

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

Wednesday, July 23, 2025
10:00 A.M.

2800 N Lincoln Blvd
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of June 4, 2025.
6. Consideration and Proposed Action on Division Reports
 - A. Administrative Services – Dan Ridings
Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.
 - B. Laboratory Services – Brian McDowell
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
 - C. Forestry Services – 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 – Jan Lee Rowlett

7. Consideration and Proposed Action on Purchases/Contracts

8. Consideration and Proposed Action on Cases Resolved by Stipulations

Agricultural Environmental Management Services

Hong An Phan, 469 Barn Swallow Road, Idabel, Oklahoma

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

Don Sebo, P. O. Box 126, Spiro, Oklahoma

Brian Stanley, 1739 N. 510 Road, Rose, Oklahoma

Consumer Protection Services

Farmers Coop Assn., Snyder, 411 E. St., Snyder, Oklahoma

Oklahoma Bed Bug Experts, 14609 S. Oak, Glenpool, Oklahoma

Massey Service Inc., Moore, 705 Messenger Lane, Moore, Oklahoma

Massey Service Inc., OKC, 11915 Travelers PL. STE. A & B, Oklahoma City, Oklahoma

Ryan Swiatek, 21861 FM 2393, Wichita Falls, Texas

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

9. Consideration and Proposed Action on Cases Resolved by Consent Order

Consumer Protection Services

Hookin A Ag Air, LLC, 24669 EW 18 Road Vinita, Oklahoma

McElyea and Owens Funeral Group, 5106 N. Harrison, Shawnee, Oklahoma

Nutrien Ag Solutions, Inc., 16828 HWY 283, Altus, Oklahoma

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

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

Consumer Protection Services

AIV Landscaping & Commercial Cleaning, 4 N. E. 10th St, STE 271, Oklahoma City, Oklahoma

Central Crop Care, 207 N. Broadway, Hobart, Oklahoma

Joe Harper, 7016 Camille Ave., Oklahoma City, Oklahoma

Mitchell’s Turf Service, 1500 Pheasant CR., Claremore, Oklahoma

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11. Next Board meeting scheduled for **August 27, 2025**, at Oklahoma City, Oklahoma.
12. Old Business
13. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.
14. Adjournment
**Members of the Board and staff from ODAFF may join for lunch, events or activities. Board Members, staff, and the public may discuss program issues during lunch, events or activities; no votes or action will be taken during the lunch.*

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

Oklahoma City, Oklahoma
June 4, 2025

The Oklahoma State Board of Agriculture met in regular session at 10:00a.m., June 4, 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
 Presley Pullen, Executive Intern
 Daniel Ridings, Director, Administrative Services
 Brian McDowell, Director, Laboratory Services
 Kenny Naylor, Director, Consumer Protection Services
 Drew Daily, Forestry Services
 Teena Gunter, Director, Agricultural Environmental
 Management Services & Office of General Counsel
 Robert Boguszewshi, Office of General Counsel Intern
 Dr. Alicia Gorczyca-Southerland, Animal Industry Services
 Scott Yates, Director, Food Safety
 Justin Cooper, Director, Wildlife Services
 Meriruth Sellers, Director, Market Development
 Chief Doug Elliot, Investigative Services
 Marla Peek, Oklahoma Farm Bureau
 Tyler Talley, Quorum Call

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

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the minutes of the regular meeting of April 21, 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. Cook, seconded by Mr. Burtrum, to approve the division reports as submitted.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

Agricultural Environmental Management Services

Jeffrey Jantz, 2507 County Street 2900, Chickasha, Oklahoma

Navada Jeffries, P. O. Box 143, Jay, Oklahoma

Lengo 19447, LLC, 16310 U. S. 59 North, Keota, Oklahoma

Rodney Linsenmeyer, 1021 Charles Page Blvd., Tulsa, Oklahoma

Colin McDaniel, 446873 E. 320 Road, Vinita, Oklahoma

Vuong Vi & Nam Ngo, 2250 Green Acres Road, Idabel, Oklahoma

Lea Thao, 472538 E. 754 Road, Westville, Oklahoma

Consumer Protection Services

7- Eleven, 1333 E. Lindsey, Norman, Oklahoma

7- Eleven, 642 N. W. 12th, Moore, Oklahoma

7- Eleven 1041 N. W. 12th, Moore, Oklahoma

Casey's General Stores, Inc., 31258 U. S. 70, Ringling, Oklahoma

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

Vail Landscaping, LLC, 1704 Manor Drive, Oklahoma City, Oklahoma

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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

The Board denied the Petitioner's 2025 Industrial Hemp Grower License and ordered that the Petitioner cannot reapply for a 2025 Industrial Hemp Grower License.

Consumer Protection Services

Penguin Agribusiness, LLC, 2653 N. 377 Road, Holdenville, Oklahoma

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

There was no old or new business presented for the Board to take action upon. Mr. Farris moved, Mr. Bolen seconded, that the meeting be adjourned at 11:42 a.m.

By _____
President

ATTEST: _____
Executive Secretary

June 4, 2025, BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATIVE SERVICES

FY25 – New Computers & Monitors - \$53,053

Purchase of twenty (20) Dell Multi-Device Wireless Keyboard & Mouse - KM7120W, twenty (20) Dell Pro 24 Monitor - P2425H, one (1) SI# BJ6X07 Dell Pro Rugged, RB14250 XCTO, thirty-one (31) SI# BJ6X07 Dell Latitude 5550 XCTO Base, two (2) SI# BJ6X07 Dell Mobile Precision Workstation 7680 CTO, one (1) SI# BJ6X07 Dell Latitude 7450 XCTO, needed for the remaining ODAFF CPU refresh for FY25. This phase includes various departments based on their age and warranty schedule. If this refresh is not done, we will continue to use aging CPU's which are falling outside of their warranty. Without this purchase, this would hamper our ability to fulfill our ODAFF statutory mission efficiently.

FY26-Investigative Services-\$12,000

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

LABORATORY SERVICES

FY25 - LIMS System-\$670,470.00

Purchase of an updated phased based LIMS Database System for the Laboratory Services Division to include moving current data to the cloud, attaching lab instrumentation to system and licensing. Total projected for all years is based upon open market solicitation via OMES – Central Purchase. This is a multi-year contract award. Previously approved \$65,000.00 for one year.

Year 1 cost: \$202,470.00

\$117,000.00 maintenance appears to be included in year one along with 375 hours of services for the conversion.

Year 2 cost: \$117,000.00

Year 3 cost: \$117,000.00

Year 4 cost: \$117,000.00

Year 5 cost: \$117,000.00

Total contract cost (5 years): \$670,470.00

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

(To be purchased by Consumer Protection Service)

FY25– Laboratory Supplies, Consumables and Equipment- \$14,903.48

- Tooth SS Rotor
- Ring Sieve
- 900 ml Cassette
- Cassette Gasket Lid
- Labyrinth Disc
- Seals
- Acetone
- Syringes
- Pipette Tips
- Test Tubes
- Water Polisher Filters
- Gravity Convection Oven

FORESTRY SERVICES

FY25 –Southern Pine Beetle Federal Grant-\$15,000

To prevent the spread of the invasive Southern Pine Beetle (SPB) and mitigate the severe economic threat it poses to landowner revenue. This project will also provide financial assistance to landowners for the removal of non-native invasive plant species.

Justification: Proactive management of SPB and invasive plants will maintain healthy and resilient forests across Oklahoma, safeguarding landowner revenue and enhancing the landscape's ability to withstand current and future forest health threats, including pests, diseases, and wildfire. All funds spent on this program will be federally reimbursed.

FY25– Project Learning Tree Books (Federal Reimbursement through Edmond ReLeaf Project)- \$5,980

Purchase of Project Learning Tree (PLT) books to support forestry education efforts in Edmond-area schools, in partnership with the City of Edmond Urban Forestry's ReLeaf initiative. These materials will be distributed to classrooms as part of community forestry and conservation education programming. **Justification:** The total cost is \$5,980 and will be fully reimbursed by the City of Edmond as documented in Purchase Order #P2501213. This funding mechanism allows us to support local urban forestry education efforts with no net cost to the agency.

FY 25– New Septic System-\$10,000.00

Purchase and installation of new septic system including new tank, and lateral lines for Central and Western Office of the Forest Regeneration Center and Community Fire in Goldsby. The existing septic system continues to have drainage issues from the angle of the drainage pipe to the tank not having enough outflow. We continue to have to call plumbers out to unstop it to have working facilities. **Justification:** Without the replacement of the current system, we will continually have clogged pipes which leave the employees without a functioning facility and additional cost of plumbers coming out multiple times in a year.

FY 25-15-foot rotary cutter- \$25,000

To purchase a new 15-foot rotary cutter to maintain the conservation seedling orchards and Forest Tree Improvement Center (FTIC) grounds. The current rotary cutter used for maintaining these areas is over 20 years old and is no longer operational due to extensive wear and age. It has reached the end of its service life, and replacement parts are no longer cost-effective. A 15-foot rotary cutter increases mowing efficiency, reducing labor and fuel costs by covering more ground in less time—especially important given the size of the FTIC grounds and multiple orchards under management.

Justification: The acquisition of a new 15-foot rotary cutter is an urgent and necessary investment to sustain the health and productivity of seed orchards and research grounds. Without it, the ability to manage the orchards and support cone production would be significantly compromised.

FY 25- Forest Health Pocket Guidebooks-\$8,000

Print 1,000 “A Pocket Guide to Oklahoma Forest Health” books to make available to Oklahomans to increase their knowledge of current and potential threats to their forests. These books were developed previously by OFS with the help of multiple partners utilizing federal grants. **Justification:** This printing will utilize both existing federal grants as well as state dollars. Those printed with federal funds will be available for participant in OFS workshops while those printed with state funds will be sold like the “Trees of Oklahoma” book.

FY25- East Central Area (Wilburton and Talihina) Mowers-\$23,000

Purchase of two commercial John Deere mowers for two state offices (\$12,600.00 per unit), Wilburton and Talihina. Current mowers are 18 and 12 years old. The old mowers have been rated fair at best and are not reliable. The mowers to be replaced require more frequent repairs, maintenance and service and replacement parts are becoming hard to find. **Justification:** Wilburton and Talihina offices are required to do their own groundskeeping, hence the need for appropriate tools, being appropriate mowers to do the job. Funding for this purchase comes from the Oklahoma Legislative Session, FY25 Forestry budget appropriations.

FY 25- Youth Camp-\$40,000

This request outlines the agreement for the Oklahoma Youth Forestry Camp, a collaborative program between the Oklahoma Department of Agriculture, Food, and Forestry (Forestry) and the Forest Heritage Center Board (FHC). The agreement specifies up to \$40,000.00 in donated funds to support the camp's operations.

Justification: The Oklahoma Youth Forestry Camp directly assists both Forestry and FHC in accomplishing the educational components of their respective missions. This continued partnership allows Forestry to actively participate in and achieve its critical educational outreach.

FY 26- Youth Camp-\$40,000

This request outlines the agreement for the Oklahoma Youth Forestry Camp, a collaborative program between the Oklahoma Department of Agriculture, Food, and Forestry (Forestry) and the Forest Heritage Center Board (FHC). The agreement specifies up to \$40,000.00 in donated funds to support the camp's operations.

Justification: The Oklahoma Youth Forestry Camp directly assists both Forestry and FHC in accomplishing the educational components of their respective missions. This continued partnership allows Forestry to actively participate in and achieve its critical educational outreach.

ANIMAL INDUSTRY SERVICES

FY26-Umbrella Cooperative Agreement - \$362,276.01

The purpose of this agreement is to conduct Animal Health National Surveillance and Response activities that will provide specific information to the recipient, APHIS, and other interested parties for various commodities under this Umbrella Agreement. Without this cooperative agreement, we will not be able to meet the needs for surveillance, preparedness, response, and outreach necessary to protect American agriculture and accomplish VS mission goals.

FY26-ADT Cooperative Agreement - \$239,920.00

The purpose of this agreement is to conduct Animal Disease Traceability activities that will provide specific information to the recipient, APHIS, and other interested parties for Animal Health Technical Services (AHTS) Programs. Without this cooperative agreement, we will not be able to meet the needs for surveillance, preparedness, response, and outreach necessary to protect American agriculture and accomplish VS mission goals.

FY26-US Swine Health Improvement Program - \$55,200

Funding that is being requested will be used to support the administrative and data management conducted by the OSA Coordinator and Assistant Coordinator in enrollment and certification of participating premises. The funding will also support outreach and education efforts to increase awareness in the program and increase overall participation. Lastly the funding will be used to support travel for the OSA Coordinator and the SAHO to participate as voting members at the 2025 annual US SHIP House of Delegates meeting. ODAFF is the Official State Agency for management of the US Swine Health Improvement Program. Our goal for the upcoming cooperative agreement period is to focus on small holdings and exhibition swine to encourage enrollment and ultimately certification. Without this cooperative agreement we will not be able to support outreach and education, and we won't be able to attend the US SHIP House of Delegates meeting.

FY26-High Pathogenic Avian Influenza Cooperative Agreement - \$44,921.00 - The emergency response to HPAI in Oklahoma is a cooperative effort involving the industry, State, and Federal regulatory agencies. Funding for this objective allows the Recipient, along with USDA APHIS Veterinary Services, to provide quick diagnosis of and response to HPAI events in Adair County poultry. Specific actions taken as part of this response include the following:

- Investigate, quarantine, and depopulate the infected flocks rapidly.
- Dispose of carcasses quickly to prevent the spread of disease.
- Identify all premises with poultry in the control and surveillance zones and educate producers and flock owners about HPAI and appropriate biosecurity measures.
- Test and monitor all flocks in the control zone in accordance with the HPAI response plan. Conduct biosecurity audits on all commercial flocks in the control zone that need to move product during the quarantine period. Instruct producers regarding testing and

biosecurity needs for controlled movement. Set up a permitting system that allows these operations to move products and birds into and out of the zone as needed.

- Conduct epidemiological investigations and identify other risk factors.
- Implement additional mitigation control strategies as needed.
- Monitor testing and compliance.
- Assist in entering information and permits into EMRS database.
- Coordinate efforts with State, Federal, and industry partners.

Without this cooperative agreement we will not be able to quarantine, euthanize and dispose carcasses quickly to prevent the spread of disease. ODAFF will not be able to test and monitor flocks in control zones in accordance with the HPAI response plan.

FY26-FY27-National Animal Disease Preparedness and Response Program (NADPRP) Cooperative Agreement - \$210,850.00

\$86,711-Strengthening Food Security-The purpose of this grant project is to promote development of Secure Food Supply Plans to producers, of all FMD susceptible species, through assistance from readily available State Animal Health Officials that takes a “straight from the source” approach in education and outreach to producers. Anticipated outcomes are increased awareness of Foreign Animal Disease response and education for voluntary Secure Food Supply Plans. We will provide lessons learned and best practices to the State Regional Secure Food Supply Planning Working Group, Multi-State Partnership for Security in Agriculture, Southern Agriculture and Animal Disaster Response Alliance, and to the USAHA Committee on Animal Emergency Management. The critical need this project addresses, and assists Oklahoma in solving, is the Oklahoma State Animal Health Officials’ perspective of the need for more direct communication opportunities between our agency and Oklahoma producers. This project provides the means to engage with stakeholders in person to increase awareness and address their perception and understanding of Foreign Animal Disease (FAD) response measures. This project directly supports and aligns with the priority topic to “support outreach and education on animal disease prevention, preparedness, and response” in Oklahoma, and it will be accomplished on a personal level with Oklahoma producers and their veterinarians. This project will include collaboration and consultation with industry groups, stakeholders and subject matter experts who will help this project succeed, by getting together with and getting in front of producers who would benefit from the education and development of Secure Food Supply Plans. Producers will have a more accessible opportunity to visit with State Animal Health Officials to increase their understanding of enhanced biosecurity measures, receive guidance on preparation, and establish preventative measures to help protect their herd from becoming infected with a Foreign Animal Disease (FAD). The end result will be an increase in Secure Food Supply plans developed and reviewed by State Animal Health Officials thus allowing for continuity of business for affected producers during a foreign animal disease response.

\$123,869-Enhanced Biosecurity and Emergency Preparedness training for livestock and bison herds on Tribal lands. Develop, enhance, and exercise State and Tribal animal disease outbreak emergency response plans. The purpose of this project is to increase preparedness to respond to high-consequence transboundary animal disease outbreaks effectively and cohesively for tribal agricultural communities with domestic livestock and Tribal, State and Federal preserves with bison herds in Oklahoma. Response preparedness activities will include local, county, state, tribal and federal involvement to eradicate the threat. The intent of the proposal is to build and reinforce relationships among all participants and identify the contributing roles of each member of the group to foster a cohesive unified response during a high-consequence transboundary disease outbreak. Participants will benefit by learning enhanced biosecurity protocols that can be implemented into their herd management plans for both immediate implementation and in times of increased threat. It will provide opportunities to mitigate potential weaknesses in enhanced biosecurity practices.

Without the NADPRP cooperative agreement we will not be able to respond to a high-consequence transboundary animal disease outbreak. We will not be able to provide enhanced biosecurity, develop disease response protocols or provide secure food supply program training for domestic livestock and bison herds in Oklahoma.

FY26-Oklahoma Veterinary Medical Association (OVMA) - \$25,000.00 – OVMA is the only entity in the State of Oklahoma that has the ability and contracts statewide to enhance pet sterilization effort is the OVMA. No other entity has access to veterinarians and humane organizations on a statewide basis. This is a pass-through agreement between ODAFF and OVMA.

FY26-North American Deer Registry -\$41,925- HB3462: Chronic Wasting Disease Genetic Improvement Act-The purpose of this agreement is to establish a baseline of average genetic codon markets and genomic breeding values for native, free-ranging Oklahoma white tail deer.

Acclaim Systems, Inc. - \$300,000.00 – AgEnterprise is a modernization of USAHERDS and the upgrade path for USAHERDS states. The modernization focuses on increased IT security, and updated IT Framework into the newest tech stack to support the State Vet’s Office requirements. AgEnterprise provides a robust platform for all functionality within animal health including Animal Traceability, Premises, Inspections, License Management, Testing, and other features. AgEnterprise will comprise of the functionality and the data elements needed by states to manage and monitor animal health within their jurisdiction, report test results to USDA’s Veterinary Services and prevent, control, eradicate and recover from disease and all hazard incidents at the local level. Without AgEnterprise, we will not be able to monitor animal health within specific jurisdictions or report test results to USDA’s Veterinary Services.

WILDLIFE SERVICES

\$24,680 – ODAFF Wildlife Services is requesting approval to purchase (2) Vulture Traps and (2) Hog Traps, and (1) Camera. These traps will help extend our abilities in Black Vulture and Feral Swine mitigation.

FY 26 - \$106,500.00 - ODAFF Wildlife Services is requesting approval for fuel and hangar rent for the five (6) Federal helicopters for FY26 that are used in the state’s aerial control of wildlife. The breakdown is as follows:

- \$55,000 for Fuel
- \$38,662 Hangar Rent

FY26 - \$50,000 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. This amount will also cover various shotgun ammunition for aerial and ground damage control operations.

FY26 - \$110,000 ODAFF Wildlife Services is requesting approval for (2) 4x4 Chevrolet Trucks with Grille Guard, Toolbox, and Running Boards. These will be replacing high mileage vehicles.

MARKET DEVELOPMENT

FY2025 - Veteran or Young Farmer/Ag Enhancement & Diversification Grant – Jason Heath - \$10,000

FY2025 - Veteran or Young Farmer/Ag Enhancement & Diversification Grant – Janet Strate – National Junior Angus Show - \$25,000

FY2025 – Value-Added Agriculture Grant – viticulture - Cassandra Gore - \$10,000

FY2025 – Healthy Food Finance Grant – Latt Jeffrey - \$10,000

FY2025 – Healthy Food Finance Grant – Katelyn John - \$10,000

FY2025 – printing – Ag in the Classroom educational resources - \$18,500

AGRICULTURAL ENVIRONMENTAL MANAGEMENT SERVICES

FY25 – Exchange Network Grant Refund – In closing out the three-year Exchange Network Grant at the end of last year, there was one payment from 2021 in the amount of \$5,866.57 that was not included in the overall close-out amount. The failure to include the amount was due to the transition between staff in 2024 and an “odd” naming convention used for the very first payment. Unfortunately, EPA has already deobligated all funds remaining on the grant so a refund will be necessary.

FOOD SAFETY

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

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

Contract employee for Dairy Services - \$40,000.00

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

Oklahoma Department of Agriculture, Food & Forestry

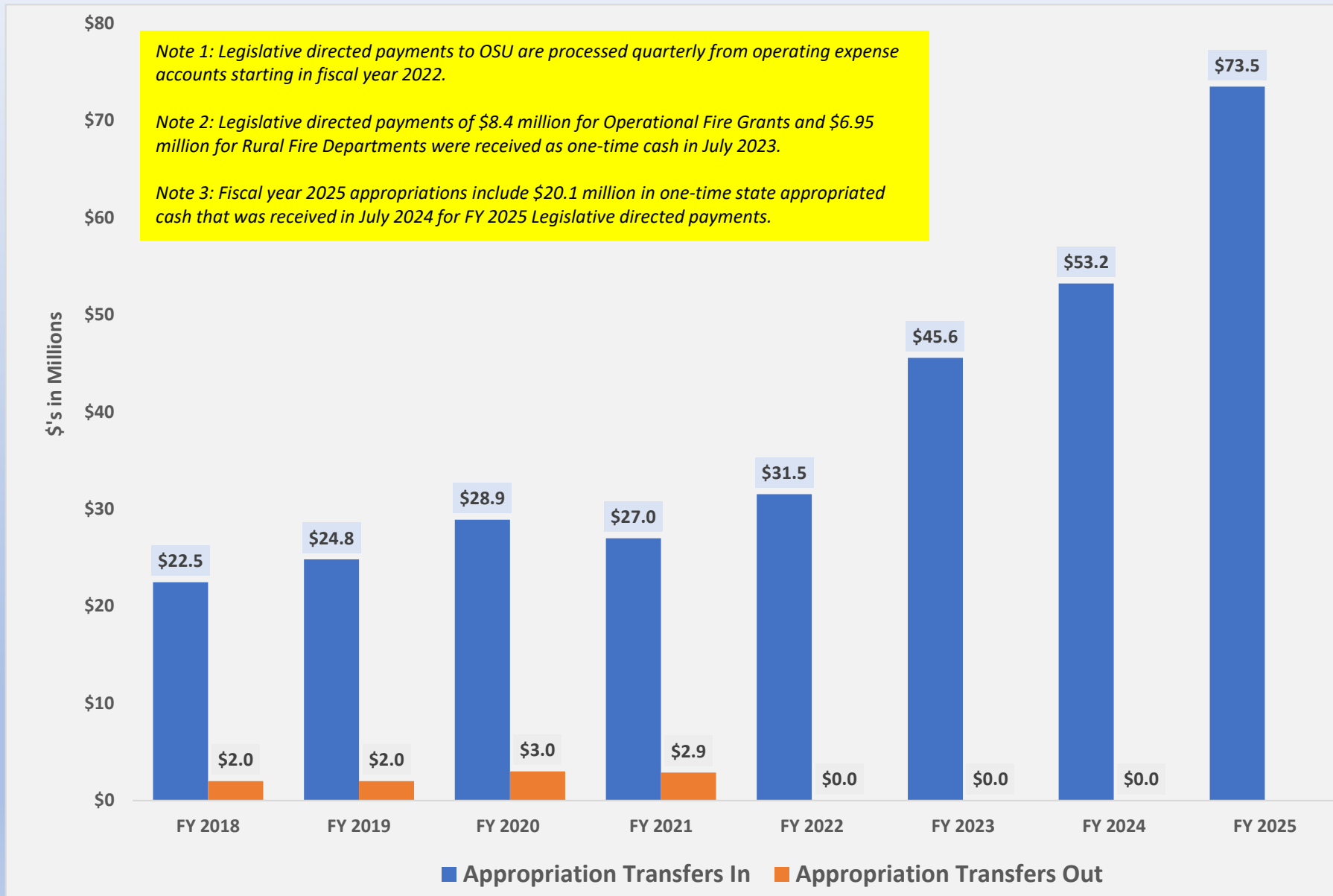
July 23, 2025, Board Report

Administrative Services

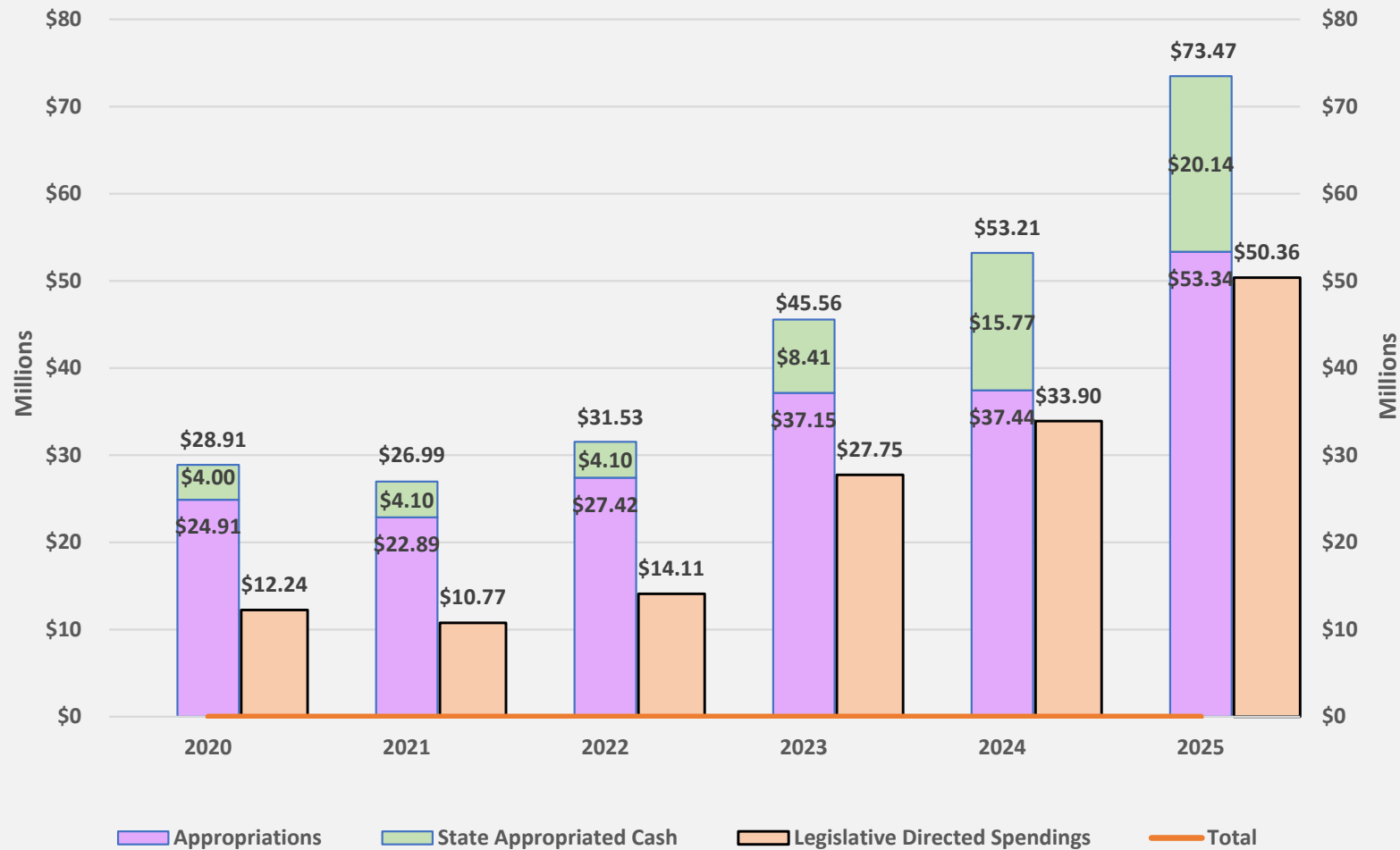
Section 1 – Fiscal Year 2025 Review



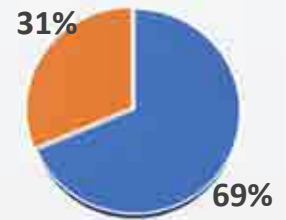
Appropriations FY 2018 thru FY 2025



Appropriations & Legislative Directed Spendings FY 2020 – FY 2025

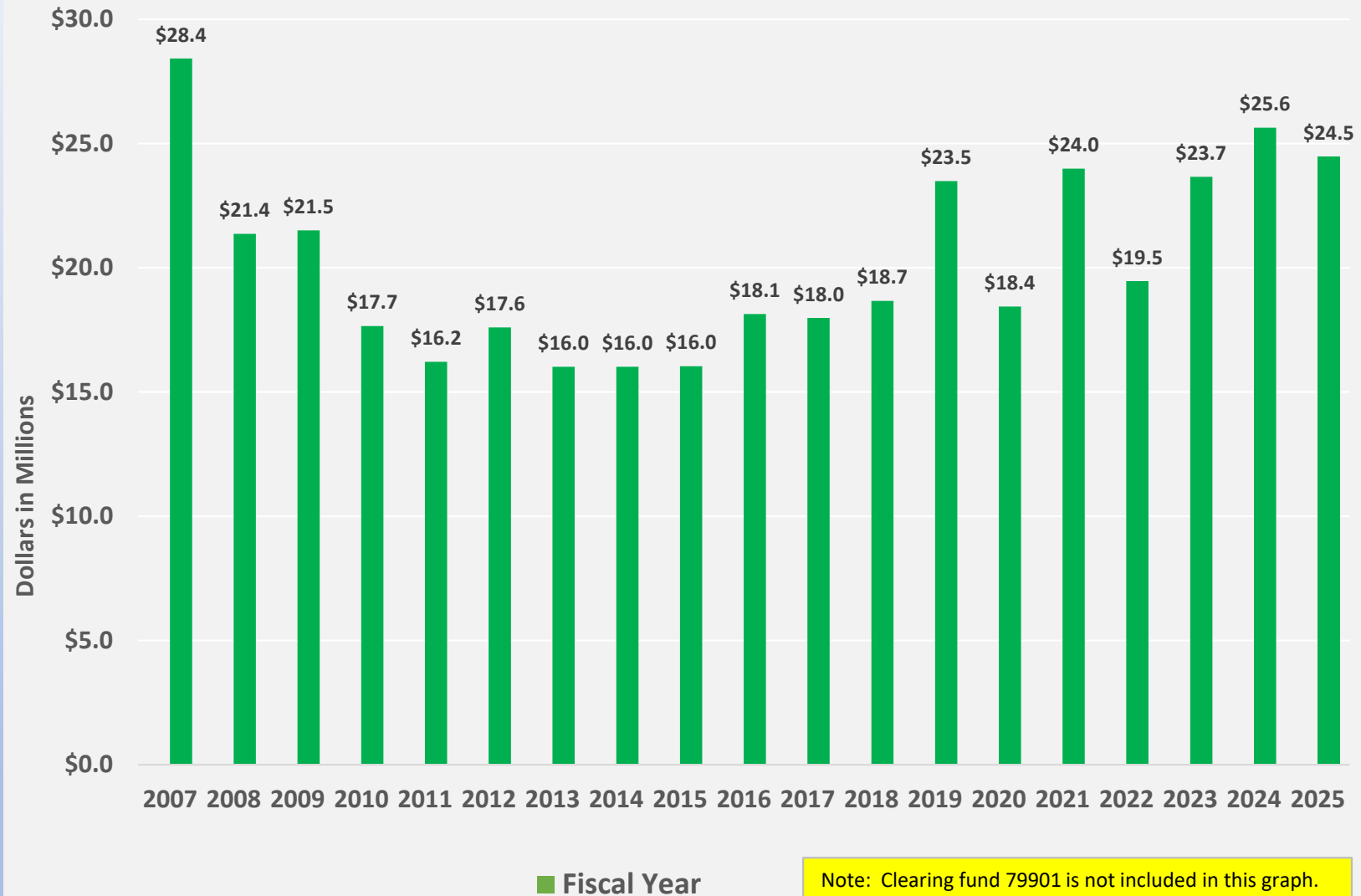


FY 25 Appropriations



- Legislative Directed Expenditures
- ODAFF Funding

Total Revenues by Fiscal Year FY 2007 – FY 2025

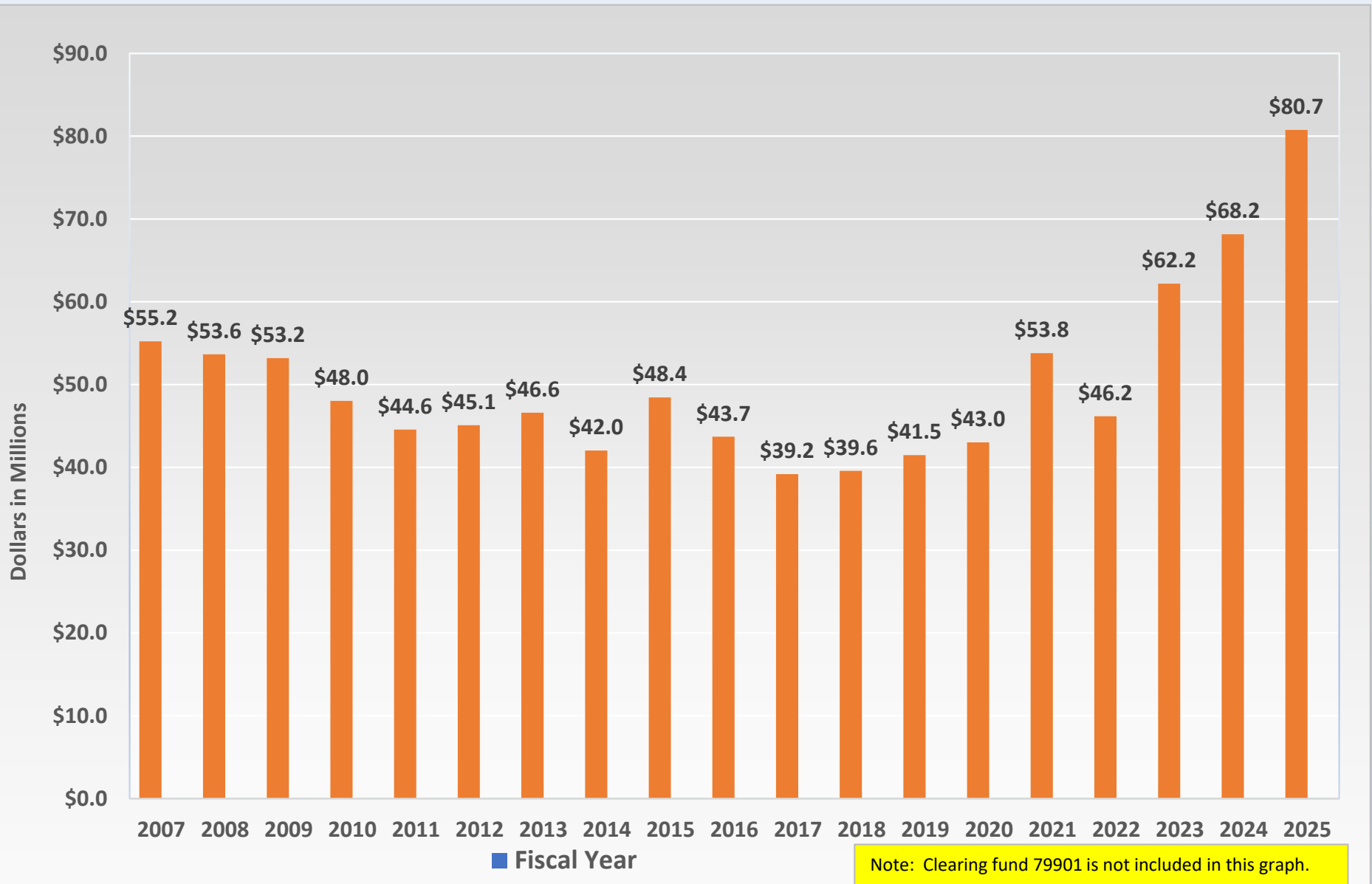


Administrative Services - Finance

- Revenues for FY 2025 were \$24.5 million compared to \$25.6 million for FY 2024.
 - This is a decrease of approximately \$1.1 million
 - Primarily due to a decrease in federal reimbursements



