

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

Tuesday, October 14, 2025  
1:00 P.M.

1201 Willow Road  
Enid, Oklahoma 73703

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 August 27, 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 – Bryce Boyer

7. Consideration and Proposed Action on Purchases/Contracts

8. Consideration and Proposed Action on Cases Resolved by Stipulations

**Agricultural Environmental Management Services**

Mark Amos, 22201 Falling Springs Road, Decatur, Arkansas

Jeff Buffington, 15621 Rhino Road, Spiro, Oklahoma

Tommy Caldwell, 28565 Latham School Rd., Shady Point, Oklahoma

Christopher Piovesan, 31605 Holson Valley Road, Wister, Oklahoma

Zachary Rendel, 59955 E. 66 Road, Miami, Oklahoma

Par Thluai, 46200 670 Road, Jay, Oklahoma

Tun & Niang Lun Tuang, 26150 Conser Landing, Heavener, Oklahoma

Gao N. Yang, 8722 S. Cherokee Street, Muskogee, Oklahoma

**Consumer Protection Services**

7-Eleven, 8930 S. Sooner Road, Oklahoma City, Oklahoma

7-Eleven, 12000 S. Western, Oklahoma City, Oklahoma

7-Eleven, 500 S. W. 89<sup>th</sup>, Oklahoma City, Oklahoma

Atlas Lawn Care and Tree Service, 34153 CS 2690, Anadarko, Oklahoma

Barnes Weed and Pest Control, 1225 N. Illinois, Weatherford, Oklahoma

CHS Agronomy CP, 5500 Cenex Drive, Inver Gove Heights, Minnesota

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

Family Dollar, 911 E. Broadway, Enid, Oklahoma

Lupercio Lawns, 1807 N. W. 5<sup>th</sup> Street, Oklahoma City, Oklahoma

Connor & Jason McCabe, 213 W. Jackson Ave., McAlester, Oklahoma

Okie Drones, 51110 W. 281<sup>st</sup> St. S., Stroud, Oklahoma

Terminix, 13220 N. Sante Fe Ave, Oklahoma City, Oklahoma

Thunder's Edge, LLC, Weed Man, 3712 N. E 104<sup>TH</sup>, STE. 200, Oklahoma City, Oklahoma

Julio Velasco, 10917 S. W. 33<sup>rd</sup> Street, Yukon, Oklahoma

**\*\*Possible Executive Session (if approved by the required number of members present):**

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of "[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act."

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

**Consumer Protection Services**

Mahler Enterprises, LLC, 1816 Johnson Road, Iowa Park, Texas

Brian Sheffield, 205 Nash Avenue, Ft. Gibson, Oklahoma

**\*\*Possible Executive Session (if approved by the required number of members present):** As

authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of "[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act."

10. Next Board meeting scheduled for **December 3, 2025**, at Oklahoma City, Oklahoma.

11. Old Business
12. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.
13. Adjournment  
*\*Members of the Board and staff from ODAFF may join for breakfast, lunch, dinner, tours, or events on October 14 and 15, 2025. Board Members, staff, and the public may discuss program issues during breakfast, dinner, lunch, tours, or events on October 14 and 15, 2025; no votes or action will be taken during breakfast, dinner, lunch, tours, or events on October 14 and 15, 2025.*

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

Langston, Oklahoma  
August 27, 2025

The Oklahoma State Board of Agriculture met in regular session at 10:00a.m., August 27, 2025, in Langston, Oklahoma. Written notice of this meeting was filed with the Secretary of State. A notice was posted at the School of Physical Therapy building on Langston University campus 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 Assistant  
JanLee Rowlett, Deputy Commissioner  
Daniel Ridings, Director, Administrative Services  
Brian McDowell, Director, Laboratory Services  
Bryce Boyer, Director, Communications  
Kenny Naylor, Director, Consumer Protection Services  
Andy James, Forestry Services  
Teena Gunter, Director, Agricultural Environmental  
Management Services & Office of General Counsel  
Dr. Rod Hall, Director, Animal Industry Services  
Scott Yates, Director, Food Safety  
Justin Cooper, Director, Wildlife Services  
Troy Marshall, Director, Agricultural Statistics  
Meriruth Sellers, Director, Market Development  
Steve Thompson, OSU/ A&M Board of Regents  
Sasha Ndisabiye, NonDoc  
Dr. Ruth Ray Jackson, President, Langston University  
Jet Turner, Langston University  
Heleen Sheets, Langston University  
Ellie Melero, Langston University  
Ayana Talley, Langston University

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

President Jackson shared welcoming remarks and general information regarding Langston University.

A motion was made by Mr. Burtrum, seconded by Mr. Cook, to approve the minutes of the regular meeting of July 23, 2025, as presented.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

Daniel Ridings, Director of Administrative Services, was recognized for his 30 years of service with the State of Oklahoma.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

**Agricultural Environmental Management Services**

**Mary Houston & Brian Wagner, 461 E. Central St., Central, Utah**

**David Imhoff, 820807 S. 3500 Road, Stroud, Oklahoma**

**Darwin Nightingale, 21081 E. 458 Road, Jay, Oklahoma**

**Eddie & Richie Robinson, P. O. Box 917, Holdenville, Oklahoma**

**Consumer Protection Services**

**81 Express, LLC, 201 S. Chisholm Trail, Dover, Oklahoma**

**Lawn Buster, 3649 Elizabeth Street, Choctaw, Oklahoma**

**West Termite, Pest, and Lawn SW-Missouri, P. O. Box 1520, Lowell, Arkansas**

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye
Farris	Aye

The motion carried.

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

**Consumer Protection Services**

**Simple Organics, 6855 N. W. 178<sup>th</sup> Street Unit A1, Edmond, 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. Bolen moved, Mr. Cook seconded, that the meeting be adjourned at 11:11 a.m.

By \_\_\_\_\_  
President

ATTEST: \_\_\_\_\_  
Executive Secretary

# August 27, 2025, BOARD MEETING

## PURCHASES/CONTRACTS

### ADMINISTRATIVE SERVICES

#### **FY26- Laserfiche - \$40,500 –**

The agency currently employs Laserfiche software as an automated digital repository with workflow capabilities; however, the system requires an upgrade. Presently, we are utilizing Laserfiche version 10.4, and maintenance and support for this version will soon be discontinued. Additionally, Laserfiche is installed on Windows Server 2008 R2, for which support ended in January 2020. In the absence of this upgrade, the agency will no longer have access to essential support services. Transitioning to Laserfiche version 12 will facilitate migration to an upgraded OMES-hosted platform. Furthermore, the upgrade will enable the installation of two new local Quick Fields workstations, thus eliminating ODAFF of two leased OMES servers, saving the agency \$7,968/year.

### LABORATORY SERVICES

#### **FY26 – Hazardous Waste Disposal-\$5,672.05**

Purchase to remove and dispose of hazardous waste material from laboratory.

### FORESTRY SERVICES

#### **FY26 –Southern Pine Beetle Federal Grant- PC 87 Federal Funding -\$20,000**

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.

#### **FY26 –Oklahoma Forest Landowner Assistance Program- PC 76 Federal Funding -\$250,000**

The Oklahoma Forest Landowner Assistance Program is a new grant designed to provide financial assistance to private landowners. The primary goal is to help them implement critical forest management activities that they may not be able to afford otherwise. The program targets Non-Industrial Private Forest (NIPF) landowners, which includes private individuals, groups, trusts, associations, federally recognized tribes, and corporations without publicly tradable stocks (e.g., boy/girl scouts). This grant will be administered to eligible landowners through a cost-share model.

**Justification:** All funds spent on this program will be federally reimbursed.

The approval of this program is crucial to advance several key forestry initiatives across the state. This grant will fund practices that:

- **Promote Forest Health:** The program will support management activities that mimic historic disturbance regimes, reducing competition for resources and enhancing the forests' ability to resist pests and pathogens.
- **Restore Native Ecosystems:** It will provide funds to combat non-native invasive species, which out-compete native plants, threaten species diversity, and increase competition for limited resources.



- **Enhance Reforestation Efforts:** The grant will help landowners restore woody cover in areas that have experienced reduced stocking levels due to natural causes or management practices. Prompt reforestation is vital to prevent erosion and invasive species establishment while increasing landscape-scale forest resiliency.
- **Mitigate Wildfire Risk:** Funding will support the promotion of fire-adapted ecosystems through prescribed burning, which reduces fuel loads and decreases the risk of catastrophic wildfires. It will also fund the creation and maintenance of fuel breaks, which are essential for slowing the spread of fire and enhancing suppression efforts.
- **Increase Landscape Diversity:** The program will allow for the conversion of land to native woody species through afforestation and agroforestry practices, increasing the diversity of species and land use across the landscape.

