certified in a category or categories in which they make pesticide applications. ODAFF administers these exams under state law and delegated federal authority from EPA. Additionally, the law also requires a practical training exam after the written exams have been passed for certain categories such as fumigation, structural and general pest. To support the certification

and training program the EPA grant includes monies for development of study manuals specific for each exam and for a practical exam when necessary. Other uses of the EPA grant monies include assisting applicators, owners, and farmers with compliance for the federal worker protection standards. To comply with these requirements assistance was requested from Oklahoma State University (OSU) for the purpose of study manuals, WPS compliance support and providing a venue for the practical examination school.

OSU as a land grant university has proven expertise in each of the pesticide categories and education that lends itself well into writing study material for the written examinations. They also have a state-of-the-art training facility for practical exams that allows each applicator to experience many different application sites during an exam. This has resulted in two positive outcomes for ODAFF. The first is a large decrease in the number of complaints which frees up agency time and resources. The second is the ability to do these exams as a group instead of individually for each applicator which requires fewer personnel to complete the task. Finally, since education is one of the universities main purposes, they are an excellent source to provide training for the federal worker protection standard.

Currently, ODAFF does not have the resources to develop, print and distribute study material for the certification and training program. The agency also does not have enough staff to monitor all practical exams individually so additional staff would be necessary without OSU. The federal WPS program would also be problematic without the assistance of OSU. OSU provides a neutral party to review a facilities compliance with WPS and provide assistance and education to show them how to comply with federal law.

OSU provides critical support in the pesticide program through training material and assistance that would be difficult for the agency to provide without additional personnel. The loss of OSU's assistance would place a great strain on ODAFF's limited resources.

FY2026 Kelly Registration System (KRS)—maintenance, ACH reimbursement and inspection program fees--\$88,000.00

KRS paid ODAFF for licenses, tonnage and registrations that were initially completed in the online system using an ACH transaction. The persons/companies later canceled the payments, so Kelly did not receive payment for what they had already paid to ODAFF. ODAFF has since collected the money from these entities and needs to repay KRS for the overpayment. Also, pays the for the KRS yearly maintenance fee.

This money is for overpayments made by KRS so the money needs to be returned to them. It is also for the maintenance fee for our online licensing program.

FY2026 GIS Programing with Oklahoma University --\$43,964.00

GIS programing would provide ODAFF with the ability to GPS hemp grower fields to provide required data to USDA. It also will allow us to do a better job of collecting and reporting our USDA CAPS survey information under our grant programs. Finally, it will assist us in collecting information on complaints, inspections and licensees.

Without the GIS programming we will have more difficulty meeting USDA hemp reporting requirements and CAPS reporting requirements. This will also limit our efficiency in sampling, trapping and inspections.

FY2026 Verizon Wireless --\$25,000.00

Verizon is used as the main form of communication for field staff and office staff. Additionally, with the Agency moving forward with online services having access to a mobile wireless for field staff is essential to their job duties.

Without wireless there would be no way to communicate or move forward with our online system for inspections. Additionally, it will slow response times to complaints including those that are time sensitive like human health related and environmental.

FY2026 OSU Plant Disease and Insect Diagnostic Lab (PDIDL) --\$ 25,000.00

This is for payment to the PDIDL lab for processing plant pest and disease samples. This can include reoccurring pests such as red imported fire ants or new pests such as vascular streak dieback in redbud. Sampling events may be funded by an USDA APHIS cooperative agreement, but not all samples are funded.

A nursery or other grower may not be able to ship any plants, grain, seed, etc.

FY2026 Inceed, LLC--Licensing Programmer --\$415,000.00

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

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

FY2026 Ideagen Software for Inspections and Data Analysis—\$60,000.00

This is for the licenses for our current software system used by CPS for our inspections. Additionally, there is an analytics component that provides us with the ability to produce reports and to establish a dashboard for all program managers and supervisors that need them.

Without this tool we will have greater difficulty meeting reporting requirements both federal and state and will have less tools to manage programs which could increase the amount of time needed to accomplish job associated tasks.

FY 2025 Oklahoma State University Soil Fertility Research --\$70,000.00

This is in addition to the original request of \$450,000.00 due to fertilizer tonnage revenue approaching and potentially exceeding 1 million dollars for FY2025. Pursuant to 2 O.S. § 8-77.7 (A), ODAFF is required to collect an inspection fee of \$1.00 per ton of which \$0.50 per ton shall be forwarded directly to a special Soil Fertility Research Account in the Department of Plant and Soil Sciences of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University (OSU) for the purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops and forages and groundwater and surface water protection from plant food nutrients. Though tonnage amounts vary each year due to when a crop is planted, commodity prices, fertilizer prices and the weather we use the upper range of inspection fees paid annually to determine the original amount of \$450,000.00 that could potentially be paid out to OSU. However, the actual amount paid to OSU is based on the amount of inspection fees paid to ODAFF.

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

WILDLIFE SERVICES

\$5,000– ODAFF Wildlife Services is requesting approval for the cooperative agreement with the Norman Regional Hospital regarding the control and removal of nuisance geese and skunks. Geese defecate on and damage property which is a human health and safety hazard. Skunks are a nuisance and are a potential rabies threat to human health and safety.

\$25,000 – ODAFF Wildlife Services is requesting approval for the purchase of ammunition required to perform duties. Ammunition that we are requesting to purchase is .223, 62 grain REX which is full copper, non-toxic, rapid expanding suitable from controlling feral swine.

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

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

MARKET DEVELOPMENT

FY2025 – Memorandum of Agreement between ODAFF and Oklahoma Beef Council – Ag in the Classroom Program receives \$13,423.00 for professional services and expert assistance.

FY2025 – Oklahoma Grown Farmers Market bags – provided on a cost share basis - \$24,500.00

FY2025 – 31 hotel rooms x 2 days (at the state per diem rate) - Ag in the Classroom Teacher Road Trip - \$6,820.00

FY2026 – Oklahoma Local Ag Summit – facility rental – funded entirely by Specialty Crop Block Grant - \$35,000.00

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

FY2026 – Agreement with Oklahoma Tourism and Recreation Department to promote the Agritourism industry through the development of consumer marketing campaigns. - \$35,000.00

Justification: The Agritourism program is entering a partnership with the Oklahoma Tourism and Recreation Department (OTRD) as part of our marketing plan for FY2026. As a part of this partnership, Agritourism gets to use their existing marketing channels including free ads in their guides, website presence, travel show co-ops and brochure inventory, warehousing, and distribution. If this proposed expense is not approved, we will lose an opportunity to share in a campaign that gains exponentially more reach than we could obtain on our own. OTRD already has the channels set up and by not partnering we would be looking at well over \$100,000 to replace what they can give us in ad placement, website presence and Search Engine Optimization. We have evaluated the warehousing and postage costs; this alone would be over \$50,000 in hard costs and does not include the advertising and marketing part of our agreement.

FY2026 – Contract with graphic design firm to work with the Agritourism program in creating promotional and print items to further promote the program and help establish continuity with advertising and marketing pieces. - \$40,000.00

Justification: The graphic design firm will maintain the Agritourism brand while developing new print materials, refreshing website content, strategically updating social media channels and assisting with social and website analytics. It is the goal of the Agritourism Program to utilize all marketing channels to create a consistent brand awareness campaign and utilize social channels for seasonal promotions within the many categories of Agritourism. If this expense is not approved, there will be a negative impact on the ability of the Agritourism Program to promote and advertise the 350+ Agritourism venues in the state, resulting in an economic loss of those businesses and the local economy in those areas.

FY2026 – Agreement with Food Export Association of the Midwest USA (Food Export – Midwest) for membership to provide small and medium size food and agricultural companies’

access to international markets through a variety of exporter programs and to increase volume and value of agricultural exports from the region in represents. - \$7,000.00

FY2026 – Contract with Oklahoma State University for Year 2 of 4 - Viticulture and Enologist Extension Specialist – Project funded entirely by the Viticulture and Enology Center Development Revolving Fund Grant - \$70,000.00

Justification: This project is entirely funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund. This employee will coordinate an annual grape management course, create online grape management and wine making classes, write grant applications and research vineyard and viticulture projects as needed. The employee will also assist grape growers and wine makers through field days, correspondence, and site visits. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the grape and wine industry through the economic impact but also runs the risk of not being awarded money from the Oklahoma Viticulture and Enology Center Development Revolving Fund in the future.

FY2026 – Turismo Digital Inc. – wine trails app – Project funded entirely by the Viticulture and Enology Center Development Revolving Fund Grant - \$18,000.00

AGRICULTURAL ENVIRONMENTAL MANAGEMENT SERVICES

FY26 A request of \$30,000.00

AEMS has contracted with Ideagen to develop a program to modernize our operations this is the continuation of the contract. Our inability to complete this project will cause the division to not fill the grant requirements.

FY25 - \$33,250.00 Laptops –

AEMS would like to purchase 14 laptops for our field inspection staff. These laptops are detachable from the keyboard and have an electronic pen that can be used in the field to make notes and fill out inspection sheets. These will be utilized while conducting required inspections and complaint investigations of animal feeding operations and pet breeders/shelters. These detachable laptops will replace each person's current laptop and iPad which will save monthly wireless iPad fees.

OFFICE OF GENERAL COUNCIL

FY26 - \$53,522.01 for SHI-Granicus (GovQA Service) –

A continued statewide contract for an online system for the public to submit Open Records Requests which then allows the agency to easily and efficiently compile and redact the requested files. It also allows transfer of large files and provides the capability

to invoice the requester according to Open Records Request requirements in the event the files or record sources are large. Without this contract, the agency will lose the online capability for the public to request these records and will put additional tracking and review efforts on the agency.

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

APPROVAL OF CASES

ON THIS 21st day of April 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 21st day of April 2025.