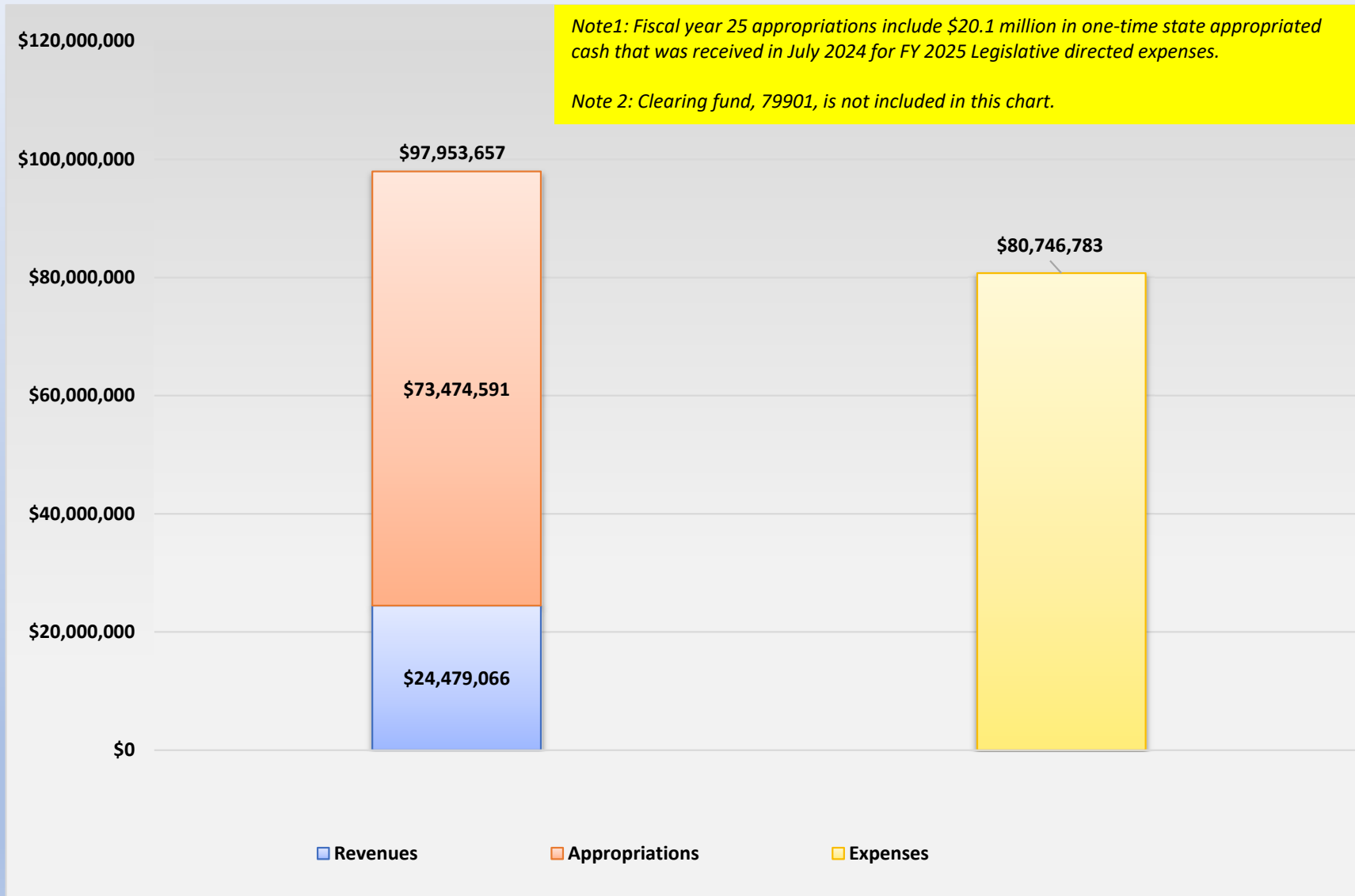
Total Expenses by Fiscal Year FY 2007 – FY 2025



Administrative Services - Finance

- Total expenses for FY 2025 \$80.7 million compared to \$68.2 million for FY 2024.
 - This was an increase of \$12.5 million and is primarily attributed to the following:
 - An increase in Legislative directed expenditures
 - Catesby, Oklahoma fire - out of state fire assistance payments
 - Replacement of Forestry radios that are no longer manufactured/supported
 - Increased payroll and benefit costs

Total Revenues, Appropriations and Expenses FY 2025 thru June 2025





Monthly Financial Reports

June 2025



Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES				
JUNE 2025				
 OKLAHOMA				
INVESTIGATIONS		JUNE	YTD	FYTD
LIVESTOCK		3	24	43
FIRE			13	19
PROPERTY		1	13	18
TIMBER			1	2
AGENCY ASSISTS	ODAFF		0	0
AGENCY ASSISTS	EXTERNAL	1	8	12
OTHER		3	11	15
TOTAL INVESTIGATIONS OPENED		8	70	109
CLOSED PENDING ADDITIONAL INFORMATION		2	11	20
NO CRIME		2	15	23
NO PROSECUTION			0	0
CLOSED - ASSIST CASE			7	9
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		1	5	10
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		5	38	62
COUNTS FILED			13	22
VALUE OF LOSSES - ALL CRIMES		\$81,440	\$629,983	\$1,186,883
RECOVERED LOSSES - ALL CRIMES		\$12,500	\$325,300	\$689,270
NUMBER OF CATTLE REPORTED STOLEN		46	352	459
NUMBER OF CATTLE RECOVERED		1	83	123





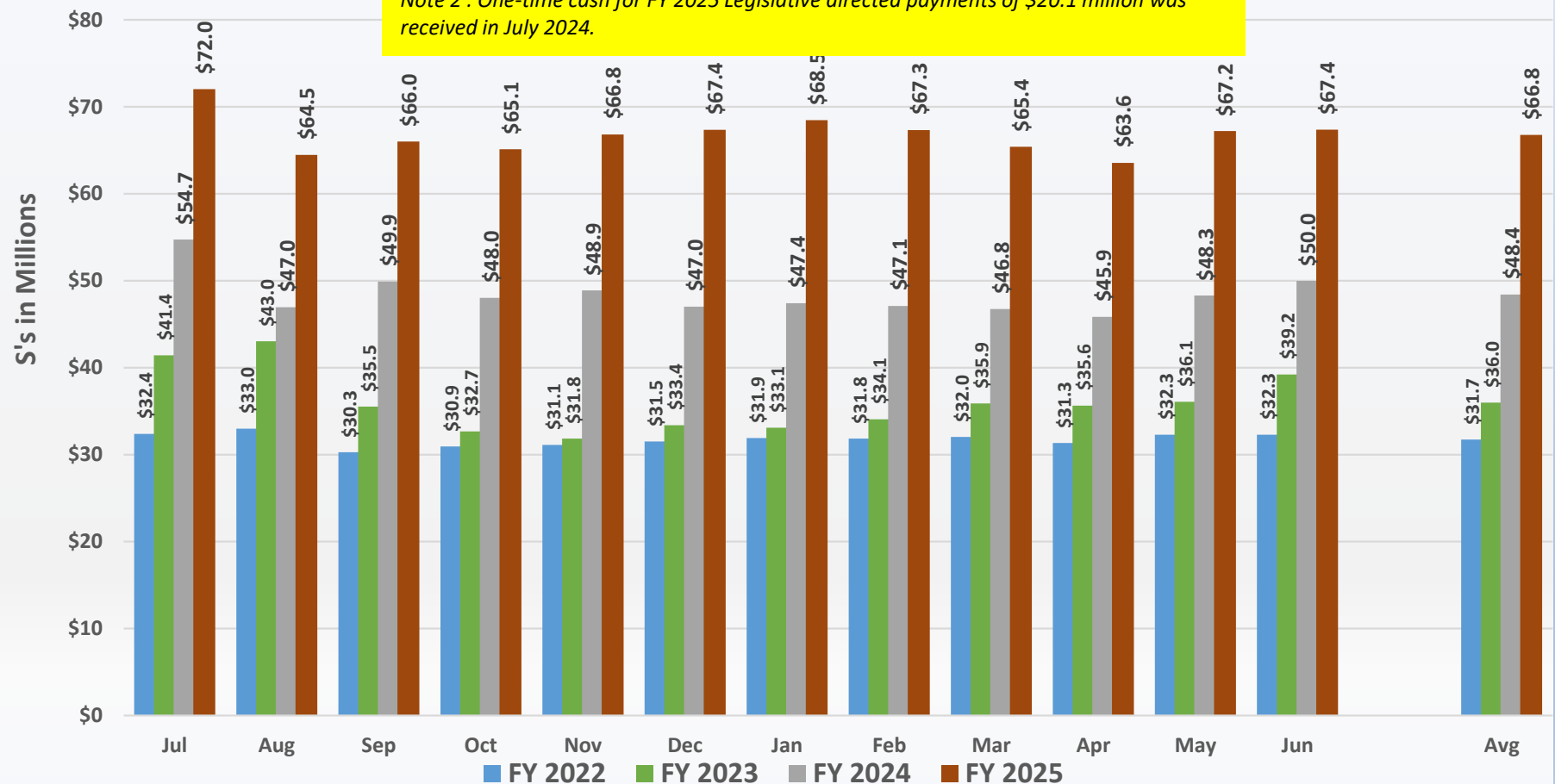
Available Cash at Month End

Months Ending: July 2021 – June 2025

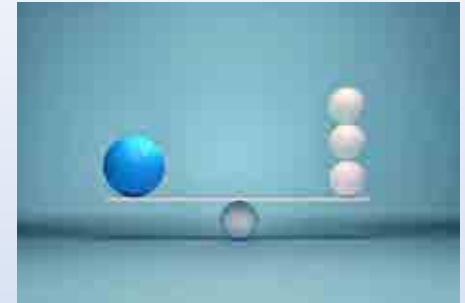
per Allotment Budget & Available Cash Report Fiscal Year 2022-2025

Note 1: The amounts shown here include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$12,058,857 as of 6/30/2025.

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 June 30, 2025, was \$67.4 million compared to \$49.9 million as of June 30, 2024
 - This was an increase of \$17.5 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



Revenue By Division June 2025 & FY 2025

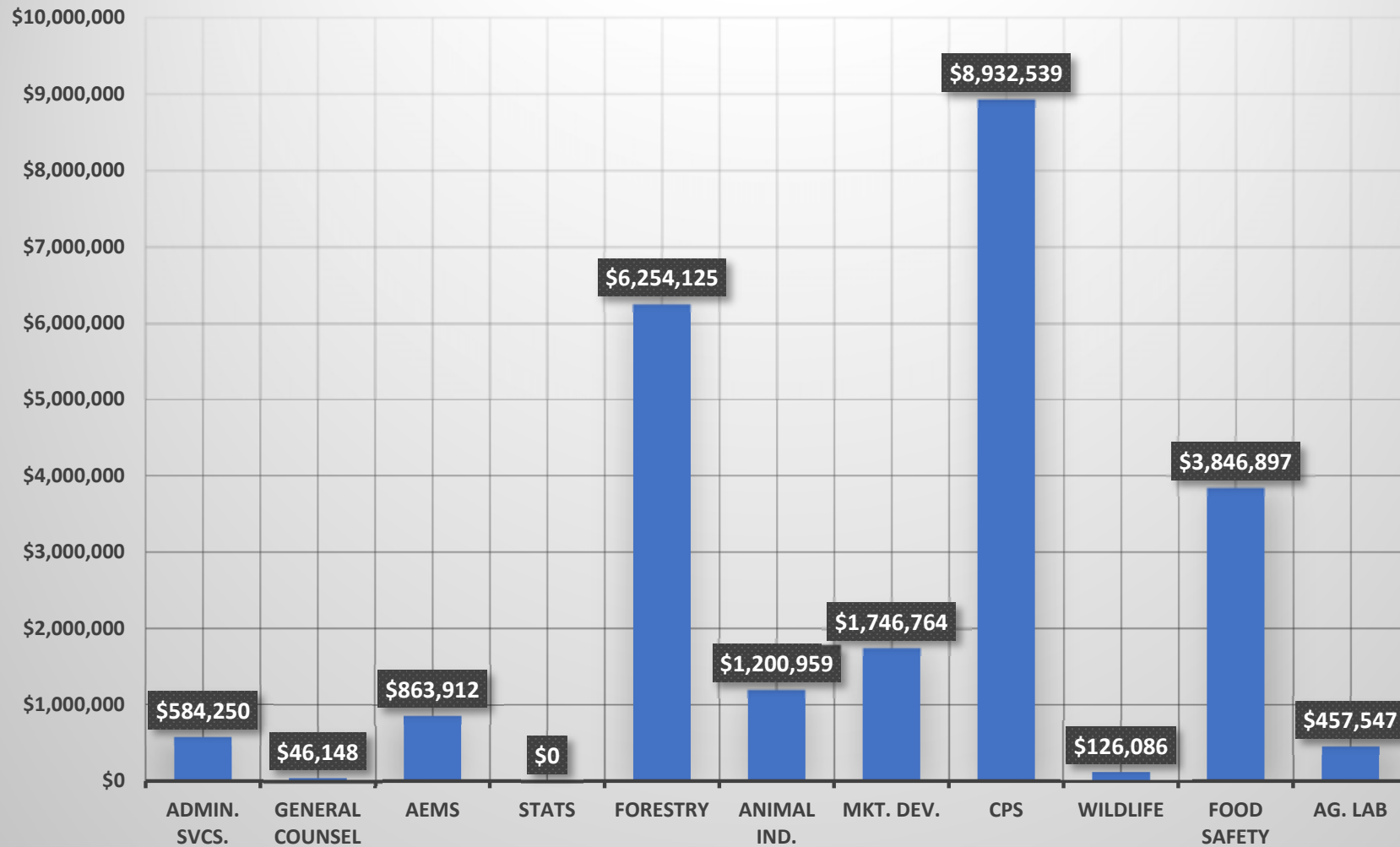
Division	June 2025 Revenue	Fiscal Year 2025 Revenue thru June 2025
Admin. Svcs.	\$103,887	\$584,250
General Counsel	\$29,967	\$46,148
AEMS	\$70,654	\$863,912
Stats	\$0	\$0
Forestry	\$1,199,404	\$6,254,125
Animal Ind.	\$163,088	\$1,200,959
Mkt. Dev.	\$108,212	\$1,746,764
CPS	\$329,460	\$8,932,539
Wildlife	\$8,866	\$126,086
Food Safety	\$255,637	\$3,846,897
Ag. Lab	\$65,980	\$457,547
Division Total (see division receipts graph on next slide)	\$2,335,156	\$24,059,227
Commodity Storage Indemnity	\$36,368	\$419,839
Appropriations	\$4,444,942	\$73,474,591
Agency Total	\$6,816,467	\$97,953,657

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

Note 2: Appropriations shown above, include \$20.1 million in state appropriated one-time cash received in July 2024 for FY 2025 Legislative directed spendings.



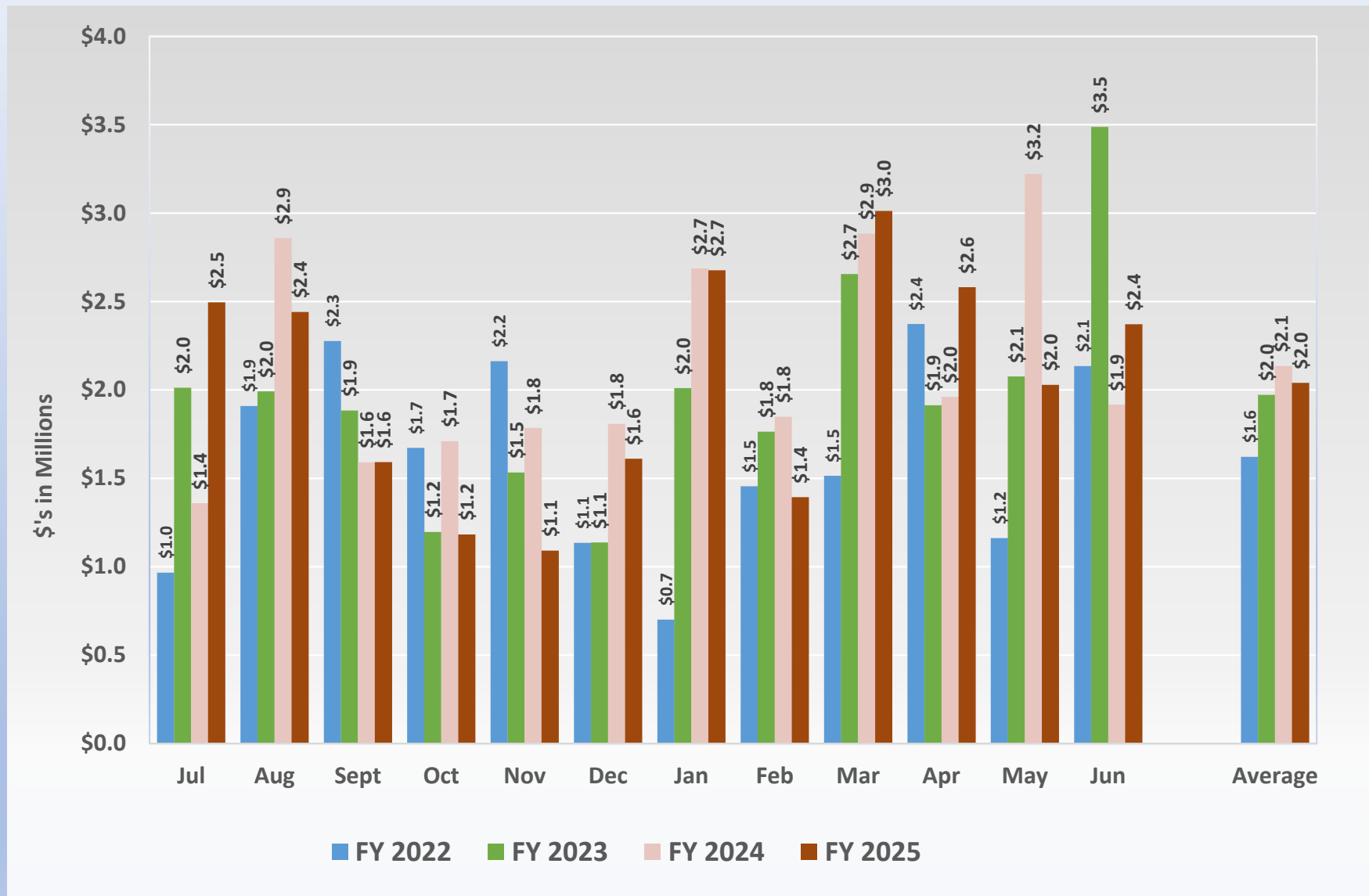
Revenue By Division Fiscal Year 2025 thru June 2025



■ Fiscal Year 2025 Revenue

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

Total Revenue by Month July 2021 – June 2025



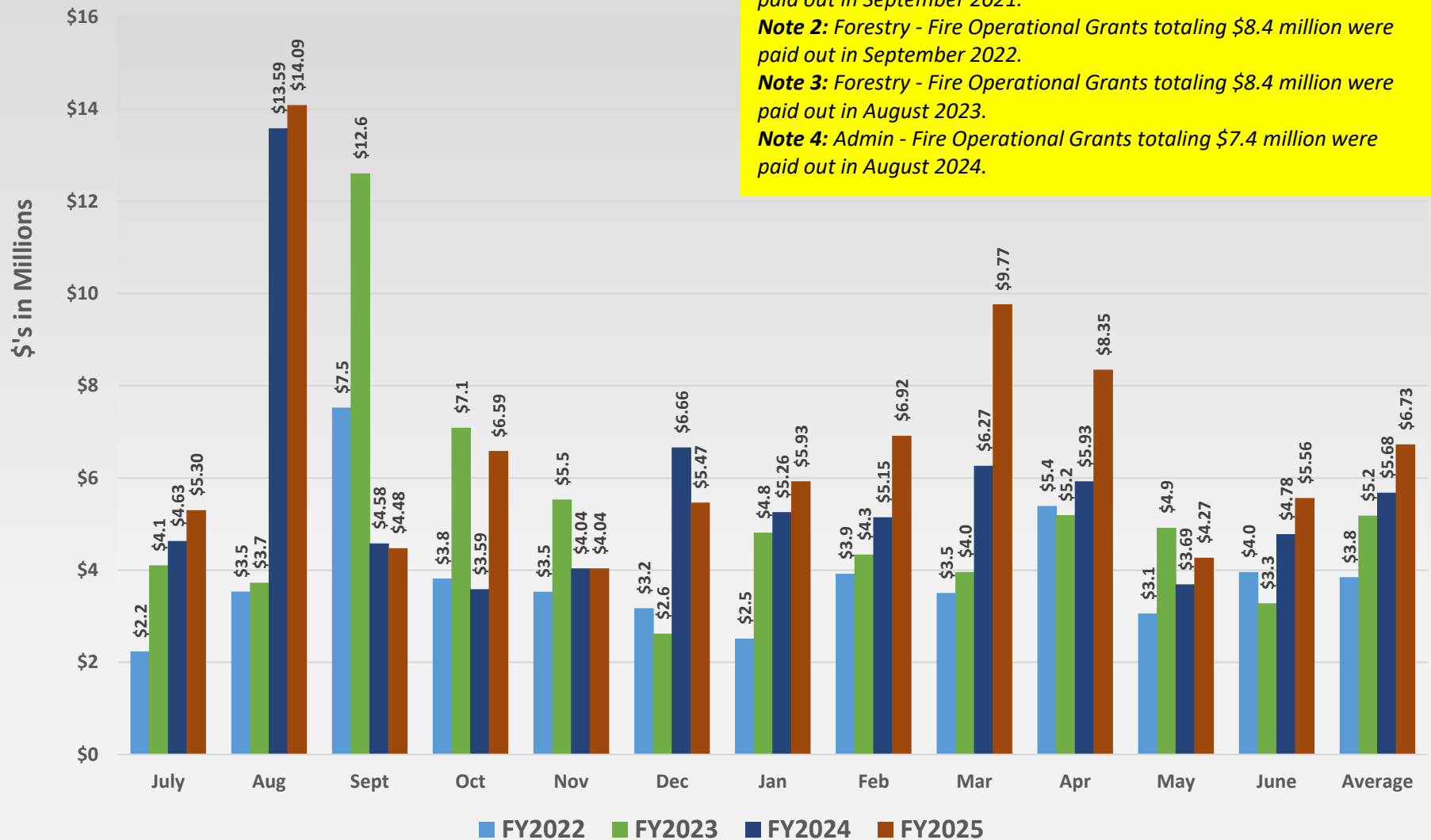
Total Expenses by Month July 2021 – June 2025

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

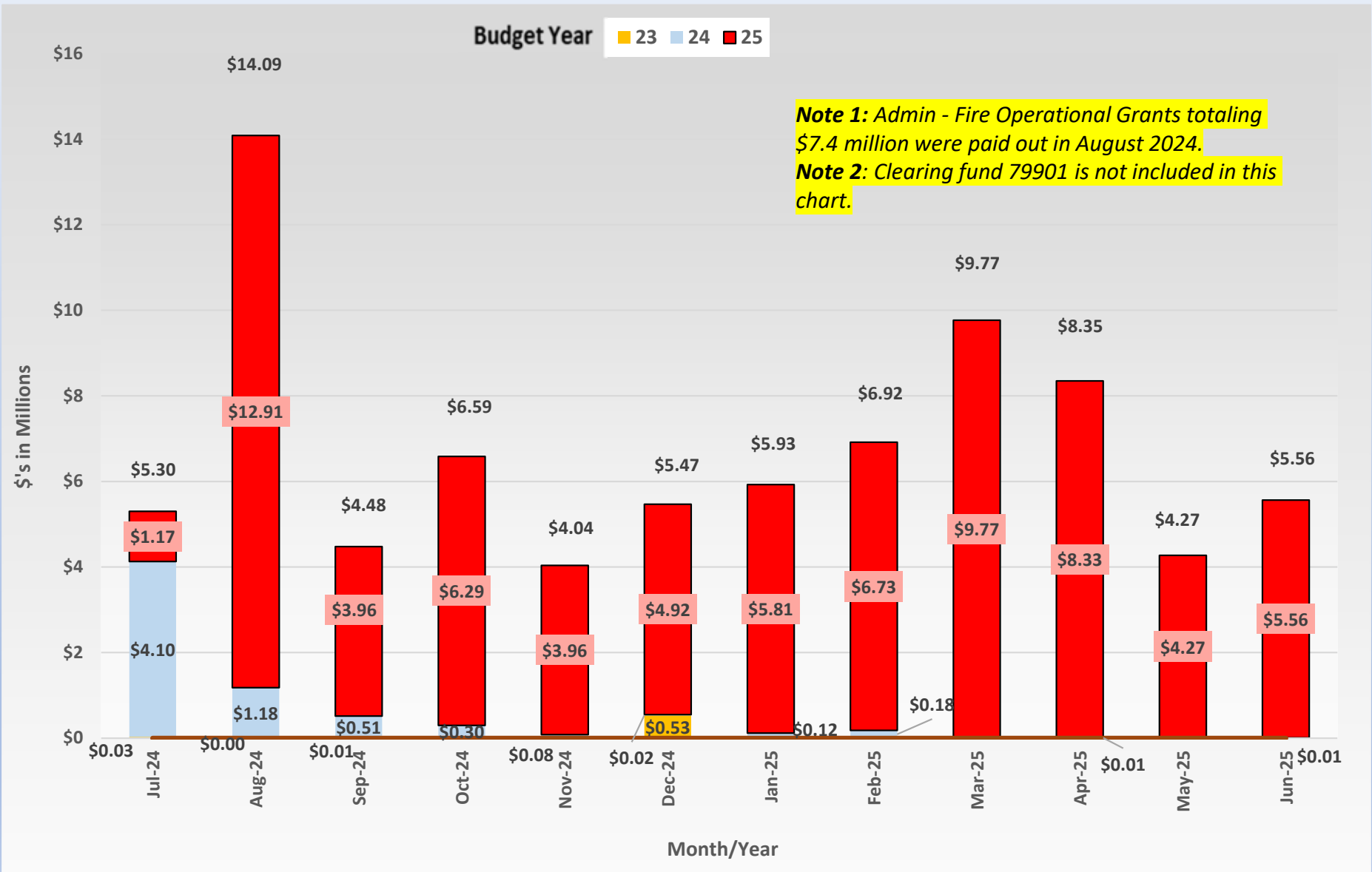
Note 2: Forestry - Fire Operational Grants totaling \$8.4 million were paid out in September 2022.

Note 3: Forestry - Fire Operational Grants totaling \$8.4 million were paid out in August 2023.

Note 4: Admin - Fire Operational Grants totaling \$7.4 million were paid out in August 2024.



FY 2025 Total Expenses by Month with Budget Year



Commodity Storage Indemnity Investment Report

As of June 30, 2025

Investments with Office of State Treasurer

Cash Management Account: \$12,058,857

	Current Month	YTD
	-----	-----
New	-	-
Interest Revenue	36,368	419,839
Reinsurance	-	-
ODAFF Support Services	-	(50,000)
Recovered Salvage	-	-
Elevator Salvage	-	-
Matured Long Term Investments	-	-
	-----	-----
TOTALS	36,368	369,839
	=====	=====

Expense Budget to Actuals Report – Budget Year 2025 as of June 30, 2025

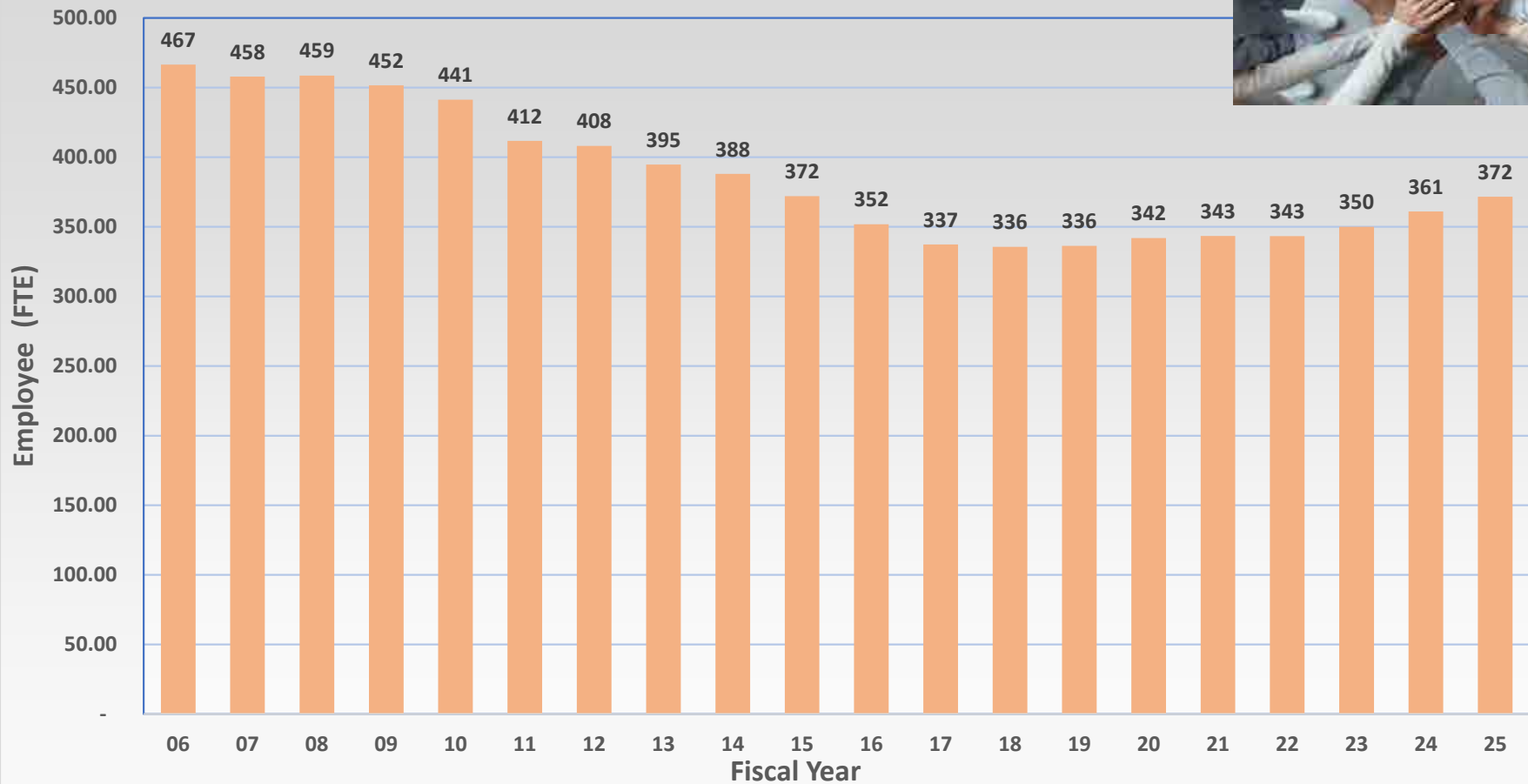
Oklahoma Department of Agriculture, Food & Forestry					
Fiscal Year 2025 Annual Budget to Actuals for Budget Year 2025 thru June 30, 2025					
Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	24,176,135	21,866,287	2,088,773	221,075
512	Insur.Prem-Hlth-Life,etc	5,534,084	4,756,940	182,946	594,198
513	FICA-Retirement Contributions	6,378,139	5,189,751	3,876	1,184,512
515	Professional Services	4,864,534	1,967,419	1,233,327	1,663,788
519	Inter/Intra Agy Pmt-Pers Svcs	60,800	56,424	3,611	765
521	Travel - Reimbursements	555,687	292,372	-	263,315
522	Travel - Agency Direct Pmts	612,621	532,773	7,260	72,588
531	Misc. Administrative Expenses	1,509,717	1,163,632	120,443	225,642
532	Rent Expense	1,374,563	742,799	108,790	522,974
533	Maintenance & Repair Expense	1,978,335	1,143,898	274,443	559,994
534	Specialized Sup & Mat.Expense	1,389,975	797,012	197,263	395,700
535	Production,Safety,Security Exp	187,500	168,856	0	18,644
536	General Operating Expenses	298,775	126,920	-	171,855
537	Shop Expense	646,391	520,322	33,484	92,585
541	Office Furniture & Equipment	8,692,632	3,589,021	2,434,300	2,669,311
542	Library Equipment-Resources	1,000	2,772	-	(1,772)
543	Lease Purchases	1,672,295	1,672,295	0	-
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	1,144	-	14,296
553	Refunds,Idemnities,Restitution	-	5,867	-	(5,867)
554	Program Reimb,Litigation Costs	25,710,438	4,741,752	5,732,701	15,235,985
555	Pmts-Local Gov't,Non-Profits	16,820,807	14,569,505	9,555,177	(7,303,874)
559	Assistance Pymts to Agencies	18,230,000	9,631,124	6,868,876	1,730,000
561	Loans,Taxes,Other Disbursemnts	550	-	-	550
564	Merchandise For Resale	150,000	146,526	3,473	1
601	AFP Encumbrances	-	-	4,909,872	(4,909,872)
810	Req Only	-	-	2,704,252	(2,704,252)
	Operating Totals	124,132,418	73,685,410	36,712,866	13,734,142

Expense Budget to Actuals Report – Budget Year 2025 as of June 30, 2025



Oklahoma Department of Agriculture, Food & Forestry					
Fiscal Year 2025 Annual Budget to Actuals for Budget Year 2025 thru June 30, 2025					
Class Funding	Class Fund Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
19102	Duties	1,500,000	1,435,039	64,961.00	-
19302	Agriculture Extension Division	20,135,265	8,378,735	8,952,400.54	2,804,130
19501	GRF-Duties	53,339,326	41,393,806	9,382,404.79	2,563,115
19601	GRF-Duties	-	-	283,600.00	(283,600)
20500	Rural Fire Defense Eqp Rev Fd	150,000	146,526	3,472.91	1
21000	Agriculture Revolving Fund	26,625,239	18,823,072	5,890,085.86	1,912,081
22500	Enhancement & Diversificatn Fnd	97,000	28,347	0.00	68,653
23000	Okla Pet Overpopulation Fund	35,000	19,400	0.00	15,600
23500	Animal Friendly Revolving Fund	35,000	5,600	6,900.00	22,500
24000	Unwanted Pesticide Disp Fund	300,000	119,394	230,606.50	(50,000)
24500	Rural Fire Revolving Fund	2,010,575	485,174	951,130.66	574,270
25500	Ag. Evidence Law Enforce Fund	4,000	-	0.00	4,000
25600	Ok Viticulture Enology Revl Fd	446,657	296,594	122,811.29	27,251
26200	Poultry Grading Revolving Fund	1,234,512	1,047,682	29,398.91	157,431
28500	Milk & Milk Prod Inspec Rev Fd	466,489	389,366	56,585.12	20,538
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	0.00	24,000
28700	Healthy Food Financing Revl Fd	100,000	41,723	64,182.03	(5,905)
41000	Community Wildfire Def Grant	2,500,000	-	2,350,000.00	150,000
42000	Specialty Crop Federal Funds	1,100,000	454,958	638,332.27	6,710
43100	Marketing's Farm to School	278,352	112,430	85,011.08	80,911
43500	Local Food for Schools Co-op	452,000	440,565	5,033.40	6,401
44000	Rslnt Food Sys Infrstr Coop Ag	6,407,933	-	2,576,225.07	3,831,708
57911	Carryover	6,891,070	67,000	5,019,724.89	1,804,345
	Totals	124,132,418	73,685,410	36,712,866	13,734,142

Employee FTE Totals Fiscal Year FY 2006 – FY 2025



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

Note 2: FTE listed for fiscal year 2025 was based on the FTE for fiscal year 2025 thru June 30, 2025.