## **CONSUMER PROTECTION SERVICES**

### **FY2025 – Large Vehicle Scale Truck Bed Repair - \$5,500.00**

Large vehicle scale truck bed needed a repair to the hydraulic pump which had stopped working. The pump had stripped gears and needed to be replaced.

## **WILDLIFE SERVICES**

### **FY26- OKC SE Landfill- \$29,040**

Cooperative Agreement, spanning October 1, 2025 through September 30, 2026, regarding the control and removal of nuisance birds defecating on and damaging property. Furthermore, this will help reduce the threat of bird/aircraft interaction at Tinker AFB close by.

## **MARKET DEVELOPMENT**

### **FY2026 – Tulsa County Public Facilities Authority – 2025 Tulsa State Fair – Made in Oklahoma booths - \$25,616.00**

Justification: ODAFF contracts with the Tulsa County Public Facilities Authority for the purpose of providing a Made in Oklahoma Exhibit in the Exchange Center during the Tulsa State Fair. ODAFF sublets booth spaces within this exhibit area to MIO companies. The MIO Exhibit at the Tulsa State Fair is a rare opportunity for new MIO companies to introduce their products to an average of over 1 million potential customers. The average number of companies impacted each year is around 48 companies. The event falls within the purpose of the MIO Program which is to assist local agricultural companies in collectively promoting brand awareness and consumer loyalty for Oklahoma products through cooperative marketing activities. If this proposed expense is not approved, there will not be a labeled MIO exhibit at the Tulsa State Fair. The economic impact to the MIO companies intending to participate in this Exhibit will potentially lose thousands of dollars in sales during the 11-day event held each year.

### **FY2026 – Tulsa Home and Garden Show – booth rental – cost share basis for 10 Made in Oklahoma companies - \$12,000.00**

### **FY2026 – Value-Added Agriculture Grant – viticulture – Daniel Montreuil - \$10,000.00**

### **FY2026 – Farm to School – printing – educational resources – funded entirely by the Farm to School State Formula Grant - \$50,000.00**

Justification: It is the goal of the Farm to School Program to offer students hands on learning experiences that foster an understanding of where their food comes from, promote healthy eating habits and strengthen local food systems along with educating school food service staff and teachers through printed educational materials. Some of these printed materials include posters, cookbooks, recipe card sets, school garden quick start guide and signage. If this expense is not approved, it will hinder the education of children and school staff on local food along with running the risk of not being awarded USDA FNS Farm to School State Formula grants in the future.

**FY2026 – NASDA – National Restaurant Association Show – booth space - \$18,525.00**

**FY2026 – Whova – conference event management tool – Oklahoma Local Ag Summit – funded entirely by Specialty Crop Block Grant - \$10,000.00**

# **Oklahoma Department of Agriculture, Food & Forestry**

## **October 14, 2025, Board Report**

### **Administrative Services**

# ODAFF Building Maintenance Update

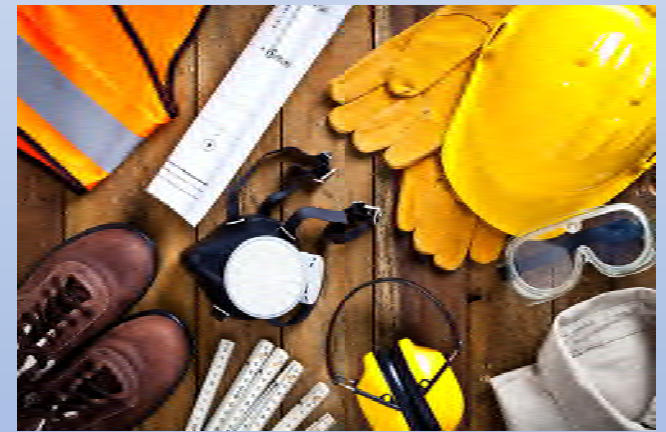
- **ODAFF Building Deferred Maintenance**

- Replacing

- Light fixtures
    - Ceiling tiles
    - HVAC
    - Last two phases of project

- Phase 5

- 10/8/25 – 11/20/25
        - First floor
        - Market Development
        - HR
        - Mail & supply rooms
        - Admin conference room
        - Several administration offices