Blayne Arthur
President
State Board of Agriculture

**Exhibit A
Board of Agriculture
April 21, 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>
Tommy Tran	OGC-24-676	AEMS	\$400.00
Steve Vue	OGC-24-691	AEMS	\$200.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Four State Spray Service	OGC-25-67	CPS	\$750.00
Heinen Brothers Agra Services, Inc.	OGC-25-68	CPS	\$750.00
Orkin, LLC	OGC-25-06	CPS	\$500.00

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>
Dream Earth	OGC-25-122	CPS	
	OGC-25-187	CPS	\$2,500.00
Tahah Lawn and Landscape	OGC-25-14	CPS	Deferred
Red Queen Extracts, LLC	OGC-24-885	CPS	\$3,000.00
Superior Termite and Pest Control	OGC-23-1465	CPS	
	OGC-24-191	CPS	\$25,000.00

Consideration and Proposed Action on Recommendation of the Administrative Law Judge

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Niki Latendresse, Iron Dog Kennel	OGC-24-399	AEMS	License Revocation

Food Safety Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Joel Skip Mitchell	OGC-24-547	FS	\$8,000.00
Dennis Yoder	OGC-24-660	FS	\$5,000.00

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. TOMMY TRAN

Case File No. OGC-24-676

**TOMMY TRAN PFO#1814
3202 GLOVER GOLDEN RD.
BROKEN BOW, OK 74728**

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 was also missing their 2021 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, as well as their 2021 annual report.

Proposed Administrative Penalty: The proposed penalty for this case was Four Hundred Dollars (\$400.00). Respondent stipulated to and paid the penalty and turned in the PFO annual reports for 2021 and 2024.

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.

TOMMY TRAN PFO#1814
3202 GLOVER GOLDEN RD.
BROKEN BOW, OK 74728

RESPONDENT.

Case No: OGC-24-676

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars (\$400.00) for this action and has accordingly signed this Resolution by Stipulation, **attach copies of 2021 and 2024 Annual Reports**, 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

Tommy Tran (Happy Farm)
Printed Name and Title:

Date:

FILED
JAN 27 2025
STATE BOARD OF AGRICULTURE

Case No: OGC-24-676

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.

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
2 the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and
3 limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative
4 evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of
5 prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues
6 prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve
7 complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any
8 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...”*

ALLEGATIONS OF FACT

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

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

20. 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.

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

22. To date, the Respondent has not filed their annual report for 2024.
23. On or about September 27, 2021, the Department sent Respondent a LOW regarding his missing annual report for 2021.
24. To date, the Respondent has not filed their annual report for 2021.

ALLEGED CONCLUSIONS OF LAW

25. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.7(J) by failing to file his 2024 and 2021 annual report by the 1st of September.

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 Four Hundred Dollar (\$400.00) administrative penalty and submittal of the 2021 and 2024 annual reports.

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 Four Hundred Dollars (\$400.00).

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 missing reports for 2021 and 2024, 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 23TH day of January, 2025.

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 27 day of Jan, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**TOMMY TRAN PFO#1814
3202 GLOVER GOLDEN RD.
BROKEN BOW, OK 74728**



GINA BLAYLOCK

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

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

COMPLAINANT,

v.

**TOMMY TRAN PFO#1814
3202 GLOVER GOLDEN RD.
BROKEN BOW, OK 74728**

RESPONDENT.

Case No: OGC-24-676

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars (\$400.00) for this action and has accordingly signed this Resolution by Stipulation, **attach copies of 2021 and 2024 Annual Reports**, 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. STEVE VUE

Case File No. OGC-24-691

**STEVE VUE
12679 W HWY 16
HASKELL, OK 74436**

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 submitted their annual report late on September 30, 2024.

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.

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.

STEVE VUE
12679 W HWY 16
HASKELL, OK 74436

RESPONDENT.

Case No: OGC-24-691

FILED
FEB 28 2025
STATE BOARD OF AGRICULTURE

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date:

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

FILED
JAN 23 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-24-691

STEVE VUE)
12679 W HWY 16)
HASKELL, OK 74436)

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. **March 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 his missing annual report for 2024.

23. The Respondent filed his annual report on September 30, 2024.

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 his 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.

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

DATED THIS 23RD day of 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:

**STEVE VUE
12679 W HWY 16
HASKELL, OK 74436**



GINA BLAYLOCK

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. FOUR STATE SPRAY SERVICE LLC

Case File No. OGC-25-67

**FOUR STATE SPRAY SERVICE LLC DBA MIDLAND FLYERS
P.O. BOX 451507
GROVE, OK 74435**

Summary of Facts: In June of 2024, a complaint investigation was conducted in Oktaha, OK. During this investigation, our inspector found that the Respondent was hired to spray the N1/2 with GrazonNext and Patriot. The inspector observed the trees and other vegetation on the complainant's property showing herbicide effects. The Patriot label states to avoid spray drift damage to sensitive crops downwind. According to our investigation Respondent's application was made against the Patriot label recommendations and is the source of the herbicide that was found on the complainant's property.

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

FILED

MAR 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 Nos: OGC-25-67

FOUR STATE SPRAY SERVICE LLC)
DBA MIDLAND FLYERS)
P.O. BOX 451507)
GROVE, OK 74435)

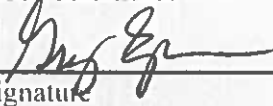
RESPONDENT.)

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: 3/17/25

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
FEB 10 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-25-67

FOUR STATE SPRAY SERVICE LLC)
DBA MIDLAND FLYERS)
P.O. BOX 451507)
GROVE, OK 74435)

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 10th day of April 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 June 13, 2024, a complaint investigation was performed by the Consumer Protection Division of the Department at the S1/2 of section 34-14N-17E in Oktaha, OK.

19. During this investigation, our inspector found that your company was hired to spray the N1/2 of this section. According to the records that you supplied, you applied GrazonNext and Patriot to the pasture.

20. The inspector observed the trees and other vegetation on the complainant's property showing herbicide effects.

21. A vegetative sample was taken from the complainant's property and 2,4-D was detected. Additionally, a vegetative sample was taken from your application area and 2,4-D was detected.

22. The Patriot label states to avoid spray drift damage to sensitive crops downwind.

23. According to our investigation your application was made against the Patriot label recommendations and is the source of the herbicide that was found on the complainant's property.

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

ALLEGED CONCLUSIONS OF LAW

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

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

ATTORNEY CONFERENCES

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

33. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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 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 10th day of Feb, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FOUR STATE SPRAY SERVICE LLC DBA MIDLAND FLYERS
P.O. BOX 451507
GROVE, OK 74435**



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.

**FOUR STATE SPRAY SERVICE LLC
DBA MIDLAND FLYERS
P.O. BOX 451507
GROVE, OK 74435**

RESPONDENT.

Case Nos: OGC-25-67

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. HEINEN BROTHERS AGRA SERVICES INC.

Case File No. OGC-25-68

**HEINEN BROTHERS AGRA SERVICES INC.
DBA BLUESTEM AERIAL SPRAYERS
16705 W. HUBBARD RD.
BLACKWELL, OK 74631**

Summary of Facts: In July of 2024, a complaint investigation was conducted in Osage County, OK. During this investigation, our inspector observed the trees and other vegetation on the complainant's property showing signs of herbicide effects. According to Respondent's application records, they made applications using Triclopyr, Gunslinger P+D, and MSM 60 during southeast winds. A vegetative sample was taken from the complainant's property and found a trace amount of 2,4-D. Additionally, a vegetative sample was taken from Respondent's application area, and 2,4-D was detected. Gunslinger P+D label requires that it should not be applied when wind is blowing toward susceptible crops or ornamental plants.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86(A)(3) by allowing pesticide to drift off target.

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.)

HEINEN BROTHERS AGRA SERVICES INC.)
DBA BLUESTEM AERIAL SPRAYERS)
16705 W. HUBBARD RD.)
BLACKWELL, OK 74631)

RESPONDENT.)

Case Nos: OGC-25-68

FILED
MAR 26 2025
STATE BOARD OF AGRICULTURE

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

Jeff Jones Aerial Asset Manager
Printed Name and Title:

Date:

3/14/25

0070
3-2025

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

FILED
FEB 10 2025
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

**HEINEN BROTHERS AGRA SERVICES INC.
DBA BLUESTEM AERIAL SPRAYERS
16705 W. HUBBARD RD.
BLACKWELL, OK 74631**

RESPONDENT.

Case Nos: OGC-25-68

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 April 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 17, 2024, a complaint investigation was performed by the Consumer Protection Division of the Department at the SEC 7 23N 11E & SEC 12 23N 11E in Osage County, Oklahoma.

19. During this investigation, our inspector observed the trees and other vegetation on the complainant's property showing signs of herbicide effects. Your company made applications to the property adjacent to the south of the complaint's property.

20. According to your application records, you made applications using Triclopyr, Gunslinger P+D, and MSM 60 during southeast winds.

21. A vegetative sample was taken from the complainant's property and found a trace amount of 2,4-D was detected. Additionally, a vegetative sample was taken from your application area, and 2,4-D, Triclopyr, and a trace amount of Metsulfuron-Methyl were detected.
22. Gunslinger P+D label requires that it should not be applied when wind is blowing toward susceptible crops or ornamental plants.
23. According to our investigation your application resulted in an off-target movement/drift onto the complainant's property.
24. Allowing pesticide to drift off target is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(3).

ALLEGED CONCLUSIONS OF LAW

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

- 2 O.S. § 3-86(A)(3): "A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 3. A person has operated in a negligent manner, thereby causing a pesticide to drift off-target."

PRAYER FOR RELIEF

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

ATTORNEY CONFERENCES

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

33. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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 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 10 day of Feb., 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**HEINEN BROTHERS AGRA SERVICES INC.
DBA BLUESTEM AERIAL SPRAYERS
16705 W. HUBBARD RD.
BLACKWELL, OK 74631**

AB
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.

**HEINEN BROTHERS AGRA SERVICES INC.
DBA BLUESTEM AERIAL SPRAYERS
16705 W. HUBBARD RD.
BLACKWELL, OK 74631**

RESPONDENT.