JULY 2025 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(May 2025 Activities)

QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager)

The Standard Operating Procedure (SOP) for *Campylobacter* has been completed and is currently being reviewed by Laboratory staff, as well as all *Campylobacter* associated documents and worksheets.

The Quality Manager has started the Inorganic Section's yearly internal audit. The audit will be heavily based on Oklahoma Administrative Code (OAC) 252:301. Other areas of review include:

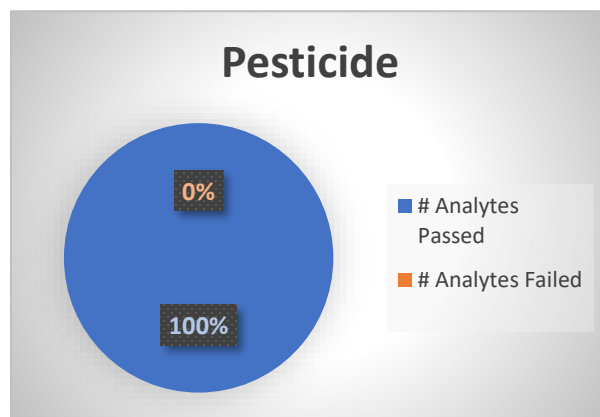
- Quality Checks: control charts and MDLs.
- Instrument Checks: monitoring and recording of refrigerators/ovens and balances.
- Logs: ensure that logs are being updated on a regular basis, noting all relevant information for all purchased and prepared solutions and reagents.
- Document review: ensure the Master List is up to date with the Laboratory's most current document revisions.
- In-person review: shadow laboratory staff and review sample login, preparation, and testing.

Yearly internal equipment checks have been completed, this includes thermometers, refrigerators, and incubators/ovens.

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.

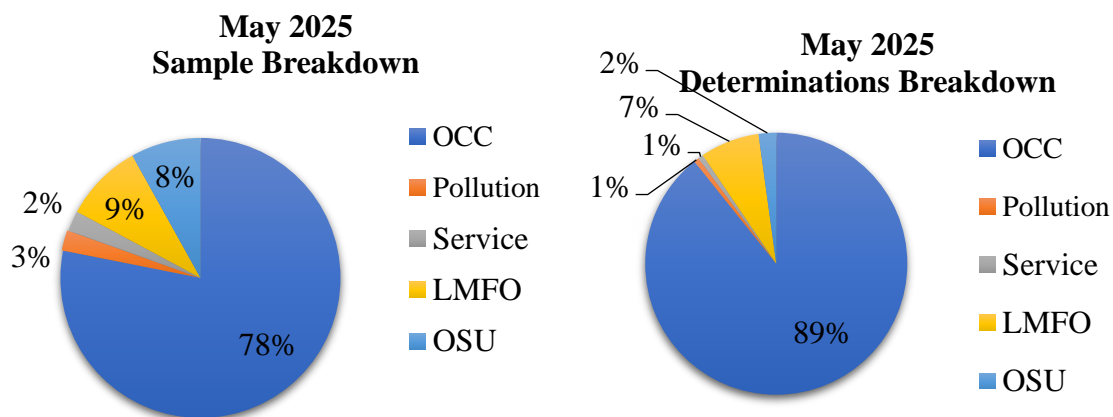
Pesticide	
# Analytes Results Received	4
# Analytes Passed	4
# Analytes Failed	0



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

In May the Section completed 297 samples consisting of 2214 determinations, with the following breakdown:

OCC	232	1976
Service	7	14
Pollution	7	17
LMFO	27	162
OSU	24	48
Total	297	2214

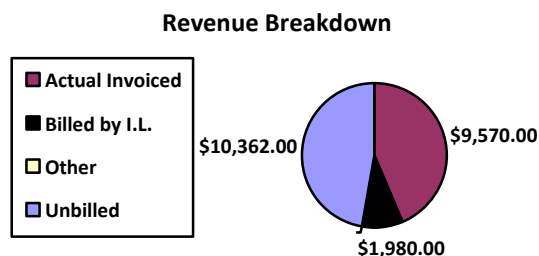
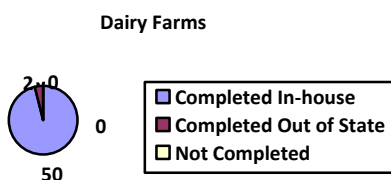
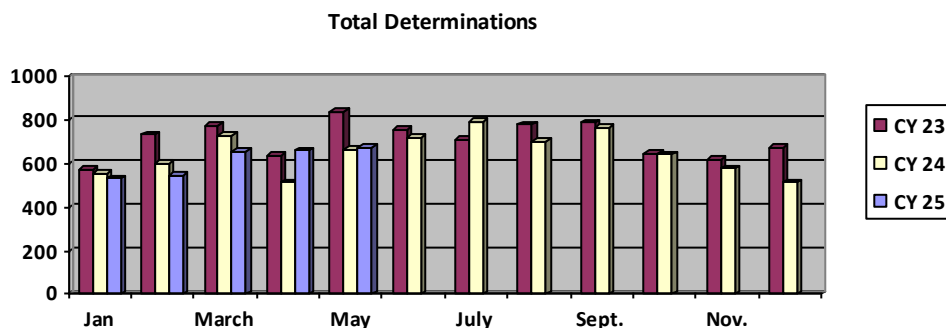


DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

May was a typical month for the Section. One dairy is currently suspended, and all dairies were tested for the month. The Section participated in a water proficiency test.

The Section tested nineteen meat samples in May. Only one meat sample was not tested due to receiving the sample out of temperature.

Campylobacter is an anaerobic organism that will die when exposed to room air and therefore must be grown in a controlled environment of nitrogen, carbon dioxide and oxygen. This test is currently outsourced. The Section continues to work on obtaining information and pricing on equipment and supplies needed to be able to test.



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

Activity in the Section was normal for the month of May. Records indicate a total of 113 samples received for testing. Crops being tested consist primarily of summer crops of corn, cotton, soybeans, summer grasses and sesame. Most samples were taken by CPS inspectors following up on carryover seeds needing updated germination tests. There was one Seed Law violation discovered during the month. The violation has since been remedied. Many of the seeds tested in the Section had below standard findings of germination.

The Oklahoma Crop Improvement Association (OCIA) held their quarterly Board of Directors meeting at the Farm Credit of Western Oklahoma in Enid. Crop updates from growers indicate that the state's certified wheat crop is in relatively good shape due to the amount of rain the state has received. Unfortunately, with all the rainfall the growers are finding quite a bit of cheat. Some growers are stating that cotton may be in poor condition this year due to all the rainfall. Jeff Wright with Oklahoma Genetics stated that peanuts are also down in the state and that the buyers do not want Oklahoma varieties of peanuts.

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

May continues our trend of slow months with relatively few samples coming in from CPS. We only received 144 total samples this month, with around 130 from CPS. This is the least amount of samples we have received in over two years. The slow inflow of samples worked in our benefit to allow us to rework testing schedules to accommodate for the lack of a lab tech. We are currently able to make this work by sharing grinding and riffing duties amongst the remaining staff. This situation is acceptable with low inflow of samples but may be problematic during times of high sample load. Beginning next week we will be incorporating help from other Sections allowing us to be prepared for an increase in samples. As long as these numbers do not decrease further we will be able to hit our goals for the year.

We received 144 samples, completed 188 samples consisting of 746 determinations.

Our turn-around time for the month was 15.24 days, this is exceeding our expectation. Though it will likely increase slightly as sample load goes up.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
Samples Received	69	66	9	144
Samples Completed	82	94	12	188
Determinations	381	285	80	746
Violations	25	43	6	74
Violation %	6.56%	15.09%	7.50%	9.92%

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

For May, new sample arrivals have returned to average level. The regular nursery water monitoring collection occurred, accounting for approximately one third of the new samples this month. Routine analysis continues at a steady rate, and preparations are being made for the summer season.

The two new HPLC-MS/MS systems have been installed, and OEM validation is complete. Software training will be scheduled at a date to be determined. The receipt of a sample concentrator occurred in mid-May and is being used for Residue samples where positive identification of actives is possible but at a level below our limit of quantification. Sample concentration will enable “trace” identification to be accurately quantified.

Pesticide Section samples completed:

In May, the Section completed 33 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 14 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	1	3	3	27
Residue Soil	23	26	38	17
Residue Water	-	-	-	-
IFA Soil	-	-	-	-
Residue, Other	3	3	3	10
Residue, Swab	-	-	-	-
Concentrate	-	-	-	-
Tank Mix	-	-	-	-
Proficiency Test	-	-	-	-
Hemp	6	6	6	3

Average Residue Turnaround
Time: 17 days

Average Formulation
Turnaround Time: -- days

Average Hemp Turnaround
Time: 3 days

Totals		
# of Samples	# of Tests	# of Determinations
33	38	50

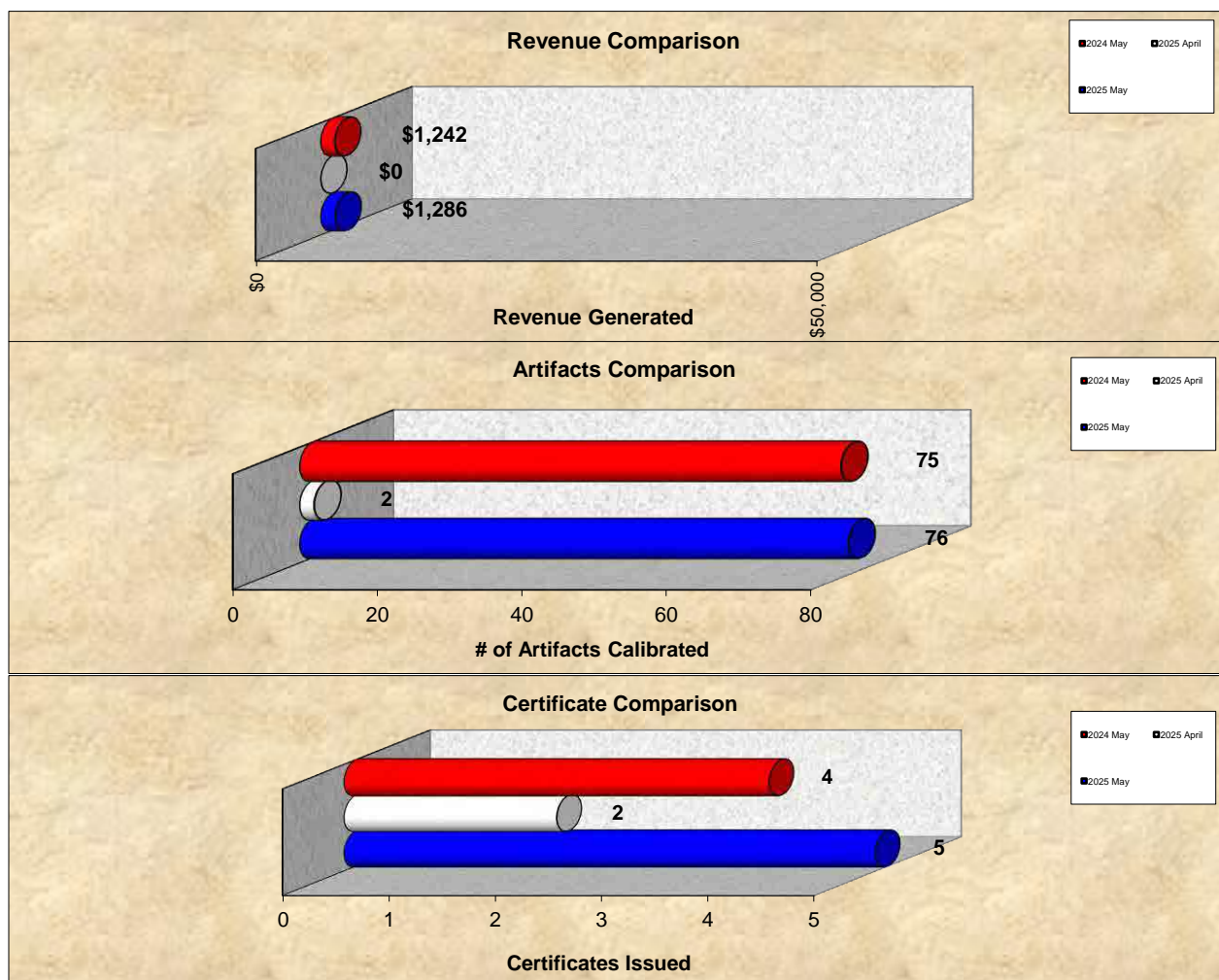
OKLAHOMA BUREAU OF STANDARDS: (William Krivanek, Metrologist II)

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

The Oklahoma Bureau of Standards generated a revenue of \$1,286.00 during the month of May 2025. William Krivanek will attend the Combined Regional Measurement Assurance Program (C-RMAP) training in Portland, Oregon in June. This is a great way for the Bureau to keep up with regulations and to also network with other state laboratories.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	0	\$0.00	0.00%	0	0.00%
In-State Customers	2	\$1,286.00	100.00%	76	100.00%
Totals	2	\$1,286.00	100.00%	76	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	\$50.00	0
Volume	\$0.00	0



Respectfully Submitted,

Brian McDowell
Laboratory Director
Laboratory Services Division

BOARD REPORT
AGRICULTURAL LABORATORY SERVICES
MAY 2025 ACTIVITIES

FEED SAMPLES	69
FEED DETERMINATIONS	381
POSSIBLE VIOLATIONS	25
 FERTILIZER SAMPLES	 66
FERTILIZER DETERMINATIONS	285
POSSIBLE VIOLATIONS	43
 LIME SAMPLES	 9
LIME DETERMINATIONS	80
POSSIBLE VIOLATIONS	6
 PESTICIDE SAMPLES	 33
PESTICIDE DETERMINATIONS	50
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 297
DETERMINATIONS	2214
 SEED SAMPLES	 113
SEED DETERMINATIONS	119
POSSIBLE VIOLATIONS	1
 BUREAU OF STANDARDS CERTIFICATES	 5
NUMBER OF STANDARDS CALIBRATED	76
FEE CHARGES	\$1,286.00
 DAIRY SAMPLES	 337
DAIRY DETERMINATIONS	675
POSSIBLE VIOLATIONS	12
 TOTAL SAMPLES	 929
TOTAL DETERMINATIONS	3880
TOTAL POSSIBLE VIOLATIONS	87



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

Wildland Fire Management Executive Summary

The current Oklahoma Drought Monitor (right) showing no current drought impacts is an increasingly rare sight. The relationship between drought and wildfire is complex and one of many considerations in preparing for wildfires. Timing (seasonality), intensity and duration of drought are critical with relationship to the growth rates in fuels (especially grasses and forbs), overall composite fuel moisture related to resistance to control as well as the spatial location of drought impacts. Spring and summer drought limits fuel production on the landscape while fall and winter drought contributes to decreased composite fuel moisture.

Additionally, the drought impact increases resistance to control causing increased firefighting resource demands and extended commitment of resources. Oklahoma is currently in a period of reduced fire danger given adequate rainfall maintaining live fuel moisture limiting both fire occurrence and severity. However, the enhanced growing conditions currently will translate to increased fuel loading during the fall and winter months.



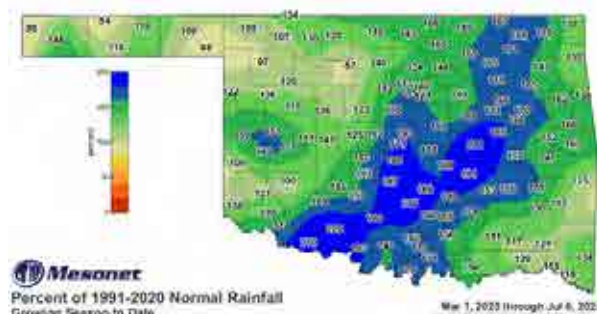
- June is normally one of the lighter months for wildfire activity and June 2025 has been no exception:
- For the month of June, OFS responded to only 2 wildfires burning 3 acres. These statistics fall below the 5-Year average of 7.4 fires burning 90.7 acres.
- Year-to-date, OFS has responded to or assisted with 890 fires burning 226,406.2 acres.
- OFS has completed 18 prescribed fires treating 6,993 acres year-to-date.
- OFS has completed 3 hazard fuel mitigation projects year-to-date treating 1,997 acres.

Given the downturn in activity, OFS firefighting resources have focused efforts on equipment maintenance and repairs (both in-house and through vendors) while also supporting several other Forestry programs including Forestry Summer Camp, seed planting at the nursery, fire prevention programming and training. OFS resources are also engaged in supporting National Mobility with the following resources currently supporting incidents nationally:

- WA - 1 Air Tactical Group Supervisor
- AK – 1 Division Supervisor, 1 Task Force Leader, 1 Safety Officer Type 3 and 1 Medical Unit Leader (Tulsa FD)
- NM – 1 Dozer staffed with 2 operators
- CA – 1 Engine staffed with 3 personnel
- AZ – 1 Task Force Leader

Fire Environment Outlook

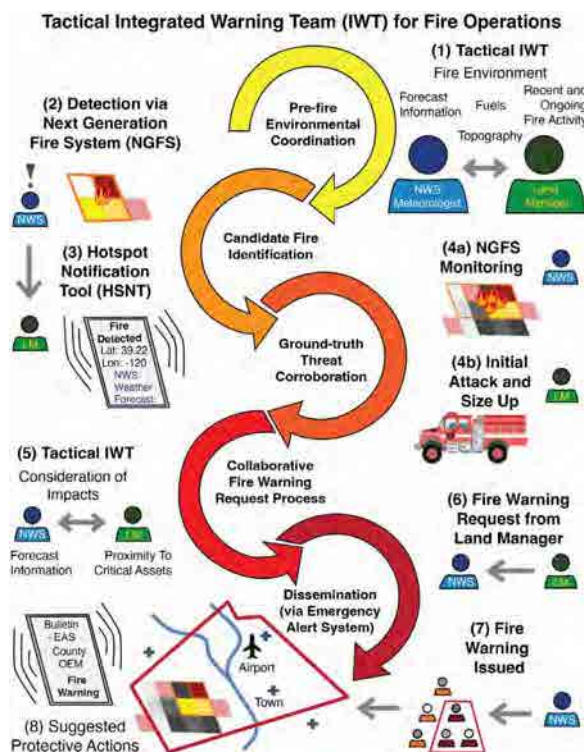
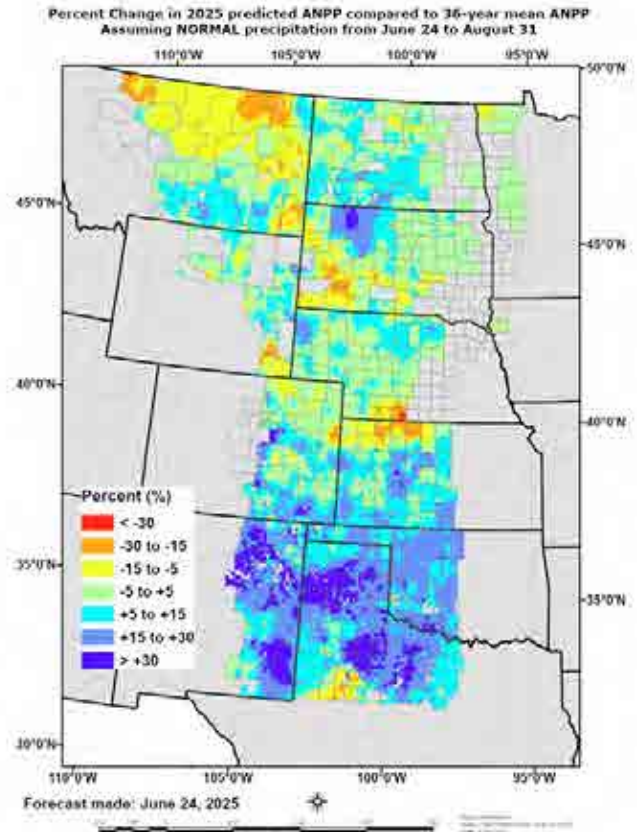
As mentioned previously in the Executive Summary, the Drought Monitor currently expresses no drought concern in Oklahoma. This



is largely due to the regularity of rainfall during the growing season (March 1-Current) with many locations exceeding 100% normal rainfall. Statewide, considering all climate divisions, this ranks as the 4th wettest growing season since 1921. The timing of this moisture during the growing season is visibly translating to increased fuel production.

Assuming normal precipitation through August 31st, the current Grassland Productivity Forecast (right) points to vast expanses of western Oklahoma hitting 15-30% above normal growth. This will likely translate into a boom for hay production, however those areas where harvesting, grazing and other manipulation do not occur will be cause for concern as the dormant season approaches. Fortunately, the current U.S. Seasonal Drought Outlook (valid through September) continues to show no tendency toward drought recurrence.

During the spring months the predicative signals heavily favored both a warmer and drier summer coupled with potential for increased wildfire concern during July. The rainfall frequency and amounts have delayed that concern from developing to date. Updated predictive services indicate that July will bring a gradual transition toward a more seasonal expectation with increasing temperature and reducing rainfall frequency. Extending the outlook into September yields temperature expectations leaning above normal and precipitation chances near normal. For now, wildfire potential through July is expected to transition from the current below-normal observations toward gradually increasing wildfire frequency while resistance to control remains comparatively low.



Integrated Warning Team Innovation

The Integrated Warning Team approach for Fire Operations in Oklahoma is unique and rooted in very close partnership between OFS and the National Weather Service. The novel utilization of satellite fire detection coupled with rapid assessment of values at risk on the landscape when fires occur in an extreme wildland fire environment merited an extensive end-to-end evaluation conducted by the NOAA Fire Weather Testbed (FWT). Drew Daily, Deputy Fire Management Chief served as a Principal Investigator during this formal evaluation. The Integrated Warning Team approach (illustrated left) provides the schematic for replication of what is accomplished in Oklahoma that spans from fire environment assessment, fire detection, real-time monitoring and assessment and warning determination. The overarching evaluation findings state that “The Next Generation Fire System, Tactical Integrated Warning Team for Wildland Fire Operations, and IWT-derived Fire Warnings may be uniquely adapted to address local needs and resource capacities across regions. Throughout the FWT evaluation, the individual products demonstrated their potential to address information and communication gaps while also functioning effectively as an integrated system”.

FOREST HEALTH



Forest Health Specialist Dieter Rudolph has been communicating with an Environment and Science Reporter with Statelmpact Oklahoma discussing emerald ash borer, parasitic wasps, and their overall impact on Oklahoma's ecosystems. This ongoing discussion included interviews, and a video recording of District Forester Will Phifer releasing wasps. The final news piece is scheduled to be released later in July.

Dieter Rudolph attended the Southern Group of State Foresters Summer Meeting to represent OFS to the Management Chiefs Committee and the Forest Health Committee. These meetings allow for developing region-wide messaging, program goals and deliverables, and sharing of success stories with the US Forest Service as well as other state forestry agencies.

New grant funding opportunities are available to increase awareness of the threat of invasive species to Oklahoma's ecosystems as well as promote invasive species management. OFS is in the process of applying for new funding outside of the regular grants to increase messaging and capacity in terms of invasive species management.

The 64th Annual Southern Forest Health Work Conference is being hosted in Tulsa the week of July 14th. This is the first time this conference has come to Oklahoma and offers an opportunity to display OFS's accomplishments as well as reinforce the message that Oklahoma is a forested state that has its own unique opportunities and issues due to its geographic location. This conference is attended by private industry, state and federal agencies, and academics all in the field of entomology, pathology, and/or forestry.

64th Southern Forest Health Work Conference



From Roots to Canopy:
Forest Health Advances with Time and Technology
July 15-17, 2025
Tulsa, Oklahoma
Hosted by the Oklahoma Forestry Society

FOREST LEGACY PROGRAM

Madison Gore has been working with Secretary Arthur, JanLee Rowlett, and The Conservation Fund to develop a communications plan for the Musket Mountain project. Secretary Arthur and JanLee are also providing guidance as Oklahoma Forestry Services commences the effort to write the multi-resource Management Plan for the future Musket Mountain State Forest.

As part of this process, a planning meeting was held where a writing team and a plan for developing the Musket Mountain State Forest Management Plan as well as a statewide Oklahoma Forest Management Plan were established. The writing team has begun discussions with other states to learn how their state forest systems are set up, ask about management activities, and gain an understanding of the pros and cons of their state forest system setup. OFS plans to work closely with ODAFF communications, finance, and general council staff, other Oklahoma state agencies who own property, and the federal Forest Legacy staff to ensure Oklahoma's new state forest system is set up correctly and a solid foundation is laid for the Musket Mountain State Forest after closing.

The Conservation Fund provided a private fundraising update. As of June 27th, they have:

- Received \$100,000 for Musket Mountain
- Submitted a pre-proposal to the National Fish and Wildlife Foundation's Acres for America Program (supported by Walmart) for \$650,000 and were invited to submit a full proposal
- Worked with a Huber Resources employee who submitted a funding request for \$150,000 through Huber's corporate giving program
- Caught the interest of a few family foundations in Texas to make donations to the project
- Begun discussions with the Oklahoma City Community Foundation to gauge their interest

FOREST INVENTORY AND ANALYSIS

Wet weather has slowed Forest Inventory and Analysis (FIA) progress in counties with significant flooding or water access issues. To stay productive, the FIA crew focused work on drier counties including Osage, Kay, Lincoln, and Noble. The most up-to-date estimates of forest health, volume, and extent data have finished their processing and will be posted publicly in early July.

FOREST HERITAGE CENTER

Events and Programs:

- First Saturday Program: Successfully hosted, contributing to community engagement.
- Wood Turners and Museum Tour Programs for Forestry Camp: Facilitated educational experiences for participants.
- Invasive Species Programming and Kiosks: Implemented to educate visitors on environmental conservation.
- Tree Bear Conservation Station: Established to promote wildlife awareness and preservation efforts.
- Camp Discover and Outdoor Play Equipment: Initiatives underway to enhance visitor experience, particularly for younger audiences.
- Restoration of the Post Office: Ongoing efforts to preserve historical structures within the museum.
- Revamped Woodworking Corner: Improved exhibit to showcase craftsmanship and historical significance.

Visitor Engagement:

- Over 11,000 visitors in the past 60 days: Demonstrates strong community interest and support for museum activities.

Upcoming Initiatives:

- Preparation for the Folk Festival: Planning and preparations ongoing to ensure a successful event.

Additionally, below you can see highlights from a recent report released from the McCurtain County Tourism Association Summit held last month. This report underscores the FHC's role not just as a museum, but as an active participant in McCurtain County's economic ecosystem.

Key Takeaways from the Report:

- **2.8 million visitors** came to McCurtain County in 2024 (up 7% from 2023).
- Visitors spent **\$474.6 million**, resulting in a **\$636.4 million total economic impact**.
- Tourism supported **3,965 jobs**, roughly **1 in every 5 jobs** in the county.
- **\$32.4 million** in state and local taxes were generated from visitor activity.
- Overnight visitors increased **8.6%**, showing strong demand for extended stays and meaningful experiences.

Why This Matters to the FHC:

- The FHC sits at the intersection of **forestry, education, and tourism**, all of which benefits from this ongoing economic momentum.
- Recreation and entertainment (our category) accounted for **\$76.1 million** in direct visitor spending.
- **Tourism-generated tax revenue** continues to offset the need for additional public funding, reinforcing the value of institutions like ours that serve both cultural and economic roles.
- The data helps justify ongoing and future investment in interpretive tools, infrastructure, and staffing.

FOREST REGENERATION CENTER

The Nursery staff at the Forest Regeneration Center recently completed the sowing of different conservation seeds for this year's bareroot seedling crop by utilizing a mechanical tree seedling planter, specifically engineered for high-precision seed placement in uniformly prepared raised nursery beds. This method ensures optimal spacing, uniform germination, and enhanced early-stage growth conditions for the developing seedlings.



Repairs were completed to replace worn bearings on the disk harrow at the nursery which is an essential part of the ongoing cycle of farm maintenance. Equipment breakdowns are a constant reality in agriculture, requiring prompt attention to avoid delays. With the disk now operational, field cultivation can move forward to prepare the soil for planned fumigation this fall.

Silver maple (*Acer saccharinum*) is being hand-planted at the nursery due to the seed's irregular shape which prevents it from being sown using standard seed handling equipment. Since the time of planting, the seed has shown excellent germination rates, resulting in successful and promising planting.



FORESTRY EDUCATION

Forestry Education Highlights



Education Coordinator Tony Pascall taught 75 kids aged 5 to 15 at the Lake Sanborn Nature Camp in Stillwater. Students learned about how trees grow and how we manage forests, as well as the benefits of forests as habitats.

Tony attended the Oklahoma Science Teachers Association's Summer conference as an exhibitor and presenter. He spoke with more than 100 educators about Project Learning Tree and how to incorporate forestry education into their own teaching. That afternoon, Tony trained 11 educators at the conference in the "Explore Your Environment" guide from Project Learning Tree, so they can use the materials with their own students.

Tony, and Forester Madison Gore represented ODAFF as an exhibitor at the Cooperative Council for Oklahoma School Administration (CCOSA) Summer Leadership Conference. They spoke with principals, administration, superintendents, and school board members from around the state about programs ODAFF offers educators- highlighting PLT and Ag in the Class especially. They spoke to about 300 people.





The 67th Oklahoma Forestry Youth Camp took place June 16-21 in Beavers Bend state park. 58 kids aged 13-15 spent the week with us and learned all about different aspects of forestry. We had learning sessions on forest management, fire ecology, GIS, invasive species, climate and forestry, and more! Everyone learned new skills, and several kids are looking forward to careers in forestry.



Tony led a program with the pioneer library system at Macomb elementary school in Macomb. 85 students in Kindergarten - 8th grade attended and learned about close observation and nature journaling.



WILDFIRE HAZARDOUS MITIGATION

Wildfire Mitigation Crews have completed work at the “Tinker Project” and are awaiting final invoices to make it through finance to confirm final balance for grant closeout.

We have unofficially been advised that our State Fire Capacity (SFC) Mitigation Grant application was approved and will be funded. We are still waiting for the complete announcement from the US Forest Service to determine what the final funding level is. This year’s application focused 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 with numerous values at risk potentially exposed.

This month we took delivery of a John Deere excavator with a specialized masticating head. This is vital to safe and efficient mechanical mitigation work in challenging terrain and fuels present across all of Oklahoma. The excavator is a piece of equipment our crews have needed and a way we are reinvesting revenue back into our mitigation program.

URBAN AND COMMUNITY FORESTRY - OUTREACH AND COMMUNICATIONS

6/3/25 - Urban Forestry Partnership Coordinator Elizabeth Bland-Corbishley taught 75 students aged 5-15 at the Lake Sanborn Nature Camp in Stillwater, OK. Students learned about tree identification.

6/12/25 - Riley Coy conducted a site visit for our IRA funded grant with the Chickasaw Nation to review tree species, site conditions, and address questions.

6/25/25 – Riley Coy led the OKC Beautiful Nature Walk at Bluff Creek Park. There were 19 people in attendance who learned about tree identification, ecology, and various food that can be foraged from the forest.



6/28/25 – Riley Coy presented with Kadin Bieberich from Sunshine Nursery at the Sustainable Urban Landscape Conference in Oklahoma City on Right Tree Right Place.

WATER QUALITY

Best Management Practices Highlights:

A total of seven completed logging tracts (five industry and two private) and two ongoing tracts have been surveyed for Best Management Practices (BMP) implementation. A combined total of over 2800 acres has been inspected with an average score above 92% implementation. High scores with large private land data influence bodes well for Oklahoma implementation rates to come. Inspections were conducted in Hughes County, McCurtain County, and Pushmataha County. Stream Side Management zones have been at 100% implementation and no risk to water quality has been identified at this time. Heavy rains the past few months have resulted in more severe erosion despite efforts and BMP implementation resulting in slower and more subjective evaluation. Additionally, the Temporary Bridge Grant handbook and One pager for advertisement are in the review process.

Education and training Highlights:



Two individual private landowner visits in Pontotoc and Coal County were made to inspect streamside erosion issues and help develop mitigation efforts through tree planting and riparian exclusionary fencing. A total of two BMP/ Erosion complaints were addressed and confirmed to be outside the scope of forestry BMPs. Efforts to educate loggers on BMPs have been ongoing in the south-central part of the state, particularly in Hughes County. New markets for cedar have prompted new loggers to enter the industry who are seeking insight into BMP implementation and Master Loggers certification requirements which OFS has provided. Education on logging within Streamside Management Zones (SMZs) to convert pine forests to hardwoods for habitat improvement has also become of interest to privately held forest lands in McCurtain County. OFS has provided consultation and recommendations to those interested.

NORTHEAST AREA

Forest Protection Highlights:

From May 20th through June 30th, the Northeast Area had 0 fires in the protection area. Rangers Chad Bateman and Charles Kimble assisted Adair County with storm damage removal on county roads. Doug Duncan and Travis Garrison also assisted with storm damage removal in the Fort Gibson area. Evelyn Chewey retired on May 30th after working at Jay for nearly 40 years as an administrative assistant. Everyone will surely miss having Evelyn in the NE Area.

Several NE Area employees attended the Arkansas River Valley Fire Academy to improve their wildland fire qualifications.

NE Area employees assisted the Forest Regeneration Center with planting containerized pine. Heath Jones, Chad Bateman, Craig Longshore, Kasandra Roberts, Ivan Bingham, Isaac Merchant, and Jake Johnson assisted with these efforts. Pictured to the right.

Charles Kimble and Dustin Ryals conducted a Fire Prevention Program at Peggs School on 6/4/25. There were approximately 70 kids in attendance.



Forest Management/Programs Highlights:

Harris Groberg had several site visits for forestry related issues. Harris completed an Oklahoma Management Plan for a property in Ottawa County focusing on tree planting for carbon sequestration, this plan covered 20 acres. Craig Longshore met with the US Fish and Wildlife Service at the Tahlequah office to talk about and look at the upcoming opportunities to work together in future fire seasons.

Administrative:

Kaley Helton and Craig Longshore went through the NE Area budget to determine budget request for the upcoming fiscal year. Kaley Helton, Craig Longshore, Cole Hix, and Roger Wilhite attended the P-Card refresher training in May. Kaley Helton completed a Certified Procurement Officer webinar reviewing "Supplier Files & Supplier Registration Team". This training counts as one hour towards her Procurement Officer certification.

Ongoing Issues & Upcoming Events:

- Adair County Wildfire Training August 8-10. A basic wildland fire course will be taught to county VFDs.
- Meeting with ODOT Communications personnel to discuss repairs/improvements to the NE Area Dispatch Center.

EAST CENTRAL

Forest Protection Highlights:

Since the last board report submission, EC has suppressed 1 fire within the EC protection area on a total of 15 acres. One (1) primary structure was saved at a total value of \$35,000.00. One (1) secondary structure was lost prior to OFS arrival valued at \$5,000.00. No other structures were threatened or lost.

Three (3) EC rangers have responded in a T6 engine to Gasquet, California on a federal fire assignment.



Hazardous Fuels Mitigation:

Forester Eddie Woods completed one Rx burn plan covering 302 acres.