# ODAFF Building Maintenance Update Phase 5 – 10/8/25 – 1/20/25

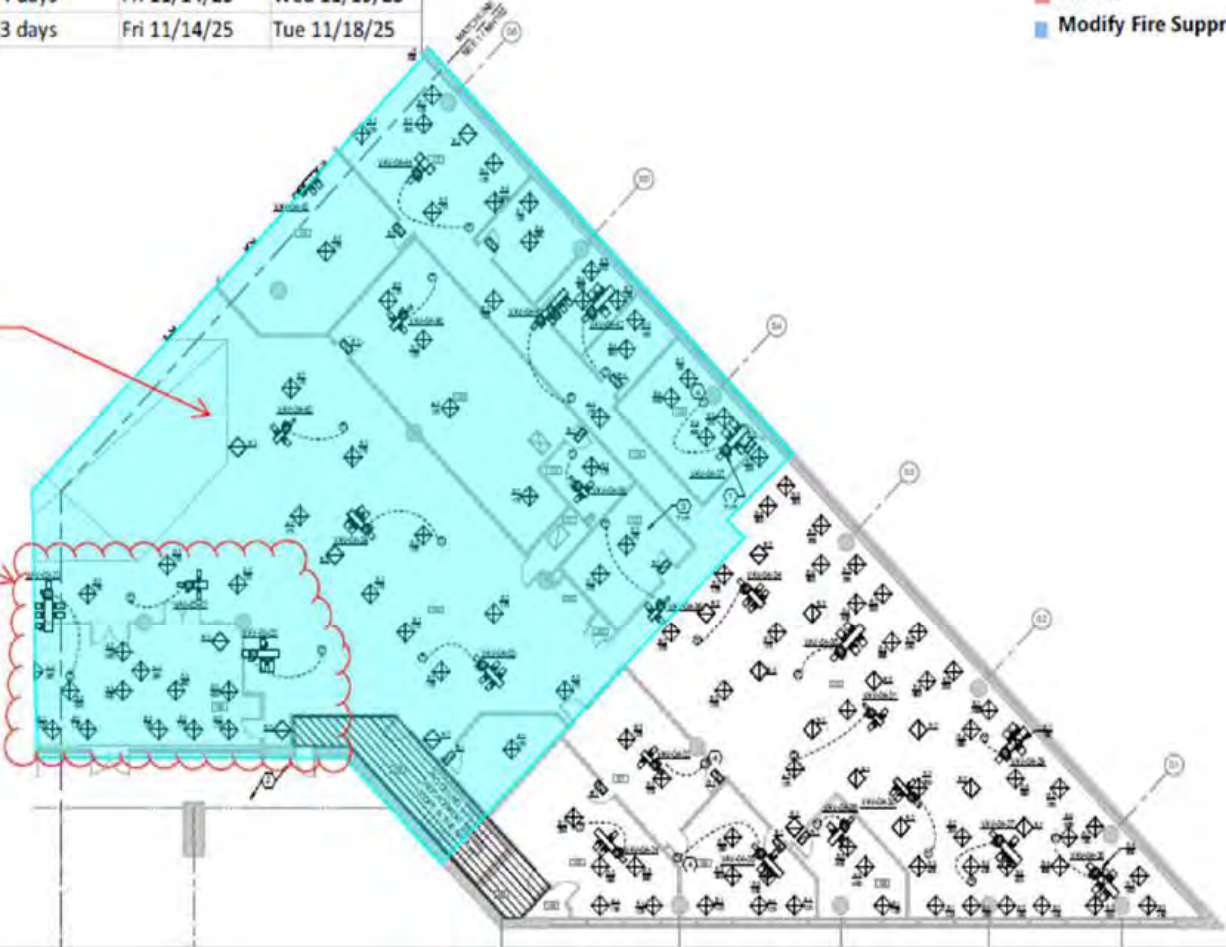


Task ID	Task Name	Duration	Start	Finish	25												Qtr 2, 2025			Qtr 3, 2025			Qtr 4, 2025			Qtr 1, 2026		
					Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar										
22	Phase Five - 1st Floor - SE - Agriculture 1/2	30 days	Wed 10/8/25	Thu 11/20/25																<div><div></div> Demo Existing Ceilings</div>								
23	Demo Existing Ceilings	5 days	Wed 10/8/25	Wed 10/15/25																<div><div></div> HVAC Demo - VAVs (9 qty)</div>								
24	HVAC Demo - VAVs (9 qty)	5 days	Thu 10/16/25	Wed 10/22/25																<div><div></div> Electrical Rough</div>								
26	Electrical Rough	10 days	Thu 10/16/25	Wed 10/29/25																<div><div></div> HVAC Rough - VAVs</div>								
25	HVAC Rough - VAVs	13 days	Mon 10/20/25	Wed 11/5/25																<div><div></div> Ceiling Grid Install</div>								
27	Ceiling Grid Install	5 days	Thu 11/6/25	Thu 11/13/25																<div><div></div> Install Ceiling Tiles</div>								
31	Install Ceiling Tiles	5 days	Thu 11/13/25	Wed 11/19/25																<div><div></div> Lighting</div>								
28	Lighting	5 days	Fri 11/14/25	Thu 11/20/25																<div><div></div> Grilles</div>								
29	Grilles	4 days	Fri 11/14/25	Wed 11/19/25																<div><div></div> Modify Fire Suppression Heads As Needed</div>								
30	Modify Fire Suppression Heads As Needed	3 days	Fri 11/14/25	Tue 11/18/25																								

- Demo Existing Ceilings
- HVAC Demo - VAVs (9 qty)
- Electrical Rough
- HVAC Rough - VAVs
- Ceiling Grid Install
- Install Ceiling Tiles
- Lighting
- Grilles
- Modify Fire Suppression Heads

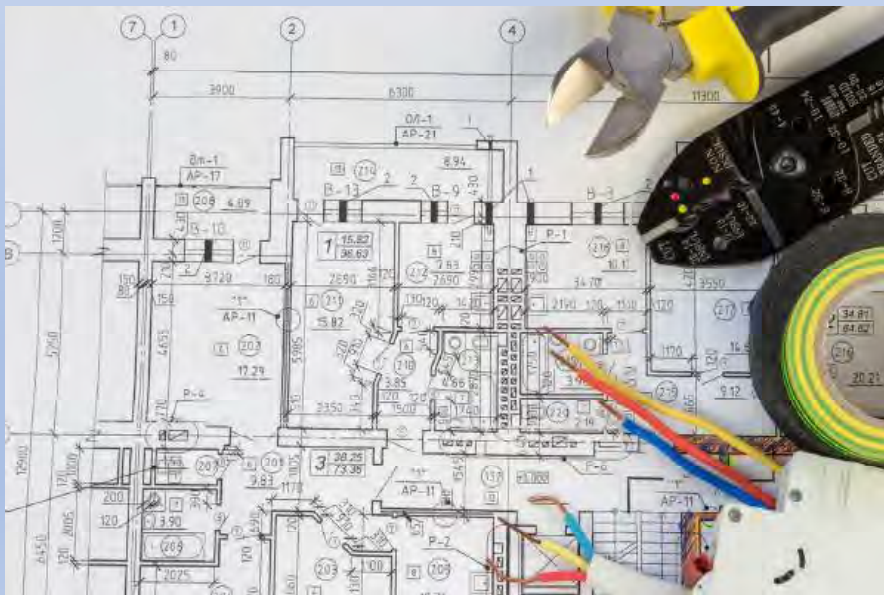
Phase Five - Agriculture 1/2

Move from Phase 5 to Phase 6



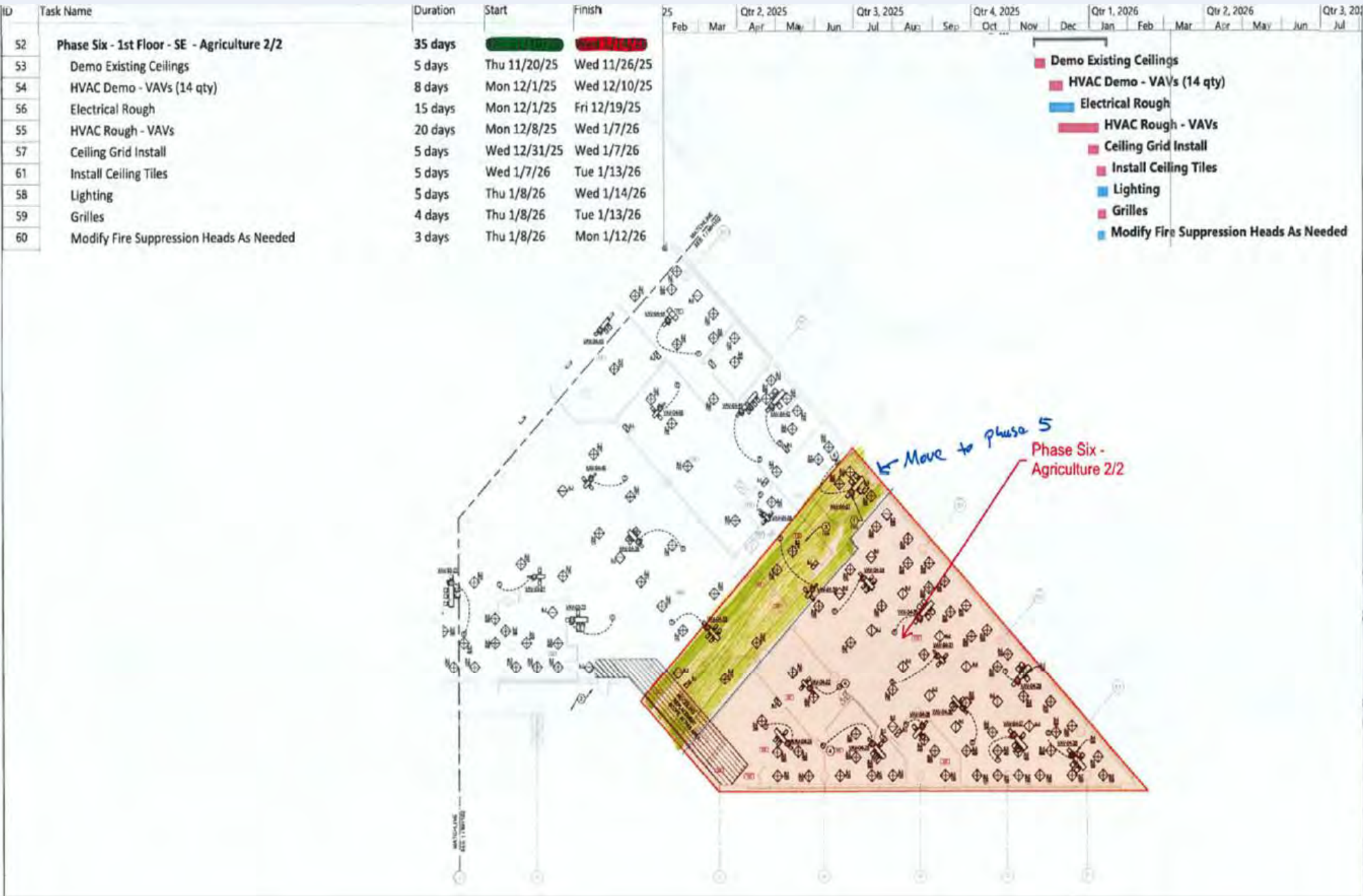
# ODAFF Building Maintenance Update

- Phase 6
  - 11/20/25 – 1/14/26
  - First floor
    - Executive Offices
    - Finance
    - Purchasing/Fleet





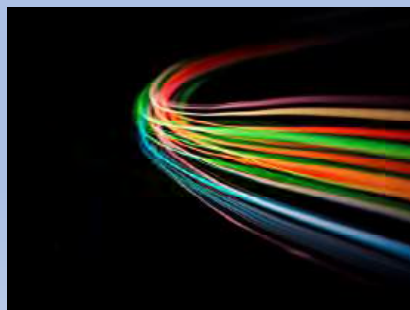
# ODAFF Building Maintenance - Phase 6 – 11/20/25 – 1/14/26