Case Nos: OGC-25-68

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. ORKIN LLC

Case File No. OGC-25-06

**ORKIN LLC
1401 SE 1ST
LAWTON, OK 73501**

Summary of Facts: In August of 2024, an investigation was conducted at the Super C Mart in Carnegie, OK. During this investigation, our inspector found that the Respondent's application vehicle did not have the company license number on it. ODAFF requires both sides of a commercial application vehicle to be marked with the company's name and license number with 2 inch or larger letters.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-17-15 by failing to have proper identification of an application vehicle.

Proposed Administrative Penalty: The proposed penalty for this case was Five Hundred Dollars (\$500.00). 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.

ORKIN LLC
1401 SE 1ST
LAWTON, OK 73501

RESPONDENT.

FILED
MAR 03 2025
STATE BOARD OF AGRICULTURE

Case Nos: OGC-25-06

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:



Signature

John Farrell Branch Manager

Printed Name and Title:

Date: 2-28-25

**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.

ORKIN LLC)
1401 SE 1ST)
LAWTON, OK 73501)

RESPONDENT.)

Case Nos: OGC-25-06

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 August 2, 2024, a use inspection was performed by the Consumer Protection Division at the Super C Mart in Carnegie, OK.

19. During this investigation, our inspector met with your service technician Jeremy Lynch. Mr. Lynch made a general pest application to this location using Patrol Insecticide.

20. During this inspection your application vehicle did not have your company license number on it.

21. ODAFF requires both sides of a commercial application vehicle be marked with the company's name and license number with 2 inch or larger letters.

22. Improper identification of an application vehicle is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically O.A.C. 35:30-17-15.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-17-15 which is listed below.

- O.A.C. 35:30-17-15: "All vehicles, including nurse tanks and self-propelled ground applicators, used by a commercial applicator during the conduct of business shall be identified by displaying the name and license number of the licensee. The display shall be on both sides of the vehicle in letters not less than two (2) inches in height."

PRAYER FOR RELIEF

24. The Department is seeking an administrative penalty in the amount of **Five Hundred Dollars (\$500.00)**.

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 **Five Hundred Dollars (\$500.00)**.

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 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 7th day of Jan., 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**ORKIN LLC
1401 SE 1ST
LAWTON, OK 73501**

HB

Gina Blaylock

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

Case Nos: OGC-25-06

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. DREAM EARTH

Case File No. OGC-25-122

**Nittaya Sihalath
Dream Earth
23008 County Rd. 1560
Stonewall, OK 74871**

Summary of Facts: In December of 2024, OBN executed a search warrant at Respondent's property and submitted samples for testing to the Department's lab. The lab analysis found that the samples were above the allowable threshold for Total THC. At the time of the seizure by OBN, Respondent had filed for a hemp grower license, but it had not been issued.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(4), O.A.C. 35:30-24-12(h)(5), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12), and O.A.C. 35:30-24-12(h)(13) by failing to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department, failing to be present or send a representative for a routine inspection, handling, processing, or selling non-compliant hemp which enters the stream of commerce, failing to follow transportation rules, and processing or handling hemp grown without a license.

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

Deviations: Respondent and Department entered a settlement for Two Thousand Five Hundred Dollars (\$2,500) and a two (2) year deferment. If the Respondent has no additional infractions and complies with the terms of the settlement during the two (2) years, the remaining penalty of Two Thousand Five Hundred Dollars (\$2,500.00) will be waived, and the matter will be closed. The deferment was entered based on Respondent agreeing they will timely submit all records to the Department and there will be no additional violations.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. DREAM EARTH

Case File No. OGC-25-187

**Nittaya Sihalath
Dream Earth
23008 County Rd. 1560
Stonewall, OK 74871**

Summary of Facts: In February of 2025, Respondent's Industrial Hemp Grower License for 2025 was denied by the Department. The denial was based on the pending administrative action for OGC-25-122. In December of 2024, OBN executed a search warrant at Respondent's property and submitted samples for testing to the Department's lab. The lab analysis found that the samples were above the allowable threshold for Total THC. At the time of the seizure by OBN, Respondent had filed for a hemp grower license, but it had not been issued.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(4), O.A.C. 35:30-24-12(h)(5), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12), and O.A.C. 35:30-24-12(h)(13) by failing to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department, failing to be present or send a representative for a routine inspection, handling, processing, or selling non-compliant hemp which enters the stream of commerce, failing to follow transportation rules, and processing or handling hemp grown without a license.

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

Deviations: Respondent and Department entered a settlement for Two Thousand Five Hundred Dollars (\$2,500) and a two (2) year deferment. If the Respondent has no additional infractions and complies with the terms of the settlement during the two (2) years, the remaining penalty of Two Thousand Five Hundred Dollars (\$2,500.00) will be waived, and the matter will be closed. The deferment was entered based on Respondent agreeing they will timely submit all records to the Department and there will be no additional violations. The Department has agreed to issue a Industrial Hemp Grower License upon approval of this matter by the Board of Agriculture.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

FILED
MAR 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 No: OGC-25-122 &
OGC-25-187**

**NITTAYA SIHALATH
DREAM EARTH
23008 COUNTY RD. 1560
STONEWALL, OK 74871**

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 Dream Earth (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 February 5, 2025, the Department denied Respondent's 2025 Industrial Hemp Grow License Application. The Respondent filed an appeal of the denial on February 6, 2025. The Department filed its response to the Appeal on March 4, 2025, which is attached hereto as Exhibit B.
4. On the 10th day of February 2025, the Department issued a Notice of Violation in Case No. OGC-25-122, ("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

5. In compromise of *this matter*, the Respondent shall pay the Department an administrative penalty of Two Thousand Five Hundred Dollars and Zero Cents (\$2,500.00). The 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 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 Two Thousand Five Hundred Dollars and Zero Cents (\$2,500.00). 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 approval by the Board, ODAFF will issue a grower license to Dream Earth beginning on May 1, 2025.
- g. Upon the completion of two years without a violation this matter will be considered settled and closed.

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 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:
Nittaya Sihalath
Dream Earth
23008 County Rd. 1560
Stonewall, OK 74871


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. 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.
16. 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.
17. 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.
18. 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:

3/25/2020

- and by -

DREAM EARTH

Nittaya Sihalath
Dream Earth
23008 County Rd. 1560
Stonewall, OK 74871

Date: 3/20/25

Nittaya Sihalath

Exhibit A

FILED
FEB 10 2025
STATE BOARD OF AGRICULTURE
25-122

Case No: OGC-25-122

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 industrial 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. On or around December 10, 2024, the Oklahoma Bureau of Narcotics (“OBN”) executed a search warrant at Dream Earth’s grow operation.

19. OBN submitted samples to the ODAFF lab on December 11, 2024, for testing.

20. The ODAFF lab found that the sample contained 1.36% Total THC.

21. Based on the results of the lab analysis, Respondent was in possession of a controlled and dangerous substance, specifically Marijuana.

22. Respondent failed to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department. Specifically, Respondent failed to submit an inspection request form for any harvests during 2024.

23. Respondent failed to be present or send a representative for a routine inspection.

24. Respondent interfered 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.
25. Respondent handled, processed, and/or sold non-compliant hemp which entered the stream of commerce. Specifically, Respondent handled hemp products that were above the 0.3% Total THC allowed by the Industrial Hemp Program Rules.
26. Respondent failed to follow transportation rules as provided by the Oklahoma Industrial Hemp rules.
27. Respondent processed or handled hemp grown without a license. Specifically, Respondent processed or handled unapproved varieties and varieties without approval from the state of origin.
28. 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)(4), O.A.C. 35:30-24-12(h)(5), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12), and O.A.C. 35:30-24-12(h)(13).

ALLEGED CONCLUSIONS OF LAW

29. 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)(4), O.A.C. 35:30-24-12(h)(5), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12), and O.A.C. 35:30-24-12(h)(13) 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)(4): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (4) Failure to be present or send a representative for a routine inspection.”
- 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.”
- O.A.C. 35:30-24-12(h)(13): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be

limited to, the following conduct: (13) Processing or handling hemp grown without a license.”

PRAYER FOR RELIEF

30. The Department is seeking an administrative penalty in the amount of **Five Thousand Dollars (\$5,000.00)**.

ATTORNEY CONFERENCES

31. 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.

32. 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.

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

ENFORCEMENT PROCEEDINGS

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

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

35. Pursuant to 2 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.

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

37. 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

38. 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

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

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

41. 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

42. 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)**.

43. 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 10 day of Feb, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Nittaya Sihalath
Dream Earth
23008 County Rd. 1560
Stonewall, OK 74871**



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-25-122

**NITTAYA SIHALATH)
DREAM EARTH)
23008 COUNTY RD. 1560)
STONEWALL, OK 74871)**

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: _____

Exhibit B

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. TAHAH LAWN AND LANDSCAPE

Case File No. OGC-25-14

**AARON TAHAH
TAHAH LAWN AND LANDSCAPE
626 SW LANDMARK CR.
GERONIMO, OK 73543**

Summary of Facts: In August of 2024, a use inspection was conducted by the Department. During this investigation, our inspector spoke with Respondent over the phone concerning his company advertising weed control. At the time of the call, Respondent was not a licensed commercial pesticide applicator and did not have a fertilizer applicator license.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(15), 2 O.S. § 3-86(A)(16) by operating commercially without a pesticide license and certification. Additionally, Respondent violated 2 O.S. §8-77.5(A) by operating without a valid Oklahoma Fertilizer License as an ornamental and turf applicator.

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Five Hundred Dollars (\$1,500.00).

Deviations: Respondent and Department entered a deferred settlement. The Respondent's is subject to a one (1) year deferment. If Respondent has no additional infractions during that one (1) year, the penalty will be waived, and the matter will be closed. The deferment was entered into based on the Respondent's lack of history with the Department and no longer offering the services.

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.

**TAHAH LAWN AND LANDSCAPE
626 SW LANDMARK CR.
GERONIMO, OK 73543**

RESPONDENT.

Case Nos: OGC-25-14

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 Tahah Lawn and Landscape (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 23rd day of January 2025, the Department issued an Amended Notice of Violation in Case No. OGC-25-14, ("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

1. In compromise of *this matter*, this case is to be settled under the following terms:
 - a. This matter will be subject to a one (1) year deferred prosecution agreement.
 - b. As part of said agreement Respondent agrees that there will be no infractions of the Oklahoma Combined Pesticide Law & Rules or the Oklahoma Fertilizer Act & Rules committed during the one (1) year deferment.
 - c. Upon completion of that one (1) year, ODAFF will consider this matter fully resolved and closed.