Forest Management Highlights:

Forester Eddie Woods prepared two Forest Stewardship plans for two separate properties totaling 542 acres. Foresters Brandon Faulkenberry, Eddie Woods, and Caleb Fields attended a planning meeting for the Musket Mountain State Forest. Forester Brandon Faulkenberry reconned a property in preparation for aerial site prep spraying, dozer clearing, ripping, and tree planting. Brandon has also been tasked with working closely with Madison Gore for preparation of the Musket Mountain Forest Management Plan.

Information / Education Highlights:

EC forester Eddie Woods and Ranger Brett Boland conducted a Smokey Bear school program at Quinton while Talihina rangers conducted two school programs at Fanshawe and Whitesboro public schools. Forester Eddie Woods also attended a Blue Thumb Q & A.



Equipment update:

Wilburton rangers installed new track pads on two firefighting dozers. East Central also picked up the newest addition to the fleet which is a 2025 John Deere 650P firefighting bulldozer.



Safety / Training Highlights:

The newest employee, Blake Hadley acquired his Class A commercial driver's license. Congratulations to Blake and big thanks to the other EC rangers who assisted in his training. Once again, the Entry Level Driver Training that is being offered by OFS to its new employees is proving to be very successful and helps ensure new employees are being equipped with the knowledge and training they need.



Special Projects:

The new roof project for the EC warehouse was completed this past month. Thanks to Ashley Johnson, Eve Hawkins, and everyone else involved in getting this project completed during the FY.



Ongoing Issues:

With the Talihina Forester I vacancy remaining in East Central (due to selected applicants declining the position), the goal will be to post and fill that position during FY2026.

SOUTHEAST AREA

Forest Protection Highlights:

- In Protection Fires: May 1 fire for 0.1 acres; June 2 fires for 3 acres.
- Structures lost: 0
- Structures saved: 0
- Pat Wayman (Safety Officer) and Bryden Walker (Heavy Equipment Boss), reported to New Mexico for assignments on the Trout Fire on the Gila National Forest.
- The unit at Wright City received a new dozer E185 as part of legislatively directed funding from FY25.

Forest Management/Programs Highlights:

- Brock Hill had 1 landowner contact.
- Will Phifer 9 had landowner contacts.
- Tyler Hyatt had 3 landowner contacts with various landowners to plan and conduct site visits for timber management and Prescribed Burns.
- Jacob Lewis had 5 landowner contacts with various landowners to plan and conduct site visits for timber management, forest health and RX Burns.
- Will Phifer assisted with Parasitoid Wasp releases at the Broken Bow office grounds.
- District Forester, Will Phifer, and other Rangers assisted with the annual Forestry Camp at Beavers Bend State Park. Night security was provided by Will Phifer, Presley Byington and Oley Walker. Camp preparation and clean up assistance were provided by Don Cook, JD Morris, Sonny Johnson and Anthony Williams.
- Several Rangers from the area assisted the Forest Tree Improvement Center (FTIC) in Idabel with filling trays for containerized tree planting. Other Rangers transported trailers to and from the FTIC in Idabel to the Forest Regeneration Center in Goldsby.

Safety/Training Highlights:

- Pat Wayman held two safety meetings: Managing Vehicle Traffic in Smoke and Heat Stress and Heat Related Injuries; symptoms, considerations and mitigation treatments.
- The following classes were attended at the Arkansas River Valley Wildland Fire Academy in Russellville, AR in May:
 - S-230 Crew Boss class = Leon Macon, Anthony Williams, Blayne Hardaway, Jacob Lewis, and Brock Marble.
 - S-215 Firing Operations in the Wildland Urban Interface = Leon Macon, Anthony Williams, Blayne Hardaway, Woodrow Wilson, Tyler Hyatt, Colton Fuller, Jacob Lewis, and Brock Marble.
 - S-131 Firefighter Type 1 = Justin Grimmett
 - S-339 Division/Group Supervisor class = Bryden Walker
 - S-219 Firing Operations = Tyler Hyatt
 - S-420 Command and General Staff class = Tama Lester

Employee Recognition/Other:

- Tony Macon attended a firefighters association meeting in Pushmataha County.
- Sonny Johnson and Don Cook attended the Fire Chiefs' meeting in McCurtain County in June.

Upcoming Events/Activities:

- Southern Pine Beetle Prevention thinning – Southern McCurtain County = 200 acres
- Site Preparation: Ripping



New John Deere Dozer E-185 for the Wright City unit.



Parker Macon, son of the SE Area Fire Control Officer Leon Macon, approves of the new dozer.



S-420 Command and General Staff class at Arkansas River Valley Wildland Fire Academy in Russellville, AR. Jennifer Carrel and Tama Lester attended. Jennifer functioned as the Liaison Officer and Tama functioned as the Finance Section Chief. Other Hazard Hound team members were from California, Florida, Mississippi, and Oklahoma.



CONSUMER PROTECTION SERVICES DIVISION

JULY 25, 2025, BOARD MEETING REPORT FOR MAY/JUNE 2025

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations from April 1st to June 30th in 2025 are presented in the following chart. A total of 5560 products were registered, of the products registered 5243 were renewals and 317 were new. There was a total of 376 products cancelled.



Pesticide Samples

Pesticide samples taken FY 2025 are presented in the following chart. A total of 416 Residue, 11 Tank Mix, and 61 Concentration, 3 Pollution, and 3 Documentary samples were taken.

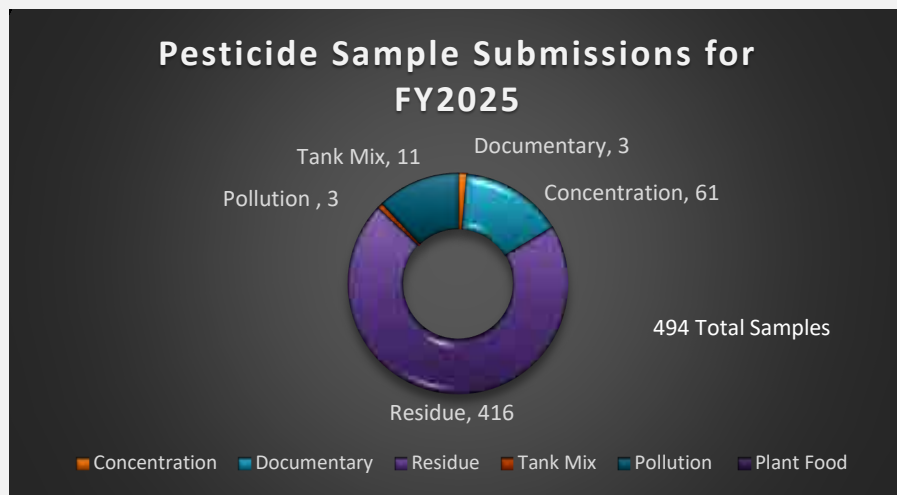


Table 1. Inspection Count for March - FY2025*

Number of Inspections

Inspection Type	FY2025 Total
CPS Investigation Form	270
Marketplace	534
Pesticide Applicator Facility	225
Restricted Use Pesticide Dealer	140
Container Containment Inspection	2
Producer Establishment	11
Use	478
Pre-treat	87
Drift Investigation	0
Pesticide Label	3833
Worker Protection	17
Total	5597

* 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 388 non-agriculture use samples, 33 marketplace samples, 70 agricultural use samples, and 3 producer establishment samples for a total of 494 samples.

Unwanted Pesticide Disposal

The Oklahoma Department of Agriculture, Food and Forestry (ODAFF) oversees the program to collect and properly dispose of unwanted pesticides that homeowners, farmers, ranchers, commercial applicators, or dealers may have. Unwanted pesticides are pesticides that are unusable as originally intended for various reasons. Unwanted pesticides are leftover pesticides, pesticides that are no longer registered in the state of Oklahoma, pesticides that no longer have labels and pesticides that are no longer identifiable.

Oklahoma commercial and non-commercial applicators and pesticide dealers may participate. Oklahoma farmers and ranchers and homeowners can use the program as well. Dealers are asked to pre-register due to the potential of large quantities coming from multiple dealers and/or multiple locations. This allows the contractor to plan the appropriate resources to handle the quantity of pesticides that come into the collections. ODAFF held 5 collections this year, collecting 145,698 lbs. of unwanted pesticides.

Pesticide Testing & Updates

Pesticide Producing Establishments

There are 10 companies that have not renewed their establishment license as of July 2025. The Producer establishment license was the first license using the new system – UI Bakery.

Pesticide Complaints

PESTICIDE COMPLAINTS	May 16, 2025 – June 30, 2025			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	46	5	5	5
MUSK THISTLE:	16	0	0	0
PMR CASES:	22	12	6	12
CASES REFERRED TO OGC:	11			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

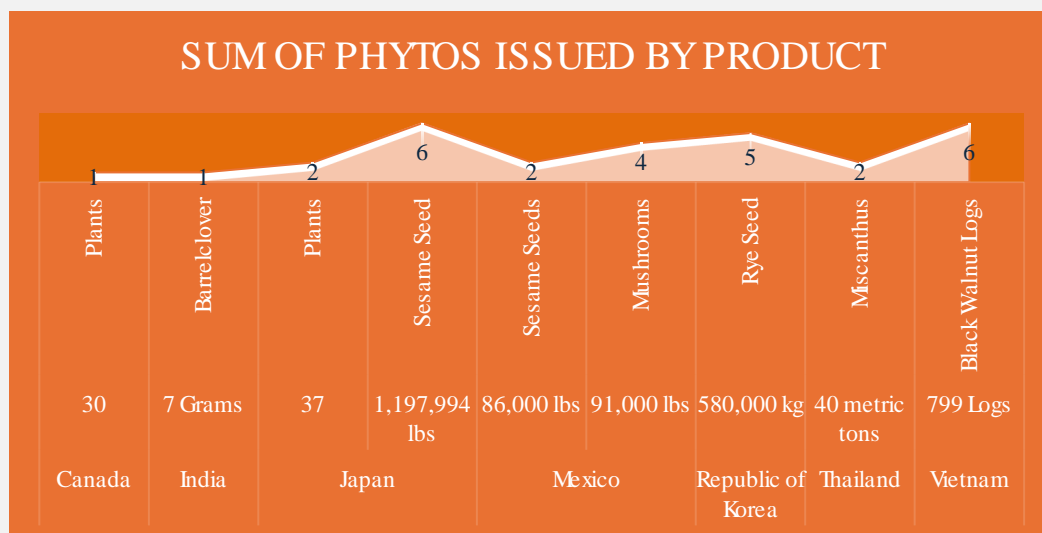
Federal phytosanitary certificates Issued from May 1, 2025 – June 30, 2025

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

24 Federal phytosanitary certificates issued @ \$106.00 each

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

5 Federal phytosanitary Certificates issued @ \$61.00 each



State

State phytosanitary certificates Issued from May 1, 2025 – June 30, 2025.

324 phytosanitary certificates for 17,338 plants.



Hemp

There are currently 77 hemp growers, 36 hemp processors/handlers, 214,024 licensed sq ft, and 3102 licensed acres.

AGRICULTURE RESOURCE SECTION

Fertilizer Program

Program Performance

Below you will find the performance numbers for the fertilizer, agricultural lime, and soil amendment programs for the time-period May 15th through June 30th, 2025, and for FY2025.

Sample Type	Number	Deficiency Penalty/SS
Fertilizer	79	13
Lime	11	-

Investigation Type	Number
Letters of Warning or Deficiency	3
Dry Bulk Fertilizer Storage Facility	3
Liquid Bulk Fertilizer Storage Facility	5
NH ₃ Nurse Tank Inspections	6(15 total tanks)
NH ₃ Storage Tank Inspections	4 (151 total tanks)

FY25 - Total Samples		
Sample Type	Samples	Deficiencies Penalty/SS
Fertilizer	640	85
Lime	76	-

FY25 – Total Fertilizer Inspections	
Investigation Type	Number
NH ₃ Nurse Tank Inspections	40 (1,024 Total Tanks)
NH ₃ Storage Tank Inspections	43 (78 Total Tanks)
Dry Bulk Fertilizer Storage Facility	178
Liquid Bulk Fertilizer Storage Facility	154
Facility Pre-Site Inspections	5
Letters of Warning or Deficiency	22

Fertilizer Registration

Oklahoma currently puts fertilizer materials and products into two categories: Commercial and Specialty. Commercial fertilizer products are defined as fertilizer sold in bulk quantities or packages greater than 30lbs. Specialty fertilizer products are defined as fertilizer sold in packages of less than 30lbs. Commercial fertilizer product registrations currently require only one-time registration; however, specialty fertilizer products require an annual renewal of their registrations. In FY2025 there were 10,268 registered fertilizer products (6,097 commercial & 4,171 specialty).

Feed Program

Program Performance

During this reporting period there were a total of 56 official feed samples analyzed, with 258 feed determinations made from these samples. These determinations resulted in the issuance of 6 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violations include Crude Fat, Crude Fiber, Calcium, and Vitamin A.

Two sale orders were issued for feed products with severe deviations from their guaranteed analysis. Two stop sales were issued for products deficient in Vitamin A.

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

Table 1. Feed Notice of Label Violation Summary May 2025 – June 2025

Nutritional Guarantee	Number of Label Violations		
	June ¹	May ²	Two Month Total
Crude Protein	2	10	12
Non-protein Nitrogen	0	0	0
Crude Fat	1	3	4
Crude Fiber	1	1	2
Calcium	1	1	2
Phosphorus	0	2	2
Salt	0	0	0
Magnesium	0	1	1
Potassium	0	0	0
Copper	0	1	1
Manganese	0	0	0
Iron	0	0	0
Zinc	0	0	0
Vitamin A	1	1	2
Methionine	0	0	0
Total	6	20	26

¹ 56 feed samples analyzed with 258 determinations; ² 66 feed samples analyzed with 302 determinations

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

Nutritional Guarantee	Number of Stop Sales		
	June ¹	May ²	Two Month Total
Crude Protein	0	0	0
Non-protein Nitrogen	0	0	0
Crude Fat	0	1	1
Crude Fiber	0	0	0
Calcium	0	1	1
Phosphorus	0	0	0
Salt	0	0	0
Manganese	0	0	0
Potassium	0	0	0
Copper	0	0	0
Zinc	0	0	0
Vitamin A	2	4	6
Medicated Feed	0	0	0
Total	2	6	13

¹ 56 feed samples analyzed with 258 determinations; ² 66 feed samples analyzed with 302 determinations

Weights & Measures Program

During this period the large capacity scale technicians tested 161 Vehicle scales and 3 Ranch scales, 21 of the Vehicle scales were rejected and 1 ranch scale was rejected.

CPS Field Agents checked a total of 534 small scales and 22 platform scales, 3 of the scales were rejected. There were 11 random pack inspections, and 28 standard pack inspections conducted that resulted in 3 companies receiving letters of warning. Additionally, 113 price verification inspections were conducted at various retailers that resulted in 2 companies receiving letters of warning.

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

During FY25 CPS Field Agents checked a total of 12,428 scales and 988 scanners.

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
July 23, 2025
Activities May 17, 2025 – June 30, 2025

Animal Disease Traceability:

During this time, we distributed 2,000 orange calfhood vaccination EID tags to veterinarians, and 33,600 official EID tags to veterinarians, livestock markets, and producers.

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

AIS continues to work with Acclaim services through the transition planning for moving the information from USA Herds to the new AgEnterprise platform.

On June 11, Dana Call attended the Inter-Tribal Emergency Management Coalition meeting in McCloud. AIS continues to foster a collaborative relationship with this group to develop contacts, provide resources and education regarding livestock disease and protection to the tribes across the state. ODAFF will be participating in their Annual Summit in August of this year. Dana Call will be attending, and Dr. Gorczyca-Southerland and Austyn Fuss will be speaking at the Summit. ODAFF will have an information table as well.

Dana Call, Marissa McLaughlin, Dr. Parrott and Austyn Fuss attended a 20-hour virtual training session for the Emergency Manage Response System database. The course content was very informative.

We have deployed five laptops with the market software to undergo beta testing of the software. Five livestock market veterinarians were selected to test the software. It will be used at eight livestock markets and will allow the veterinarians to make recommendations to improve the software before fully deploying.

We received a request from a TSCRA Special Ranger to assist with a cattle theft investigation. We continue to assist Investigative Services when requested with cattle theft investigations by reviewing official identification records in USAHerds to determine if movement has occurred.

Aquaculture:

Marissa assigned inspections for the year. There were three closeout inspections due to non-renewal of licenses. She rode with our inspector to do one inspection for a producer who promoted passage of a bill that affects aquaculture.

Biologics:

During this time, we had four new products registered.

We approved a field study of a Lyme Disease vaccine for horses.

We continue to get requests from the poultry industry for Egg Drop Syndrome and avian Metapneumovirus vaccines.

Cattle Programs:

The outbreak of Highly Pathogenic Avian Influenza in dairy cattle has slowed down. This may be partially due to the dairies in states that have been hardest hit developing some immunity. The movement testing regulations have probably helped as well. It has now affected 1,076 herds in 18 states. California has had 767 infected herds, and Idaho has had 108 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 six 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.

One Brucellosis Certified Free herd was renewed during this time.

Tuberculosis:

There was no significant activity in the TB program.

Johne's Disease:

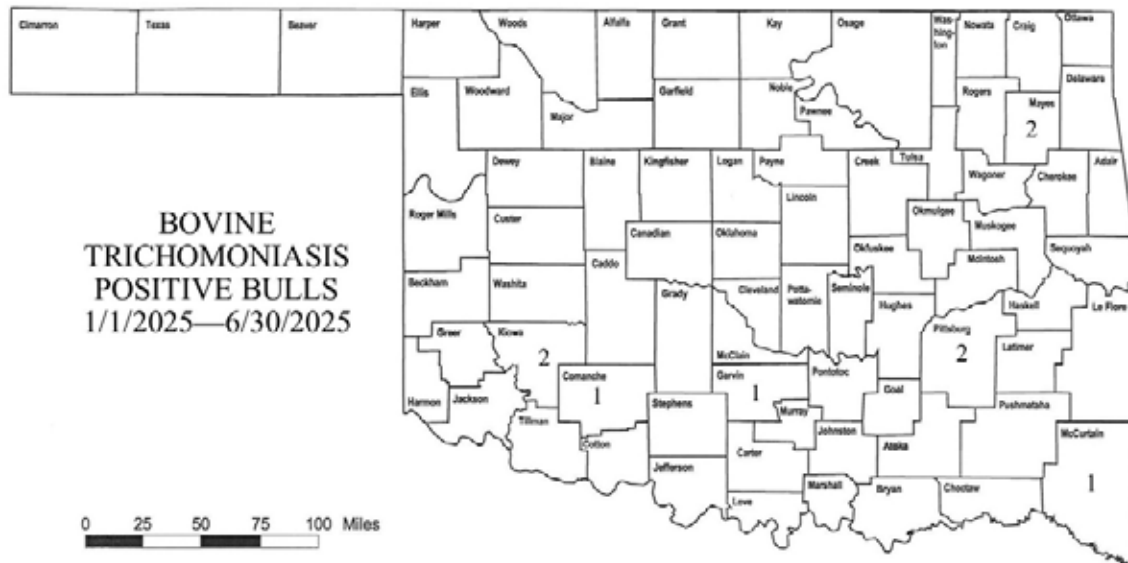
For this period positive reports from previously affected farms were consistent with previous years at three. We had three positive reports for new premises, which is well below our average of eight.

For year to date, we have 22 new farms reporting cases, which is the second lowest in the past 11 years.

We continue to help veterinarians and producers understand the disease risk, and ways to manage it and work out strategies for testing to identify infected animals for culling.

Trichomoniasis:

During this period there were 1,024 Oklahoma bulls tested for Trichomoniasis, and two were confirmed to be positive.



10,280 bulls tested / 9 positive = 0.087% 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 this time frame, Marissa McLaughlin, Dana Call, and Dr. Parrott were selected to take the EMRS Foundational Skills training. EMRS is utilized by USDA for disease management of program diseases like tuberculosis and for FAD incidents. State staff fill the gap with data entry into the system when USDA personnel are deployed. This training will allow staff to be competent in the system and prepare them for more advanced training opportunities.

On June 25, Dr. Gorczyca attended a planning meeting for the OSDH HPAI tabletop exercise. The exercise has been rescheduled for September 10. Dr. Beth Ruby will assist with the planning efforts on behalf of AIS as a trusted agent.

On June 27, we held a call with USDA to discuss our surveillance plans for New World Screwworm prior to confirmation in the United States. Initially, we were told all samples for NWS must be sent to NVSL for confirmation. However, Oklahoma is fortunate enough to have two laboratories equipped to examine samples to make an initial assessment of *Cochliomyia hominivorax*. We discussed our plan to utilize OSU Extension offices and veterinarians to receive/collect samples and then the utilization of either OADDL or PDIDL for initial screening. Any non-negative samples would then be expedited to NVSL as a foreign animal disease investigation for confirmation. USDA approved our plan as a pilot project to determine feasibility until confirmation in the U.S.

During the week of June 23, the FBI hosted a workshop focused on biosecurity and emerging agroterrorism threats for producers, veterinarians, university partners, law

enforcement, and ODAFF staff. It was provided in Oklahoma City and Stillwater to encourage participation.

Dr. Stone is offering Secure Beef Supply training to County Cattlemen's Associations.

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.

All quarantines associated with the three recent Equine Infectious Anemia (EIA) cases in Garvin and Carter Counties have been released. No additional positive cases have been identified.

The Rogers County premises under quarantine for Equine Herpesvirus-1 (EHV-1) has been released. No other horses on the premises developed clinical signs associated with the virus.

On May 16, 2025, we were notified of a transport company using falsified Coggins documentation to haul a horse from Oklahoma to North Carolina. The horse was taken to a Texas veterinarian, where a Certificate of Veterinary Inspection (CVI) was issued using the false paperwork. A Notice of Violation was issued to the transporter on June 19, 2025.

On May 23, 2025, we were informed of an individual who transported 46 horses across state lines without a valid CVI or proof of a negative EIA test. These horses were subsequently sold within Oklahoma without proper documentation. A Notice of Violation was issued on June 19, 2025.

On June 20, 2025, we received confirmation of the first equine West Nile Virus (WNV) case in Oklahoma for 2025. The case occurred in Canadian County.

Farmed Cervidae Programs:

Farmed Cervidae license renewals are nearly completed. There continues to be a steady interest in establishing farmed cervidae facilities in Oklahoma.

From January 1 to June 30 of this year, we have issued 53 farmed cervidae import permits for a total of 853 cervidae coming into Oklahoma to various licensed facilities.

The 2024 CWD cooperative agreement vendor, North American Deer Registry, continues to receive tissue samples for genetic testing and GEBV scoring. To date, 856 of the 1,200 samples are expected to be tested by September 2025.

The FY25 CWD Cooperative Agreement period was announced on June 23. Eligibility for participating agencies to submit a project proposal was based off specific criteria that

were absent the past two funding cycles. Unfortunately, Oklahoma did not meet the threshold to submit a project proposal for this year.

Feral Swine:

Feral swine license renewals are nearly completed.

We received one feral swine facility complaint during this reporting period. Dr. Stone investigated the complaint and submitted his report on May 30. The complaint alleged that feral swine were escaping from the facility and the investigation determined that the facility fences were not compromised.

We continue to work with Acclaim for data migration to Ag Enterprise and are working on a temporary solution to allow feral swine transporters to acquire a 24-hour permit during the time of the data migration so that their activities will not be delayed or hindered.

Foreign Animal Disease:

During this time we had two FAD investigations. Both were horses with vesicular lesions in the mouth consistent with Vesicular Stomatitis. One horse was from Canadian County, and one was from Logan County. Thankfully, both were negative for VSV.

Concern has been rising about the possibility of New World Screwworm making its way to the United States. The fly, whose larvae burrows into and consumes live tissue, was confined for the past 20 or so years in Panama and South America. Due to several factors, it escaped Panama and began making its way north in 2022. Last fall it was confirmed in Mexico. We are planning for a response should we confirm cases in Oklahoma. We formed a Working Group made up of industry groups, entomologists, OSU Extension, and others. The WG had meetings on June 11 and June 27.

USDA is hosting a series of listening sessions focused on different aspects of the NWS response. I attended a virtual session on June 27 that focused on production of sterile flies.

Livestock Market Audits:

During this period, staff conducted multiple audits of Producers Livestock Commission Company. A routine audit of the commission company's custodial account indicated a shortage in the account and subsequent audits discovered violations of the market's handling of custodial account funds. The auditor's findings have been turned over to the office of general counsel for further legal action.

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

Livestock Auction Market Activities

Auction market licenses issued	0
Auction market licenses pending	0
Market custodial audits completed	6
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	1
Special Audits (Market Development)	0

Outreach:

On May 19 I was interviewed by Steve Metzger from the Tulsa World about HPAI.

On May 22 Dr. Gorczyca-Southerland gave a presentation to the McClain County Cattlemen's Association about the transition to EID and New World Screwworm.

On May 28 we hosted our regular VMO meeting of AIS and APHIS VS veterinarians.

June 2-6 I attended a Beef and Dairy Cattle Agribusiness Course in the Texas Panhandle. The course was hosted by Texas A&M and featured discussions about the Feedlot and Dairy Industries, focused mainly on larger operations. The course was very informative and eye opening in the efficient and environmentally friendly way some of the operations are managed.

On June 5, Dr. Gorczyca provided an overview of AIS' mission and capabilities to the Governor's summer internship class.

On June 9 I was interviewed by Mark Richardson with Public News Service about New World Screwworm.

On June 11-19 Dr. Gorczyca-Southerland and Dr. Parrott attended the Western District USAHA (United States Animal Health Association) meeting held in Tucson, Arizona. The meeting brought together state and federal partners to discuss current animal health issues and share updates on emerging topics relevant to the livestock and poultry industries.

June 19, Dr Stone attended the Northeast Oklahoma Veterinary Medical Association monthly meeting with about 30 veterinarians. He presented animal health updates and answered multiple questions about New World Screwworm. Dr. Bill Clay was also present and discussed funding for a new veterinary school at OSU and the ongoing issues with the conflict about water quality issues in NE Oklahoma watersheds.

On June 26 I submitted the State Veterinarian's report for the Oklahoma Veterinary Medical Association's newsletter *Communique*.

Poultry Programs

There have been 22 sick or dead birds submitted for our sick bird/dead bird program since last report and a total of 108 since January 1st, 2025.

We have had no new HPAI (High Pathogenicity Avian Influenza) positive detections in Oklahoma since the last report. Our two HPAI positive WOAHP Non-poultry flocks from Grady County and Woodward County remain under quarantine. These premises are scheduled to be released in July 2025.

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 1,708 confirmed premises and 448 active Control Areas and Surveillance Zones still in effect.

We are observing a downward trend in HPAI cases across the United States; however, we remain vigilant. 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.

Dr. Parrott attended the Poultry Health Advisory Committee (PHAC) meeting on May 30, 2025. The primary focus of the meeting was a collaborative discussion among industry, state, and federal partners from Arkansas, Missouri, and Oklahoma to review and evaluate the fall 2024–winter 2025 Highly Pathogenic Avian Influenza (HPAI) outbreak. The group shared both challenges and successes experienced during the outbreak response, with the goal of identifying lessons learned and improving future preparedness across the region. I attended the meeting virtually.

Public Health

There were no significant public health activities during this time.

Rabies in Livestock:

On May 17th, 2025, a positive rabies case was confirmed in a bottle calf in Beckham County, Oklahoma. The calf had no contact with any other livestock and no livestock were located at the premises therefore no quarantine was issued.

On June 16, 2025, a positive rabies case was confirmed in a 3-week-old goat in Woodward County, Oklahoma. Eight other goats are located on the premises. To mitigate the risk of further spread, a quarantine was implemented for the remaining eight goats.

Sheep and Goat Programs:

On June 16 we received a positive report of Q fever (*Coxiella burnetii*) in a goat herd. Dr. Stone called and talked with the owner for epidemiologic information and potential for human health exposure before sharing with our State Public Health Veterinarian. Dr. Stone explained the disease to the owners and the need to implement biosecurity practices. He also explained the higher risk associated with pregnancy, children under 5 and adults over 55. He also asked that they share the disease information with their medical doctor next time they had a visit.

On June 30th the owner called again to thank Dr. Stone for the great information. She related that she had to take her little girl to the doctor and they prescribed an antibiotic. The owner became pregnant and because of the information, her physician tested her for Q Fever. Thankfully she was negative, but the physician prescribed antibiotics to be on the safe side. She will get some follow up tests as the pregnancy progresses.

Swine Programs:

The third herd of show pigs that had a seropositive sow is scheduled for hopefully the last whole herd test on July 16.

AIS continues to work with the commercial swine producers as they enroll in the US SHIP program.

Ag View and RabApp continue to improve and expand their web-based systems to manage commercial swine herd movements, biosecurity and swine production health plans. During this reporting period, Ag View has initiated a pilot program with ODAFF, USDA and Seaboard to manage swine production health plans through their platform.

Swine testing has increased as exhibitors are preparing for the fall show season. We have already had several submissions for county and local shows.

The Secure Pork Supply plan for animals with outdoor access is currently being updated to be more applicable to exhibition swine herds. Feral swine mitigation efforts are being incorporated into the plan. This is all in preparation to include exhibition swine as producer participant type for US SHIP. We were provided with the opportunity to review the proposed revisions and the feral swine annex and make comments and recommendations.

On June 13, we were notified by the Texas Animal Health Commission of a swine brucellosis confirmed hog along with an exposed hog had been imported into OK without the required documentation and negative test results. The hog had been tested at a livestock market in TX and originated from a TX herd. The investigation conducted revealed that the producer works for a processing plant and the positive hog and exposed hog were sent to slaughter immediately and were never brought onto the producer's premises. Furthermore, the producer does not currently raise hogs, nor do they have

neighboring premises that do. The zoonotic disease concerns of swine brucellosis were discussed with the producer.

Miscellaneous:

There were no significant miscellaneous activities during this time.

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 May/June 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 593 properties with an estimated 971,391 acres of land under agreement. Additionally, WS helped 381 people 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 \$2,802,721 during this period. Beaver damages accounted for losses totaling \$2,018,150. Predation, primarily coyotes and black vultures were responsible for a number of damage requests, largely to livestock, with losses totaling \$33,312. Feral swine damages accounted for losses totaling \$738,902, which included 2 acres of wetland, while other species of wildlife were responsible for \$12,357 in damages to property, agriculture, and livestock.

Providing Wildlife Services

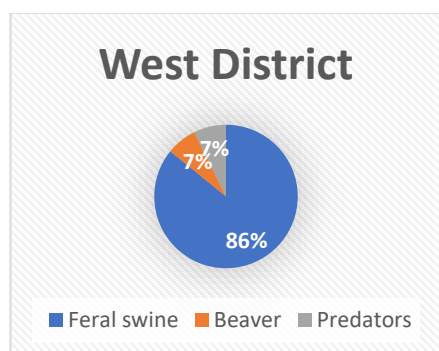


Figure 1: Species Removed in West District by percentage during May/June 2025

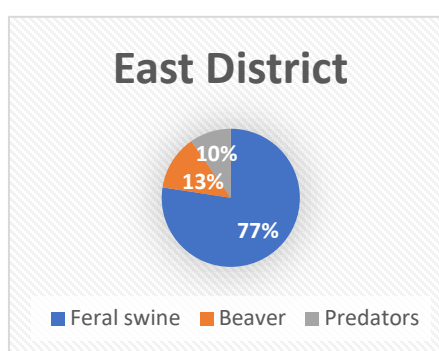


Figure 2: Species Removed in the East District by percentage during May/June 2025

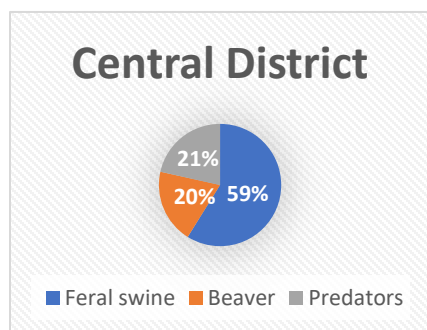


Figure 3: Species Removed in the Central District by percentage during May/June 2025

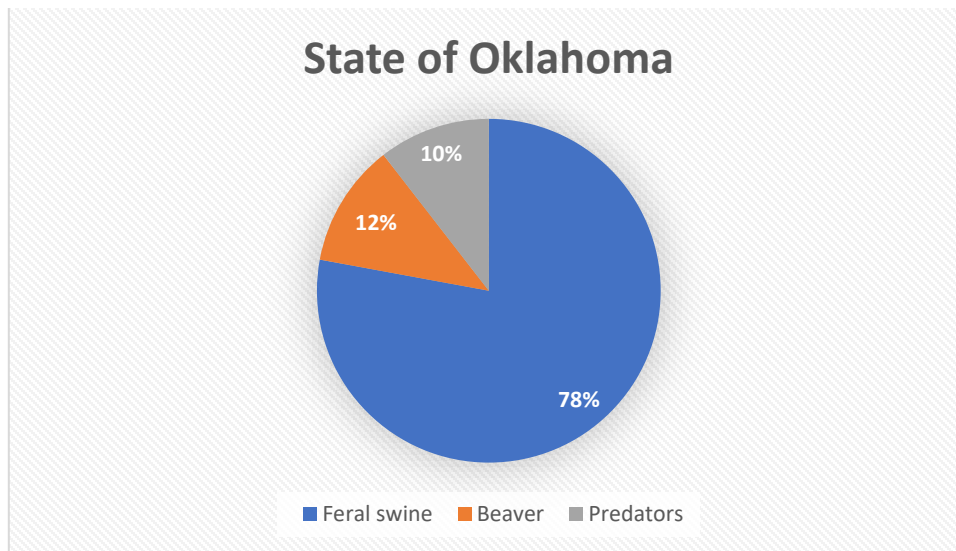


Figure 4: Species Removed in the State by percentage during May/June 2025

Predator Damage Management

Greer County livestock producer requested assistance with coyotes killing his kid goats. The producer reported that coyotes killed twelve kids valued at \$1,092. The Wildlife Specialist assigned to Greer County responded to the request and examined one of the carcasses and confirmed coyotes were responsible for the loss. The Specialist recommended non-lethal methods of carcass removal, night penning, shed lambing, and guarding animals to help reduce future lamb losses from coyotes. Control efforts have removed eleven coyotes and control efforts are on-going to further reduce predation losses.

Dewey County livestock producer requested assistance with coyotes predating on his calves. The producer reported that coyotes had killed two calves valued at \$1,600. The Wildlife Specialist assigned to Dewey County conducted a site visit and determined coyotes were responsible for the losses. Damage management efforts were successful in removing four coyotes from the property. No further losses have occurred, and work is ongoing to prevent additional losses.

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

Ellis County livestock producer requested assistance with coyotes predating on his lambs. The producer reported that coyotes killed five lambs valued at \$1,000. The Wildlife Specialist assigned to Ellis County responded to the request and examined one of the carcasses and confirmed coyotes were responsible for the losses. The Specialist recommended non-lethal methods of carcass removal, night penning, shed lambing, and guarding animals to help reduce future lamb losses from

coyotes. Control efforts have removed five coyotes and are continuing currently to further reduce predation losses.

Logan County landowner called WS, reporting coyotes killing his sheep. WS verified coyotes were responsible for the losses estimated at \$1000 for the five sheep lost. Devices were set on the property and two coyotes were removed. Work is ongoing currently.

Grant County rancher contacted WS with reports of coyotes that had killed two calves valued at \$2000. The rancher had attempted to use thermal and guard donkeys with no success. WS set devices and thirteen coyotes were removed with work continuing.

Garfield County cooperator contacted WS requesting assistance with coyote predation on two lambs valued at \$400. After scouting the area, equipment was set, and three coyotes were removed with no further losses reported.