# ODAFF Building Maintenance Update

- **ODAFF Electrical Upgrade**

- Entire ODAFF building power shutdown 12/2/25 – 12/31/25
  - ODAFF staff will temporarily relocate during this power outage
    - Executive Office – ODAFF Lab
    - Administration – ODAFF Lab
- Second & third floor electrical work
  - Preparations will be made on Thursday/Friday & power turned off for repairs on Saturday/Sunday
    - 3<sup>rd</sup> floor electric room 305 – prep work Oct. 2-3, shutdown occurring Oct. 4-5
    - 3<sup>rd</sup> floor electric room 301 – prep work Oct. 16-17, shutdown occurring Oct. 18-19
    - 2<sup>nd</sup> floor electric room 201 – prep work Oct. 23-24 and Oct. 30-31, shutdowns occurring Oct. 25-26 and Nov. 1-2
    - 2<sup>nd</sup> floor electric room 202 - prep work Nov. 6-7 and Nov. 13-14, shutdowns occurring Nov. 8-9 and Nov. 15-16





# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES

AUGUST 2025



OKLAHOMA



INVESTIGATIONS		AUGUST	YTD	FYTD
LIVESTOCK		6	32	8
FIRE			15	2
PROPERTY		4	19	6
TIMBER			1	0
AGENCY ASSISTS	ODAFF		1	1
AGENCY ASSISTS	EXTERNAL	4	15	7
OTHER		2	15	4
TOTAL INVESTIGATIONS OPENED		16	98	28
CLOSED PENDING ADDITIONAL INFORMATION		14	26	15
NO CRIME		7	22	7
NO PROSECUTION			0	0
CLOSED - ASSIST CASE		6	14	7
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		5	13	8
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		32	75	37
COUNTS FILED			13	0
VALUE OF LOSSES - ALL CRIMES		\$378,200	\$1,203,183	\$573,200
RECOVERED LOSSES - ALL CRIMES		\$345,200	\$775,500	\$450,200
NUMBER OF CATTLE REPORTED STOLEN		85	439	87
NUMBER OF CATTLE RECOVERED		83	168	85



# Monthly Financial Reports

## August 2025





# Available Cash at Month End

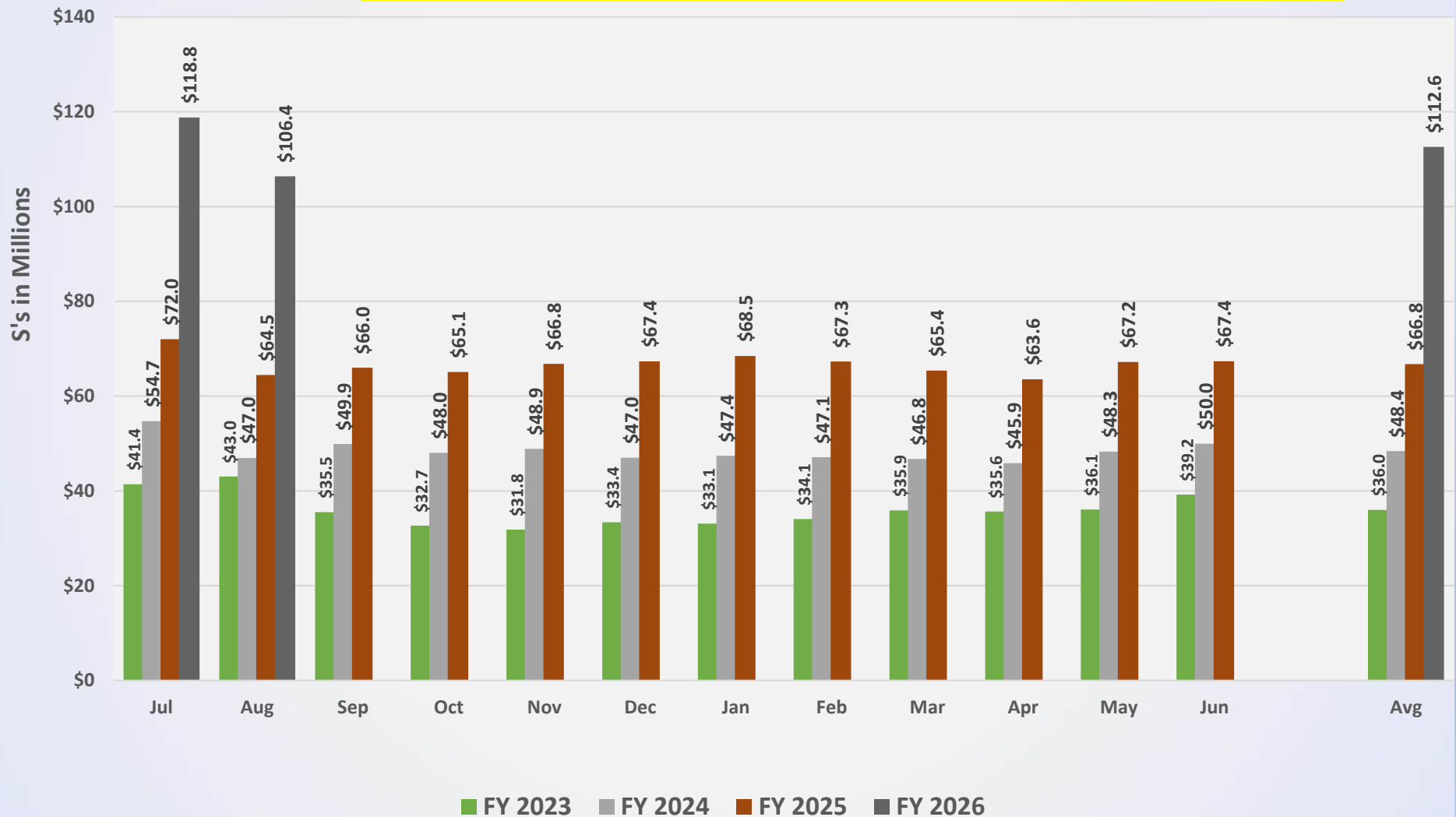
## Months Ending: July 2022 – August 2025

per Allotment Budget & Available Cash Report Fiscal Year 2023-2026

**Note 1:** The amounts shown here include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$12,141,433 as of 8/31/2025.

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

**Note 3:** Fiscal year 2026 appropriations of \$57,337,316 were received as special cash in July 2025.



## Commodity Storage Indemnity Investment Report

As of August 31, 2025

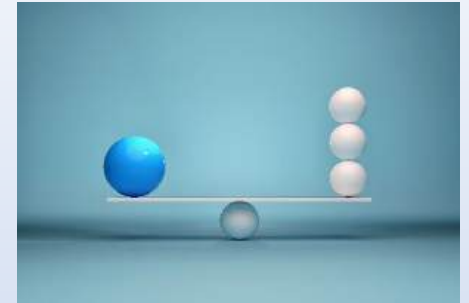
Investments with Office of State Treasurer

Cash Management Account: \$12,141,433

	Current Month -----	YTD -----
New	-	-
Interest Revenue	47,093	82,576
Reinsurance	-	-
ODAFF Support Services	-	-
Recovered Salvage	-	-
Elevator Salvage	-	-
Matured Long Term Investments	-	-
	-----	-----
TOTALS	47,093	82,576
	=====	=====