- d. If the Respondent does not meet the requirements of the deferment, the ODAFF Board will issue an Order regarding *this matter*, upon filing of a new Notice of Violation, for the penalty of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00). Payment of the penalty for *this matter* will be due thirty (30) days after the Order is issued.
- e. The one-year time begins to toll upon approval of the ODAFF Board.

EFFECT OF THE AGREEMENT

- 2. 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.
- 3. 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.
- 4. 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

- 5. 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

6. 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

7. 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

8. 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:

Aaron Tahah
Tahah Lawn and Landscape
626 SW Landmark Cr.
Geronimo, OK 73543

MISCELLANEOUS

9. 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.
10. 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.
11. 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.


12. 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

13. 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

14. 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: 3/6/2025

- and by -

TAHAH LAWN AND LANDSCAPE


Aaron Tahah
Tahah Lawn and Landscape
626 SW Landmark Cr.
Geronimo, OK 73543

Date: 3/5/25

Exhibit A

FILED
JAN 23 2025
STATE BOARD OF AGRICULTURE

RESPONDENT.

Case Nos: OGC-25-14

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.

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 16, 2024, a use inspection was performed by the Consumer Protection Division of the Department.

19. During this investigation, our inspector spoke with you over the phone concerning your company advertising weed control and fertilizer. You informed our inspector that you have made weed and feed fertilizer applications for your customers.

20. ODAFF does not have your company on file as being a commercial pesticide applicator company.

21. ODAFF does not have your company on file as having a valid Oklahoma Fertilizer License as an ornamental and turf applicator.

22. Weed and feed fertilizer contains pesticide(s) which requires commercial applicators of the weed and feed fertilizers to be licensed and certified by ODAFF.

23. Operating commercially without a pesticide license and certification is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(15), and 2 O.S. § 3-86(A)(16). Additionally, operating without a valid Oklahoma Fertilizer License as an ornamental and turf applicator is a violation of the Oklahoma Fertilizer Act & Rules, specifically 2 O.S. §8-77.5(A).

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(15), 2 O.S. § 3-86(A)(16), and 2 O.S. §8-77.5(A) which are listed below.

- 2 O.S. §3-82(A)(1): “(A) LICENSE REQUIRED: (1) It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.”
- 2 O.S. §3-86(A)(15): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension,

cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (15) Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged.”

- 2 O.S. §3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”
- 2 O.S. §8-77.5(A): “The annual license fee for persons operating a business engaged in the distribution or sale of fertilizer shall be Fifty Dollars (\$50.00) and expire on a date to be determined by the State Board of Agriculture.”

PRAYER FOR RELIEF

25. The Department is seeking an administrative penalty in the amount of **Fifteen Hundred Dollars (\$1,500.00)**.

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 **Fifteen Hundred Dollars (\$1,500.00)**.

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

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

DATED THIS 23rd 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 23 day of Jan, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**AARON TAAH
TAAH LAWN AND LANDSCAPE
626 SW LANDMARK CR.
GERONIMO, OK 73543**



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-25-14

**TAHAH LAWN AND LANDSCAPE)
626 SW LANDMARK CR.)
GERONIMO, OK 73543)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Fifteen Hundred Dollars (\$1,500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. RED QUEEN EXTRACTS, LLC

Case File No. OGC-24-885

**Nancy Magana
Red Queen Extracts, LLC
PO Box 310
Chickasha, OK 73018**

Summary of Facts: In December of 2024, an investigation was conducted into the Respondent. During this investigation, the Department found that Respondent was in possession and processing non-compliant hemp. Based on the investigation Respondent handled, processed, and/or sold non-compliant hemp which entered the stream of commerce. Specifically, Respondent was in possession and processing hemp that had a total THC above the allowable threshold of 0.3%.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-24-12(h)(1), O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(3), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12), and O.A.C. 35:30-24-12(h)(13) by providing false information or otherwise engaging in deception to secure or retain a license, failing to provide accurate and complete records in response to a request for information from the Department, failing to retain records required by this subchapter or produce such records at the request of the Department, handling, processing, or selling non-compliant hemp which enters the stream of commerce, failing to follow transportation rules, and processing or handling hemp grown without a license.

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 Dollars (\$3,000) and a one (1) year deferment. If the Respondent has no additional infractions and complies with the terms of the settlement during that one (1) year, the remaining penalty of Two Thousand Dollars (\$2,000.00) will be waived, and the matter will be closed. The deferment was entered based on Respondent agreeing to not process or sell hemp with total THC of more than 0.3% and Respondent submitted the destruction video of the non-compliant hemp. Additionally, Respondent will be required to submit records of all hemp purchased for processing.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

MAR 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 No: OGC-24-885

NANCY MAGANA)
RED QUEEN EXTRACTS, LLC)
PO BOX 310)
CHICKASHA, OK 73018)

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 Red Queen Extracts, 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(16).

DEPARTMENT'S NOTICE

3. On the 29th day of January 2025, the Department issued a Notice of Violation in Case No. OGC-24-885, ("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*, the Respondent shall pay to the Department an administrative penalty of Three Thousand Dollars and Zero Cents (\$3,000.00). The case is to be settled upon the following terms:
 - a. This matter will be subject to a one (1) year deferred prosecution agreement.
 - b. As part of said agreement the Respondent agrees that within the one (1) year there will be no violations of the Oklahoma Industrial Hemp Act, or the Oklahoma Industrial Hemp Program rules committed by Respondent.

- c. Respondent will submit copies of the certificates of analysis, license number of the grower and the amount of hemp purchased from growers on hemp that comes into the State of Oklahoma upon receipt of the product. The documentation must be submitted to Hemp@ag.ok.gov.
- d. Respondent will dispose of all non-compliant hemp in its possession in Oklahoma, complying with the Oklahoma Industrial Hemp Program destruction rules, upon signature of both parties.
- e. Upon proof of destruction of non-compliant hemp in accordance with the Oklahoma Industrial Hemp Program rules, ODAFF will issue a conditional license.
- f. Respondent agrees to not sell or process hemp products containing more than 0.3% of Total THC in the State of Oklahoma.
- g. 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 Two Thousand Dollars and Zero Cents (\$2,000.00). Payment of the remaining penalty for this matter will be due thirty (30) days after the Order is issued.
- h. The one-year period begins upon approval of the ODAFF Board.
- i. Upon approval by the Board, ODAFF will issue a processor and grower license to Red Queens Extract LLC.
- j. Upon issuing the process and grower license, Red Queens Extract LLC will dismiss its petition to contest the denial.
- k. Upon the completion of a year 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 Red Queen Extracts, LLC:


Brian Ted Jones
Brian Ted Jones, PC
528 NW 12th Street
Oklahoma City, OK 73103
Attorney for Respondent

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:

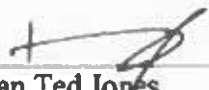
OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY


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

Date: 3/24/25

- and by -

RED QUEEN EXTRACTS, LLC



Brian Ted Jones
Brian Ted Jones, PC
528 NW 12th Street
Oklahoma City, OK 73103
Attorney for Respondent

Date: 03/18/2025

Exhibit A

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

FILED
JAN 29 2025
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

**NANCY MAGANA
RED QUEEN EXTRACTS, LLC
PO BOX 310
CHICKASHA, OK 73018**

RESPONDENT.

Case No: OGC-24-885

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 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 into to Respondent.

19. Respondent provided false information or otherwise engaged in deception to secure or retain its license. Specifically, Respondent listed unapproved varieties and unofficial Certificates of Analysis within records provided to the Department.

20. Respondent failed to provide accurate and complete records in response to a request for information from the Department. Specifically, not all licenses were provided for hemp processed/handled and Certificates of Analysis were not approved by state of origin.

21. Respondent failed to retain records required by the Industrial Hemp Program Rules.

22. Respondent handled, processed, and/or sold non-compliant hemp which entered the stream of commerce. Specifically, Respondent handled, processed, and/or sold hemp products that were above the 0.3% Total THC allowed by the Industrial Hemp Program Rules.

23. Respondent failed to follow the transportation rules found in the Industrial Hemp Program Rules.

24. Respondent processed and/or handled hemp that was grown without a license. Specifically, Respondent processed and/or handled unapproved varieties of hemp and processed and/or handled varieties of hemp that were not approved in the state of origin.

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)(1), O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(3), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12), and O.A.C. 35:30-24-12(h)(13).

ALLEGED CONCLUSIONS OF LAW

26. Based upon the application of the above law to the aforementioned facts, you are in violation of 35:30-24-12(h)(1), O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(3), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12), and O.A.C. 35:30-24-12(h)(13) which are stated below:

- O.A.C. 35:30-24-12(h)(1): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (1) Providing false, misleading, or incorrect information or otherwise engaging in fraud or deception to secure or retain a license.”

- 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)(3): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (3) Failure to retain records required by this subchapter or produce such records at the request of the Department.”
- 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.”
- O.A.C. 35:30-24-12(h)(13): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (13) Processing or handling hemp grown without a license.”

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 8th 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

Assistant 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 29 day of Jan, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**Nancy Magana
Red Queen Extracts, LLC
PO Box 310
Chickasha, OK 73018**

GLB

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.

**NANCY MAGANA
RED QUEEN EXTRACTS, LLC
PO BOX 310
CHICKASHA, OK 73018**

RESPONDENT.

Case No: OGC-24-885

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: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. SUPERIOR TERMITE AND PEST CONTROL

Case File No. OGC-23-1465

SUPERIOR TERMITE AND PEST CONTROL

205 S. 85TH E. AVE.

TULSA, OK 74112

Summary of Facts: In July of 2023, a pretreat inspection was conducted into a residence treated by the Respondent. During this investigation, the Department took samples of the horizontal and vertical barriers that Respondent had done. The samples for the vertical barrier did not meet the minimum standard required by the Department's applicable statute and rules.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86 (A)(2) and O.A.C. 35:30-17-28 (7)(A) by using a pesticide in an ineffective manner and not meeting the established pretreat residue threshold levels.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred Thousand Dollars (\$200,000.00) based on Respondent's extensive history with the Department.