Feral Swine Damage Management

Nowata County producer called WS for assistance with feral swine rooting up his farmland. The damage was verified and estimated at \$2,500. After pre-baiting with corn, a remote camera trap was placed, and eleven feral swine were removed to alleviate the damage. The owner was advised of fencing methods that could deter future ferals swine damage.

Pittsburg County rancher called WS for assistance with feral swine, reporting rooting damage to his cattle pastures. The damage was verified and estimated at \$2,500. After pre-baiting with corn, a remote camera trap was placed, and twenty-one feral swine were removed. This project is still being monitored.

Bryan County producer called WS for assistance with feral swine, reporting rooting damage to his hayfields. The damage was verified and estimated at \$5,000. After pre-baiting with corn, a remote camera trap was placed, and twenty-eight feral swine were removed to alleviate the damage.

Osage County producer called WS for assistance with feral swine when he discovered rooting damage to his cattle pastures. The damage was verified and estimated at \$4,700 to his and his neighbor's property. After pre-baiting with corn, a remote camera trap was placed, and forty-two feral swine have been removed with this project still being monitored.

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

Dewey County landowner contacted WS needing assistance with feral swine rooting in his wheat fields. The landowner estimated that feral swine rooted up five acres valued at \$1,100 in damages. The Wildlife Specialist assigned to Dewey County responded to the request and verified the damage. A live trap was utilized to remove twenty-eight feral swine from the property. No

additional damage has occurred, and the population in the area is being monitored to determine if additional management is needed.

Custer County landowner contacted WS needing assistance due to feral swine damaging his hayfield. The landowner estimated the damage to the fields to be \$800. 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 thirty-eight feral swine from the property. No additional damage has occurred, and the population in the area is being monitored to determine if additional management is needed.

Beckham County landowner requested assistance due to feral swine destroying newly planted peanut fields. The landowner estimated feral swine were responsible for damaging ten acres of peanuts valued at \$2,051. The Wildlife Specialist assigned to Beckham County responded to the request and verified the damage. A live trap was used to remove thirteen feral swine from the area with activity in this area being closely monitored to determine if further management is needed.

Jefferson County landowner called WS with reports of feral swine damage estimated at \$1000. WS Specialist met with the landowner and determined there was feral swine on their property. The Specialist used a live trap to remove forty-four feral swine.

Pottawatomie County landowner called WS with reports of feral swine tearing up hayfields with estimated damages at \$5000. WS responded to the call and determined the damage was caused by feral swine. Pre bait 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 sign of activity on his property.

Caddo County farmer contacted WS regarding feral swine rooting up wheat and hay fields. WS responded to the call and determined the rooting was caused by feral swine with estimated damages at \$5000. A corral trap was placed on the property and one hundred twenty-five feral swine were removed.

Aerial Operations

Aerial operations were conducted in **Tillman County** in response to landowners' request for feral swine damage around corn, milo, and other pastures. The helicopter was utilized for 2.8 flying hours to remove one hundred and sixty-six feral swine in Tillman County. Additional aerial operations are planned in this area to further reduce damage associated with feral swine.

Aerial operations were conducted in **Kiowa and Jackson Counties** in response to requests from area landowners experiencing damage to pastures and wheat fields. Damage in the area flown was estimated to be \$10,000. The helicopter was utilized for 4.7 hours resulting in the removal of one hundred eighty-three feral swine from the affected area. The feral swine population in the area is being closely monitored to determine if additional flying will be necessary.

Beaver Damage Management

Okmulgee County producer called WS for assistance with beavers flooding his hayfield. The damage was verified and estimated at \$500. Conibear traps were placed to remove three beavers and this project is still being monitored.

Custer County Road Commissioner contacted WS for assistance with beavers that were responsible for damming up the creek on one of his bridges causing the water to go over the road. The Commissioner estimated the damage to the road and bridge structure to be \$1,500. The Specialist for Custer 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 reduce any additional damage to road and bridge.

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

Woodward County landowner contacted WS for assistance with beavers responsible for burrowing into his pond dam on his property. The landowner estimated the damage to the pasture to be valued at \$1,000. The Specialist for Woodward County responded and verified beavers were responsible for damage. Control measures employed by the Specialist were successful in removing the beavers from the pond to help reduce any additional damage to the pond dam structure.

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

Alfalfa County Commissioner reported to WS about beaver's building a damn in front of a cement culvert with concerns with water up against the shoulder of the road. Estimated damages are at \$5500. Technical assistance was given on habitat modifications and WS is currently trapping.

Kingfisher County Commissioner called WS with reports of beavers damming up a culvert and flooding a county road. A WS Specialist met with him and verified beavers were the cause with an estimated loss at \$1000 for cleaning out the culvert. Devices were set on the property, and seven beavers were removed with work ongoing currently.

Noble County landowner called WS with reports of beavers damming up water, below a flood control lake, limiting access to his property. WS responded and verified the damage at \$1000. One beaver was removed, and trapping efforts are continuing.

Special Projects

Throughout eastern Oklahoma WS has been requested to assist with the large numbers of Canada geese that have taken up residence in local campgrounds, public swim beaches, and other public use areas. Health concerns from water quality and disease threats were the main concerns. WS Eastern District employees have responded to this public safety issue by cooperatively working

these public use areas by using control methods such as live trapping. WS Specialist' have removed over 1,000 Canada geese, thus reducing the risk and health concerns from known avian wildlife diseases such as E-Coli and Highly Pathogenic Avian Influenza (HPAI). This project is on-going, with several locations yet to be completed.

Table 1: Beaver, Predator, and Feral Swine removal in Oklahoma by WS May/June 2025

County	Beaver	Predators	Feral swine	District
Adair		1	15	E
Alfalfa				C
Atoka	11		28	E
Beaver				W
Beckham				W
Blaine	6		12	W
Bryan	2	76	233	E
Caddo		6	20	C
Canadian	3			C
Carter		4	13	C
Cherokee	3		36	E
Choctaw	9		78	E
Cimarron				W
Cleveland			1	C
Coal	1			C
Comanche				W
Cotton				W
Craig	3		19	E
Creek			59	E
Custer	16	7	230	W
Delaware			16	E
Dewey	6	11	316	W
Ellis	6	19	41	W
Garfield		2		C
Garvin	12	1	24	C
Grady	18	1		C
Grant	3			C
Greer		16	35	W
Harmon		2		W
Harper	4	1		W
Haskell				E
Hughes	1		82	E

Jackson		3	65	W
Jefferson			65	C
Johnston				C
Kay				C
Kingfisher	11	8		C
Kiowa				W
Latimer	8			E
Leflore	12		52	E
Lincoln			10	C
Logan	4	44	44	C
Love	2	3	28	C
Major		2	16	W
Marshall				C
Mayes				E
McClain	5	1		C
McCurtain			47	E
McIntosh	3	26	28	E
Murray	3	9	9	C
Muskogee				E
Noble				C
Nowata	3		11	E
Okfuskee			2	E
Oklahoma	4		3	C
Okmulgee	11		36	E
Osage		5	30	E
Ottawa			1	E
Pawnee				C
Payne		1		C
Pittsburg	55		25	E
Pontotoc	7		2	C
Pottawatomie				C
Pushmataha	19		18	E
Roger Mills			28	W
Rogers				E
Seminole	10	9	76	E
Sequoyah	4			E
Stephens				W
Texas				W
Tillman	8	8	65	W
Tulsa			3	E
Wagoner	2		41	E

Washington				E
Washita				W
Woods	8	1		W
Woodward	12		18	W
TOTAL	295	267	1981	

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

Respectfully submitted,

Justin Cooper
Division Director
Wildlife Services Division

**June 2025 Activity Report
for
July 2025 Board Meeting
Agricultural Statistics Division**

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

Survey	Enumerated by:	Survey Dates
NACS Phase 2	DCC	3/17 - 7/31
June Ag Yield	DCC	5/29 – 6/9
Cattle on Feed	DCC	6/2 – 6/9
June Crops APS	DCC	5/30 – 6/15
Cherry AP	DCC	5/30 – 6/9
ARMS 1	DCC	6/8 – 7/12

Statistics:

On June 12, 2025, the **Crop Production Report** was released. Highlights include:

Wheat production for Oklahoma is forecast at 107.25 million bushels in 2025, down from 108.3 million bushels in 2024. This represents a decrease of approximately 0.97%. Yield is forecast at 39.0 bushels per acre in 2025, up from 38.0 bushels per acre in 2024. This represents an increase of approximately 2.63%. Acres expected to be harvested for grain are 2.75 million acres in 2025, down from 2.85 million acres in 2024. This represents a decrease of approximately 3.51%

On June 30, 2025, the **Acreage Report** was released. Highlights include:

The **corn** crop is estimated to have 430,000 acres planted and 370,000 acres harvested, reflecting a decrease of 4.4% in planted acres and a significant 9.8% drop in harvested acres compared to 2024.

Sorghum is experiencing growth with 440,000 acres planted and 370,000 acres harvested. This marks an 18.9% increase in planted acres and a 12.1% rise in harvested acres from the previous year.

Winter wheat is seeing a slight decline, with 4.15 million acres planted and 2.75 million acres harvested, representing a 4.6% decrease in planted acres and a 3.5% decrease in harvested acres compared to 2024.

Soybeans are showing a mixed trend with 500,000 acres planted, a 1% decrease from the previous year, but 440,000 acres harvested, which is an 8.6% increase.

Peanuts are on the rise with 20,000 acres planted and 19,000 acres harvested, reflecting a 5.2% increase in planted acres and a 5.5% increase in harvested acres from 2024.

Cotton is seeing a notable reduction with 370,000 acres planted, a 14.95% decrease from the previous year.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 37.

Releases for June:

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

Relating Dates:

June 1, 2025
June 1, 2025
June 1, 2025
June 15, 2025
June 1, 2025
June 1, 2025

Release Dates

June 12, 2025
June 20, 2025
June 26, 2025
June 27, 2025
June 30, 2025
June 30, 2025

Releases for July:

Crop Production
Farm Production Expenditures
Cattle on Feed
July Cattle
Agricultural Prices

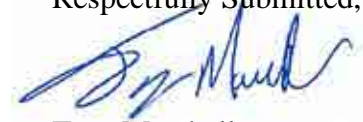
Relating Dates:

July 1, 2025
2024, 2025 calendar year
July 1, 2025
July 1, 2025
July 15, 2025

Release Dates

July 11, 2025
July 25, 2025
July 25, 2025
July 25, 2025
July 31, 2025

Respectfully Submitted,



Troy Marshall

MARKET DEVELOPMENT SERVICES

July 23, 2025

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 1,009
- Total Number of Pre-service Teachers Impacted: 0
- Total Number of Extension Educators Impacted: 27
- Total Number of Students Directly Impacted by Coordinators: 15
- Total Number of Resources Given: 1,750
- Total Number of Teachers/PreService Teachers Resources Given to: 1,079
- Total Number of PreK-12th Grade Students Resources Given to: 15

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

- The AITC monthly email is delivered to 17,266 accounts.
- The AITC Facebook page now has 10,238 followers.
- Oklahoma AITC Instagram account now has 909 followers.
- Oklahoma AITC Pinterest account now has 156 followers.
- The AITC YouTube channel now has 10,284 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given	Professional Development Workshop/Booth
40 educators from across Oklahoma	Specialty Crop Bus Tour (USDA Specialty Crop Block Grant) - Growing Paynes and Bridging Vines Winery and Vineyard	Experiences	Spec Crop Bilingual Coloring Book, Spec Crop Ag Mag, Bookmarks	Traveling Workshop
10 Elementary Teachers	Enid	Super Crops Specialty Crop Grant	All Bilingual Resources	Professional Learning
20 Elementary Teachers	OKC Public Schools	Science of Reading and Ag in the Classroom	Coloring Books; Decks of Cards, Tear Sheets	Professional Learning
15 Elementary Teachers/ 12 Secondary Teachers	OKC Public Schools	Ag in the Classroom Overview---The Girl who thought in Pictures	Tear Sheets; Financial Literacy Cards; Flat--	Professional Learning
100 Teachers from across Oklahoma- variety of grade levels	Pages Across the Prairie SDE Heroes Conference Edmond	Booth	Coloring Books--Card Sets	Booth

125 Southern/SE Oklahoma teachers & administrators	Choctaw Nation Learning Conference	Booth	Coloring Books; Specialty Crop Card Sets; Financial Literacy cards; Agricultural Activity Sheets; Oklahoma Ag Mag; Specialty Crop Coloring Book and activity book	Booth
50 teachers	Oklahoma Science Teachers -- Southmoore High School	Booth	Tear Sheets-Flat	Booth
50 Oklahoma Educators	2025 Oklahoma AITC Summer Road Trip Tour Stops: <ul style="list-style-type: none"> • Tour of Halverson Ranch • Tour and lunch at Chuck Coffey's Ranch • Tour at Top Notch Turf • Tour at Red River Ranch • Tour at Savage Equipment and time in store • Tour of Bois D'Arc Vineyard • Bois D'Arc Winery - Wine tasting/tour/shopping • Tour at Mid American and Oklahoma Steel & Wire • Tour at Dogwood Blooms 	Teachers learned about resources and lessons related to each of the road trip stops: Beef, Conservation, Turf, Plant Science, Horses, Pecans, Farm Equipment, Grapes, Fencing, Flowers, Gardening	Teachers were each given a "resource request form" to fill out all resources they want for next school year.	Summer Road Trip
50 teachers	Soybean Workshop	AITC Overview	Barn Card/ Tearsheets	Professional Learning
12 4 H volunteers	OSU-4-H Volunteer Conference	AITC overview- Oklaberrynana Smoothies	Tear Sheets	Professional Learning
100 teachers	MTSS Conference	Booth	Coloring Books	Booth
425 educators from across the U.S. and Puerto Rico	National Ag in the Classroom Conference - Minneapolis, MN	Workshops presented: 1. AITC Team - All Hands on Deck 2. Shelley Mitchell - Square Inch Gardens 3. Amber Bales - Branches to Bats	Attendees were given several AITC resources from the various sessions including Specialty Crop card games and Agricultural activity	Conference

		4. Tammy Will - Piecing Together Agriculture 5. Teresa Brunnemer - As the World Turns: Life Cycles 6. GRDA - An Adventure with Polly and Don learning about lake and river ecosystems 7. Jennifer Crosthwait - Story Baskets	sheets	
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Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
15	OYLA	AITC Overview Read An Accurate Ag Book	Barn Full of Resources

Ag in the Classroom- Resources Mailed or Delivered

Locations where Resources are Mailed or Delivered	
Oklahoma Cattlewomen's for Kid's Cattle Camp	Moore Public Schools
OU Early Childhood	Payne County Farm Bureau

Ag in the Classroom- Other Events

Event	Highlights
AITC Advisory Meeting	Ag in the Classroom hosted our quarterly advisory meeting, where we introduced our summer intern, Teegin Crosthwait, and shared the many events we have upcoming during the summer. We also heard from others in the agricultural industry and education about current events.
National Ag in the Classroom Program Leader Meeting	Emily attended various meetings at the National Ag in the Classroom Conference as the representative from the Oklahoma Program. She was re-elected President Elect to serve her second year term before becoming President of the NAITC Organization.

Oklahoma was the winner of the Partners in Agricultural Literacy Award this Year



Heather Buckmaster-Schulte and the Oklahoma Beef Council was honored at the National Ag in the Classroom Conference for their work supporting Oklahoma Agricultural Literacy with Oklahoma Ag in the Classroom. We are so thankful for their support and ag literacy work.



AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Endicott Berry Farm	Liberty	u-pick	Picked up berries for farmers market party, dropped off member sign
Slaughterville Farmers Market	Slaughterville	Farmers Market	Visited with vendors, picked up products for farmers market party
Joe's Farm	Bixby	u-pick, farm hub	Dropped off member sign, picked up products for farmers market party
Dogwood Blooms	Ardmore	u-pick	Attended AITC summer bus tour, spoke to teachers about agritourism program
Maple Creek Berry Farm	Poteau	u-pick	Site visit, dropped off member sign, the farm has not been able to open for the year due to rain totals and flooded fields
Easom Farms	Slaughterville	u-pick	Site visit, photoshoot for Edible OKC magazine,
LarHill Farms	Purcell	u-pick	Site visit, photoshoot of farm

Owasso Christmas Tree & Berry Farm	Owasso	U-Pick, Farm-to-Table	Visit for blackberry & blueberry season, Made Instagram reel about farm, Took intern for photo and social content
Thunderbird Berry Farm	Broken Arrow	U-Pick, Farm-to-Table	Visit for blackberry & blueberry season, Made Instagram reel about farm, Took intern for photo and social content
Lawton Farmers Market	Lawton	Farmers Market and Hubs	Visit with manager and create market report
Sorghum Mill Christmas Tree & Berry Farm	Edmond	U-Pick, Farm-to-Table	Visit for blackberry & blueberry season, Made Instagram reel about farm, Took intern for photo and social content
Outback Farm	Pryor	U-Pick, Farm-to-Table	Visit for blueberry season, Made Instagram reel about farm, Took intern for photo and social content
Red Bird Farm	Enid	U-Pick, Farm-to-Table, Horticulture	Visit for blackberry season, Made Instagram reel about farm, Took intern for photo and social content
N40 Berries	Stillwater	U-Pick, Farm-to-Table	Visit for blackberry season, Made Instagram reel about farm, Took intern for photo and social content

Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
James Calley Brewing	Sapulpa	Brewery	Site visit, added to the program
YouthWorks Ranch	Tulsa		Site visit, not ready yet for the program, talked through list to work on
Hop the Griffin	Tulsa	Brewery	Site visit, added to the program
Shop Dog Brewing	Poteau	Brewery	Site visit, added to the program
Sunsets & Blooms	Tryon	Horticulture, U-Pick	Second site visit, added into the program
SOB Brewing	Lawton	Breweries	Site visit, Added into the craft beer trail
Ledbetter Lakes	Coyle		Site visit, Talked about potential activities on farm

Social media

Facebook

- 23,394 likes
- 26,378 followers

Instagram

- 9,428 followers, up 4,078 follows from last month

Agritourism - Other Activities

- Phone consult/conversations with Mattie Alewine, Jamie Holley, Steve DeWitt, Miranda Casteel – Checotah Farm Hub, Gregory Mercantile, Lee Chong, Riders at Double Spring Creek, Justin McConaghy, Creekside Berry Farm, Endicott Farms, Justin Whitmore, Asaleigh Cline – Slaughterville FM, Don Blehm – Don's Produce, Paige Dowdy – Scissortail Steading, Steve Easom – Easom Farms, Rod Ardoin – Acadian Family Farm,
- Email consults: Choctaw Farmers Market, Owasso Farmers Market, Tahlequah Farmers Market, Carney Farmers Market, Sunny Creek Trading Post about selling prawns, Red Bird Farm, Miranda Casteel – Checotah Farm Hub, Ponca City Farmers Market, Stillwater Farmers Market, Harrah Farmers Market, Wellston Farmers Market, Jennifer Bingham – new farmers market,

Gregory Mercantile, Nicoma Park Farmers Market, Elk City Farmers Market, Chisholm Museum, Lee Chong – new farmers market, Okmulgee Farmers Market, Riders at Double Spring Creek,

- Zoom consults/meetings: Weekly OK Farmers Market Week Committee Meetings, OK Farmers Market Week Party Planning meeting, Bi-weekly OKLAS planning meetings, Meeting with Whova
- Created farmers market advertisement for Edible OKC magazine
- Presented an Overview of Agritourism at the Slaughterville Town Hall meeting
- Attended OLAC Northeast Workshop
- Coordinated the inaugural Oklahoma Farmers Market Week during June 8-14.
- Hosted kickoff party at ODAFF for Oklahoma Farmers Market Week with 50+ people in attendance including market managers, vendors/producers and community support staff
 - The event featured a welcome by Sec. Blayne Arthur, a reading of the proclamation of Oklahoma Farmers Market Week, a spread of local food and drink products, door prizes, and networking.



- Lead tour at Halverson Ranch for Ag in the Classroom summer bus tour
- Interview by Ponca City News about Oklahoma Farmers Market Week
- Tulsa State Fair (OK Ag Route) Meeting with Brady & Meriruth
- NAAMO, North American Ag Marketing Officials
 - Applied for the NAAMO Marketing Excellence Award
 - Selected as top three finalist to present award at NAAMO conference 2025

FARM TO SCHOOL

Date	F2S Contact Meetings and Events	Highlights
5/21/25	AITC Advisory Meeting	Attended the advisory Meeting.
5/23/25	AITC Specialty Crop Tour	Helped with this event.

6/4/25	Certified Healthy OK Virtual Event	Hosted a virtual Farm to School Workshop for 9 attendees.
6/10-12/25	AITC Summer Road Trip	Helped with this event.
6/20/25	Photo Shoot for the School Garden Quick Start Guide	Worked with MPact to coordinate and conduct a photo shoot for the School Garden Quick Start Guide.
6/30/25	F2S Cafeteria Training	<p>Hosted a free professional development training for school nutrition staff—including cafeteria personnel, nutrition directors, and food service professionals.</p> <p>Training Objective: To enhance cafeteria staff confidence and competence in cooking with fresh foods by providing practical training and resources. This training is designed to empower staff to effectively start or expand farm-to-school practices within their schools, fostering a deeper connection between the food served and its local sources, and ultimately improving school meals' nutritional quality and sustainability.</p> <p>Each training session incorporated the following topics:</p> <ul style="list-style-type: none"> - Exploring The Why of Child Nutrition - Enhancing Your Program through Local Foods - In the Kitchen <p>13 attendees Attending Schools:</p> <ul style="list-style-type: none"> - OKC Public Schools - Lexington Public Schools - Tulsa Public Schools - Shidler Public Schools - Deer Creek Public Schools - Lindsay Public Schools - Wewoka Public School - Fort Cobb-Broxtton School

Producer Site Visits:

- Ralph's Ranch: OKC
- Ansel Hill: Bristow
- West Point Beef and Cattle: Glencoe
- Glazier Farms Meat Co.: Loyal
- Resilient Growers LLC: Skiatook
- Lor Farm: Broken Arrow

F2S Social Media:

FB Followers	Total: 2,237 New followers: 42
FB Post Reach: This metric counts reach from the distribution of your post.	5,269
FB Views: The number of times your content was played or displayed.	13,191

INTERNATIONAL

Activity	Action
Certificate of Free Sale	<ul style="list-style-type: none"> • Lopez Foods • ViaCore Nutrition • Scissortail Distillery
Food Export	<ul style="list-style-type: none"> • Continued recruitment for Fine Food Australia that will take place in September. • Follow ups for FTM to Caribbean for evals • Met with Food Export Liason Cindy Curtis to discuss MIO outreach workshop; planning for October workshop session
USLGE	<p>We have USLGE approval for the outbound trade mission to <i>La Exposición Rural</i> in Palermo, Argentina—The following producers are set to take part in this mission:</p> <ul style="list-style-type: none"> • Richard Coffey- Oklahoma State University • Jirl Buck- Buck Cattle • Zane Brazle- Linz Beef • Chad Hefty- Hurricane Ranch <p>Also attending will be Jamie Cummings ODAFF and Erin Dorsey Cattleman’s Congress/Red Angus Association</p> <p>(<i>La Rural</i> is the largest and most influential livestock show in Argentina, featuring over 4,500 animal exhibitors and 400 trade exhibitors. It provides a dynamic platform to showcase elite genetics, explore innovations in livestock production, and engage in key industry networking. With strong global participation, the event offers significant opportunities to build partnerships and identify market development prospects for Oklahoma producers.)</p>
GIT (Governor’s International Team)/ODEC	<ul style="list-style-type: none"> • Consular Showcase included Rural Business Discussion Panel this year which included the following: Jan Lee Rowlett - Deputy Commissioner, Oklahoma Department of Agriculture, Food & Forestry Andrew Ralston - Director of Economic Development, Tulsa Ports Dave Stewart - Chief Administrative Officer, MidAmerica Industrial Park Brady Sidwell - President/CEO, Sidwell Strategies
ODAFF Market Development Events	<ul style="list-style-type: none"> • Working together with the Made in Oklahoma a Coalition we met to leverage the Coalition stipends for national shows to best compliment Food Export participation and create opportunities for MIO companies to exhibit at a select few national shows in 2026. We are currently targeting the National Restaurant show in the NASDA “A Taste of the States” pavilion and the Specialty Food Association’s Fancy Food Show • Met with Bear Federman, Governor Stitt’s appointee to the Oklahoma-Israel Exchange Commission—a state-level initiative established last year to strengthen economic ties between Oklahoma and Israel. Mr. Federman has engaged with numerous Israeli companies, facilitating connections with both investors and key industry stakeholders in Oklahoma. Among these are several AgTech firms offering innovative solutions that could directly benefit Oklahoma producers. While these companies have established a presence in other U.S. states, none currently operate in Oklahoma. We will continue to serve as a resource to the Commission and support efforts that align with the Governor’s mission to foster mutually beneficial

	<p>relationships with Israel—particularly those that advance Oklahoma’s agricultural industry.</p> <ul style="list-style-type: none"> • Managed the Made in Oklahoma eCommerce store, which was originally launched during the COVID-19 pandemic to support local businesses. The platform served its purpose successfully during a critical time. However, with the increasing availability of eCommerce tools and platforms for small businesses, the decision was made to close the store on June 30, 2025, and reallocate resources to other strategic initiatives. • Gathered Made in Oklahoma snacks for IFYR
Misc Meetings	<ul style="list-style-type: none"> • Coordinating with the FAS Tokyo office and the U.S. Meat Export Federation (USMEF) on a potential Oklahoma agriculture visit to Japan in September. This visit is being considered to complement an Oklahoma aerospace mission already in development, with the goal of aligning efforts and maximizing the state’s presence and impact in Japan. • Conducted a visit to the formally ERSO now Fayman & Sorbello Food Group in Madill, OK. This company has reorganized and rebranded focusing on supplying beef products to US companies.

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 – 10 appearances Tulsa – 4 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
Restaurants of the Month	Each month staff, along with Food Service Committee present the restaurant with their award and eat lunch as a group at their establishment.	May – Nelsons Buffeteria, Tulsa June – The Old Ice House, Edmond July – The Butcher BBQ Stand, Wellston
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"> ○ 7,000 distribution list ○ May Newsletter stats: ○ 24.3% open rate ○ 1,900 total opens ○ 202 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.	May: - Lemon Butter Bars - Oklahoma Fried Onion Burger - Smoked Bologna Burnt Ends June: - Honey BBQ Ribs - Creamy Frozen Lemonade - Oklahoma Classic Potato Salad July: - Classic Chili Dogs - Blackberry Bramble - Fried Fruit Pies
May Retailer of the Month	N/A	
June Retailer of the Month	Pruett's Food	Locations across SEOK and one OKC location
July Retailer of the Month	Reasor's	Locations in Tulsa Metro Area
June NBA Finals Broadcast Campaign	Ran all 7 games of the NBA finals in a post-game spot	Broadcast on Channel 5 - Member buy in from Shawnee Mills, Griffin Foods, Head Country, Oklahoma's Own Ozarka Water, Padianos Kitchen, Clements Foods, Miller Pecan Company

Made in Oklahoma Coalition – Other Activities

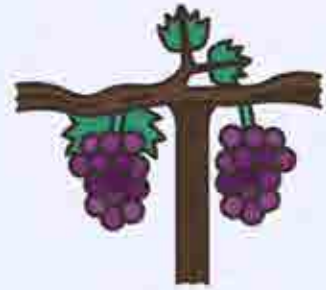
Activity	Information
MIO Court Cart with OKC Thunder - October - June - Paycom Center: OKC, OK	MIO is entering its 4 th season with the OKC Thunder where we have partnered with Levy Restaurants on local themed concession cart. We pivoted concepts this year to a “cantina” theme with Mexican inspired dishes utilizing MIO products. So far sales are up 80% from last year. The cart is well advertised throughout the concourse and stadium. We capitalized on extra games through the NBA post-season all the way through to a game 7 in OKC.
Taste Test Tuesdays - May 20 th - June 3 rd - June 17 th	MIO is sponsoring Magic 104.1's Taste Test Tuesday segment and highlighting MIO member companies. Here's a snippet from NYAJ. https://www.facebook.com/Magic104KMGL/videos/1467386254245683 May 20 th - Not Your Average Joe June 3 – Padianos Kitchen June 17 th – Oklahoma's Own Ozarka Water
House Rural Caucus Sponsored Luncheon	MIO Coalition members and staff presented at the House Rural Caucus Luncheon and spoke about the impact of Coalition members on the state of Oklahoma.

- May 21	
MIO Photoshoot at Krush - May 29 th	6 MIO members participated in a cost-share photography opportunity. They received headshots and product shots on a white background.
Pruett's/Uptown Tabletop Selling Event - June 4 th	The MIO Coalition collaborated with the head buyer for Pruett's/Uptown Grocery Co to create opportunities for members to pitch their products to get onto store shelves. 8 MIO companies were selected to be in their stores due to this opportunity.
MIO Membership Meeting - June 6 th	MIO members met for their June MIO membership meeting at ODAFF.
MIO New Member Onboarding/Orientation - June 17 th via zoom	<ul style="list-style-type: none"> - Culligan of Tulsa - Culligan of OKC - Iron Monk Brewery - Food on the Move – Assoc. Member - Oklahoma Certified Beef – Assoc. Member

BOARD REPORT

Madi Franklin - Viticulture & Enology

May 20th - July 7th, 2025



Site Visits

Bridging Vines Winery - Yukon, OK

Joined in on the Ag in the Classroom bus tour for their vineyard & winery stop. It was awesome to see educators out in the vineyard learning about grapevines. Dan and Cindy are so nice and I couldn't think of a better stop. A kitten was also found at the office this day.



Pecan Creek Winery - Muskogee, OK

Stopped by to see Mr. Bob at Pecan Creek. We chatted about his plans to implement a Chambourcin/hybrid guideline for current and future vintners. Bob has great ideas for events to get legislators involved and aware of the Oklahoma wine industry.



Monkey Island Winery - Monkey Island, OK

This was one of my favorite visits of the year. It was a long drive and there were many turtles, but Val was an awesome guy to chat with. His winery/trail rides/country stay is really a beautiful place and Val has a wealth of experience and knowledge about all subjects. Really a cool place to visit.



360 Farms - Webbers Falls, OK

Stopped by the always wonderful Madding family. Their elderberry farm is in full bloom and lovely as ever. Currently, they are adding a new hand-built home to their property which is exciting for them. They have the great problem of having plenty of business and possibly running out of wine. It's nice to see them doing well!



Blue River Valley Winery & Cidery - Caddo, OK

Sadly, our site visit had missed their schedule, so the owners were not there when Ariana and I arrived. However, we took the great opportunity of summertime to get some great pictures of their patio area and small vineyard. So all was not lost.



B&G Meadery - Stonewall, OK

It's always great to chat with Ms. Cassandra. Her meadery is growing quite fast and she always seems to be working on a cool new project. She partnered with OSU Ag Comm this Spring and showed me their final brand package they created for the meadery. All of it was stunning, and it is going to be very cool to see her use these new materials in her future marketing.



Boid d'Arc Winery - Madill, OK

Joined Ag in the Classroom on their second bus tour. Again, it was so excellent to have Oklahoma educators out in the vineyard learning about viticulture. Melody and I chatted a bit about setting up a viticulture workshop for teachers or having a 'grape day' to encourage or develop grape relate activities.



Choctaw Farmers Market - Choctaw, OK

This farmers market was awesome. They had so many produce vendors with such a large selection. Many producers were super interested in the reports and said they'd used them many times in the past to gauge what they should be charging.



New Story Brewing - Tulsa, OK

Added New Story Brewing to the Agritourism program. The new beer trails are about to be printed so the Agritourism group was all hands on deck. They actually purchased Elk Valley in OKC, so much of their equipment and a few recipes are recycled from them.



Eerie Abbey Ales - Jenks, OK

Eerie Abbey Ales opened a second location. We wanted to see if they were actually brewing there so that we could add them to the beer trails. Alas, they are not, so we unfortunately couldn't add them.



Native Spirits Winery - Norman, OK

Mr. Rick needed some more wine trails brochures. Sadly, he lives too close to the tourism warehouse for delivery so I did a warehouse pickup and drop off for him. They're doing pretty well and have decided to slow down on the festival circuit.



Meetings, Consultations, and Events

- 5/21/25 Talked with Patrick O'Brien, a viticulture extension agent for Texas A&M. I learned a lot more about Texas viticulture, and he agreed to be a speaker at OGGWC 2025.
- 5/22/25 Finally met my Texas counterpart at TDA. She is super awesome and we had a lot of work things in common. We started brainstorming different ways that our departments could collab in the future as well as events we could facilitate for our producers.
- 6/2/25 Talked for a long while with Kimbreley Davis from extension. She is a hoot and we really got to brainstorming some great ideas to promote viticulture in SW Oklahoma.
- 6/4/25 Ahh, our annual ABLE/ODAFF meeting. Honestly, they were all super amicable. They have a lot of new faces in their department who all seem really passionate about clarifying and providing good service. They are going over our FAQ document for errors, and then we will update the Oklahoma Winemakers website for 2025.
- 6/9/25 Oklahoma Farmers Market Week Kickoff Party. This was a fun event to help with. I did the signs and drinks.
- 6/10/25 Sat in on the OKIE meeting with Jamie, JanLee, and Secretary Arthur. It was interesting to see how our department interacts with trade programs and both the influence and inhibitions that we can have.
- 6/12/25 Had great conversation with my counterpart in Missouri. Missouri has done incredible work supporting their wine industry. She enlightened me on a bunch of incredible opportunities not only for my position in terms of conferences and networking events, but also ways that we can partner or contacts for assistance/speakers for OGGWC.
- 6/16/25 (HBD boss!) Met with Steve Sneed from Sabatia for coffee. We talked about his projected production levels for this year and issues that he faces (lack of grapes).
- 6/26/25 Chatted with a lady from Lincoln County Child Wellness about her Boots & Pearls fundraiser event. She'd like to auction off wine trails tours, so I provided her with all the information needed to potentially facilitate that.

Continued Projects

- New development of the updated Oklahoma Wine Trails App is still in progress. Updates on official launch should come any day.
- FINISHED the Texoma AVA proposal. It has been sent off and received by TTB as of June 24th.
- We are still trying to set a date for the Lt. Gov. tour.
- Date and venue have been set for OGGWC 2025. Save the dates have been sent to the producers and 2/8 speakers have been sourced.
- Sent off the ABLE edits for the FAQ website.

MARKET NEWS SERVICES

May 19, 2025-July 7,2025

- **Grain Report:**

	May 19, 2025,	July 7, 2025,	DIFFERENCE	
WHEAT: (bu)	\$4.06-\$4.56	\$4.07-\$4.72	\$0.01 to \$0.16	Higher
MILO: (bu)	\$3.53-\$4.43	\$3.13-\$4.03	\$0.40 to \$0.40	Lower
SOYBEANS: (bu)	\$9.25-\$9.75	\$8.96-\$9.56	\$0.29 to \$0.19	Lower
CORN: (bu)	\$3.98-\$4.68	\$3.63-\$4.46	\$0.35 to \$0.22	Lower
COTTON: (lb)	61.39 cents	62.54 cents	1.15 cents	Higher

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

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
7-2-2024	STEERS	Number 1	\$281.00-\$347.00	\$314.00
6-30-2025	STEERS	Number 1	\$361.00-\$411.00	\$386.00

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
7-2-2024	HEIFERS	Number 1	\$262.00-\$299.00	\$280.50
6-30-2025	HEIFERS	Number 1	\$310.00-\$372.00	\$341.00

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 11,898 subscribers
May 19, 2025-July 7,2025 (**up from 3 subscribers last report**).