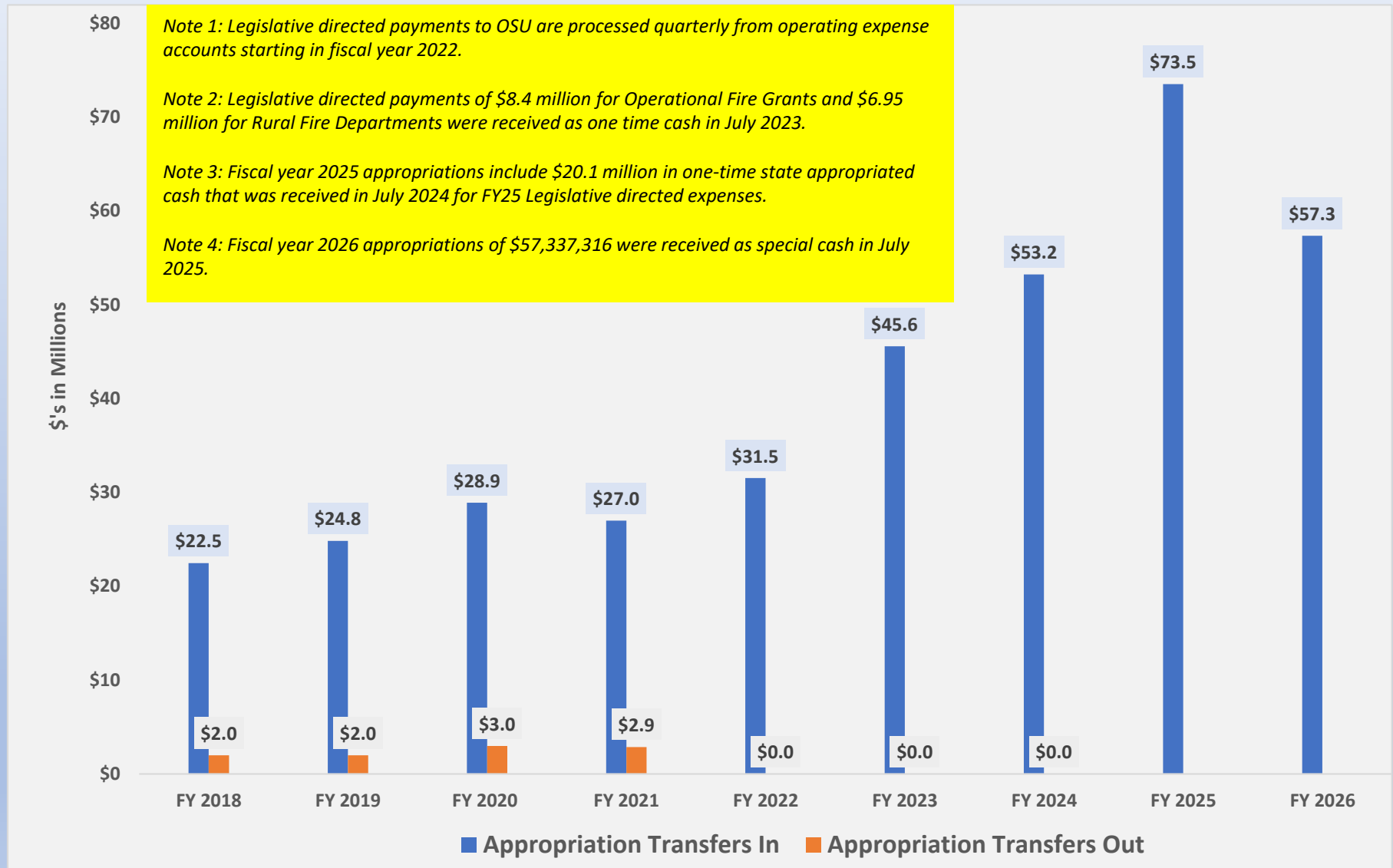


# Administrative Services

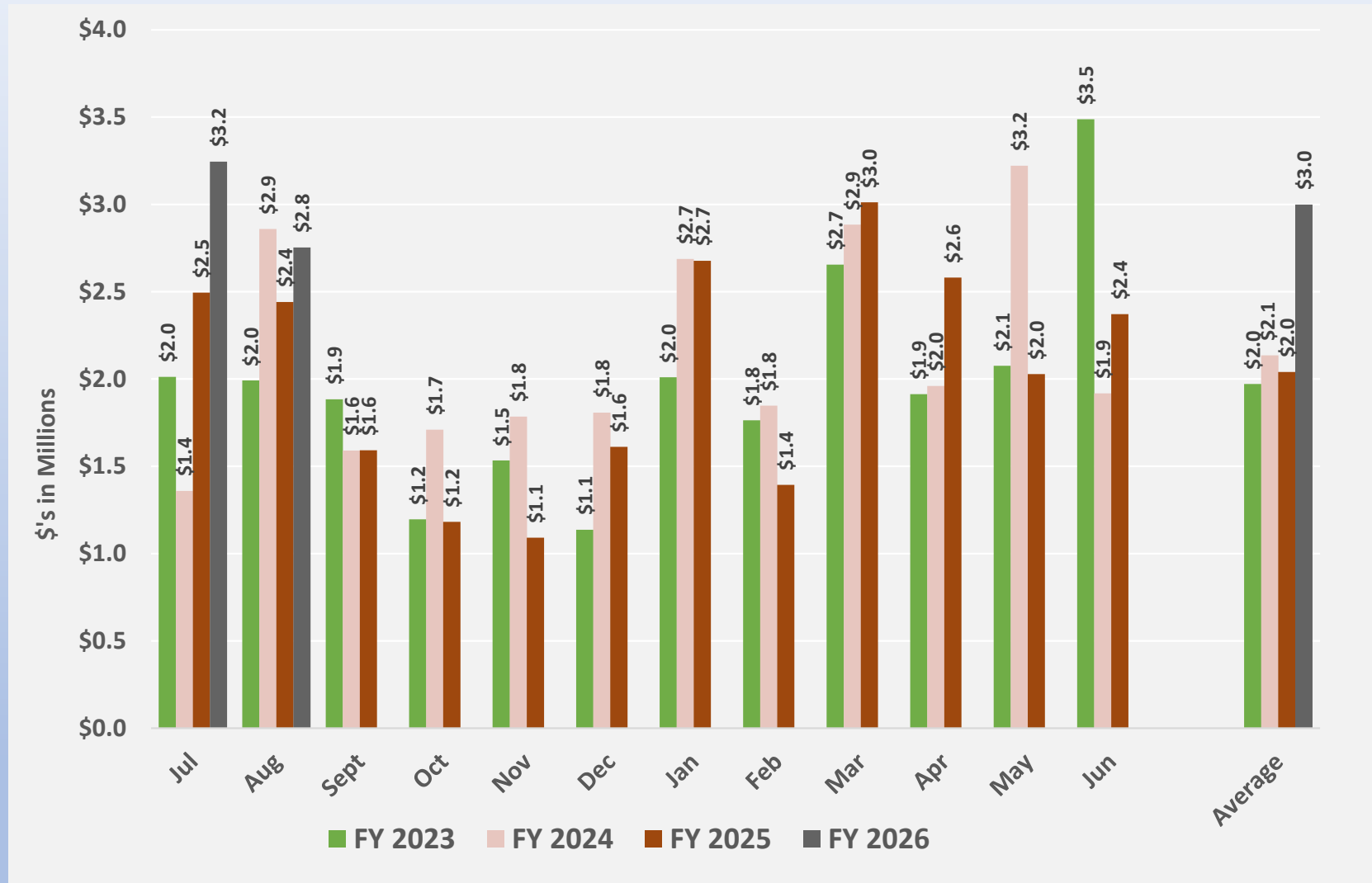


- Cash balance as of August 31, 2025, was \$106.4 million compared to \$64.5 million on August 31, 2024
  - This was an increase of \$41.9 million from the prior year
  - Primarily due to FY 2026 appropriations paid as special cash in July 2025.

# Appropriations FY 2018 thru FY 2026



# Total Revenue by Month July 2022 – August 2025





## Revenue By Division

Division	August 2025 Revenue	Fiscal Year 2026 Revenue
Admin. Svcs.	\$27,078	\$45,550
General Counsel	\$11,075	\$23,025
AEMS	\$14,616	\$118,702
Stats	\$6,764	\$6,764
Forestry	\$750,897	\$764,103
Animal Ind.	\$7,845	\$21,220
Mkt. Dev.	\$1,911	\$1,430,785
CPS	\$1,179,027	\$2,575,271
Wildlife	\$10,200	\$62,800
Food Safety	\$656,060	\$792,389
Ag. Lab	\$40,982	\$75,465
<b>Division Total</b> (see division receipts graph on next slide)	<b>\$2,706,456</b>	<b>\$5,916,074</b>
Commodity Storage Indemnity	\$47,093	\$82,576
Appropriations	\$0	\$57,337,316
<b>Agency Total</b>	<b>\$2,753,549</b>	<b>\$63,335,966</b>