Deviations: Respondent and Department entered a settlement for Fifty Thousand Dollars (\$50,000.00) and a one (1) year deferment for this matter and OGC-24-191. The Respondent has paid Twenty-Five Thousand Dollars (\$25,000.00) for the settlement up front and if the Respondent has no additional infractions and complies with the terms of the settlement during that one (1) year period, the remaining penalty of Twenty-Five Thousand Dollars (\$25,000.00) will be waived, and the matter will be closed. Additionally, the Department has agreed to work with Respondent to improve Respondent's internal policy and procedures for termite pre-treatments. 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

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. SUPERIOR TERMITE AND PEST CONTROL

Case File No. OGC-24-191

SUPERIOR TERMITE AND PEST CONTROL

205 S. 85TH E. AVE.

TULSA, OK 74112

Summary of Facts: In November of 2023, a pretreat inspection was conducted into a residence treated by the Respondent. During this investigation, the Department took samples of the horizontal and vertical barriers that Respondent had done. The samples for the vertical barrier did not meet the minimum standard required by the Department's applicable statute and rules.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86 (A)(2) and O.A.C. 35:30-17-28 (7)(A) by using a pesticide in an ineffective manner and not meeting the established pretreat residue threshold levels.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred Thousand Dollars (\$200,000.00) based on Respondent's extensive history with the Department.

Deviations: Respondent and Department entered a settlement for Fifty Thousand Dollars (\$50,000.00) and a one (1) year deferment for this matter and OGC-23-1465. The Respondent has paid Twenty-Five Thousand Dollars (\$25,000.00) for the settlement up front and if the Respondent has no additional infractions and complies with the terms of the settlement during that one (1) year period, the remaining penalty of Twenty-Five Thousand Dollars (\$25,000.00) will be waived, and the matter will be closed. Additionally, the Department has agreed to work with Respondent to improve Respondent's internal policy and procedures for termite pre-treatments. 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**

FILED
MAR 28 2025
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

**SUPERIOR TERMITE AND PEST CONTROL)
205 S. 85TH E. AVE.
TULSA, OK 74112**)

RESPONDENT.)

**Case No: OGC-23-1465 &
OGC-24-191**

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 Superior Building Resources f/k/a Superior Termite and Pest Control (the "Respondent").
2. The facility which is the subject of this Agreement is owned and operated by Superior Termite and Pest Control and located at 8920 East Admiral Place N Tulsa, OK 74115 (the "Facility").

AUTHORITY

3. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(16).

DEPARTMENT'S NOTICE

4. On the 29th day of December 2023, the Department issued a Notice of Violation in Case No. OGC-23-1465, ("Notice") to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.
5. On the 19th day of March 2024, the Department issued a Notice of Violation in Case No. OGC-24-191, ("Notice") to the Facility, which is attached hereto as Exhibit B. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

ORDER AND AGREEMENT

1. In compromise of *this matter*, OGC-23-1465 and OGC-24-191 are to be settled upon the following terms:
 - a. Respondent shall pay to the Department an administrative penalty of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) upon signing of the Agreement.

- b. As part of said agreement the Respondent agrees that within the one (1) year deferment there will not be any violations committed by Respondent.
 - c. This matter will be subject to a one (1) year deferred prosecution agreement.
 - d. If the Respondent does not meet the requirements of the deferment, a remaining penalty of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) will be due within thirty (30) days of the filing of the Notice of Violation.
 - e. The one-year time begins to toll upon approval of the ODAFF Board.
 - f. Upon the completion of one (1) year without a violation this matter will be considered settled and closed.
- 2. The Consumer Protection Division of ODAFF agrees to observe a pretreatment, also known as a service inspection, performed by Superior in order to assist Superior in creating an internal protocol for future pretreatments. At the service inspection, ODAFF agrees to reasonably cooperate with Superior so that Superior can create and/or revise its internal protocol for future pretreatments. The parties agree that the service inspection will occur no later than 60 days after this agreement is approved by the Board.
 - a. The results of the service inspection will not impact this Agreement.
 - b. If a violation is found because of the service inspection, it will not count as a violation of the terms of this Agreement.
- 3. Payment to be mailed to the following address:

Office of General Counsel
Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105

EFFECT OF THE AGREEMENT

- 4. 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.
- 5. 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.

6. 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

7. 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

8. 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

9. 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

10. 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
Telephone: (405) 522-5803

For Superior Termite and Pest Control:


Patrick Colvin
3800 First Place Tower
15 East Fifth Street
Tulsa, Oklahoma 74103-4309
Telephone: (918) 581-8200

MISCELLANEOUS

11. 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.
12. 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.
13. 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.
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:

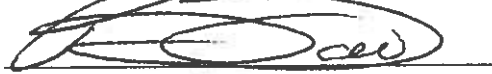
OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY


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

Date: 3/28/25

- and by -

SUPERIOR BUILDING RESOURCES f/k/a
SUPERIOR TERMITE AND PEST CONTROL



Brock Stockton
8920 East Admiral Place N
Tulsa, OK 74115
O | 918-202-4916
D | 918-932-1837
C | 918-284-0089

Date:

3/27/25

Exhibit A

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-1465

**SUPERIOR TERMITE AND PEST CONTROL)
205 S. 85TH E. AVE.)
TULSA, OK 74112)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

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

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

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

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

ALLEGATIONS OF FACT

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

18. On or about the 18th day of July 2023, the Consumer Protective Services Division of the Department conducted a pretreat inspection on a home being constructed in Owasso, OK.

19. Two horizontal barrier samples were obtained by taking two separate samples at 12 different locations each. The horizontal barrier sample tests showed levels of 17.9 and 14.2 ppm respectively. The horizontal samples passed the minimum threshold.

20. Two vertical barrier tests were taken from 10 locations each. Two separate samples were taken. The vertical barrier sample test showed levels of 4.41 and 3.10 ppm respectively.

21. Records request indicate the product applied to the location was Dominion PT. The active ingredient for Dominion PT is Imidacloprid. The minimum levels for vertical treatments with Imidacloprid is 10.0ppm. Your vertical treatment failed to meet the minimum standards.

22. Using a pesticide in an ineffective manner, and not meeting the established pretreat residue threshold levels are violations of the Oklahoma Combined Pesticide Law & Rules: 2 O.S. § 3-86 (A)(2) and O.A.C. 35:30-17-28 (7)(A).

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86 (A)(2) and O.A.C. 35:30-17-28 (7)(A) which are stated below:

- 2 O.S. § 3-86 (A)(2): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 2. A person has negligently used methods or pesticides that are ineffective or improper for the purpose for which they have been employed.”
- O.A.C. 35:30-17-28 (b)(7)(A): “Soil residue levels, parts per million (ppm) (b) Pre-construction termiticide treatments (pre-treats) with sampling performed within 30 days or 180 days of treatment shall disclose residue threshold levels

established in the vertical barrier... (7) Premise: (A) Shall have a residue threshold level within 30 days of treatment of 10 ppm.”

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

PRAYER FOR RELIEF

30. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Two Hundred Thousand Dollars (\$200,000.00)** administrative penalty.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred Thousand Dollars (\$200,000.00)**.

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

DATED THIS _____ day of _____, 2023.

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

Teena G. Gunter, General Counsel, OBA # 17767
Brady Robison, OBA # 33600*
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

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

SUPERIOR TERMITE AND PEST CONTROL
205 S. 85TH E. AVE.
TULSA, OK 74112

Brady Robison

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-1465

**SUPERIOR TERMITE AND PEST CONTROL)
205 S. 85TH E. AVE.)
TULSA, OK 74112)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Thousand Dollars (\$200,000.00)** 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: _____

Exhibit B

**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.

**SUPERIOR TERMITE AND PEST CONTROL)
205 S. 85TH E. AVE.)
TULSA, OK 74112)**

RESPONDENT.

Case No: OGC-24-191

FILED
MAR 21 2024
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

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

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

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

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

ALLEGATIONS OF FACT

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

18. On November 14, 2023, a pretreat inspection was performed by the Consumer Protective Services Division of the Department in Owasso, OK.

19. Two horizontal barrier samples were obtained by taking two separate samples at 12 different locations each. The horizontal barrier sample tests had sufficient residue levels.

20. Two vertical barrier tests were taken from 10 locations each. The vertical barrier sample test showed levels of 6.66 and 9.83 ppm respectively.

21. The two vertical barrier samples are below ODAFF's acceptable Imidacloprid residue threshold level of 10 ppm for vertical barriers.

22. Using a pesticide in an ineffective manner, and not meeting the established pretreat residue threshold levels are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86 (A)(2) and O.A.C. 35:30-17-28(b)(7)(A).

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86 (A)(2) and O.A.C. 35:30-17-28(b)(7)(A) which are stated below:

- 2 O.S. § 3-86 (A)(2): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 2. A person has negligently used methods or pesticides that are ineffective or improper for the purpose for which they have been employed.”
- O.A.C. 35:30-17-28 (b)(7)(A): “Soil residue levels, parts per million (ppm) (b) Pre-construction termiticide treatments (pre-treats) with sampling performed within 30 days or 180 days of treatment shall disclose residue threshold levels established in the vertical barrier... (7) Premise: (A) Shall have a residue threshold level within 30 days of treatment of 10 ppm.”

ATTORNEY CONFERENCES

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

ENFORCEMENT PROCEEDINGS

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

PRAYER FOR RELIEF

30. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Two Hundred Thousand Dollars (\$200,000.00)** administrative penalty.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred Thousand Dollars (\$200,000.00)**.

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

DATED THIS 19th day of March, 2024.