- **Voice Messaging System:**

- The market news voice messaging system during
 - Monthly Total: May 19, 2025-July 7,2025, **6,120 Accessed Times**
 - Last Report: April 3, 2025-May 19, 2025, **6,099 Accessed Times**
 - Compared to Last Month: **Accessed Times-is UP 21 on Accessed times**

- **Oklahoma Agriculture Market News**

- **Facebook Page**
 - Likes/Followers 786
 - **Likes/Followers UP 25**
 - People reached through past report: 974 people

- **Oklahoma Hay Directory**

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

- **Hay Report**

- **Hay Remarks – From our Producers (Each statement or comment is from a different hay producer)**
 - Rain has been good for us. We might have the best testing hay in a long time. The only problem is, we will need the rain to stop long enough for us to cut it and bale it before it loses all the hay nutrients.

- We are slow, slow, slow. The grass has allowed the cattle producers to see how long they can hold out before purchasing hay.
- Started to cut alfalfa hay (April 15, 2025) with all the rain, we now have been able to cut alfalfa three times here. I might be able to get a fourth in by the end of summer.
- With all the rain we have just now been able to get our first cutting of alfalfa in.
- We are going to start out our alfalfa and bermuda the same price as we ended with last year.

		May 23-June 20, 2025	May 24-June 21, 2024	Difference
Tons:	Hay	4,080	5,560	DOWN 1,480
Bales:	Hay	950	3,379	DOWN 2,429

**OKLAHOMA HAY MARKET REPORT
6-20-25**

		This Week	Last Reported	Last Year
Tons:	Hay	2320	1760	2360
Bales:	Hay	950	0	2054

Compared to the last report. Nothing has changed. The prices for new hay are still unknown, and demand is at a standstill to moderate. Rain continuously covers Oklahoma, preventing hay producers from moving hay and, at times, stopping hay from being harvested. The continued preparation for the new crop of grass hay is underway as well.

Type	Size	Shape	Trend Price Range	Bale/ Per Ton	2024/2023/Rough
Alfalfa	Large	Square	130.00-150.00	Per Ton	2024 Hay
Alfalfa	Large	Round	130.00-150.00	Per Ton	2024 Hay
Grinding Hay	Large	Ground	80.00-90.00	Per Ton	N/A
Bermuda	Large	Round	70.00-90.00	Per Bale	2024 Hay
Bermuda	Large	Round	50.00-55.00	Per Bale	2023 Hay
Bermuda	Large	Square	No Trend	N/A	N/A
Wheat	Large	Round	80.00-90.00	Per Ton	2024 Hay
Wheat	Large	Square	80.00-90.00	Per Ton	2024 Hay
Grass	Large	Round	No Trend	N/A	N/A
Grass	4x5-4x6	Round	45.00-55.00	Per Bale	2024 Hay
Grass	4x5-4x6	Round	25.00-35.00	Per Bale	2024 Hay
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, 0 percent is in severe drought, 0 percent is moderate, 0 percent is abnormally dry conditions, and 0 percent has no drought conditions.

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

Central

Type	Quality	Ask or Trade	Bale/ Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Good/Premium	Trade	Per Ton	Large	Square	800	160.00	160.00	F.O.B.
Alfalfa	Good	Trade	Per Ton	Large	Square	400	150.00	150.00	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	Ask	Per Bale	Large	Round	0	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	Ask	Per Ton	Large	Square	0	150.00		F.O.B.
Prairie/Meadow	Premium	Ask	Per Bale	Medium	Round	0	55.00		F.O.B.
Prairie/Meadow	Good/Premium	Ask	Per Bale	Medium	Round	0	50.00		F.O.B.
Prairie/Meadow	Good	Ask	Per Ton	Large	Round	0	80.00		F.O.B.
Prairie/Meadow	Good	Ask	Per Bale	Medium	Round	0	45.00		F.O.B.

Northwestern

Type	Quality	Ask or Trade	Bale/ Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Premium	Trade	Per Ton	Large	Square	600	165.00	165.00	F.O.B.
Alfalfa	Good	Ask	Per Ton	Ground	Ground	0	90.00		F.O.B.
Alfalfa	Good	Trade	Per Ton	Large	Square	520	150.00	150.00	F.O.B.
Wheat	Good/Premium	Trade	Per Bale	Large	Round	450	60.00	60.00	F.O.B.
Wheat	Good	Trade	Per Bale	Large	Round	500	50.00	50.00	F.O.B.

Agricultural Environmental Management Services (AEMS)

Division Activities

General Activities

- AEMS Staff attended the OCWP – SWP Collaborative meeting in Tulsa on April 23, 2025
- AEMS Staff participated in the EPA Regional Administrator visit held in Foss OK on May 15, 2025.
- AEMS held their semi-annual staff retreat June 18 & 19.
- On June 23, 2025 AEMS Staff worked with the Tulsa Humane Society and Rogers County Sheriff's Office to remove dogs from a breeder who had licenses denied and revoked but continued operations.
- AEMS Staff attended the June FBI Biosecurity Workshops in OKC and Stillwater; this workshop was focused on threats to agricultural operations.

Complaints

	Received	Closed*
This Reporting Period	7	21
Total FY25	97	95

**These numbers include closing of older complaints.*

Complaint Breakdown for this Reporting Period

Cattle:	4
Swine:	5
Poultry:	2
Misc Animal:	2
Other:	6
Animal Shelter:	3
Pet Breeder:	3

Program Activities

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

CAFO & LMFO ACTIVITIES

	Apr 16-June 30	FY 25 Total
Complaint or Compliance Follow-ups	38	105
Annual Inspections	95	563
Technical Assistance with Contacts	123	447
Site Visit/Review – No contact made	9	131

POULTRY ACTIVITIES

	Apr 16-June 30	FY 25 Total
Complaint or Compliance Follow-ups	1	23
Annual Inspections	75	597
Technical Assistance with Contacts	372	1525
Site Visit/Review – No contact made	174	682
OSU Poultry Education Classes Attended	3	8
Eucha-Spavinaw CNMP Written	21	105

PET BREEDER & SHELTER ACTIVITIES

	Apr 16-June 30	FY 25 Total
Complaint or Compliance Follow-ups	15	68
Annual Inspections	46	251
Technical Assistance with Contacts	60	197
Close Outs	6	31

AGPDES ACTIVITIES

	Apr 16-June 30	FY 25 Total
Complaint or Compliance Follow-ups	0	5
Site Inspections	9	18
Technical Assistance with Contacts	6	24

COMPOSTING ACTIVITIES

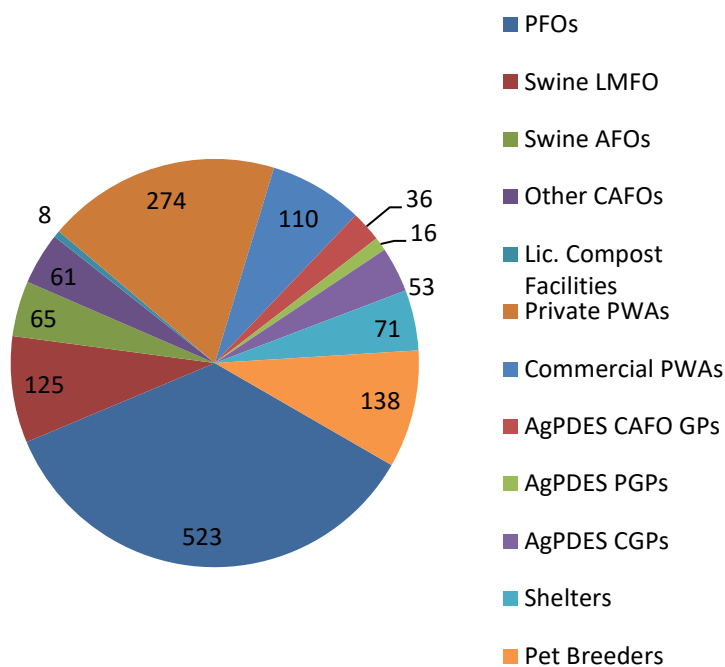
	Apr 16-June 30	FY 25 Total
Complaint or Compliance Follow-ups	3	4
Site Inspections (all)	7	12
Technical Assistance with Contacts	9	31

AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 1
- Number of AgPDES PGP Authorizations this reporting period: 0
- Number of AgPDES CGP Authorizations this reporting period: 3

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
JULY 2025 BOARD REPORT
REGARDING MAY 19, 2025 THROUGH JUNE 30, 2025 ACTIVITIES OF THE OFFICE
OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (2025)	Amount of Fines for this Board Meeting
\$82,065	\$35,750
\$236,230	2024
\$372,095	2023
\$207,400	2022

CONTRACTS REVIEWED OR DRAFTED (213):

Marketing: 43
Admin: 2
Animal Industry: 4
INV: 1
FOR: 146
CPS: 6
LAB: 11

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 216
Total Number of New Cases: 60
Total Number of Cases Closed: 27
NOVs Sent: 54

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. Oral argument before the Oklahoma Supreme Court held June 17, 2025.
Spring Creek Coalition v. ODAFF and Trong, Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
Spring Creek Coalition v. ODAFF and Phan, et al., Delaware County Case Number CJ-2021-33: Petition Seeking Declaratory and Injunctive Relief. Order Granting Partial Summary Judgement entered June 28 th , 2024. Motion to Reconsider overruled. Petition in Error filed in Supreme Court September 25, 2024. Motion to Dismiss filed and answered. Motions to intervene/file Amicus.

***Cody Tyle Roach et al. v. Blayne Arthur et al.*, U.S. District Court for the Western District of Oklahoma Civil Action No. CIV-25-424-J:** Plaintiffs sued agents of Investigative Services for civil rights violations during a search and seizure performed by agents of Investigative Services. Other agency members were included for negligent supervision. This case is being defended by the Attorney General's Office.

MEETINGS:

Date	Activity
May 19, 2025	AEMS Legal
May 21, 2025	AALA Symposium Planning Committee
May 21, 2025	AALA Webinar
May 23, 2025	Directors Retreat
May 27, 2025	EPA Oklahoma Stakeholders
May 27, 2025	CSD Hearing
May 28, 2025	Directors
June 2, 2025	AEMS Legal
June 3, 2025	Directors
June 4, 2025	State Board of Agriculture
June 9, 2025	AEMS Legal
June 10, 2025	Commissioners of Land Office
June 10, 2025	AALA Food Law Subcommittee
June 10, 2025	Directors
June 12, 2025	ALJ Docket
June 12, 2025	Sovereignty Symposium
June 13, 2025	Sovereignty Symposium
June 16, 2025	AEMS Legal
June 16, 2025	Tulsa Humane
June 17, 2025	Directors
June 17, 2025	OBA GALPS CLE
June 17, 2025	Stitt v Drummond oral arguments
June 17, 2025	Commissioners of Land Office Internal Audit Committee
June 18, 2025	ODAFF/EPA Quarterly
June 19, 2025	DCAM CAP 25 Monthly
June 26, 2025	OGC Staff
June 25, 2025	AgPDES
June 27, 2025	Directors
June 30, 2025	AEMS Legal

RULE ACTIVITIES:

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. On May 28, 2025, the rules were approved by HJR 1033. On July 1, 2025, the rules were published by the Office of Administrative Rules. The rules became effective on July 11, 2025.

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. On May 28, 2025, the rules were approved by HJR 1033. On July 1, 2025, the rules were published by the Office of Administrative Rules. The rules became effective on July 11, 2025.

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. On May 28, 2025, the rules were approved by HJR 1033. On July 1, 2025, the rules were published by the Office of Administrative Rules. The rules became effective on July 11, 2025.

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. On May 28, 2025, the rules were approved by HJR 1033. On July 1, 2025, the rules were published by the Office of Administrative Rules. The rules became effective on July 11, 2025.

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. On May 28, 2025, the rules were approved by HJR 1033. On July 1, 2025, the rules were published by the Office of Administrative Rules. The rules became effective on July 11, 2025.

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. On May 28, 2025, the rules were approved by HJR 1033. On July 1, 2025, the rules were published by the Office of Administrative Rules. The rules became effective on July 11, 2025.

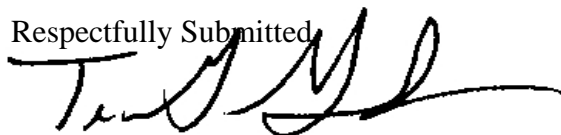
OPEN RECORDS REQUESTS (45):

AEMS: 5
CPS: 9
AIS: 8
Pet Breeders: 2
Food Safety: 10
Forestry: 11

OTHER ACTIVITIES:

Phone calls or emails with the public: 13
Assistance to industry: 0
Assistance to AEMS: 5
Assistance to CPS: 4
Assistance to Wildlife Services: 0
Assistance to Forestry: 18
Assistance to AIS: 12
Assistance to Admin: 4
Assistance to Market Development: 6
Assistance to other state agencies: 3
Assistance to federal agencies: 0
Assistance to Food Safety: 4
Assistance to NASS: 0
Assistance to Executive Office: 8
Assistance to Lab: 6
Assistance to Investigative Services: 4
Assistance to Human Resources: 1
Assistance to Legislature: 0
Assistance to Attorney General: 1
Assistance to Public Information: 5
Assistance to Governor's Office: 0

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY BOARD REPORT

JULY 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 4,373,117 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA shell egg grading on 83,314 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors provided USDA poultry grading services on poultry products being shipped from National Steak & Poultry Quality Meats in Owasso. ODAFF inspectors also provided USDA poultry grading services on poultry products being shipped from OK Foods in Heavener. Also, routine egg quality inspections under the Oklahoma egg law were conducted.

ORGANIC FOODS SECTION

Organic inspectors completed compliance and certification inspections at:

- Eleven organic crop producers
- Four organic processors
- One organic livestock producer
- Collected one organic sample
- Fourteen retail organic inspections
- The organic section had requests for 3,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States.
- The organic section had 5 requests for organic crop applications, 2 requests for organic processing applications and 1 request for an organic livestock application.

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

PRODUCE SAFETY SECTION

- Staff attended the Association of Food and Drug Officials (AFDO) Annual Conference in Dallas, TX
- Visited 11 farms providing outreach and education to producers and to update farm inventory and add new farms
- Conducted outreach about the Produce Safety Rule at two local agriculture events in Tulsa and Wilburton
- Taught a workshop on Produce Safety and other laws at the AgricultHer Conference in Wilburton
- Provided technical assistance for 3 farms
- Visited 39 farmers markets/market hubs providing outreach and education to producers and to collect farm inventory
- Sent e-mail newsletters to inform farms about produce safety classes, dealing with flooding, and annual farm registration
- Attended training on post-harvest water and sanitizer use to prevent contamination and improve produce safety at the NASDA post-harvest water training
- Regular conference calls with TX, LA, AR, NM, MO, MS

HOMEMADE FOOD FREEDOM ACT

- Received 9 complaints on Homemade Food Freedom Act businesses.
- Meat compliance assisted with 5 complaints.
- Warning letters were sent to 3 businesses and verbal warnings given to 4 businesses.
- We now have over 360 registered homemade food freedom act businesses.
- Taught a workshop about the homemade food freedom act and other laws at the AgricultHer conference in Wilburton.

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

Planned Compliance Reviews	02
Random Compliance Reviews	176
Person-to-Person Contacts	69
Special Investigations and/or Projects	06
Reports of Apparent Violations	01
Detentions	00
Consumer Complaints	09
Verbal Warnings Issued	11
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 June 2025.

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 one (1) Letter of Warning for Violations of the Oklahoma Meat Inspection Act and/or State Statutes

Leave: Ron- 16 hours

Wayne- 40 hours

Brad- 21 hours

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

SLAUGHTER MEAT INSPECTION

Number of Cattle	1,269
Total Beef Condemned	11,880 lbs
(Beef heads & livers)	(avg. H wt 20 lbs, avg. L wt 10 lbs)
Number of Swine	36
Total Pork Condemned	1,832 lbs
(Pork heads & livers)	(avg. H wt 10 lbs, avg. L wt 2 lbs)
Number of Sheep & Goats	3,413
Total Condemned	0 lbs
Number of Chickens	1,017
Number of Rabbits	558
Total Condemns	0 lbs
Number of Buffalo	15
Total Condemns	610 lbs
TOTAL MEAT INSPECTED	1,346,889 lbs

AVG. CARCASS WT

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

AVG. BEEF HEAD/LIVER

Head 20 lbs / Liver 10 lbs

AVG. SWINE

HEAD/LIVER
Head 10 lbs / Liver 2 lbs

AVG. LAMB/GOAT

HEAD
Head 2 lbs

PROCESSED BOXED MEAT INSPECTED

Processed Red Meat	851,100 lbs
Condemned on Reinspection	0 lbs
Poultry (Portions)	263,128 lbs
Condemned on Reinspection	0 lbs
Rabbit Meat	0
Condemned on Reinspection	0 lbs
Exotic Deer Meat	0
Condemned on Reinspection	0 lbs
TOTAL PROCESSED MEAT INSPECTED	1,114,228 lbs

MEAT SAMPLE ACTIVITY

28 Samples Submitted for Analysis
28 Samples Analyzed
28 Samples Negative Analysis

0 (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:

- DFA SE COUNCIL 31 (BTU 40-031) located in Bryan County
- DFA SE COUNCIL 32 (BTU 40-032) located in Bryan County
- DFA Central Council 90 (BTU 40-090) located in Kingfisher/Custer Counties

These state surveys received passing scores and information regarding these surveys are available on FDA's Interstate Milk Shippers List website.

In June FDA Milk Specialist, Samuel Carter and 'Grade "A" National Dairy Standard', Curtis Griner, conducted FDA Check ratings for the following facilities:

- Hiland Dairy (PMO 40-025) located in Norman
- DFA SE Council 100 (BTU 40-100) in Mayes County

Both Check Ratings are expected to receive passing scores, and information will be furnished to the agency when available.

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 six months in a row, application is being submitted to advance Oklahoma to Stage 4 testing.

FDA Milk Specialist, Clinton George, is currently preparing the Oklahoma Dairy State Program Evaluation. This evaluation occurs every 3 years.

Oklahoma Dairy Services has agreed to participate in Year 3 of a Multi-Drug Residue Raw Milk Monitoring Project. Dairy services will collect raw bulk milk samples from milk tankers and submit blind samples for drug residue analysis to help determine if current residue screenings are sufficient.

Sincerely,



Scott Yates

Director of Food Safety

Communications

May 23, 2025-June 30, 2025

Events

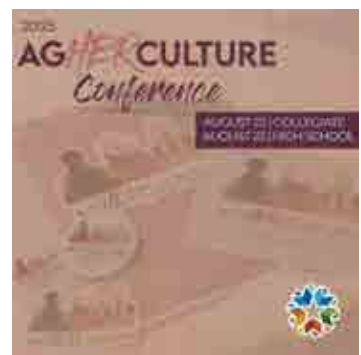
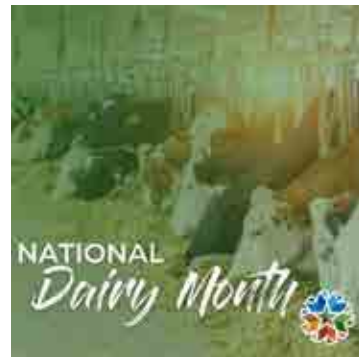
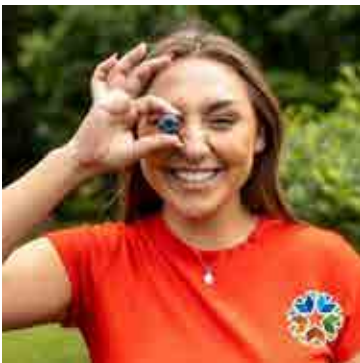
- Hosted EPA Region 6 Administrator Scott Mason at Cook Farms for tour and stakeholder meeting
- Toured Greenleaf Nursery in Park Hill to learn about the nursery industry
- Continued preparation for AgHerCulture Conference to host high-school and college-age young women interested in agriculture for personal and professional development
- Ice cream social for staff to celebrate National Dairy Month

Social Media

- Year of Youth in Ag Weekly Spotlights
- National Egg Day
- NBA Finals Challenge with Indiana Director of Agriculture
- National Dairy Month
- Oklahoma Farmers Market Week
- Ag in the Classroom Summer Road Trip
- Agritourism Promotion

ODAFF Oracle

- Monthly email to all ODAFF staff highlighting recent projects and upcoming events, accomplishments, MIO recipes and other agency news



Social Media Impact

Facebook

Followers: 25.3K Followers

Reach: 86.7K Accounts

Instagram

Followers: 4.4K Followers

Reach: 19.2K Accounts

July 23, 2025, BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATIVE SERVICES

FY26-Oklahoma State University - Agriculture Leadership Program- \$50,000

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

FY26-Oklahoma State University - \$1,300,000

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

FY26-Oklahoma State University- \$5,200,000

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

FY26- Oklahoma State University – Robert M. Kerr Food and Agricultural Products Center- \$1,000,000

To allocate funding to Oklahoma State University for various capital improvements, equipment requirements, and operational activities at the Food and Agricultural Products Center. This is a legislative-directed expenditure.

FY26-Langston University-- \$5,500,000

To allocate funding to Langston University for the continued implementation of the Agriculture Research and Education Extension program and support of its Cooperative Extension and Outreach Programs. This is a legislative-directed expenditure.

FY26-Oklahoma City National Memorial Foundation - \$1,500,000

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

FY25 – AV Installation –\$9,000.00

Professional installation and electric services for wireless presentation and conferencing systems for the Oklahoma Dept of Agriculture, Food and Forestry. We will install these devices within the lab and 3rd floor Conference Room. These upgrades will allow for seamless conferencing and audio-visual presentations within these areas, without this purchase we will continue to use outdated technology to conduct presentations within these venues.

FORESTRY SERVICES

FY26 - Firefighting Equipment (Pumps) - \$45,000.00

These additional funds are requested for the purchase of firefighting equipment, specifically pumps, which are intended for resale to Rural Fire Departments through our Revolving Equipment Fund. This crucial program enables rural fire departments to acquire essential equipment and personal protective equipment (PPE) at a significantly reduced cost, helping them manage their limited budgets more effectively. **Justification:** This additional purchase is vital as it directly allows rural fire departments to save their limited funds on operational costs, empowering them to better serve their communities. Without this approval for additional procurement, we will not be able to acquire as many pumps for resale, directly impacting the number of departments we can support and the availability of critical equipment. **An initial allocation of \$155,000.00 for this program was approved on March 12, 2025. Total requested \$200,000.00.**

FY26-Wildland Firefighter Boots and Gear- \$20,000

These funds are requested to purchase wildland firefighting boots and essential personal firefighting gear for Oklahoma Forestry Services (OFS) personnel. Specifically, wildland firefighting boots are provided to employees who have firefighting responsibilities and have successfully passed the annual work capacity test for three consecutive years. **Justification:** OFS is mandated to supply its firefighters with crucial Personal Protective Equipment (PPE) and gear to ensure their safety and well-being while performing their duties. This purchase directly addresses that requirement, providing our dedicated wildland firefighters with the necessary protective equipment for their safety and care in the field.

FY26-Federal Pass-Through Funding for Urban Forestry- \$20,000

This funding will award federal pass-through grants to assist Oklahoma communities, non-profit organizations, educational institutions, civic groups, and neighborhood associations. These grants support essential urban forestry initiatives, including tree inventories, tree planting projects, staffing, and various educational projects. A key focus of these grants is to support projects specifically designed to benefit lower-income neighborhoods and non-profit organizations, fostering equitable access to urban forestry resources and education.

Justification: Without these vital projects, Forestry Services would lose a significant avenue of community support and education, hindering our ability to expand urban forestry efforts across Oklahoma. The entire \$20,000 in federal funds for these awards will be reimbursed to the Agency, ensuring no net cost from state appropriations.

FY26- Federal Pass-Through Funding for Urban IRA Grantees- \$450,000

This funding aims to provide federal pass-through grants to financially disadvantaged cities, neighborhoods, and communities. These grants will support vital initiatives that include:

- Heat mitigation strategies
- Promotion of food forests
- Increased equitable access to urban/community tree canopy
- Promotion of other significant values and benefits of trees in communities

The primary focus of these grants is to fund projects that directly benefit lower-income neighborhoods and non-profit organizations. This ensures environmental equity and enhances the well-being of communities through targeted urban forestry efforts.

Justification: Securing this funding is crucial for Forestry Services. Without these essential projects, we risk losing a significant channel for community support and education, which would hinder our ability to address critical environmental and social needs in vulnerable communities. All expenditures related to this funding will be fully reimbursed to us through Federal funding, meaning there will be no net cost to the Agency from state appropriations.

FY26-Drug and Alcohol Testing Fees- \$5,000

This funding is requested to cover random and pre-hire drug and alcohol testing for all Oklahoma Forestry Services (OFS) employees who hold a Commercial Driver's License (CDL). This testing is essential for OFS to comply with the federal Department of Transportation (DOT) requirements. **Justification:** If OFS does not perform these mandated drug screenings and continues testing throughout the fiscal year, we will not be following DOT regulations for our CDL drivers. The \$5,000 requested represents the estimated cost for a one-time test of all current OFS employees holding a CDL, ensuring adherence to established policy and procedures for ongoing compliance.

FY26-Aerial Detection Contract Forestry Services' Protection Area- \$49,000

This funding is for a contract with a private vendor to provide fixed-wing aircraft for wildfire detection within the Forestry Services' Protection Area. This service is crucial for our Fire Readiness and Wildland Response Resources. The contract will ensure detection on high-fire danger days in the East Central and Southeast Areas, with an additional option for call-when-needed detection services in the Northeast Area. **Justification:** Without this aerial detection contract, new wildfires would go undetected for a longer period. This delay would inevitably result in larger fire sizes, requiring an increased number of response personnel to control them, and potentially leading to greater loss of life, residences, and natural resources. The entire purchase will be funded through our Fire Readiness funds.

FY26 - Rural Fire Coordinator Contracts- \$1,100,000

Contract with Oklahoma Association of Regional Councils for Rural Fire Coordinators to provide technical assistance and equipment placement services to new or established Rural Fire Departments within their districts to assure the capability of meeting local fire protection needs.

Justification: Without this contract fire departments would lose technical support to acquire much needed funding, equipment, and operational assistance.

FY26-Fire Department 80/20 Grant Program- \$2,000,000

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

FY 26 - Fire Department Operational Grants- \$8,414,550.00

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

FY26 – Oklahoma Gardening Grant- \$10,000

This new grant agreement will support the longstanding education and outreach efforts through the popular Oklahoma Gardening program, which is produced by Oklahoma State University (OSU). This grant specifically funds tree-related educational programming, which is crucial for our outreach initiatives. **Justification:** Establishing this grant agreement is vital for our operations. Without this funding, we would lose a significant avenue of support and education for our community and programs. The funding for this specific grant was identified and federally approved, and all expenditures will be fully reimbursed to us through Federal funding.

FY26 – Oklahoma Urban and Community Forestry Council Contract- \$15,000

This contract aims to establish services that will assist in the implementation of the continuing education component of Oklahoma's Urban & Community Forestry program. This initiative will utilize federal pass-through dollars specifically identified for the Council. **Justification:** Through his program's outreach and educational initiatives pertaining to urban forest management and individual tree care, Oklahoma Forestry Services (OFS) is greatly assisted in ensuring the long-term health of the urban community. Federal funds for this will be reimbursed to the Agency, ensuring no net cost from state appropriations.

FY26- Loading Dock Expansion- \$22,000

This project aims to expand the current loading dock at the Forest Tree Improvement Center. The expansion is critical to mitigate a major safety concern associated with loading and unloading approximately 2 million pine seedlings, which are allocated to non-industrial, private forest landowners in Oklahoma. The existing loading dock is extremely narrow, posing a significant risk during heavy forklift operations required during peak seedling distribution periods. The proposed dock expansion would involve a concrete pour, framed off the existing dock, with dimensions of 40' Length x 15' Width x 4.5' Height. This will substantially improve the ease of forklift operation and establish a safe perimeter during the loading and unloading of

seedlings for customers. **Justification:** Without this essential purchase and expansion, the safety of both FTIC staff and landowners picking up seedlings is at considerable risk. Furthermore, the current limitations may negatively impact the efficient delivery of vital conservation seedlings to landowners across the state. Funding for this purchase is from FY25 one-time appropriations from the Oklahoma Legislature. **This money will be carried forward into the FY26 year.**

FY26 – Southern Pine Beetle Federal Grant, -\$7,000 Federal Funds

This funding is for aerial detection of the Southern Pine Beetle (SPB). The primary purpose is to ensure early detection and prompt treatment, which is crucial for limiting the insect's spread and preventing widespread timber stand infestation. **Justification:** The Southern Pine Beetle is a highly destructive insect that poses a significant threat to Oklahoma's valuable pine forest resource. This essential prevention program directly protects overall forest health, safeguards investments made by the forest industry and landowners, and helps to secure future timber revenue. Federal funds for this will be reimbursed to the Agency, ensuring no net cost from state appropriations.

FY26- FirstNet Phones and Tablets- \$75,000.00

These funds are critical to support our essential telecommunication services, specifically for FirstNet phone and iPad bills. These devices provide reliable and secure communication capabilities crucial for our field operations, emergency response coordination, and remote work accessibility. They enable our personnel to maintain continuous connectivity, access vital information, and communicate effectively with each other and the public, especially in areas with limited traditional network access. **Justification:** Establishing consistent funding for these FirstNet services is vital for maintaining operational efficiency and safety across our teams. Without this dedicated funding, we would severely impact our ability to deploy personnel effectively, respond to incidents in a timely manner, and ensure secure data exchange in the field. The FirstNet platform provides a dedicated and prioritized network for public safety and government operations, which is indispensable for our mission-critical communications. This expenditure ensures our teams are equipped with the necessary tools to perform their duties efficiently and safely.

FY26 - Septic System Installation - Southeast Area- \$6,000

Approval is requested to hire a licensed plumbing contractor for the installation of a new septic system at the Forest Fire Control Officer residence in the Southeast Area. The existing septic system is currently malfunctioning, which poses a potential environmental hazard and requires immediate attention. All necessary components for this installation have already been procured, including a septic tank with risers, approximately 660 feet of sewer line, and the associated fittings. **Justification:** Due to the critical nature of the existing system's malfunction and the imperative need to maintain health and safety standards for our personnel, it is essential to proceed with this installation as soon as possible. Your prompt consideration and approval of this request would be greatly appreciated to mitigate the environmental risk and ensure the well-being of our staff.

FY25- Wildland Fire Resource Deployment Capabilities- \$1,752,353.95

Approval to cover the costs associated with receiving wildland firefighting resources (personal, equipment, and aircraft) from other states when Oklahoma faces significant wildfire events. These resources are crucial for bolstering our response capabilities during severe fire seasons and are typically provided under interstate mutual aid agreements, such as the Emergency Management Assistance Compact (EMAC). Funds will enable OFS to efficiently cover the costs incurred by other states providing assistance to Oklahoma, based on the agreed-upon rates and mission parameters.

- Deployments from the State of Louisiana for \$119,533.55
- Deployments from the State of Montana for \$23,244.00
- Deployments from the State of Kentucky for \$20,935.00
- Deployments from the State of Arkansas for \$152,558.00
- Deployments from the State of Florida for \$258,062.00
- Deployments from the State of Texas for \$15,517.00
- Deployments from USFS for \$1,162,504.40

Justification: Accessing out-of-state resources through mutual aid is vital for ensuring effective wildfire suppression when in-state resources are stretched thin or overwhelmed. These critical deployments help to contain and control wildfires more rapidly, thereby minimizing potential loss of life, residences, and natural resources within Oklahoma. Ensuring funds are available to compensate assisting states promptly fosters strong interstate relationships and guarantees continued support when Oklahoma is in need. This expenditure will be covered by the FY25 special appropriation for wildland firefighting expenses. The cost of these deployed resources will be reimbursed, with assistance from FEMA (Federal Emergency Management Agency) from up to 75% of eligible costs incurred by the state for fire suppression activities, including costs reimbursed to assisting states. Our documentation processes will ensure that these expenditures meet FEMA's criteria for potential federal reimbursement.

FY26 – Project Learning Tree Books- \$20,000

This purchase is for Project Learning Tree (PLT) books, which will directly support forestry education efforts in schools across Oklahoma. These valuable educational materials will be distributed to classrooms statewide as an integral part of comprehensive community forestry and conservation education programming. **Justification:** Investing in Project Learning Tree books is vital for fostering environmental literacy and stewardship among Oklahoma's youth. PLT is a nationally recognized, award-winning program that provides hands-on, interdisciplinary activities designed to help students understand complex environmental issues, develop critical thinking skills, and make informed decisions about natural resources. By providing these books to schools statewide, we can cultivate a deeper appreciation for our natural environment, promote sustainable practices from a young age, and help ensure a future generation committed to forest health and conservation across Oklahoma.

ANIMAL INDUSTRY SERVICES

FY26- Acclaim Systems, Inc. - \$14,010.00

Acclaims will provide 3 months of Software Maintenance, Support and Problem Resolution, of the [USAHERDS](#) solution for Oklahoma. AgEnterprise, which is an updated version of USAHERDS, will provide maintenance for the VET-CVI application for 1 year (7/1/25-6/30/26). Without USAHerds and AgEnterprise maintenance, we will not be able to monitor animal health within specific jurisdictions or report test results to USDA's Veterinary Services.

MARKET DEVELOPMENT

FY2026 Oklahoma Youth Expo Junior Livestock Show & Educational Scholarship Program-Legislative Direct Spending-\$85.00.00

Justification: This amount of \$85,000.00 will directly support the 2026 state-wide spring junior livestock show. For 107 years, the youth of the state of Oklahoma have exhibited some of the finest livestock in the country at OYE, which carries the title of "The World's Largest Junior Livestock Show" with participants from all 77 Oklahoma counties. OYE also provides agricultural scholarships and leadership-training programs for Oklahoma students. The 10-day OYE generates an economic impact of \$24.5 million to the OKC economy and provides hundreds of youth with scholarships to continue their education at a collegiate level. If this purchase is not approved, there is negative impact on conducting the 2026 Oklahoma Youth Expo (OYE) as well as a reduction of show ring achievement and academic scholarships to the youth of Oklahoma.

FY2026 – Tulsa County Public Facilities Authority 2025 Junior Livestock Show – Legislative Directed Spending - \$50,000.00

Justification: The amount of \$50,000.00 goes directly for the purpose of promoting the Oklahoma agriculture industry through national agriculture events, Tulsa State Fair Junior Livestock Auction, and the Tulsa State Fair Livestock Scholarship Program. If this purchase is not approved, there will be a negative economic impact to Tulsa and surrounding communities with the loss of national ag events hosted at Expo Square. In addition, there would be a negative impact on conducting the 2025 Tulsa livestock show and a reduction of scholarships to the youth of Oklahoma.

FY2026 – Made in Oklahoma Coalition – Legislative Directed Spending - \$513,325.00

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

FY 2026 – Board of Regents of the University of Oklahoma Health Sciences Center on behalf of Oklahoma Nutrition Information & Education Project (ONIE) – contractual services – Oklahoma Local Ag Summit – Funded entirely by Specialty Crop Block Grant - \$18,151.00

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 – Oklahoma Grape Growers and Winemakers Conference – facility rental – funded entirely by the viticulture and enology revolving grant fund - \$6,500

FY2026 — Local Food for Schools (LFS) Grants with the objective of providing food assistance purchases of domestic local foods for distribution to schools. - Legislative Directed Spending - \$3,200,000.00

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

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

FY2026 – Edible OKC – Agritourism print advertising - \$9,900.00

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

APPROVAL OF CASES

ON THIS 23rd day of July 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 23rd day of July 2025.