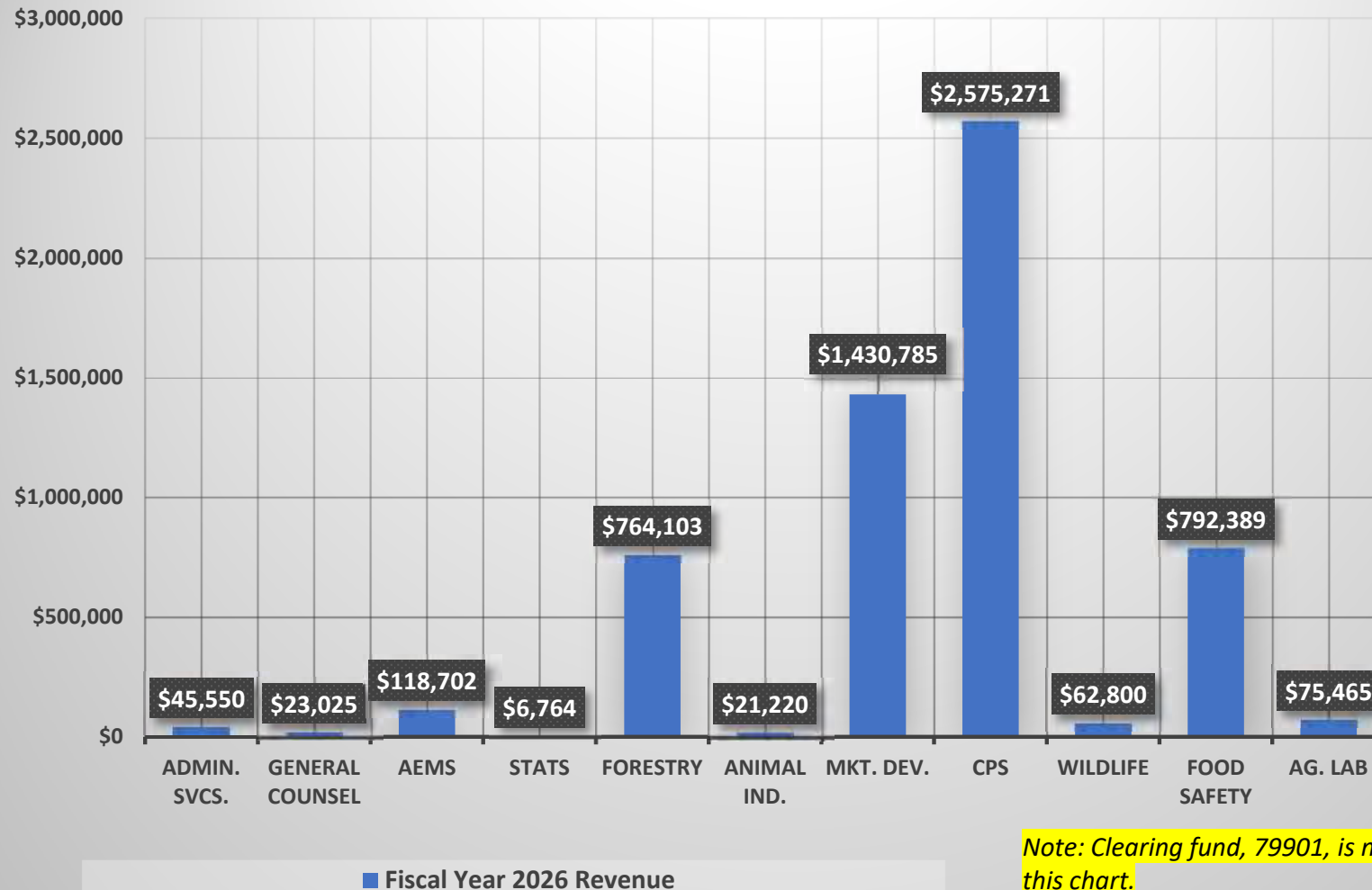
*Note 1: Clearing fund, 79901, is not included in the above table.*

*Note 2: Appropriations shown above, consist of \$57.3 million in state appropriated special cash received in July 2025 for FY26.*