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

Kiersten Hamill

Teena G. Gunter, General Counsel, OBA #17767

James Rucker, Deputy G. Counsel, OBA #14574

Wendi Morse, OBA #33571

Kiersten Hamill, OBA #33187

Abbie Wilburn, OBA #33641

Assistant 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 21 day of March, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

Patrick Colvin
Jones Gotcher Attorneys and Counselors
3800 First Place Tower
15 East Fifth Street
Tulsa, Oklahoma 74103-4309


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-24-191

**SUPERIOR TERMITE AND PEST CONTROL)
205 S. 85TH E. AVE.)
TULSA, OK 74112)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Thousand Dollars (\$200,000.00)** 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 DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY
v. NIKI LATENDRESSE

Niki Latendresse
Iron Dog Kennel
20585 S 4200 RD
Claremore, OK 74019

Summary of Facts: Respondent failed to operate a clean, safe facility with proper records.

Statute or Rule Violation: 4 O.S. § 30.1 and OAC 35:55-1 *et seq.*

Proposed Administrative Penalty: Revocation of Respondent's Pet Breeder License.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-399

**NIKI LATENDRESSE)
IRON DOG KENNEL)
20585 S 4200 RD)
CLAREMORE, OK 74019)**

RESPONDENT.)

PROPOSED FINAL ORDER

This matter came on before me, the undersigned Administrative Law Judge, on March 13, 2025. The Complainant appeared through Assistant General Counsel, Wendi Morse. The Respondent appeared not.

On the 13th day of March 2025, this matter came on for Prehearing Conference. Respondent was provided a file-stamped copy of the Notice of Violation, delivered by personal service to Jason Najim on November 13, 2024, at 20585 S 4200 RD in Claremore, Oklahoma.

The Notice of Violation advised Respondent that failure to appear at the designated time and place for a Prehearing Conference stated in the Notice of Violation following proper notice to the Respondent may result in a default judgment being entered against Respondent.

FINDINGS OF FACT

1. The Respondent was properly served with process.

2. The Notice of Violation (Exhibit 1) was delivered by personal service on November 13, 2024. *See* Certificate of Hand Delivery (Exhibit 2).

3. Prehearing Conference was set for 13th day of March 2025 at 1:30 p.m. and Respondent did not appear.

4. Revocation of Respondent's Pet Breeder License was proposed by the Notice of Violation.

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

CONCLUSIONS OF LAW

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

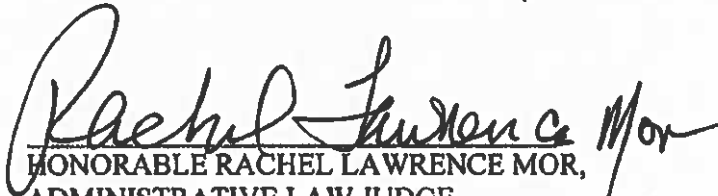
2. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

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

RECOMMENDED ORDER

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on October 15, 2024, be adopted as a Final Order and the license revocation imposed by the Notice of Violation be incorporated herein and imposed on the Respondent.

SIGNED THIS 26 DAY OF March 2025.


HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:



Wendi Morse, OBA #33571
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

CERTIFICATE OF MAILING

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

NIKI LATENDRESSE
IRON DOG KENNEL
20585 S 4200 RD
CLAREMORE, OK 74019

Gina Blaylock

FILED
OCT 15 2024
STATE BOARD OF AGRICULTURE
C-24-399

RESPONDENT.

AMENDED NOTICE OF VIOLATION

PREHEARING CONFERENCE NOTICE

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 Administrative Law Judge 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 been engaged in the business of owning/operating a Commercial Pet Breeding Facility in Claremore, Ok, 74019.

16. Pursuant to the Commercial Pet Breeders and Animal Shelter Act at 4 O.S. § 30.1 et seq., ODAFF has authority to regulate persons who own/operate a commercial pet breeding facility in Oklahoma.

17. OAC 35:55-3-1(a)(1) [incorporates 9 CFR 3.1(a)]: *"Structure, construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering".*

18. OAC 35:55-3-1(b) [incorporates 9 CFR 3.1(b)]: *"Condition and site. Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices and research needs."*

19. OAC 35:55-3-1(c) states: *"A commercial pet breeder or animal shelter operator shall conduct regular and frequent collection, removal, and disposal of animal and food wastes,*

bedding, debris, garbage, water, other fluids, wastes, and dead pets, in a manner that minimizes contamination and disease risks."

20. OAC 35:55-3-1(a)(8) [incorporates 9 CFR 3.8]: *"...facilities must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. In addition, the plan must be approved by the attending veterinarian. The plan must include written standard procedures to be followed in providing the opportunity for exercise."*

21. OAC 35:55-3-6.1(a)(1) states: *"A commercial pet breeder shall have a biosecurity plan in place for the detection and eradication of canine brucellosis. The biosecurity plan shall be developed in consultation with the commercial pet breeder's attending veterinarian and shall include, but not be limited to, the following: (1) New breeding stock shall be initially quarantined prior to release into the general facility population. (2) New breeding stock shall test negative on two consecutive brucellosis tests conducted four to six weeks apart prior to exiting the initial quarantine."*

22. OAC 35:55-3-6(a) states: *"A commercial pet breeder or animal shelter operator shall provide animals with necessary veterinary care to ensure animals' wellbeing."*

23. OAC 35:55-3-6(c) states: *"A commercial pet breeder or animal shelter operator shall follow the directives of the veterinary doctor for care of the animal, including that a commercial pet breeder or animal shelter operator shall provide to the animals any medications prescribed by the veterinarian and additional food, water, exercise, or any other direction of the veterinarian."*

24. OAC 35:55-3-5(d) states: *"A commercial pet breeder or animal shelter operator shall equip housing facilities and primary enclosures with disposal facilities and drainage systems that rapidly eliminate pet waste and allow animals to remain clean and dry at all times. (1) A*

commercial pet breeder or animal shelter operator shall properly construct, install, and maintain all drains. (2) If a commercial pet breeder or animal shelter operator uses a closed drainage system, the drains shall be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor or any surface that animals might touch. (3) If a commercial pet breeder or animal shelter operator uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system shall be located far enough away from the pet area of the housing facility holding pets to prevent odors, diseases, pests, and vermin infestation."

25. 4 O.S. § 30.12 states: "*A) An animal shelter operator and commercial pet breeder shall maintain a separate health record for each animal in the facility of the animal shelter operator and commercial breeder documenting the healthcare of the animal. B) The health record shall include: 1. The breed, sex, color, and identifying marks of the animal; and 2. A record of all inoculations, medications, and other veterinary medical treatment received by the animal while in the possession of the animal shelter operator and commercial pet breeder. C) The animal shelter operator and commercial pet breeder shall make the health records available on request to the Oklahoma Department of Agriculture, Food, and Forestry, an authorized agent of the Board, a local animal control authority, or any other inspector designated by the Department."*

26. OAC 35:55-3-9(a) states: "*A commercial pet breeder shall identify each animal two (2) months of age or older and each pet prior to sale or transfer of ownership, if before two (2) months of age, with a form of permanent identification, including but not limited to an implanted permanent pet identification number microchip, tattoo, or other similar mechanism, mark, or devise approved by the Department."*

27. OAC 35:55-7-1(c) states: *"Commercial pet breeders or animal shelter operators shall create, maintain, and keep records of operations consisting of a list describing all pets that have been born, housed or kept in the facility at any time, and stating the disposition of all pets listed. In describing the disposition of any pet, the commercial pet breeder and animal shelter operator shall record the following: (1) If the animal was sold or otherwise transferred, the manner and location of the sale, transfer, or other disposition, and the recipient's name and address, if the commercial pet breeder or animal shelter operator shipped or otherwise transported the animal to the recipient; (2) That the pet is still on the premises, or (3) If the pet died while at the facility, the date of death and cause of the death."*

28. OAC 35:55-7-1(d) states: *"Commercial pet breeders and animal shelter operators shall keep the following records of all sales or disposition of pets owned or has housed at the licensed facility: (1) A description of each sold or disposed pet; and (2) With respect to each pet list the date of transaction, the location of the transaction, whether the commercial pet breeder or animal shelter operator transported or shipped the pet for delivery, including the location of the recipient, the age of the pet, and the name and address of the recipient."*

29. OAC 35:55-7-1(e) states: *"Commercial pet breeders and animal shelter operators shall keep at their facility records of all pets purchased or otherwise acquired at any time during the preceding two (2) years, which record shall include the date of the transaction, the name and address of the seller, and a description of each pet received, including the age of each pet at the time it was acquired by the commercial pet breeder or animal shelter operator."*

30. OAC 35:55-7-1(f) states: *"Commercial pet breeders and animal shelter operators, if applicable, shall keep at their facility breeding records, which, for each adult female animal*

shall list the dates she was bred, the dates on which her puppies or kittens were born, and the number of puppies or kittens in each litter."

31. OAC 35:55-7-1(g) states: *"For each pet, commercial pet breeders and animal shelter operators shall keep copies of documents evidencing the information that shall be contained in the pet breeder's records, including veterinary reports, sales receipts, and shipping invoices."*

32. 4 O.S. § 30.13(E) states: *"An animal shelter or commercial pet breeder commits an offense if the animal shelter or commercial breeder interferes with, hinders, or thwarts any inspection or investigation under the Commercial Pet Breeders and Animal Shelter Licensing Act or refuses to allow an inspector full access to all areas of the facility where animals are kept or cared for and all records required to be kept under the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and Animal Shelter Licensing Act. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section."*

ALLEGATIONS OF FACT

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

34. Respondent had not had an arranged annual inspection since 2015 due to evading the Department and until March 2024 had been four (4) years behind on license renewal.

35. On or about July 18, 2024, the Agricultural Environmental Management Services (AEMS) Division of the Department made an unannounced visit to Respondent's facility.

36. The Department made note of violations regarding the cleanliness, size, and safety of the enclosures. Enclosures were insufficiently large enough for the number of animals housed,

inadequately cleaned or kept free of water, waste, and weeds and had broken poles and holes in the structures.

37. The Department made note of violations regarding the health records of the animals. The Facility had no prepared exercise plan, biosecurity plan, veterinary records, or evidence of proper veterinary care for the animals housed. Respondent did not have, or refused to provide, said records of care.