Blayne Arthur
President
State Board of Agriculture

**Exhibit A
Board of Agriculture
July 23, 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>
Hong An Phan	OGC-25-140	AEMS	\$250.00
Richard Robinson	OGC-24-89	AEMS	\$5,000.00
Don Sebo	OGC-24-828	AEMS	\$250.00
Brian Stanley	OGC-25-182	AEMS	\$250.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Farmers Co-Operative Assn. Snyder	OGC-25-648	CPS	\$1,000.00
Oklahoma Bed Bug Experts	OGC-25-11	CPS	\$1,500.00
Massey Services, Inc. Moore	OGC-25-637	CPS	\$250.00
Massey Services, Inc. OKC	OGC-25-659	CPS	\$250.00
Ryan Swiatek	OGC-25-632	CPS	\$1,000.00

Consideration and Proposed Action on Cases Resolved by Consent Order

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Hookin A Ag Air, LLC	OGC-24-435	CPS	\$500.00
McElyea and Owens Funeral Group	OGC-24-594	CPS	\$10,000.00
Nutrien Ag Solutions, Inc.	OGC-25-537	CPS	\$10,000.00

Consideration and Proposed Action on Cases Resolved by Final Order:

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
AIV Landscaping & Comm. Cleaning	OGC-25-19	CPS	\$1,500.00
Central Crop Care	OGC-25-538	CPS	\$2,500.00
Joe Harper	OGC-25-464	CPS	\$500.00
Mitchell's Turf Service	OGC-25-72	CPS	\$1,000.00

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. HONG AN PHAN

Case File No. OGC-25-140

**HONG AN PHAN
469 BARN SWALLOW ROAD
SPIRO, OK 74959**

Summary of Facts: The Agriculture Environmental Management Services (AEMS) Division of the Department sent the Respondent a Letter of Warning (LOW) regarding the deadline of December 31st for two (2) hours of missed educational training for Poultry Feeding Operations (PFO). AEMS then sent a reminder email regarding the continuing educational requirements needed by December 31, 2024. The Respondent failed to complete the educational training.

Statute or Rule Violation: Respondent violated Okla. Stat. Tit. 2 § 10-9.5(F)(1), 10-9.5(F)(3), 10-9.5(F)(4), and O.A.C. 35:17-5-11(b) by failing to complete two (2) hours of continuing education.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred and Fifty Dollars (\$250.00). Respondent stipulated to and paid the penalty and attended the two (2) hours of continuing education.

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.

HONG AN PHAN PFO#1666
469 BARN SWALLOW ROAD
IDABEL, OK 74745

RESPONDENT.

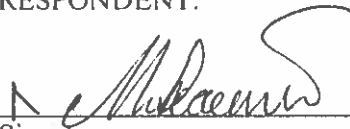
FILED
MAY 28 2025
STATE BOARD OF AGRICULTURE
Case No: OGC-25-140

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred and Fifty Dollars (\$250.00) for this action, provided the **two (2) hours of missing education**, 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

NHUT M. TRAN OWNER
Printed Name and Title:

Date: 5/22/25

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

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

COMPLAINANT,

v.

**HONG AN PHAN PFO#1666
469 BARN SWALLOW ROAD
IDABEL, OK 74745**

RESPONDENT.

FILED
APR 15 2025
STATE BOARD OF AGRICULTURE

Case No: OGC-25-140

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. June 12, 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. The Act at Okla. Stat. Tit. 2 § 10-9.5(F)(1) states: “*All operators of poultry feeding operations and poultry waste applicators shall attend educational courses on poultry waste handling. All such operators and applicators shall attend educational training on poultry waste management as provided by Oklahoma State University through the Cooperative Extension Service. All current and new operators and applicators shall receive the initial nine (9) hours of training in the first year and two (2) hours of continuing education every year until the operator or applicator has received a total of nineteen (19) hours of training. . . Upon receiving the nineteen (19) required hours, the operator or applicator shall be required to receive two (2) hours of continuing education every three (3) years. . .*”

18. The Act at Okla. Stat. Tit. 2 § 10-9.5(F)(3) states: “*Failure to obtain the initial nine-hour training and any continuing education as provided in this subsection shall be deemed a violation of the Oklahoma Registered Poultry Feeding Operations Act for operators and the Oklahoma Poultry Waste Applicators Certification Act for applicators.*”

19. The Act at Okla. Stat. Tit. 2 § 10-9.5(F)(4) states: *“All operators or applicators shall meet the educational requirements of this section no later than December 31 of each year.”*

20. O.A.C. 35:17-5-11(b) states: *“All operators shall obtain an initial nine (9) hours of education in the first year and two hours of continuing education every year until the operator has received a total of nineteen (19) hours of training. Any operator may attend more hours than are required, however, those hours shall not be carried forward. Upon receiving the nineteen (19) required hours, the operator will graduate from the program but shall be required to receive two (2) hours of continuing education every three (3) years.”*

ALLEGATIONS OF FACT

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

22. On or about February 5, 2024, the Department sent Respondent a LOW regarding their missing educational training, in which they are behind two (2) hours.

23. On or about November 27, 2024, the Department sent Respondent a reminder email about the educational requirements needed by the December 31st deadline.

24. To date, the Respondent has not completed the two (2) hours of education training.

ALLEGED CONCLUSIONS OF LAW

25. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.5(F)(1), 10-9.5(F)(3), 10-9.5(F)(4), and O.A.C. 35:17-5-11(b) by failing to complete two (2) hours of continuing education.

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 Two Hundred and Fifty Dollar (\$250.00) administrative penalty, **as well as attendance of the two (2) hours of education.**

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 Two Hundred and Fifty Dollars (\$250.00), **as well as attendance of the two (2) hours of education.**

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 3RD day of April, 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
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 15 day of April, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**HONG AN PHAN PFO#1666
469 BARN SWALLOW ROAD
IDABEL, OK 74745**



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.

**HONG AN PHAN PFO#1666
469 BARN SWALLOW ROAD
IDABEL, OK 74745**

RESPONDENT.

Case No: OGC-25-140

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred and Fifty Dollars (\$250.00) for this action, provided the **two (2) hours of missing education**, 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. RICHARD ROBINSON

Case File No. OGC-24-89

**RICHARD ROBINSON, DBA
KEESEE SOW FARM, CAFO#1224
P.O. BOX 917
HOLDENVILLE, OK 74848**

Summary of Facts: The Agriculture Environmental Management Services (AEMS) Division of the Department sent the Respondent a Letter of Warning (LOW) regarding the Oklahoma Agriculture Pollutant Elimination System (AgPDES) violations and instructed the Respondent to cease dirt disturbance activities and to submit the AgPDES Notice of Intent (NOI) form. A follow up inspection by the Department revealed construction conducted prior to approval. In response to the Respondent's incomplete Pollution Prevention Plan (PPP), the Department sent a letter disapproving of the PPP. The Respondent failed to cease construction.

Statute or Rule Violation: Respondent violated 2 O.S. § 47(B)(1) and (2), by failing to obtain prior approval of the Department before any change in design or construction of their Swine Feeding Operation.

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

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

RICHARD ROBINSON, DOING BUSINESS
AS, KEESEE SOW FARM
P.O. BOX 917
HOLDENVILLE, OK 74848

RESPONDENT.

Case No: OGC-24-89

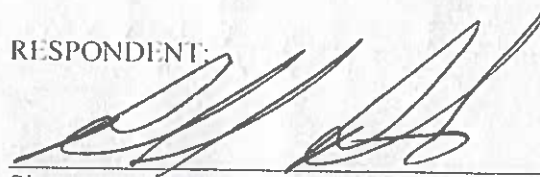
FILED
JUN 30 2025
STATE BOARD OF AGRICULTURE

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


Richard Robinson
Printed Name and Title:

Date: 6-23-25

RECEIVED

JUN 27 2025

ODAFF FINANCE

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

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

COMPLAINANT,

v.

**RICHARD ROBINSON, DOING BUSINESS
AS, KEESEE SOW FARM, CAFO #1224
P.O. BOX 917
HOLDENVILLE, OK 74848**

RESPONDENT.

FILED

APR 08 2025

STATE BOARD OF AGRICULTURE

Case No: OGC-24-89

6TH AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on July 10, 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 raising swine in Oklahoma.

16. Pursuant to the Oklahoma Swine Feeding Operations Act, Okla. Stat. tit. 2 § 20-1 *et seq.*, ODAFF has authority to regulate Swine Feeding Operations and Concentrated Swine Feeding Operations.

17. The Act at Okla. Stat. Tit. 2 § 20-47(B)(1) states: "*The Pollution Prevention Plan shall be signed by the owner or as otherwise authorized by the Oklahoma Department of Agriculture, Food, and Forestry and a copy shall be retained on site.*"

18. The Act at Okla. Stat. Tit. 2 § 20-47(B)(2) states: "*The animal feeding operation shall amend the Pollution Prevention Plan and obtain approval of the Department prior to any change in design, construction, operation or maintenance which has significant effect on the potential for the discharge of pollutants to the waters of the state.*"

ALLEGATIONS OF FACT

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

20. In 2021, the Respondent submitted modified construction plans to the Agricultural Environmental Management Services (AEMS) Division of the Department, but incomplete notices were sent.

21. In August of 2022, the Respondent contacted the AEMS Division inquiring about the process for modifications.
22. On or about August 19, 2022, the Department provided a written response to the Respondent's inquiries regarding the modification of the current operation, as well as the Notice of Intent (NOI) form for the Oklahoma Agriculture Pollutant Elimination System (AgPDES) Construction General Permit.
23. In January 2023, the Respondent called the AEMS Division requiring approval, however documentation was incomplete.
24. On or about March 9, 2023, the Department conducted an onsite inspection, and noted the tearing down of units.
25. On or about April 27, 2023, the Department returned another incomplete response back to the Respondent. The Respondent and the AEMS division communicated, and follow-ups were sent.
26. On or about December 6, 2023, the Department conducted an onsite inspection, and observed that the Respondent continued construction, without prior approval of the plans by the AEMS Division.
27. On or about January 18, 2024, the Department sent Respondent a Letter of Warning regarding the AgPDES violations and instructed the Respondent to cease dirt disturbance activities and to submit the AgPDES Notice of Intent.
28. On or about February 15, 2024, the Department conducted a follow-up onsite inspection, during which further progress on the construction had been conducted by the Respondent, prior to the approval by the Department.

29. On or about May 13, 2024, the Department sent a letter in response to the Respondent's incomplete Pollution Prevention Plan (PPP), with a list of missing items or items that needed clarification. The letter specifically stated the PPP was not approved. The Respondent continued with their construction.

ALLEGED CONCLUSIONS OF LAW

30. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. § 47(B)(1) and (2), by failing to obtain prior approval of the Department before any change in design or construction of their Swine Feeding Operation, in violation of the Oklahoma Swine Feeding Operations Act.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

35. Pursuant to 2 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.

PRAYER FOR RELIEF

37. 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 Five Thousand Dollar (\$5,000.00) administrative penalty.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

38. 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

39. 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

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

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

42. 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

43. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Five Thousand Dollar (\$5,000.00).

44. 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, and the AgPDES Construction General Permit Notice of Intent.

DATED THIS 8TH day of April 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

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298


Telephone: (405) 522-6104

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 8th day of April 2025, a true and correct copy
of the forgoing instrument was emailed, as follows:

**RICHARD ROBINSON, DOING BUSINESS AS,
KEESEEE SOW FARM
P.O. BOX 917
HOLDENVILLE, OK 74848**



~~GINA BLAYLOCK~~
Abbie Willawn

**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-24-89

**RICHARD ROBINSON, DOING BUSINESS)
AS, KEESEE SOW FARM)
P.O. BOX 917)
HOLDENVILLE, OK 74848)**

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: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. DON SEBO

Case File No. OGC-24-828

**DON SEBO
PO BOX 126
SPIRO, OK 74959**

Summary of Facts: The Agriculture Environmental Management Services (AEMS) Division of the Department sent the Respondent a Letter of Warning (LOW) regarding the Respondent's improper waste application of 6 different locations, due to a failure to obtain a soil test prior to land application.

Statute or Rule Violation: Respondent violated Okla. Stat. Tit. 2 § 10-9.19(1) by land applying poultry waste in six (6) fields prior to obtaining soil tests.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred and Fifty Dollars (\$250.00).

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

DON SEBO
PO BOX 126
SPIRO, OK 74959

RESPONDENT.

Case No: OGC-24-828

STATE BOARD OF AGRICULTURE

JUN 10 2025

FILED

STIPULATION

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

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

RESPONDENT:

RECEIVED

JUN 10 2025

ODAFF FINANCE

Signature

Don Sebo

Printed Name and Title:

Don Sebo

Date:

6-3-2025

7/10/25

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

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

COMPLAINANT,

v.

**DON SEBO
PO BOX 126
SPIRO, OK 74959**

RESPONDENT.

Case No: OGC-24-828

FILED

APR 16 2025

STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. June 12, 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 as a Poultry Waste Applicator.

16. Pursuant to the Oklahoma Poultry Waste Applicators Certification Act, Okla. Stat. Tit. 2 § 10-9.16 *et seq.*, ODAFF has authority to regulate persons who are poultry feeding operations.

17. That Act at Okla. Stat. Tit. 2 § 10-9.19(1) states: “*Prior to any land application of poultry waste by a certified poultry waste applicator, the applicator shall obtain the most recent soil and poultry waste tests as required by the Oklahoma Poultry Waste Applicators Certification Act.*”

ALLEGATIONS OF FACT

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

19. On or about September 19, 2024, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning (LOW) regarding the Respondent’s improper waste application of 6 different locations, due to a failure to obtain a soil test prior to land application.

20. On or about April 5, 2024, the Respondent land applied in the field named “59 2 STP”, after which, the soil test was conducted on April 18, 2024.

21. According to annual reports on or about April 5, 2024, the Respondent land applied in the field named "59 3 M", after which, the soil test was conducted on April 18, 2024.
22. According to annual reports on or about April 5, 2024, the Respondent land applied in the field named "59 1 STP", after which, the soil test was conducted on April 18, 2024.
23. According to annual reports on or about April 6, 2024, the Respondent land applied in the field named "59 N End", after which, the soil test was conducted on April 18, 2024.
24. According to annual reports on or about April 6, 2024, the Respondent land applied in the field named "59 4 M", after which, the soil test was conducted on April 18, 2024.
25. According to annual reports on or about April 6, 2024, the Respondent land applied in the field named "59 N", after which, the soil test was conducted on April 18, 2024.

ALLEGED CONCLUSIONS OF LAW

26. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.19(1) by land applying poultry waste in six (6) fields prior to obtaining soil tests.

ATTORNEY CONFERENCES

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

PRAYER FOR RELIEF

33. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case, we are seeking a Two Hundred and Fifty Dollar (\$250.00) administrative penalty.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred and Fifty Dollars (\$250.00).

40. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law 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 19TH day of March, 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 14 day of April, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DON SEBO
PO BOX 126
SPIRO, OK 74959**

4-13

GINA BLAYLOCK

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. BRIAN STANLEY

Case File No. OGC-25-182

**BRIAN STANLEY PWA#5151
1739 N 510 RD
ROSE, OK 74364**

Summary of Facts: The Agriculture Environmental Management Services (AEMS) Division of the Department sent the Respondent a Letter of Warning (LOW) regarding the deadline of December 31st for two (2) hours of missed educational training for Poultry Waste Application (PWA). AEMS then sent a reminder email regarding the continuing educational requirements needed by December 31, 2024. The Respondent failed to complete the educational training.

Statute or Rule Violation: Respondent violated 2 O.S. § 10-9.17(F), 10-9.5(F)(1), 10-9.5(F)(3), 10-9.77(F)(4) and O.A.C. 35:17-5-11(b) by failing to complete the two (2) hours of continuing education.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred and Fifty Dollars (\$250.00). Respondent stipulated to and paid the penalty and attended the two (2) hours of continuing education.

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

MAY 22 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-25-182

BRIAN STANLEY PWA#5151
1739 N 510 RD
ROSE, OK 74364

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred and Fifty Dollars (\$250.00) for this action, and **attended the two (2) hour education course**, 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:

Brian Stanley
Signature

Brian Stanley
Printed Name and Title:

Date: 5-19-25

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

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

COMPLAINANT,

v.

**BRIAN STANLEY PWA#5151
1739 N 510 RD
ROSE, OK 74364**

RESPONDENT.

Case No: OGC-25-182

FILED
APR 11 2025
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

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

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

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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 as a Poultry Waste Applicator.

16. Pursuant to the Oklahoma Poultry Waste Applicators Certification Act, Okla. Stat. Tit. 2 § 10-9.16 *et seq.*, ODAFF has authority to regulate persons who are poultry waste applicators.

17. The Act at Okla. Stat. Tit. 2 § 10-9.17(F) states: “*Any person issued an applicator’s certificate shall comply with the education provisions of subsection F of Section 10-9.5 of this title.*”

18. The Act at Okla. Stat. Tit. 2 § 10-9.5(F)(1) states: “*All operators of poultry feeding operations and poultry waste applicators shall attend educational courses on poultry waste handling. All such operators and applicators shall attend educational training on poultry waste management as provided by Oklahoma State University through the Cooperative Extension Service. All current and new operators and applicators shall receive the initial nine (9) hours of training in the first year and two (2) hours of continuing education every year until the operator or applicator has received a total of nineteen (19) hours of training. . . Upon receiving the nineteen (19) required hours, the operator or applicator shall be required to receive two (2) hours of continuing education every three (3) years. . .*”

19. The Act at Okla. Stat. Tit. 2 § 10-9.5(F)(3) states: *“Failure to obtain the initial nine-hour training and any continuing education as provided in this subsection shall be deemed a violation. . . the Oklahoma Poultry Waste Applicators Certification Act for applicators.”*

20. O.A.C. 35:17-5-11(b) states: *“All operators shall obtain an initial nine (9) hours of education in the first year and two hours of continuing education every year until the operator has received a total of nineteen (19) hours of training. Any operator may attend more hours than are required, however, those hours shall not be carried forward. Upon receiving the nineteen (19) required hours, the operator will graduate from the program but shall be required to receive two (2) hours of continuing education every three (3) years.”*

21. The Act at Okla. Stat. Tit. 2 § 10-9.5(F)(4) states: *“All operators or applicators shall meet the educational requirements of this section no later than December 31 of each year.”*

ALLEGATIONS OF FACT

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

23. The Respondent became a Poultry Waste Applicator (PWA) in 2013.

24. On or about February 5, 2024, the Department sent Respondent a Letter of Warning (LOW) regarding their missing educational training, in which they were behind two (2) hours of continuing education needed by the deadline of December 31, 2024.

25. On or about November 27, 2024, the Department sent Respondent a reminder email about the educational requirements needed by the December 31st deadline.

26. To date, the Respondent is still missing two (2) hours of education.

ALLEGED CONCLUSIONS OF LAW

27. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.17(F), 10-9.5(F)(1), 10-9.5(F)(3), 10-9.5(F)(4), and O.A.C. 35:17-5-11(b) by failing to complete the two (2) hours of continuing education.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

PRAYER FOR RELIEF

34. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case we are seeking a Two Hundred and Fifty Dollar (\$250.00) administrative penalty, **and attendance of two (2) hours of continuing education.**

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

40. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred and Fifty Dollars (\$250.00), **as well as attendance of the two (2) hours of continuing education.**

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 10TH day of April 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

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-6104

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 11th day of April, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**BRIAN STANLEY PWA#5151
1739 N 510 RD
ROSE, OK 74364**



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-25-182

**BRIAN STANLEY PWA#5151)
1739 N 510 RD)
ROSE, OK 74364)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred and Fifty Dollars (\$250.00) for this action, and **attended the two (2) hour education course**, 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. FARMERS COOP ASSN. SNYDER

Case File No. OGC-25-648

FARMERS COOP ASSN. SNYDER

411 E ST

SNYDER, OK 73566

Summary of Facts: In January of 2025, a pesticide applicator facility and use inspection was performed by the Consumer Protection Division of the Department. During the investigation, the Respondent's application records documented Clifton Vaughn as the applicator. ODAFF does not have Clifton Vaughn listed as being a certified applicator nor a service technician.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86(A)(16) and O.A.C. 35:30-17-25(c) by allowing a non-service technician to apply pesticide without a certified applicator on site.

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Dollars (\$1,000.00). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUN 25 2025
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case Nos: OGC-25-648

FARMERS COOP ASSN. SNYDER)
411 E ST)
SNYDER, OK 73566)

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Tonya Meyers
Signature

Tonya Meyers - Manager
Printed Name and Title:

Date: 6-19-25

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

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

COMPLAINANT,)

v.)

Case Nos: OGC-25-648

**FARMERS COOP ASSN. SNYDER)
411 E ST)
SNYDER, OK 73566)**

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. The 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 October 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. The 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 January 23, 2025, a pesticide applicator facility and use inspection was performed by the Consumer Protection Division of the Department.

19. During this inspection, our inspectors observed that some of your application records documented Cliffon Vaughn as the applicator.

20. ODAFF does not have Cliffon Vaughn listed as being a certified applicator nor a service technician.

21. ODAFF requires that a certified applicator be at the application site to directly supervise a non-service technician when they are making applications.

22. Allowing a non-service technician to apply pesticide without a certified applicator on site is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(16) and O.A.C. 35:30-17-25(c).

ALLEGED CONCLUSIONS OF LAW

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

- 2 O.S. §3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”
- O.A.C. 35:30-17-21(c): “(c) A service technician shall be on site to make the actual application of any pesticide unless a certified applicator is present at the job site.”

PRAYER FOR RELIEF

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

ATTORNEY CONFERENCES

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

ENFORCEMENT PROCEEDINGS

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

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

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 **One Thousand Dollars (\$1,000.00)**.

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 12th day of May, 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 _____ day of _____, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FARMERS COOP ASSN. SNYDER
411 E ST
SNYDER, OK 73566**

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-25-648

FARMERS COOP ASSN. SNYDER)
411 E ST)
SNYDER, OK 73566)

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. OKLAHOMA BED BUG EXPERTS

Case File No. OGC-25-11

OKLAHOMA BED BUG EXPERTS

14609 S. OAK

GLENPOOL, OK 74033

Summary of Facts: In August of 2024, an inspection was performed by the Consumer Protection Division of the Department. During the investigation, it was found that the Respondent was not on file as being a commercial pesticide applicator company. The inspector spoke to the Respondent over the phone, and it was confirmed that they applied pesticides for bed bug control. It was also determined that the Respondent's website advertises bed bug control treatments.

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

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

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUN 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 Nos: OGC-25-11

OKLAHOMA BED BUG EXPERTS)
14609 S. OAK)
GLENPOOL, OK 74033)

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Zachary Cox
Signature

Zachary Cox, Owner
Printed Name and Title

RECEIVED

JUN 20 2025

ODAFF FINANCE

Date: 6/6/25

6-20-25

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

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

COMPLAINANT,

v.

**OKLAHOMA BED BUG EXPERTS
14609 S. OAK
GLENPOOL, OK 74033**

RESPONDENT.

Case Nos: OGC-25-11

FILED
JUN 02 2025
STATE BOARD OF AGRICULTURE

SECOND AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 11th day of September 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 12, 2024, a use inspection was performed by the Consumer Protection Division in Glenpool, OK.

19. During this investigation, our office found that your company was not on file as being a commercial pesticide applicator company.

20. Our inspector spoke with you over the phone where you confirmed that you were performing heat treatments and applying pesticides for bed bug control.

21. As of today, your company's website is advertising bed bug control treatments.

22. Advertising and operating without a commercial applicator license and certification are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A), 2 O.S. § 3-86(A)(15), and 2 O.S. § 3-86(A)(16).

ALLEGED CONCLUSIONS OF LAW

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

- 2 O.S. § 3-82(A): “A. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator’s license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged, unless the person is applying to his or her own property.”
- 2 O.S. § 3-86(A)(15): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 15. Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged.”
- 2 O.S. § 3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license,

certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 16. Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”

PRAYER FOR RELIEF

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

ATTORNEY CONFERENCES

25. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5803 or by email at Kiersten.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 **Fifteen Hundred Dollars (\$1500.00)**.

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

DATED THIS 30th day of May, 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 2 day of June, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**OKLAHOMA BED BUG EXPERTS
17784 S UNION AVE
MOUNDS, OK 74047**



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-25-11

**OKLAHOMA BED BUG EXPERTS)
14609 S. OAK)
GLENPOOL, OK 74033)**

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. MASSEY SERVICES INC.

Case File No. OGC-25-637

**MASSEY SERVICES INC. MOORE
705 MESSENGER LN.
MOORE, OK 73160**

Summary of Facts: In March of 2025, a pesticide applicator facility and use inspection was performed by the Consumer Protection Division of the Department at Respondent's Moore location. During this investigation, our inspector observed that many of Respondent's trucks and cars did not have the company's license numbers on them.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-17-15 by improperly making an application vehicle.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred Fifty Dollars (\$250.00). Respondent stipulated and paid.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
MAY 22 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-25-637

MASSEY SERVICES INC. MOORE)
705 MESSENGER LN.)
MOORE, OK 73160)

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Suzanne T. Graham

Signature

Suzanne T. Graham, Director of Government Affairs

Printed Name and Title:

Date: May 15, 2025

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

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

COMPLAINANT,

v.

**MASSEY SERVICES INC. MOORE
705 MESSENGER LN.
MOORE, OK 73160**

RESPONDENT.

**FILED
MAY 14 2025
STATE BOARD OF AGRICULTURE**

Case Nos: OGC-25-637

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 11th day of September 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 March 22, 2025, a pesticide applicator facility and use inspection was performed by the Consumer Protection Division of the Department.

19. During this investigation, our inspector observed that many of your company's trucks and cars did not have your company license number on them.

20. ODAFF requires that all vehicles used by a commercial applicator while conducting business display the company's name and license number on both sides of the vehicle in 2 inch or larger letters.

21. 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

22. 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

23. The Department is seeking an administrative penalty in the amount of **Two Hundred Fifty Dollars (\$250.00)**.

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.wormus@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.

30. 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

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 Fifty Dollars (\$250.00)**.

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 14th day of May, 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 14th day of May, 2025, a true and correct copy of the forgoing instrument was emailed as follows:

MASSEY SERVICES INC. MOORE
sgraham@masseyservices.com

Kiersten Wormus
Kiersten Wormus

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

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

COMPLAINANT,)

v.)

Case Nos: OGC-25-637

**MASSEY SERVICES INC. MOORE)
705 MESSENGER LN.)
MOORE, OK 73160)**

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date:_____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. MASSEY SERVICES INC.

Case File No. OGC-25-659

**MASSEY SERVICES OKC
11915 TRAVELERS PL. STE. A & B
OKLAHOMA CITY, OK 73131**

Summary of Facts: In March of 2025, a pesticide applicator facility and use inspection was performed by the Consumer Protection Division of the Department at Respondent's OKC location. During this investigation, our inspector observed that many of Respondent's trucks and cars did not have the company's license numbers on them.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-17-15 by improperly making an application vehicle.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred Fifty Dollars (\$250.00). 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.)

MASSEY SERVICES INC. OKC)
11915 TRAVELERS PL. STE. A & B)
OKLAHOMA CITY, OK 73131)

RESPONDENT.)

FILED
MAY 27 2025
STATE BOARD OF AGRICULTURE

Case Nos: OGC-25-659

STIPULATION

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

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

RESPONDENT:

Suzanne T. Graham

Signature

Suzanne T. Graham, Director of Government Affairs
Printed Name and Title:

Date: May 15, 2025

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

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

COMPLAINANT,

v.

**MASSEY SERVICES INC. OKC
11915 TRAVELERS PL. STE. A & B
OKLAHOMA CITY, OK 73131**

RESPONDENT.

Case Nos: OGC-25-659

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 October 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 March 20, 2025, a pesticide applicator facility and use inspection was performed by the Consumer Protection Division of the Department.

19. During this investigation, our inspector observed that many of your company's trucks and cars did not have your company license numbers on them.

20. ODAFF requires that all vehicles used by a commercial applicator while conducting business display the company's name and license number on both sides of the vehicle in 2 inch or larger letters.

21. 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

22. 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

23. The Department is seeking an administrative penalty in the amount of **Two Hundred Fifty Dollars (\$250.00)**.

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.wormus@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.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred Fifty Dollars (\$250.00)**.

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

DATED THIS 14th day of May, 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 _____ day of _____, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**MASSEY SERVICES OKC
11915 TRAVELERS PL. STE. A & B
OKLAHOMA CITY, OK 73131**

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.

**MASSEY SERVICES INC. OKC
11915 TRAVELERS PL. STE. A & B
OKLAHOMA CITY, OK 73131**

RESPONDENT.

Case Nos: OGC-25-659

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. RYAN SWIATEK, RK AIR & LAND INVESTMENTS, DBA HELICOCKS

Case File No. OGC-25-632

**RYAN SWIATEK
RK AIR & LAND INVESTMENTS
Dba HELICOCKS
21861 FM 2393
WICHITA FALLS, TX 76310**

Summary of Facts: In April of 2025, an investigation was performed by the Consumer Protection Division in Cotton County, OK. During this investigation, the ODAFF inspector observed an application vehicle, parked along Highway 5A, bearing advertisements for pesticide and fertilizer applications. Respondent informed the ODAFF inspector that he was just finishing a herbicide application. After further investigation our inspector found that ODAFF received Respondent's application for reciprocal certification but had not received a commercial pesticide applicator license application.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-82(A), 2 O.S. § 3-86(A)(9), 2 O.S. § 3-86(A)(15) and 2 O.S. § 8-77.5(A) by advertising and making commercial pesticide applications without a license.

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Dollars (\$1000.00). Respondent upon being served the Notice of Violation, accepted and returned a signed stipulation, including full payment of the proposed penalty in the amount of One Thousand Dollars (\$1000.00).

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,)

v.)

RYAN SWIATEK)
RK AIR & LAND INVESTMENTS)
dba HELICOCKS)
21861 FM 2393)
WITCHITA FALLS, TX 76310)

RESPONDENT.)

FILED
JUN 30 2025
STATE BOARD OF AGRICULTURE

Case Nos: OGC-25-632

STIPULATION

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

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

RESPONDENT:


Signature

Ryan Swiatek Owner/member
Printed Name and Title:

Date: 6/22/25

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

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

COMPLAINANT,

v.

**RYAN SWIATEK
RK AIR & LAND INVESTMENTS
dba HELICOCKS
21861 FM 2393
WITCHITA FALLS, TX 76310**

RESPONDENT.

Case Nos: OGC-25-632

FILED
MAY 14 2025
STATE BOARD OF AGRICULTURE

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 11th day of September 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.

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(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 April 15, 2025, an investigation was performed by the Consumer Protection Division of the Department in Cotton County, OK.

19. During this investigation, our inspector observed your advertisement of pesticide and fertilizer applications on your application vehicle that was parked along Highway 5A. You informed our inspector that you were just finishing an herbicide application.

20. After further investigation our inspector found that ODAFF received your application for reciprocal certification but has not received your commercial pesticide applicator license application.

21. Your company is not licensed with ODAFF to make commercial pesticide or fertilizer applications.

22. ODAFF's records show that you are a certified applicator, but you are not tied to a licensed pesticide applicator company.

23. Advertising and making commercial pesticide applications without a license are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A), 2 O.S. § 3-86(A)(9) and 2 O.S. § 3-86(A)(15). Additionally, operating without a valid Oklahoma Fertilizer License 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), 2 O.S. § 3-86(A)(9), 2 O.S. § 3-86(A)(15) and 2 O.S. §8-77.5(A) which are listed below.

- 2 O.S. §3-82(A): “(A) It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.”
- 2 O.S. §3-86(A)(9): “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: (9) Advertising or offering to perform in a category of pesticide application for which no license is held or under a name for which no license is held.”

- 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. §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 **One Thousand Dollars (\$1,000.00)**.

ATTORNEY CONFERENCES

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

ENFORCEMENT PROCEEDINGS

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1,000.00)**.

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

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

DATED THIS 14th day of May, 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 14th day of May, 2025, a true and correct copy of the forgoing instrument was emailed as follows:

RYAN SWIATEK
RK AIR & LAND INVESTMENTS dba HELICOCKS
helicocksaviation@gmail.com

Kiersten Wormus

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.

**RYAN SWIATEK
RK AIR & LAND INVESTMENTS
dba HELICOCKS
21861 FM 2393
WITCHITA FALLS, TX 76310**

RESPONDENT.

Case Nos: OGC-25-632

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. HOOKIN A AG AIR LLC

Case File No. OGC-24-435

**HOOKIN A AG AIR LLC
24669 EW 18 RD
VINITA, OK 74301**

Summary of Facts: In May of 2024, a complaint investigation was conducted at 18888 S. 4350 Rd. in Vinita, OK. During this investigation, our inspector observed the trees on the complainant's property having curled chlorotic leaves. Vegetative samples were taken from the property where the application was made and complainant's property, and 2,4-D was detected in both samples.

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

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Dollars (\$1,000.00).

Deviations: Respondent and Department entered a settlement for Five Hundred Dollars and Zero Cents (\$500.00). The monetary penalty for this matter was reduced to remain consistent with other cases and the Respondent agreed to consent order reflecting that reduction.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

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

Complainant,

v.

**HOOKIN A AG AIR LLC
24669 EW 18 RD
VINITA, OK 74301**

Respondent,

Case No: OGC-24-435

FILED
MAY 28 2025
STATE BOARD OF AGRICULTURE

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Hookin A Ag Air 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 1st day of October 2024, the Department issued a Notice of Violation in Case No. OGC-24-435, ("Notice") to the Respondent, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

ORDER AND AGREEMENT

4. In compromise and full settlement of *this matter*, respondent shall pay to the Department an administrative penalty of Five Hundred Dollars and Zero Cents (\$500.00).
5. Upon the execution of this agreement by both parties, payment shall be made within thirty (30) days by Respondent payable to the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:

Office of General Counsel
Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

EFFECT OF THE AGREEMENT

6. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based 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:

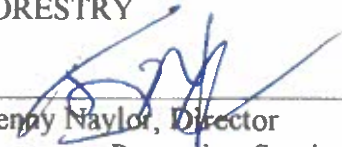
Evan Allard
HOOKIN A AG AIR LLC
24669 EW 18 RD
VINITA, OK 74301

MISCELLANEOUS

13. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
14. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
15. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
16. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
17. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
18. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
19. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY


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

Date: 5/28/25

- and by -

HOOKIN A AG AIR LLC


Evan Allard

HOOKIN A AG AIR LLC
24669 EW 18 RD
VINITA, OK 74301

Date: 5-20-25

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

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

COMPLAINANT,

v.

**HOKIN A AG AIR LLC
24669 EW 18 RD
VINITA, OK 74301**

RESPONDENT.

Case No: OGC-24-435

FILED
OCT 01 2024

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 November 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 in 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 May 21, 2024, the Consumer Protection Services Division of the Department conducted a complaint investigation at a property located at 18888 S. 4350 Rd. in Vinita, OK.

19. During this investigation, our inspector observed the trees on the complainant's property having curled chlorotic leaves.

20. According to your application records you applied GrazonNext HL and Patriot to the pastures from May 2, 2024, to May 7, 2024.

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

22. According to our investigation your applications are the source of the herbicide that was found on the complainant's trees.

23. Allowing a 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

24. 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 states:

- 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

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

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

37. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1,000.00)**.

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

DATED THIS 1st day of October, 2024.

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

Kiersten Wormus

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

CERTIFICATE OF MAILING

This is to certify that on this 1 day of OCT., 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

HOOKIN A AG AIR LLC
24669 EW 18 RD
VINITA, OK 74301



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.)
)
HOKIN A AG AIR LLC)
24669 EW 18 RD)
VINITA, OK 74301)
)
RESPONDENT.)