## Revenue By Division FY26 thru August 31, 2025



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

## Total Revenues Fiscal Year to Date thru August 31st

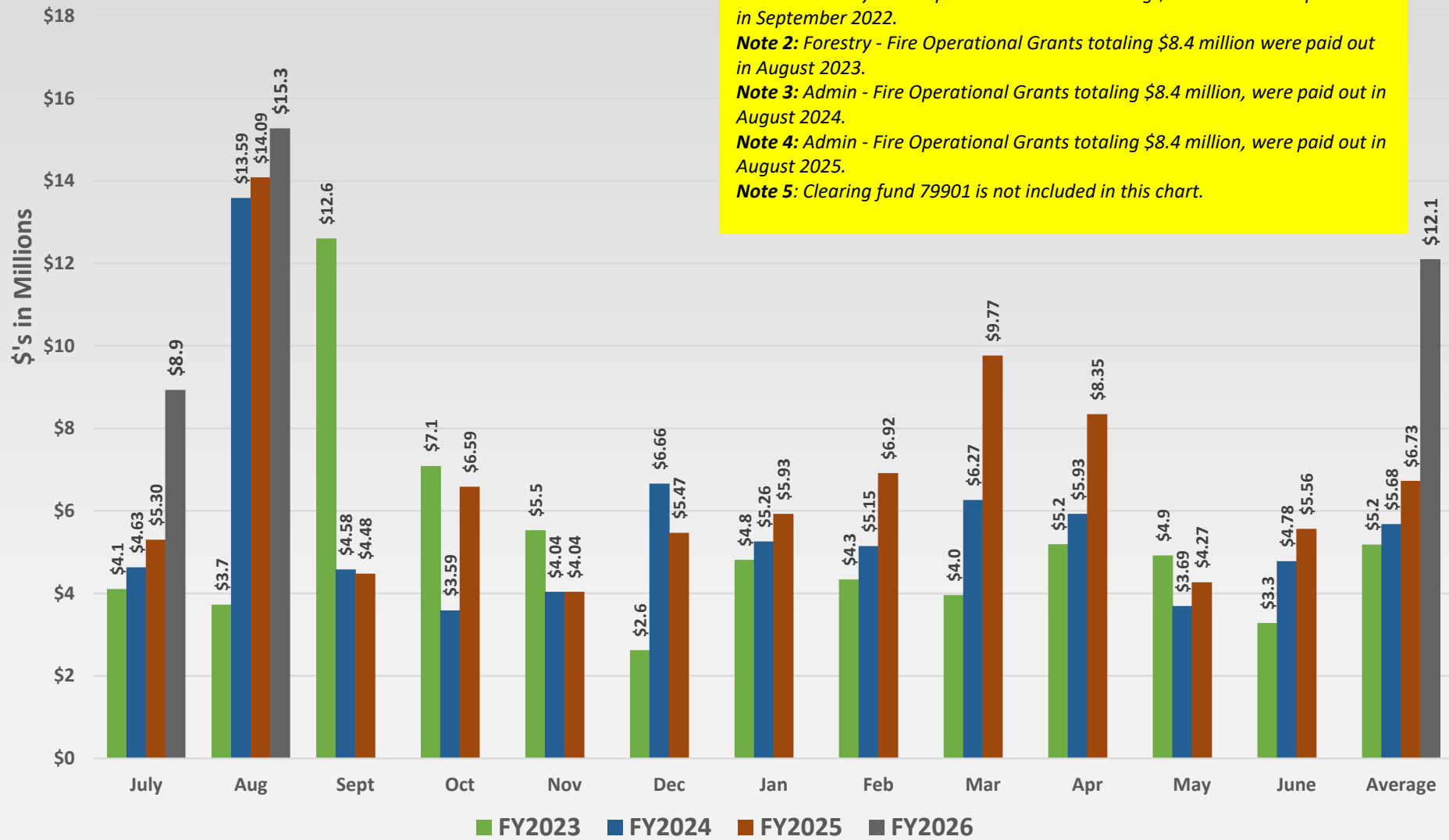


# Administrative Services

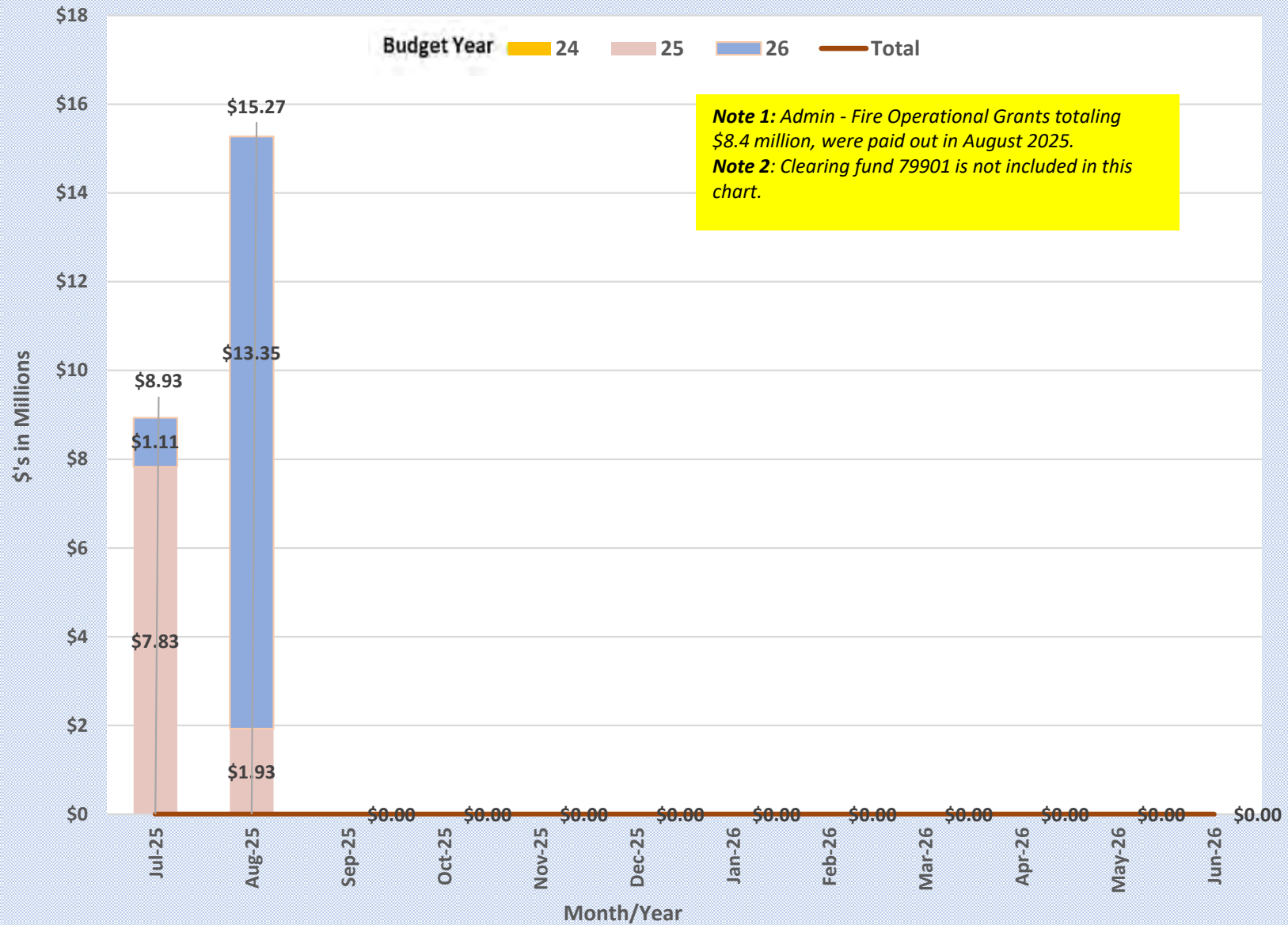
- Revenues for fiscal year 2026 thru August 2025 were \$6 million compared to \$4.9 million for the same period in FY 2025
  - This is an increase of approximately \$1.1 million
    - Increase in federal reimbursements
      - Market Development - Resilient Food System Infrastructure cooperative agreement payments received
    - Increase in plant license/fee revenue due to timing of payments



# Total Expenses by Month July 2022 – August 2025



## FY 2026 Total Expenses by Month with Budget Year



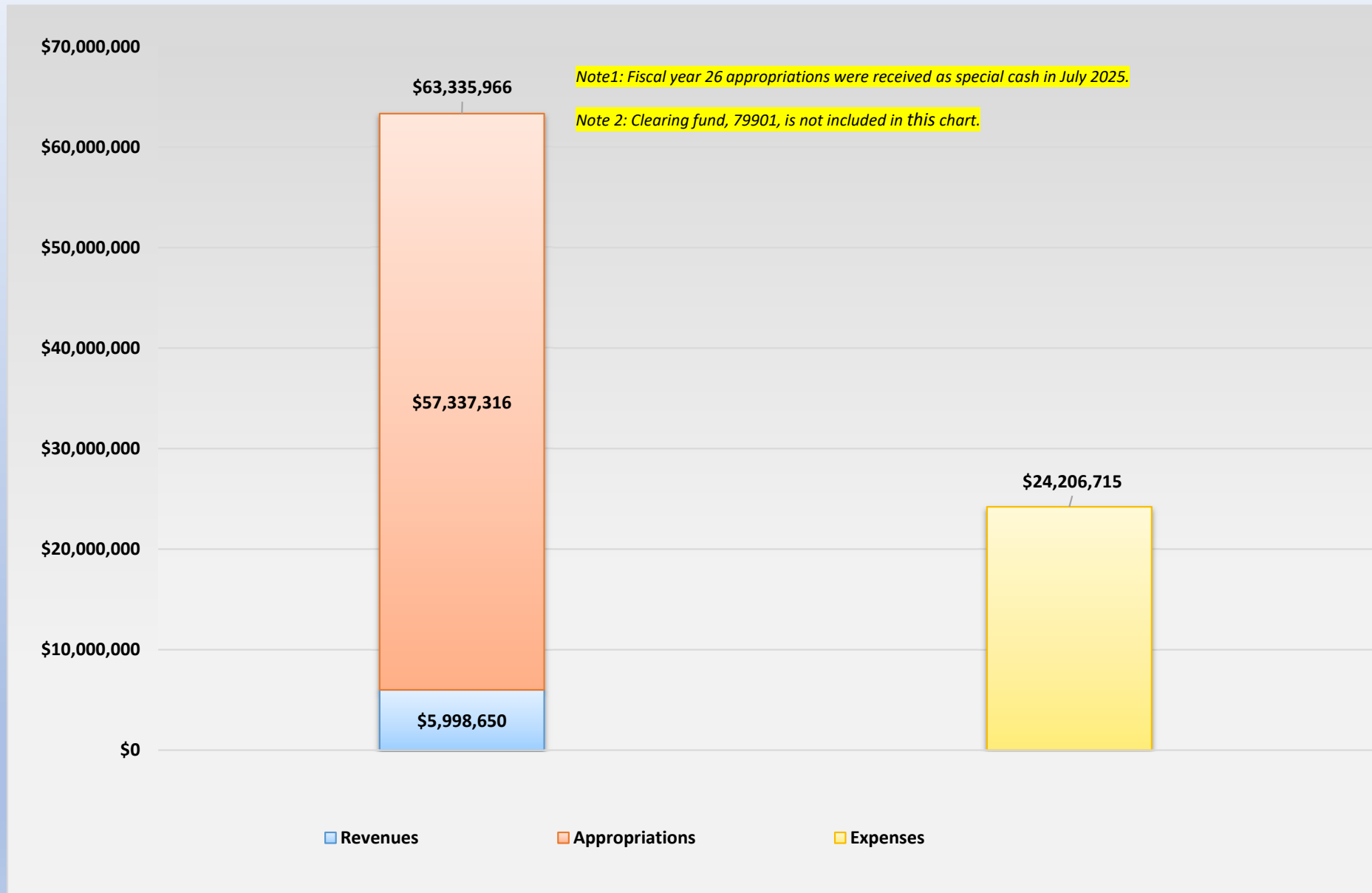
## Total Expenses Fiscal Year to Date thru August 31st



# Administrative Services

- Total expenses for FY26 thru August 31, 2025, were \$24.2 million compared to \$19.4 million for the same period in FY25.
  - Increase of \$4.8 million and is primarily attributed to the following:
    - Legislative directed equipment replacement grant payments
    - Timing of Legislative directed payments
  - Legislative directed Operational Fire Grants
    - Total of \$8.4 million paid out in August 2025
    - Payment to 822 rural Oklahoma fire stations