38. The Department made note of violations regarding identification of animals housed, sold, born, acquired or who had deceased within the Facility. Respondent did not have or refused to provide said records.

39. On or about July 26, 2024, the AEMS Division sent Respondent a Letter of Warning regarding the violations found at the facility.

40. To date, Respondent has failed to correct the violations noted in the Letter of Warning.

41. On or about September 3, 2024, inspectors with the AEMS Division conducted a follow-up investigation. There had been no changes at the facility.

ALLEGED CONCLUSIONS OF LAW

42. Based upon the application of the above law to the aforementioned facts, the Respondent has violated the Commercial Pet Breeders and Animal Shelter Act at 4 O.S. § 30.1 et seq. and the promulgated rules at OAC 35:55-1 et seq. by failing to operate a clean, safe facility with proper records..

ATTORNEY CONFERENCES

43. 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.

44. 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.

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

ENFORCEMENT PROCEEDINGS

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

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial 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.

47. Pursuant to 4 Okla. Stat. § 30.13(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.

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

PRAYER FOR RELIEF

49. Pursuant to OAC 35:55-1-5(2), the Department is seeking revocation of Respondent's Commercial Pet Breeder License.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

50. 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

51. 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

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

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

54. 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

55. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes that Respondent surrender their license and reduce their number of animals accordingly.

56. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may.

DATED THIS 15TH day of October, 2024.

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

Wendi Morse

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abbie Wilburn, OBA # 33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

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

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

COMPLAINANT,

v.

Case No: OGC-24-399

**NIKI LATENDRESSE
20585 S 4200 RD
CLAREMORE, OK 74019**

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed license revocation and has accordingly signed this Resolution by Stipulation and returned same along with their license 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 license revocation 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: _____

**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.

**NIKI LATENDRESSE
IRON DOG KENNEL
20585 S 4200 RD
CLAREMORE, OK 74019**

RESPONDENT.

Case No: OGC-24-399

CERTIFICATE OF HAND DELIVERY

This is to certify that a true and correct copy of the attached Notice of Violation was hand-delivered by the undersigned, a law enforcement officer duly appointed by the State Board of Agriculture, by delivering said document to _____ on _____, 2024 in person at 20585 S. 4200 RD, Claremore, OK.

Dated: this _____ day of _____, 2024.

By: Dusty Goforth
Title: Special Agent

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

V.

**NIKI LATENDRESSE
IRON DOG KENNEL
20585 S 4200 RD
CLAREMORE, OK 74019**

CERTIFICATE OF HAND DELIVERY

Dated: this 13th day of November, 2024.

By: Dusty Goforth
Title: Special Agent

EXHIBIT

rephases

2

OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY

v. JOEL SKIP MITCHELL

**Joel Skip Mitchell
d/b/a The Forum Group, LLC
406 Winona Blvd.
Lindsay, OK 73052**

Summary of Facts: Respondent offered uninspected meat and poultry products for sale.

Statute or Rule Violation: 2 O.S. § 6-190 and 2 O.S. § 6-259

Proposed Administrative Penalty: The penalty was assessed at \$19,000. Respondent refused to stipulate and chose to have an administrative hearing.

Deviations: After a hearing, the Administrative Law Judge ruled in favor of the Department and imposed a penalty of \$8,000 against Respondent.

Other Actions Required: None.

OGC Attorney: Wendi Morse

FILED
FEB 24 2025
STATE BOARD OF AGRICULTURE

Case No: OGC: 24-547

PROPOSED FINAL ORDER

At the hearing each party made opening statements. The Complainant presented witnesses and evidence regarding the allegations of fact and law. The Respondent presented testimony and cross-examined witnesses. The witnesses presented were the Respondent, Joel Skip Mitchell, Ron Hall and Wayne Machtolff, Department of Agriculture, Food and Forestry Compliance Officers and Scott Yates, the Department's Food Safety Director. The Complainant offered for admission into evidence four (4) exhibits which were:

Exhibit 1, The Department's Letter of Warning to Respondent Mitchell, dated July 15, 2024, stating that records indicated Mr. Mitchell had been offering meat and poultry for sale that had not been inspected.

Exhibit 2, The Department's Report of Apparent Violation, dated June 17, 2024,

Exhibit 3, Eight (8) Facebook posts from the Forum Group, LLC offering the sale of beef, chicken, ham and bacon wrapped jalapeno peppers,

Exhibit 4, A July 5, 2024, letter from Respondent to the Department of Agriculture demanding proof that Compliance Officers Hall and Machtolff are licensed to serve process and making accusations that the officers had committed crimes.

FINDINGS OF FACT

1. Mr. Ron Hall has served as a Coordinator for Meat Inspection Compliance for the Department's Food and Safety Division for over forty-two (42) years.

2. Mr. Hall testified that the Department received a phone call from an unnamed City of Lindsay Counsel member alleging the Respondent Mitchell had been offering meat for sale. [Complainant's Exhibit 2.]

3. The Food Safety Division began an investigation into the allegations that the Respondent was offering uninspected meat and poultry for sale.

4. Mr. Hall testified that the Department has received a letter from Respondent Mithcell dated July 5, 2024.

5. On July 15, 2024, the Department mailed a Letter of Warning to the Respondent stating an investigation had been conducted and the records indicated that he had offered uninspected meat and poultry products for sale in violation of Oklahoma law. [Complainant's Exhibit 1.]

6. Mr. Hall wrote the Report of Apparent Violation. [Complainant's Exhibit 2]
7. On or about September 13, 2024, the Department issued a Notice of Violation to Respondent for violating 2 O.S. § 6-190; 2 O.S. § 6-259; 2 O.S. § 5-4-3 (A) (8) .
8. The Respondent testified that he is the sole member of Forum Group, LLC and that he operates the Facebook page for the Forum Group.
9. The Respondent also testified he has worked as an investigator in nursing home care and that the Forum Group, LLC, provides litigation consulting services. [Complainant's Exhibit 4.]
10. Mr. Ron Hall testified that he reviewed a series of Facebook posts under the name of The Forum Group, LLC., and found multiple pages which offered meat, poultry, ham and bacon wrapped jalapeno peppers for sale. [Complainant's Exhibit 3.]
11. The Facebook posts offering meat and poultry for sale included the prices for each item.
12. Mr. Yates and Mr. Machtolff testified regarding the Department's procedure for conducting investigations.
13. The Respondent admitted that he had written The Forum Groups' Facebook posts offering to sell meat, poultry and bacon wrapped peppers.
14. The Respondent did not present any evidence or testimony that the meat and poultry which he offered for sale had been inspected.
15. Respondent admitted to writing the Facebook posts but offered two possible defenses which were:
 - A) The Department could not prove that the Facebook posts were made by him while he was in the state of Oklahoma and,

B) Respondent stated that he had written the Facebook posts in order to entice the Department into prosecuting him.

16. The Administrative Law Judge does not find these defenses to be credible or of probative value.

CONCLUSIONS OF LAW

The Department of Agriculture, Food and Forestry is charged with the administration and enforcement of the Oklahoma Meat Inspection Act and the Oklahoma Poultry Products Inspection Act. 2 O.S. § 6-213. Subject matter jurisdiction, venue and the administrative forum are proper pursuant to 2 O.S. § 2-4 (A) (3) (7) and 2 O.S. § 6-213. Based upon the facts, testimony and evidence presented at the administrative hearing, the Administrative Law Judge concludes that the Respondent violated the following Oklahoma Statutes:

2 O.S. § 6-190: No person, firm or corporation shall, with respect to any cattle, bison, sheep, swine, goats, horses, mules or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals:

(a) Slaughter any such animals or prepare any such articles which are capable of use as human food at any establishment preparing such articles for intrastate commerce, except in compliance with the requirements of this act;

(b) Slaughter or handle in connection with slaughter any such animals in any manner not in accordance with Section 6-183 of this title;

(c) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce,

(1) any such articles which

(A) are capable of use as human food, and

(B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or

(2) any articles required to be inspected under Sections 6-181 through 6-196 of this title unless they have been so inspected and passed;

(d) Do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

17. The Respondent offered beef and ham for sale which had not been inspected in violation of the law.

18. With respect to selling or offering for sale poultry without inspection, 2 O.S. § 6-259, states:

A. No person shall:

1. slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles solely for intrastate commerce, except in compliance with the requirements of this act;

2. sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce:

(a) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or

(b) any poultry products required to be inspected under this act unless they have been so inspected and passed.

19. The Respondent offered poultry for sale which had not been inspected in violation of Oklahoma law.

20. Respondent argued that the Facebook posts were under The Forum Group, LLC and therefore, he as an individual was not responsible. Pursuant to 2 O.S. § 6-262 (A), the law provides:

When construing or enforcing the provisions of said sections, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person. (Emphasis Added)

21. The Administrative Law Judge finds that the actions of Joel Skip Mitchell and The Forum Group are the same under the law.

RECOMMENDED ORDER

Based on the substantial evidence presented at the hearing, the Administrative Law Judge finds that Respondent, Joel Skip Mitchell d/b/a/ The Forum Group, LLC., have offered uninspected meat and poultry for sale in violation of the Oklahoma Meat Inspection Act and the Oklahoma Poultry Products Inspection Act. 2 O.S. § 6-190 and 2 O.S. § 6-259.

Title 2 O.S. § 6-262, provides that any person who is found to have violated 2 O.S. § 6-259, shall be fined no more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one year, or both. Similarly, under the Meat Inspection Act, 2 O.S. § 6-207, the law provides for a One Thousand Dollar (\$1,000.00) fine or imprisonment or both. The Administrative Law Judge recommends the penalty of a One Thousand Dollar (\$1,000.00) fine for each of the eight (8) Facebook posts submitted into evidence at the hearing. The total administrative penalty of Eight Thousand Dollars (\$8,000.00) should be assessed against the Respondent.