Case No: OGC-24-435

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. MCELYEA AND OWENS FUNERAL GROUP

Case File No. OGC-24-594

**MCELYEA AND OWENS FUNERAL GROUP
5106 NORTH HARRISON
SHAWNEE, OK 74804**

Summary of Facts: In April of 2024, a complaint referral was received from the Department of Environmental Quality ("DEQ"). DEQ found that Respondent was performing liquid cremations and distributing the liquid by product to individuals and companies claiming that it was fertilizer. ODAFF issued a Stop-Sale Order and a Letter of Warning for the product because it was not registered as a fertilizer or soil amendment. The Respondent was referred to DEQ to obtain wastewater permits for the product. In August of 2024, ODAFF issued a second Stop-Sale Order and Letter of Warning after Respondent failed to comply with the first Stop-Sale Order and Letter of Warning. ODAFF found that Respondent was continuing to distribute the unregistered fertilizer.

Statute or Rule Violation: Respondent violated 2 O.S. §8-77.5(D), 2 O.S. §8-77.12(1), 2 O.S. §8-85.3(10), 2 O.S. §8-85.5(A), 2 O.S. §8-85.8, O.A.C. 35:30-29-51(c), O.A.C. 35:30-30-2(g), and O.A.C. 35:30-30-5 by distributing a misbranded fertilizer and/or soil amendment.

Proposed Administrative Penalty: The proposed penalty for this case was Ten Thousand Dollars (\$10,000.00). The settlement allowed Respondent to not admit liability.

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.

**MCELYEA AND OWENS FUNERAL GROUP
5106 NORTH HARRISON
SHAWNEE, OK 74804**

RESPONDENT.

Case No: OGC-24-594

FILED
MAY 14 2025
STATE BOARD OF AGRICULTURE

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and McElyea and Owens Funeral Group (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 3rd day of January 2025, the Department issued a Notice of Violation in Case No. OGC-24-594, ("Notice") to the Respondent, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

ORDER AND AGREEMENT

4. In compromise and full settlement of *this matter*, the Respondent shall pay to the Department an administrative penalty of Ten Thousand Dollars and Zero Cents (\$10,000.00). The case is to be settled upon the following terms:
 - a. The Respondent agrees that within thirty (30) days of this Settlement being executed they will reopen the permit process with DEQ and obtain a wastewater permit from DEQ for dogs/cats.
 - b. The Respondent agrees to surrender their fertilizer license.
5. Upon the execution of this agreement by both parties, payment shall be made within thirty (30) days by Respondent payable to the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:

Office of General Counsel
Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

EFFECT OF THE AGREEMENT

6. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based 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 McElyea and Owens Funeral Group:

Kaleb K. Hennigh, OBA No. 20070
Ewbank & Hennigh, PLLC
1010 W. Maple
Enid, OK 73703


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: _____

- and by -

MCELYEA AND OWENS FUNERAL GROUP


Kaleb K. Hennigh, OBA No. 20070
Ewbank & Hennigh, PLLC
1010 W. Maple
Enid, OK 73703
Telephone: (580) 234-4334
Date: _____


Mike McElyea
Date: 5-14-2025


Robert Owens
Date: 5/14/2025

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

FILED
JAN 02 2025
COURT

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

COMPLAINANT,)

v.)

Case No: OGC-24-594

MCELYEA AND OWENS FUNERAL GROUP)
5106 NORTH HARRISON)
SHAWNEE, OK 74804)

RESPONDENT.)

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 13th day of February 2025 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the commercial business of distributing unregistered fertilizer in 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 April 15, 2024, the Consumer Protection Services Division of the Department (“Department”) received a complaint referral from the Department of Environmental Quality (“DEQ”) regarding an unpermitted discharge.

19. During DEQ’s investigation they found that Respondent offers liquid cremation for humans, pets, and for a rendering company in Shawnee, OK. Respondent claimed that the end product from the liquid cremation is fertilizer. Respondent supplied application records for 2023 through March of 2024 to DEQ.

20. On April 18, 2024, the Department sent a Letter of Warning and Stop-Sale Order to Respondent. Respondent was informed that the product that they claimed was fertilizer was not

registered with the Department, therefore it is not fertilizer and cannot be distributed or sold. The letter also informed the Respondent where and how to apply for a fertilizer license and to register the product.

21. On July 24, 2024, the Department emailed Respondent requesting Respondent to submit label revisions and the required efficacy data. The Department notified the Respondent that the product did not appear to be agronomically beneficial in its current state and would not be acceptable as a fertilizer material.

22. On August 29, 2024, an inspector observed that a liquid spray application vehicle was parked at Respondent's funeral home located in Shawnee, OK.

23. On August 29, 2024, the Department emailed a second Stop-Sale Order to Respondent regarding distribution and/or sale of an unregistered fertilizer product. Respondent was notified that the product in question has not been approved as a fertilizer and cannot be distributed as a fertilizer.

24. On August 30, 2024, Respondent notified the Department that the sprayer belonged to a Jeremy Kinnamon and that he was the test farmer for the product.

25. On September 6, 2024, the Department received a statement from Mr. Kinnamon regarding the product. Mr. Kinnamon stated that he allows Respondent to make applications to his property in exchange for using his applicator vehicle to transport and apply the product on his land.

26. On September 20, 2024, issued a Letter of Warning to Respondent for distributing a misbranded product.

27. To date the Respondent has not submitted the required efficacy data and the label revisions.

28. Distribution of a misbranded product is a violation of the Oklahoma Fertilizer Act and the Oklahoma Soil Amendment Act, specifically 2 O.S. §8-77.5(D), 2 O.S. §8-77.12(1), 2 O.S. §8-85.3(10), 2 O.S. §8-85.5(A), 2 O.S. §8-85.8, O.A.C. 35:30-29-51(c), O.A.C. 35:30-30-2(g), and O.A.C. 35:30-30-5.

ALLEGED CONCLUSIONS OF LAW

29. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §8-77.5(D), 2 O.S. §8-77.12(1), 2 O.S. §8-85.3(10), 2 O.S. §8-85.5(A), 2 O.S. §8-85.8, O.A.C. 35:30-29-51(c), O.A.C. 35:30-30-2(g), and O.A.C. 35:30-30-5 which are listed below.

- 2 O.S. §8-77.5(D): “D. No person, whose name appears on the label, shall distribute in this state fertilizer until it is registered with the Board by such person. An application for each brand and product name of each grade of fertilizer shall be made on a form furnished by the Board. Upon the approval of an application by the Board, a copy of the registration shall be furnished to the applicant. A distributor shall not be required to register any fertilizer which is already registered under the Oklahoma Fertilizer Act by another person, provided the label does not differ in any respect.”
- 2 O.S. §8-77.12(1):
No person shall distribute misbranded fertilizer. A fertilizer shall be misbranded if:
 1. Its labeling is false or misleading;
 2. It is distributed under the name of another fertilizer product; or
 3. It is not labeled as required in Section 8-77.5 of Title 2 of the Oklahoma Statutes and rules promulgated by the State Board of Agriculture.
- 2 O.S. §8-85.3(10):
“As used in the Soil Amendment Act:
10. "Misbranded" means and shall apply if:
 - a. any soil amendment bears a label that is false or misleading in any particular,
 - b. any soil amendment is distributed under the name of another soil amendment,

- c. any material is represented as a soil amendment or is represented as containing a soil amendment, unless the soil amendment conforms to the definition of identity, if any, prescribed by rules,
 - d. the active ingredient in any soil amendment is not shown in the approved ingredient form, or
 - e. the labeling on any soil amendment is false or misleading in any particular.”
- 2 O.S. §8-85.5(A): “A. Each soil amendment product shall be registered with the State Board of Agriculture before it is distributed in this state. Application for registration shall be submitted to the Board, on a form, showing the information required on the label, as provided in Section 8-85.4 of this title and rules promulgated pursuant thereto, except net weight of product.”
- 2 O.S. §8-85.8:
 - “It shall be a violation of the Soil Amendment Act for any person:
 - 1. To distribute a soil amendment that is not registered with the State Board of Agriculture;
 - 2. To distribute a soil amendment that is not labeled;
 - 3. To distribute a soil amendment that is misbranded;
 - 4. To distribute a soil amendment that is adulterated;
 - 5. To fail to comply with a stop sale, stop use, or removal order; or
 - 6. To violate any other provision of the Soil Amendment Act.”
- O.A.C. 35:30-29-51(c)
 - “(c) The Board shall not issue and may revoke any fertilizer registration if the Board determines:
 - (1) The nutrient value of the product or substance has inadequate plant food content; or
 - (2) The registration is for the primary purpose of disposal of the product or substance.”
- O.A.C. 35:30-30-2(g): “(g) The Board shall not issue and may revoke any soil amendment registration if the Board determines the registration is for the primary purpose of disposal of the product or substance.”
- O.A.C. 35:30-30-5:
 - “It shall be an unlawful act to:

- (1) Distribute an unregistered soil amendment, except one exempted from the requirements of this Chapter.
- (2) Distribute a soil amendment if the label or labeling does not accurately reflect its composition.
- (3) Distribute an adulterated product.
- (4) Fail to supply the Board with analyses of a soil amendments when requested by the Board.
- (5) Fail to cease distribution of any soil amendment for which the Board has issued a Stop Sale order.
- (6) Obstruct the Board in the performance of its duties.
- (7) To fail to supply any analyses of the soil amendment upon request of the Board.
- (8) To fail to disclose on the label sources of potentially deleterious components.”

PRAYER FOR RELIEF

30. The Department is seeking an administrative penalty in the amount of **Ten Thousand Dollars (\$10,000.00)** and revocation of Respondent’s Oklahoma fertilizer license.

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 **Ten Thousand Dollars (\$10,000.00)** and **revocation of Respondent's Oklahoma fertilizer license.**

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 31ST day of December, 2024.

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

Kiersten Wormus

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

CERTIFICATE OF MAILING

This is to certify that on this 31st day of December, 2024, a true and correct copy of the forgoing instrument was emailed, as follows:

Kaleb Hennigh
Attorney for MCELYEA AND OWENS FUNERAL GROUP
Email: hennigh@northwestoklaw.com

Kiersten Wormus
Kiersten Wormus

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-594

**MCELYEA AND OWENS FUNERAL GROUP)
5106 NORTH HARRISON)
SHAWNEE, OK 74804)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Ten Thousand Dollars (\$10,000.00) and revocation of Respondent's Oklahoma fertilizer license** 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. NUTRIEN AG SOLUTIONS INC.

Case File No. OGC-25-537

NUTRIEN AG SOLUTIONS INC.

16828 HWY 283

ALTUS, OK 73522

Summary of Facts: In December of 2024, a complaint inspection was performed by the Consumer Protection Division of the Department. A sales invoice shows that Respondent shipped Gramoxone SL 3.0 Herbicide, a restricted use pesticide, to payee George Neal with Central Crop Care (“CCC”) being the permittee. The invoice also had a note on it from the delivery driver that said the pesticide was left on the ground outside of the barn. At the time of this transfer neither George Neal nor Central Crop Care were certified to possess, purchase, or apply this restricted use pesticide. According to the Department’s investigation, by transferring this product to uncertified individuals and leaving the product outside and unattended the Respondent violated the Gramoxone SL 3.0 Herbicide label.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86(A)(4) by improperly transferring a restricted use pesticide to uncertified individuals and storing a restricted use pesticide against the product’s labeled requirements.

Proposed Administrative Penalty: The proposed penalty for this case was Ten Thousand Dollars (\$10,000.00). Respondent and ODAFF entered into a settlement allowing Respondent to not admit liability.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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 Nutrien Ag Solutions Inc.:


Sara Chamberlain
Thompson Coburn LLP
One US Bank Plaza
St. Louis, MO 63101
Attorney for Respondent

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:

5/9/2025

- and by -

NUTRIEN AG SOLUTIONS INC.



Bobby McGlothlin / Area Manager
Name and Title

Date:

5-9-25

STATE BOARD OF AGRICULTURE
MAR 12 2025

Case Nos: OGC-25-537

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 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 December 12, 2024, a complaint inspection was performed by the Consumer Protection Division of the Department.

19. Our inspectors conducted this investigation as a follow up to sales of Gramoxone SL 3.0 Herbicide per case INV-ODA-005-25 (OGC-25-538).

20. A sales invoice shows that you shipped 23, 2.5-gallon containers of Gramoxone SL 3.0 Herbicide to payee George Neal with Central Crop Care (“CCC”) being the permittee.

21. The CCC permit number on the invoice was not a pesticide applicator number, instead it was a fertilizer license number.

22. The invoice also had a note on it from the delivery driver that said the pesticide was left on the ground outside of the barn.

23. During this investigation you informed our inspectors that you did not charge the customer for the Gramoxone product.

24. At the time of this transfer neither George Neal nor Central Crop Care were certified to possess, purchase, or apply this restricted use pesticide.

25. The product's label states that it can only be applied by certified applicators, and it must be stored in a locked area away from children and animals.

26. According to our investigation, by transferring this product to uncertified individuals and leaving the product outside and unattended you violated the Gramoxone SL 3.0 Herbicide label.

27. Improperly transferring a restricted use pesticide to uncertified individuals and storing a restricted use pesticide against the product's labeled requirements are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(4).

ALLEGED CONCLUSIONS OF LAW

28. 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

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

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 405-522-5803 or by email at Kiersten.wormus@ag.ok.gov.

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

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 10th day of March, 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 12 day of March, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

 **NUTRIEN AG SOLUTIONS INC.
16828 HWY 283
ALTUS, OK 73522**

**NUTRIEN AG SOLUTIONS INC.
P.O. BOX 1286
GREENLY, CO 80632**



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.

**NUTRIEN AG SOLUTIONS INC.
16828 HWY 283
ALTUS, OK 73522**

RESPONDENT.

Case Nos: OGC-25-537

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Ten Thousand Dollars (\$10,000.00)** 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. AIV LANDSCAPING AND COMMERCIAL CLEANING

Case File No. OGC-25-19

AIV LANDSCAPING AND COMMERCIAL CLEANING

4 NE 10TH ST SUITE 271

OKLAHOMA CITY, OK 73104

Summary of Facts: In August of 2024, a use inspection was conducted at the Whataburger in Mustang, OK. During this investigation, our inspector observed the Respondent's employee making an application to the flowerbeds. ODAFF does not have the Respondent's company on file as being a commercial pesticide applicator company. Additionally, ODAFF does not have the Respondent's company on file as having a valid Oklahoma Fertilizer License as an ornamental and turf applicator.

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), and 2 O.S. § 8-77.5(A) by operating commercially without a pesticide license and operating without a valid fertilizer license.

Proposed Administrative Penalty: The proposed penalty for this case was Fifteen Hundred Dollars (\$1,500.00). Respondent upon being served the Notice of Violation, failed to appear in Court on May 8, 2025. Judge Mor granted a Default Judgement against the Respondent in the amount of Fifteen Hundred Dollars (\$1,500.00).

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.

**AIV LANDSCAPING AND
COMMERCIAL CLEANING
4 NE 10TH ST SUITE 271
OKLAHOMA CITY, OK 73104**

RESPONDENT.

**FILED
MAY 13 2025
STATE BOARD OF AGRICULTURE**

Case Nos: OGC-25-19

PROPOSED FINAL ORDER

NOW on this 8th day of May 2025, this matter comes before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent appears not.

On the 8th day of May 2025, this matter came on for Prehearing Conference. The Respondent was provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 91 7199 9991 7037 6525 5998 on March 14, 2025, to AIV Landscaping and Commercial Cleaning, at 4 NE 10th Street Ste. 271, Oklahoma City, OK 73104.

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

FINDINGS OF FACT

1. On August 30, 2024, a use inspection was performed by the Consumer Protection Division of the Department. During this investigation, the inspector observed the Respondent's employee making an application to the flowerbeds at the Whataburger in Mustang, OK.

2. When asked what was being applied, the inspector was informed that it was Roundup. There were also Scotts Turf Builder Weed and Feed and Spectracide Triazicide Insect Killer on the trailer of the company vehicle. ODAFF does not have the Respondent's company on file as being a commercial pesticide applicator company.

3. ODAFF does not have the Respondent's company on file as having a valid Oklahoma Fertilizer License as an ornamental and turf applicator.

4. The Notice of Violation was delivered by certified mail on March 14, 2025.

5. A hearing was set for 8th day of May 2025 at 1:30 p.m. and the Respondent did not appear.

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

7. An administrative penalty in the amount of Fifteen Hundred Dollars (\$1,500.00) was proposed in the Notice of Violation.

8. Respondent failed to plead or otherwise defend this action within the time prescribed.

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

CONCLUSIONS OF LAW

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

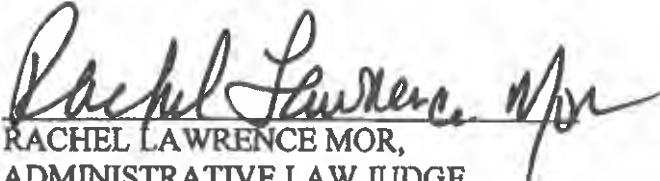
- 2 O.S. §3-82(A)(1): “(A) LICENSE REQUIRED: (1) It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's 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.”

2. Pursuant to 2 O. S. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued, 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.

RECOMMENDED ORDER

IT IS RECOMMENDED that the Findings of Fact and Conclusions of be adopted and a penalty in the amount of One Thousand and Five Hundred Dollars (\$1,500.00) be imposed on the Respondent.

SIGNED THIS 13 DAY OF May 2025.


RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

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:

ALLISON BANEGAS
AIV LANDSCAPING AND COMMERCIAL CLEANING
4 NE 10TH ST SUITE 271
OKLAHOMA CITY, OK 73104

MLB

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.

**AIV LANDSCAPING AND
COMMERCIAL CLEANING
4 NE 10TH ST SUITE 271
OKLAHOMA CITY, OK 73104**

RESPONDENT.

Case Nos: OGC-25-19

FILED
JAN 27 2025
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 13th day of 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 30, 2024, a use inspection was performed by the Consumer Protection Division of the Department.

19. During this investigation, our inspector observed your employee making an application to the flowerbeds at the Whataburger in Mustang, OK. When asked what was being applied our inspector was informed that it was Roundup. There were also Scotts Turf Builder Weed and Feed and Spectracide Triazicide Insect Killer on the trailer of the company vehicle.

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. A company must be licensed and certified by ODAFF to make commercial pesticide and fertilizer applications.

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

**ALLISON BANEGAS
AIV LANDSCAPING AND COMMERCIAL CLEANING
4 NE 10TH ST SUITE 271
OKLAHOMA CITY, OK 73104**

MB.

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.

**AIV LANDSCAPING AND
COMMERCIAL CLEANING
4 NE 10TH ST SUITE 271
OKLAHOMA CITY, OK 73104**

RESPONDENT.

Case Nos: OGC-25-19

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. CENTRAL CROP CARE

Case File No. OGC-25-538

**CENTRAL CROP CARE
207 N. BROADWAY
HOBART, OK 73651**

Summary of Facts: In September of 2024, during a use inspection our inspector informed the Respondent that he was under a stop work order due to not being licensed. On December 13, 2024, a complaint inspection was performed by the Consumer Protection Division of the Department. During this investigation, our inspector met with the Respondent regarding commercial pesticide applications that he was making without a license. The Respondent informed our inspector that he made applications for George Neal and Ricky McCollum in September of 2024. Mr. Neal informed our inspector that the Respondent applied a restricted use pesticide, Gramoxone (Paraquat), to his fields on September 17, 2024. The Gramoxone label states the product can only be applied by certified applicators that have taken Paraquat training. The Respondent informed our inspector that at the time of the application he had not taken Paraquat applicator training and did not have records of the applications. ODAFF's records show that the Respondent passed our agriculture plant exam on September 18, 2024, the day after the applications, and that the Respondent received his commercial pesticide applicator license on January 17, 2025.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(15), 2 O.S. § 3-86(A)(16), and O.A.C. 35:30-17-21 by making commercial applications without a license and certification, applying a pesticide product in a manner inconsistent with the product label, and not keeping restricted use pesticide application records.

Proposed Administrative Penalty: The proposed penalty for this case was Twenty-five Hundred Dollars (\$2,500.00). Respondent upon being served the Notice of Violation, failed to appear in Court on May 8, 2025. Judge Mor granted a Default Judgement against the Respondent in the amount of Twenty-five Hundred Dollars (\$2,500.00).

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

FILED
MAY 13 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-25-538

**CENTRAL CROP CARE
207 N. BROADWAY
HOBART, OK 73651**

RESPONDENT.

PROPOSED FINAL ORDER

NOW on this 8th day of May 2025, this matter comes before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent appears not.

On the 8th day of May 2025, this matter came on for Prehearing Conference. The Respondent was provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 91 7199 9991 7037 6525 5929 on March 15, 2025, to Central Crop Care, at 207 N. Broadway, Hobart, OK 73651.

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

FINDINGS OF FACT

1. On September 10, 2024, during a use inspection our inspector informed the Respondent that he was under a stop work order due to not being licensed. On

December 13, 2024, a complaint inspection was performed by the Consumer Protection Division of the Department.

2. During this investigation, our inspector met with the Respondent regarding commercial pesticide applications that he was making without a license. The Respondent informed our inspector that he made applications for George Neal and Ricky McCollum in September of 2024. Mr. Neal informed our inspector that the Respondent applied a restricted use pesticide, Gramoxone (Paraquat), to his fields on September 17, 2024.

3. The Gramoxone label states the product can only be applied by certified applicators that have taken Paraquat training.

4. The Respondent informed the inspector that at the time of the application he had not taken Paraquat applicator training and did not have records of the applications. ODAFF's records show that the Respondent passed your agriculture plant exam on September 18, 2024, the day after the applications, and that the Respondent received his commercial pesticide applicator license on January 17, 2025.

5. The Notice of Violation was delivered by certified mail on March 15, 2025.

6. A hearing was set for 8th day of May 2025 at 1:30 p.m. and the Respondent did not appear.

7. Respondent failed to plead or otherwise defend this action within the time prescribed.

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

9. At the administrative hearing, a penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) was proposed.

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

CONCLUSIONS OF LAW

1. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(15), 2 O.S. § 3-86(A)(16), and O.A.C. 35:30-17-21(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)(4): "A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (4) A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board."
- 2 O.S. §3-86(A)(15): "A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (15) Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged."

- 2 O.S. §3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”
- O.A.C. 35:30-17-21(a):
“(a) Commercial and non-commercial applicators shall keep accurate records pertaining to pesticide activities, which, at a minimum, show:
 - (1) Start and stop time of application.
 - (2) Total amount of pesticide used.
 - (3) Name and address of the commercial or non-commercial company.
 - (4) Name, certification number, and certification expiration date of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
 - (5) Name and address of person for whom applied.
 - (6) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
 - (7) Date of application.
 - (8) Application rate.
 - (9) Dilution rate for mixing.
 - (10) Total quantity tank mix used.
 - (11) Complete trade name of pesticide product used.
 - (12) EPA registration number of pesticide product used.
 - (13) Name of adjuvants used when the label requires specific adjuvants.
 - (14) Name of drifting agents used when the label requires specific drifting agents.
 - (15) Target pest for the application.
 - (16) Site where the pesticide was applied.
 - (17) Size of the area treated.
 - (18) Restricted Entry Interval as stated on the product label.
 - (19) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.

- (20) Copies of any contracts issued.
- (21) Copies of any wood infestation reports issued.
- (22) Other information as required by the Board."


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

3. The 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 RECOMMENDED that the Findings of Fact and Conclusions of Law be adopted as a Final Order and that a penalty in the amount of Two Thousand and Five Hundred Dollars (\$2,500.00) be imposed on the Respondent.

SIGNED THIS 13 DAY OF May 2025.


RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

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:

CENTRAL CROP CARE
207 N. BROADWAY
HOBART, OK 73651



Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case Nos: OGC-24-824

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

RESPONDENT.)

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 8th day of May 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 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 19, 2024, a complaint investigation was performed by the Consumer Protection Division of the Department at NE ¼ section 19 9N 9W in rural Caddo county near Gracemont, OK.

19. During this investigation, our inspector found that your company made an application to a pasture north of the pasture referenced above in the E ½ of section 18-9N-9W on May 31, 2024.

20. Upon inspection of the property located at NE ¼ section 19 9N 9W, the inspector found trees with moderate effects consistent with herbicide drift on the top and north side of those trees. Additionally, the inspector observed moderate to heavy effects consistent with herbicide drift on weeds in the complainant's pasture.

21. Vegetative samples were taken from the property you sprayed and the property to the south of your application area and the active ingredients in DuraCor were detected in both samples.

22. According to our investigation your application resulted in an off-target movement/drift onto the property south of your application area.

23. 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

24. 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

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

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

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

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

Gina Blaylock

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

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

COMPLAINANT,

v.

Case Nos: OGC-24-824

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

RESPONDENT.

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date:_____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. JOE HARPER

Case File No. OGC-25-464

**JOE HARPER
7016 CAMILLE AVE.
OKLAHOMA CITY, OK 73149**

Summary of Facts: In February of 2025, the Consumer Protection Division of the Department was notified by PSI Exams of testing misconduct. The Respondent was checking in to take his service technician examination and officials at the PSI testing center in Oklahoma City confiscated a brown napkin that he brought into the testing facility which had test notes written on it. Cheating on exams is prohibited and applicants cannot physically possess or have access to study materials, books, notebooks, or paper of any kind unless provided by the testing proctor.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-17-5.2(a), O.A.C. 35:30-17-5.2(b)(2), and O.A.C. 35:30-17-5.2(b)(3) by having prohibited items the examination site.

Proposed Administrative Penalty: The proposed penalty for this case was Five Hundred Dollars (\$500.00) and a one (1) year pesticide examination prohibition. Respondent upon being served the Notice of Violation, failed to appear in Court on May 8, 2025. Judge Mor granted a Default Judgement against the Respondent in the amount of Five Hundred Dollars (\$500.00) and a one (1) year pesticide examination prohibition.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

FILED
MAY 13 2025
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

**JOE HARPER
7016 CAMILLE AVE.
OKLAHOMA CITY, OK 73149**

RESPONDENT.

Case Nos: OGC-25-464

PROPOSED FINAL ORDER

NOW on this 8th day of May 2025, this matter comes before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent did not appear.

On the 8th day of May 2025, this matter came on for Prehearing Conference. The Respondent was provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 91 7199 9991 7037 6525 5950 on March 14, 2025, to Joe Harper, at 7016 Camille Ave., Oklahoma City, OK 73149. The Notice of Violation advised Respondent that failure to appear at the designated time and place for hearing and failure to pay the recommended fine or penalty stated in the Notice of Violation following proper notice to the Respondent may result in a default judgment.

FINDINGS OF FACT

1. On February 25, 2025, the Consumer Protection Division of the Department was notified by PSI Exams of testing misconduct. On February 24, 2025, while the Respondent was checking in to take his service technician examination,

officials at the PSI testing center in Oklahoma City confiscated a brown napkin that he brought into the testing facility which had test notes written on it. Cheating on exams is prohibited and applicants cannot physically possess or have access to study materials, books, notebooks, or paper of any kind unless provided by the testing proctor. See Complainant's Notice of Violation attached hereto as Exhibit 1.

2. Respondent failed to plead or otherwise defend this action within the time prescribed.

3. The Notice of Violation was delivered by certified mail on March 14, 2025. See certified mail receipt attached hereto as Exhibit 2.

4. A hearing was set for 8th day of May 2025 at 1:30 p.m. and the Respondent did not appear.

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

6. An administrative penalty in the amount of Five Hundred Dollars (\$500.00) and a one (1) year pesticide examination prohibition were proposed by the Notice of Violation.

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

CONCLUSIONS OF LAW

1. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-17-5.2(a), O.A.C. 35:30-17-5.2(b)(2), and O.A.C. 35:30-17-5.2(b)(3) which are listed below.

- O.A.C. 35:30-17-5.2(a): "(a) Cheating is prohibited. Cheating shall include, but is not limited to, talking to other applicants during the

examination, looking at other applicants answer sheet, or using reference materials that are not provided by the testing proctor.”


- O.A.C. 35:30-17-5.2(b)(2): “(b) Applicants shall not physically possess or have access to the following items while testing: (2) Study materials of any kind.”
- O.A.C. 35:30-17-5.2(b)(3): “(b) Applicants shall not physically possess or have access to the following items while testing: (3) Books, notebooks, or paper of any kind unless provided by the testing proctor.”

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

RECOMMENDED ORDER

IT IS RECOMMENDED that the Findings of Fact and Conclusions of Law be adopted and that the Respondent be fined as a penalty in the amount of Five Hundred Dollars (\$500.00) and that a one (1) year pesticide examination prohibition be imposed.

SIGNED THIS 13 DAY OF May 2025.


RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

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:

JOE HARPER
7016 CAMILLE AVE.
OKLAHOMA CITY, OK 73149

M B.

Gina Blaylock

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

MAK 12 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-25-464

JOE HARPER)
7016 CAMILLE AVE.)
OKLAHOMA CITY, OK 73149)

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

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

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

17. On February 25, 2025, the Consumer Protection Division of the Department was notified by PSI Exams of testing misconduct.

18. On February 24, 2025, while you were checking in to take your service technician examination, officials at the PSI testing center in Oklahoma City confiscated a brown napkin that you brought into the testing facility which had test notes written on it.

19. Cheating on exams is prohibited and applicants cannot physically possess or have access to study materials, books, notebooks, or paper of any kind unless provided by the testing proctor.

20. Having prohibited items at an examination site is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically O.A.C. 35:30-17-5.2(a), O.A.C. 35:30-17-5.2(b)(2), and O.A.C. 35:30-17-5.2(b)(3).

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-17-5.2(a), O.A.C. 35:30-17-5.2(b)(2), and O.A.C. 35:30-17-5.2(b)(3) which are listed below.

- O.A.C. 35:30-17-5.2(a): “(a) Cheating is prohibited. Cheating shall include, but is not limited to, talking to other applicants during the examination, looking at other applicants answer sheet, or using reference materials that are not provided by the testing proctor.”
- O.A.C. 35:30-17-5.2(b)(2): “(b) Applicants shall not physically possess or have access to the following items while testing: (2) Study materials of any kind.”
- O.A.C. 35:30-17-5.2(b)(3): “(b) Applicants shall not physically possess or have access to the following items while testing: (3) Books, notebooks, or paper of any kind unless provided by the testing proctor.”

PRAYER FOR RELIEF

22. The Department is seeking an administrative penalty in the amount of **Five Hundred Dollars (\$500.00) and a one (1) year pesticide examination prohibition.**

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00) and a one (1) year pesticide examination prohibition.**

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

DATED THIS 10th day of March, 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 12 day of March, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**JOE HARPER
7016 CAMILLE AVE.
OKLAHOMA CITY, OK 73149**



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-25-464

**JOE HARPER)
7016 CAMILLE AVE.)
OKLAHOMA CITY, OK 73149)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00) and a one (1) year pesticide examination prohibition** 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. MITCHELL'S TURF SERVICE

Case File No. OGC-25-72

**MITCHELL'S TURF SERVICE
1500 PHEASANT CR.
CLAREMORE, OK 74019**

Summary of Facts: In December of 2024, a use inspection was performed by the Consumer Protection Division in Broken Arrow, OK. During this investigation, the ODAFF inspector found that Respondent's company license expired December 31, 2023. The ODAFF inspector observed Respondent's employee in a company vehicle at a residence in Broken Arrow, OK. This company vehicle only had Respondent's license number on one side and Respondent's company name was not on the vehicle. The ODAFF inspector observed a box of 2,4-D Amine in the back seat of the vehicle.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-82(A), 2 O.S. § 3-86(A)(15), 2 O.S. § 3-86(A)(16) and O.A.C. 35-30-17-15 by operating without a commercial applicator license and certification and an improperly marked application vehicle.

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Dollars (\$1000.00). Respondent upon being served the Notice of Violation, failed to appear in Court on April 10, 2025. Judge Mor granted a Default Judgement against the Respondent in the amount of One Thousand Dollars (\$1000.00).

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

FILED
JUN 19 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-25-72

MITCHELL'S TURF SERVICE)
1500 PHEASANT CR.)
CLAREMORE, OK 74019)

RESPONDENT.)

PROPOSED FINAL ORDER

NOW on this 10th day of April 2025, this matter comes before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent appears not.

On the 10th day of April 2025, this matter came on for Prehearing Conference. Respondent was provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 91 7199 9991 7031 3274 2267 on February 26, 2025, to Mitchell's Turf Service, at 1500 Pheasant Cr. CLAREMORE, OK 74019.

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

FINDINGS OF FACT

1. On December 12, 2024, a use inspection was performed by the Consumer Protection Division in Broken Arrow, OK. During this investigation, the ODAFF

inspector found that Respondent's company license expired December 31, 2023. The ODAFF inspector observed service technician Eric Lunsford in Respondent's company vehicle at a residence in Broken Arrow, OK. This company vehicle only had Respondent's license number on one side and Respondent's company name was not on the vehicle. The ODAFF inspector observed a box of 2,4-D Amine in the back seat of the vehicle. *See* Complainant's Notice of Violation attached hereto as Exhibit 1.

2. Respondent failed to plead or otherwise defend this action within the time prescribed.

3. The Notice of Violation was delivered by certified mail on February 26, 2025. *See* certified mail receipt attached hereto as Exhibit 2.

4. Hearing was set for 10th day of April 2025 at 1:30 p.m. and Respondent did not appear.

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

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

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

CONCLUSIONS OF LAW

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

- 2 O.S. § 3-82(A): "A. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified

applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged, unless the person is applying to his or her own property."

- 2 O.S. § 3-86(A)(15): "A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 15. Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged."
- 2 O.S. § 3-86(A)(16): "A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 16. Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised."
- O.A.C. 35:30-17-15: "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."

2. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by

statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

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

RECOMMENDED ORDER

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on February 10, 2025, be adopted as a Final Order and a penalty in the amount of One Thousand Dollars (\$1000.00) is imposed on the Respondent.

SIGNED THIS 19 DAY OF June 2025.



HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:

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

CERTIFICATE OF MAILING

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

MITCHELL'S TURF SERVICE
1500 PHEASANT CR.
CLAREMORE, OK 74019



Gina Blaylock

EXHIBIT 1

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

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

COMPLAINANT,

v.

**MITCHELL'S TURF SERVICE
1500 PHEASANT CR.
CLAREMORE, OK 74019**

RESPONDENT.

Case Nos: OGC-25-72

FILED
FEB 10 2025
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 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 December 12, 2024, a use inspection was performed by the Consumer Protection Division in Broken Arrow, OK.

19. During this investigation, our office found that your company license expired December 31, 2023.

20. Our inspector observed service technician Eric Lunsford in your company vehicle at a residence in Broken Arrow, OK. This company vehicle only had your license number on one side and your company name was not on the vehicle.

21. Our inspector observed a box of 2,4-D Amine in the back seat of the vehicle.

22. Operating without a commercial applicator license and certification and an improperly marked application vehicle are violations of the Oklahoma Combined Pesticide Law & Rules.

specifically 2 O.S. § 3-82(A), 2 O.S. § 3-86(A)(15), 2 O.S. § 3-86(A)(16) and O.A.C. 35:30-17-15.

ALLEGED CONCLUSIONS OF LAW

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

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

- 2 O.S. § 3-86(A)(16): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 16. Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.”
- O.A.C. 35:30-17-15: “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 **One Thousand Dollars (\$1000.00)**.

ATTORNEY CONFERENCES

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

ENFORCEMENT PROCEEDINGS

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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

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

DATED THIS 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:

**MITCHELL'S TURF SERVICE
1500 PHEASANT CR.
CLAREMORE, OK 74019**

YB

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-25-72

**MITCHELL'S TURF SERVICE)
1500 PHEASANT CR.)
CLAREMORE, OK 74019)**

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

EXHIBIT 2



March 27, 2025

Dear amanda wormus:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3132 7422 67.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	February 26, 2025, 2:03 pm
Location:	CLAREMORE, OK 74019
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	4lb, 3.0oz
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Recipient Signature

Signature of Recipient:

Address of Recipient:

1500 PHEASANT CIR,
CLAREMORE, OK 74019

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

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

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