Further, the current case is not the first against the Respondent for offering uninspected meat for sale. The Respondent ignored the Notice of Violation in OGC-23-1264. In the present case, Respondent made claims that "beyond a shadow of a doubt that the Investigators for ODAFF violated Respondent's civil and Constitutional rights as well as committed a crime during their investigation". (Respondent's Hearing Brief p. 1 ¶ 3)

At the hearing, the Respondent made no attempt to offer any evidence or testimony to support his allegations. It appears Respondent does not take Oklahoma law or the authority of the Department seriously. To the contrary, Respondent's defense was that his Facebook posts were intended to "bait" the Department investigators into coming after him. Title 2 O.S. § 6-262, provides, "Any person who interferes by any act with an inspector in the performance of his official duties shall be guilty of a misdemeanor."

With these facts and law in mind, the Commission may wish to increase the suggested penalty or refer the matter to the appropriate law enforcement authority.

Dated: 2/24/25

Rachel Lawrence Mor
Rachel Lawrence Mor, ALJ

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

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

COMPLAINANT,)

v.)

JOEL SKIP MITCHELL)
d/b/a THE FORUM GROUP, LLC)
a/k/a FORUM CONSULTING GROUP)
406 WINONA BLVD.)
LINDSAY, OK 73052)

RESPONDENT.)

Case No: OGC-24-547

FILED
SEP 23 2024
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

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

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.

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the

Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling and/or offering for sale, uninspected, adulterated meat and poultry, located at 406 Winona Blvd. in Lindsay, Oklahoma.

16. Pursuant to 2 O. S. § 2-4, ODAFF has authority to regulate persons who sell meat or poultry products in Oklahoma.

17. 2 O. S. § 6-190 says in part, "No person...shall, with respect to any cattle...sell, transport, offer for sale or transportation, or receive for transportation in intrastate commerce...any such articles which are capable of use as human food, and are adulterated or misbranded at the time of sale...or any articles required to be inspected...unless they have been so inspected and passed..."

18. 2 O. S. § 6-259 says in part, "No person shall...sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce any poultry products which are capable of use as human food and are adulterated or misbranded at the time of sale...or any poultry products required to be inspected under this act unless they have been so inspected and passed..."

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 19, 2023, the Food Safety Division of the Department send Respondent a Letter of Warning regarding the selling of adulterated meat from his home.
21. The Food Safety Division of the Department received a complaint from a City Council member regarding Respondent continuing to sell meat after receiving the Letter of Warning and speaking with a meat compliance officer.
22. On May 9, 2024, a Default Judgment was issued by Judge Mor against Respondent.
23. On or about July 15, 2024, the Food Safety Division of the Department sent Respondent a Letter of Warning regarding offering uninspected meat for sale.
24. In the months following the Letter of Warning and the Default Judgment, Respondent has continued to offer meat for sale.

ALLEGED CONCLUSIONS OF LAW

25. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O. S. § 6-190 and 2 O. S. § 6-259 by selling, or offering for sale, meat and poultry products that have not been inspected or have been adulterated.

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 405-522-5997.
27. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

STIPULATION

37. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Nineteen Thousand Dollars (\$19,000.00)**.

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 13 day of September, 2024.

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

Wendi Morse

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA # 33187
Abbie Wilburn, OBA #33681
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 23 day of Sept, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

JOEL SKIP MITCHELL
406 WINONA BLVD.
LINDSAY, OK 73052



GINA BLAYLOCK

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

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

COMPLAINANT,

v.

**JOEL SKIP MITCHELL
406 WINONA BLVD.
LINDSAY, OK 73052**

RESPONDENT.

Case No: OGC-24-547

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Nineteen Thousand Hundred Dollars (\$14,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

91 7199 9991 7031 3274 4452

OGC-24-547

OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY

v. DENNIS YODER

Dennis Yoder
11106 S. 427 RD
Inola, OK 74036

Summary of Facts: Respondent engaged in selling milk and milk products without the required permit. Respondent sold raw milk in quantities over the allowed limit.

Statute or Rule Violation: 2 O.S. § 7-413, 2 O.S. § 7-417 and OAC 35:37-13-8.

Proposed Administrative Penalty: Five Thousand Dollars (\$5,000.00).

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-660

**DENNIS YODER)
11106 S. 427 RD)
INOLA, OK 74036)**

RESPONDENT.)

PROPOSED FINAL ORDER

This matter came on before me, the undersigned Administrative Law Judge, on March 13, 2025. The Complainant appeared through Assistant General Counsel, Wendi Morse. The Respondent appeared not.

On the 13th day of March 2025, this matter came on for Prehearing Conference. Respondent was provided a file-stamped copy of the Notice of Violation, delivered by personal service to Dennis Yoder on February 21, 2025, at 11106 S. 427 RD in Inola, Oklahoma.

The Notice of Violation advised Respondent that failure to appear at the designated time and place for a Prehearing Conference stated in the Notice of Violation following proper notice to the Respondent may result in a default judgment being entered against Respondent.

FINDINGS OF FACT

1. The Respondent was properly served with process.

2. The Notice of Violation (Exhibit 1) was delivered by personal service on February 21, 2025. *See* Certificate of Hand Delivery (Exhibit 2).

3. Prehearing Conference was set for 13th day of March 2025 at 1:30 p.m. and Respondent did not appear.

4. An administrative penalty of Five Thousand Dollars (\$5,000.00) was proposed by the Notice of Violation.

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

CONCLUSIONS OF LAW

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


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

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


RECOMMENDED ORDER

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on January 17, 2025, be adopted as a Final Order and the penalty proposed by the Notice of Violation be incorporated herein and imposed on the Respondent.

SIGNED THIS 26 DAY OF March 2025.


HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:


Wendi Morse, OBA #33571
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

CERTIFICATE OF MAILING

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

DENNIS YODER
11106 S. 427 RD
INOLA, OK 74036

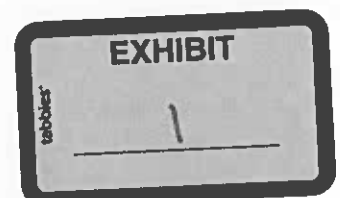
Gina Blaylock

FILED
JAN 17 2025
STATE BOARD OF AGRICULTURE

Case No: OGC-24-660

PREHEARING CONFERENCE NOTICE

1 Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including
 2 the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and
 3 limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative
 4 evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of
 5 prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues
 6 prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may
 7 involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and
 8 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 owning/operating a Grade A Dairy Farm, located at 11106 S. 427 RD. in Inola, Oklahoma.

16. Pursuant to 2 O. S. § 7-405, ODAFF has authority to administer and supervise the enforcement of the Oklahoma Milk and Milk Products Act.

17. 2 O. S. § 7-413 states in part: *"It shall be unlawful for any person to knowingly, willfully, or recklessly: 1) Attempt to produce, haul, process or distribute milk or milk products without an appropriate and valid permit; 2) Sell, offer or expose for sale as Grade A any adulterated or misbranded milk or milk product."*

18. 2 O. S. § 7-417 states: *"No person shall produce, haul, process or distribute ungraded raw milk or milk products or hold himself out as an ungraded milk producer, hauler, processor or distributor unless such person possesses an appropriate and valid permit for the particular premises or facilities concerned. The processing of permit applications and inspections shall be similar to the Grade A permit process."*

19. OAC 35:37-13-8 states in part: *"(a) Incidental sales of raw milk shall be limited to monthly sales of two hundred (200) gallons of bovine raw milk and one hundred (100) gallons of raw milk from all other species of hooved animals. (b) For the purposes of this section,*

“incidental sales” shall mean sales that are negligible in relation to the overall sales of the facility”

ALLEGATIONS OF FACT

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

21. On or about May 15, 2024, the Food Safety Division of the Department conducted an inspection at Respondent’s farm.

22. During the inspection, the Department discovered that Respondent was selling milk and milk products without the required permit.

23. The Department also discovered that Respondent had exceeded the limit for incidental raw milk sales.

24. On or about May 22, 2024, the Department sent Respondent a Notice of Warning regarding their milk and milk products sales violations.

25. On or about October 11, 2024, the Food Safety Division of the Department conducted an investigation at Respondent’s Farm.

26. It was discovered that Respondent was still engaging in the acts in the Notice of Warning.

27. On or about October 11, 2024, a Notice of Suspension was issued to Respondent.

28. To date, Respondent has failed to stop engaging in the selling milk and milk products, obtain the necessary permit, or sell only the allowable amount of raw milk.

ALLEGED CONCLUSIONS OF LAW

29. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O. S. § 7-413, 2 O. S. § 7-417, and OAC 35:37-13-8 by selling milk, milk products, and raw milk in quantities over the allowable monthly limit.

ATTORNEY CONFERENCES

30. 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.

31. 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.

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

ENFORCEMENT PROCEEDINGS

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

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

34. Pursuant to 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.

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

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 (\$5,000.00).

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 17 day of January, 2025.

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 Wormus, OBA #33187
Abbie Wilburn, OBA # 33641
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-660

**DENNIS YODER)
11106 S. 427 RD)
INOLA, OK 74036)**

RESPONDENT.)

CERTIFICATE OF HAND DELIVERY

This is to certify that a true and correct copy of the attached Notice of Violation was hand-delivered by the undersigned, a law enforcement officer duly appointed by the State Board of Agriculture, by delivering said document to _____ on _____, 2025 in person at 11106 S. 427 RD, INOLA, OKLAHOMA 74036.

Dated: this _____ day of _____, 2025.

By: Dusty Goforth
Title: Special Agent

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

Y.

RESPONDENT.

STIPULATION

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.

Signature

Printed Name and Title:

Date: _____

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,

Case No: OGC-24-660

v.
DENNIS YODER
11106 S. 427 RD
INOLA, OK 74036

RESPONDENT.

CERTIFICATE OF HAND DELIVERY

This is to certify that a true and correct copy of the attached Notice of Violation was
hand-delivered by the undersigned, a law enforcement officer duly appointed by the State
of Agriculture, by delivering said document to Dennis Yoder on Feb 21st
in person at 11106 S. 427 RD, INOLA, OKLAHOMA 74036.
Dated: this 21 day of February 2025.

Dusty Goforth
By: Dusty Goforth
Title: Special Agent

EXHIBIT

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