# Total Revenues, Appropriations and Expenses FY26 thru August 2025





# Expense Budget to Actuals Report – Budget Year 2026 as of August 31, 2025



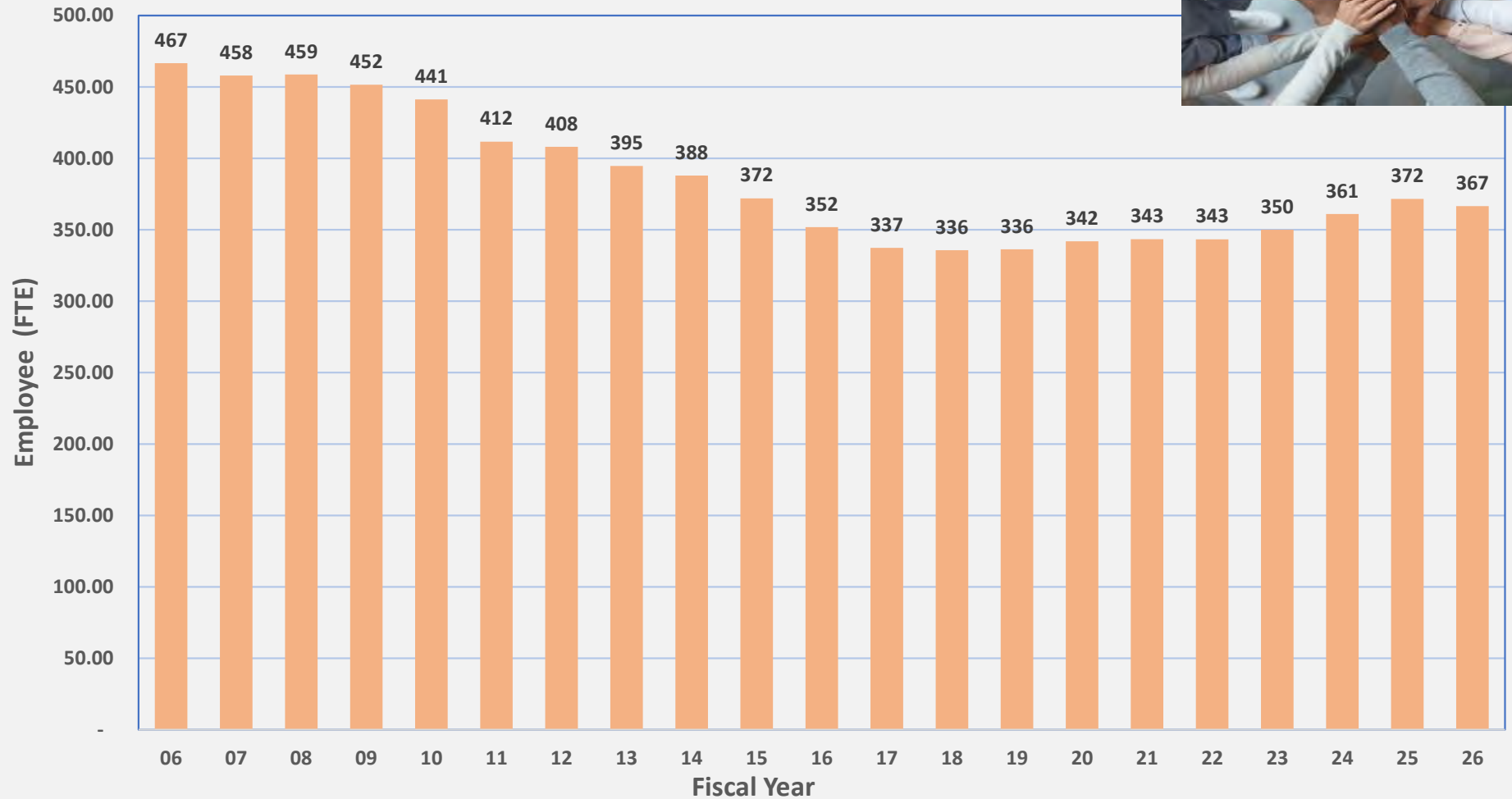
Oklahoma Department of Agriculture, Food & Forestry					
Fiscal Year 2026 Annual Budget to Actuals for Budget Year 2026 thru August 2025					
Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	24,518,349	3,335,238	30,040,870	(8,857,759)
512	Insur.Prem-Hlth-Life,etc	5,469,596	767,411	403,120	4,299,065
513	FICA-Retirement Contributions	6,199,809	788,805	1	5,411,003
515	Professional Services	3,842,469	103,466	2,193,233	1,545,770
519	Inter/Intra Agy Pmt-Pers Svcs	66,000	-	33,000	33,000
521	Travel - Reimbursements	403,288	21,134	-	382,154
522	Travel - Agency Direct Pmts	520,304	28,965	-	491,339
531	Misc. Administrative Expenses	1,438,525	34,282	239,142	1,165,101
532	Rent Expense	978,423	65,964	678,037	234,422
533	Maintenance & Repair Expense	1,973,780	28,981	854,718	1,090,080
534	Specialized Sup & Mat.Expense	1,286,854	313	1,082,373	204,167
535	Production,Safety,Security Exp	219,960	2,103	-	217,857
536	General Operating Expenses	194,249	10,720	-	183,529
537	Shop Expense	603,676	24,062	108,782	470,831
541	Office Furniture & Equipment	6,033,729	64,985	130,554	5,838,190
542	Library Equipment-Resources	20,850	-	-	20,850
543	Lease Purchases	1,670,285	247,724	1,422,562	(0)
546	Buildings-Purch.,Constr,Renov.	772,000	88	-	771,912
552	Scholar.,Tuition,Incentive Pmt	15,900	-	-	15,900
554	Program Reimb,Litigation Costs	31,445,030	8,983,123	6,252,403	16,209,504
555	Pmts-Local Gov't,Non-Profits	17,732,133	-	7,873,819	9,858,314
559	Assistance Pymts to Agencies	7,423,559	-	5,923,559	1,500,000
561	Loans,Taxes,Other Disbursemnts	250	-	-	250
564	Merchandise For Resale	200,000	-	-	200,000
601	AFP Encumbrances	-	-	4,621,262	(4,621,262)
810	Req Only	-	-	2,623,422	(2,623,422)
	<b>Operating Totals</b>	<b>113,029,018</b>	<b>14,507,367</b>	<b>64,480,857</b>	<b>34,040,794</b>

# Expense Budget to Actuals Report – Budget Year 2026 as of August 31, 2025



Oklahoma Department of Agriculture, Food & Forestry					
Fiscal Year 2026 Annual Budget to Actuals for Budget Year 2026 thru August 2025					
Class Funding	Class Fund Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
19303	GRF	1,500,000	-	116,168	1,383,832
19312	Carryover	7,456,481	-	6,471,118	985,363
19511	Carryover	7,451,469	-	7,143,761	307,708
20500	Rural Fire Defense Eqp Rev Fd	200,000	-	-	200,000
21000	Agriculture Revolving Fund	25,095,886	402,849	21,370,640	3,322,396
22500	Enhancemnt & Diversificatn Fnd	85,000	-	24,815	60,185
23000	Okla Pet Overpopulation Fund	25,000	-	25,000	-
23500	Animal Friendly Revolving Fund	25,000	-	25,000	-
24000	Unwanted Pesticide Disp Fund	300,000	-	250,000	50,000
24500	Rural Fire Revolving Fund	1,559,850	78	95,922	1,463,850
25500	Ag. Evidence Law Enforce Fund	4,000	-	4,000	-
25600	Ok Viticulture Enology Revl Fd	419,004	12,541	197,986	208,477
26200	Poultry Grading Revolving Fund	909,021	67,770	802,305	38,946
28500	Milk & Milk Prod Inspec Rev Fd	485,274	32,671	413,117	39,486
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	125,000	3,333	46,649	75,018
41000	Community Wildfire Def Grant	1,000,000	-	-	1,000,000
41100	OFS Forest Management	912,001	-	-	912,001
42000	Specialty Crop Federal Funds	850,000	2,346	97,877	749,778
43100	Marketing's Farm to School	226,861	13,176	138,814	74,871
44000	RsInt Food Sys Infrstr Coop Ag	6,407,933	442,147	3,874,180	2,091,606
57601	Duties	55,837,316	13,530,454	21,253,647	21,053,215
57921	Carryover	2,129,923	-	2,129,859	64
	<b>Totals</b>	<b>113,029,019</b>	<b>14,507,367</b>	<b>64,480,857</b>	<b>34,040,795</b>

# Employee FTE Totals Fiscal Year FY 2006 – FY 2026



**Note 1:** FTE listed for fiscal year 23 was based on the FTE from August 15, 2022 thru June 30, 2023 as the Workday HR system was implemented on August 15, 2022.

**Note 2:** FTE listed for fiscal year 26 was based on the FTE for fiscal year 26 thru August 31, 2025.



**OCTOBER 2025 BOARD REPORT**  
**AGRICULTURE LABORATORY SERVICES**  
**(August 2025 Activities)**

**QUALITY MANAGEMENT SECTION:** (Daniel Tripp, QA Manager)

The Food and Dairy Section is in the process of updating and implementing the following Standard Operating Procedures (SOPs):

*Listeria*

FSIS samples will now follow sample enrichment set in the USDA's MLG 8.15.

*Salmonella*

SOP now includes preparation for all sample matrices listed in the USDA's MLG 4.15 and includes sample preparation tables for analysts to follow instead of standard paragraphs.

This has allowed for better SOP organization since Salmonella contains over 31 unique sample matrices and each requires their own unique sample enrichment/preparation. Refer to tables 2, 3, and 5 shown below for examples.

**Table 2. Water, Beverage, and Environmental Sample Preparation**

Sample Matrix	Sample Preparation		<sup>2</sup> Incubation
	Portion Size	Enrichment by Weight or Volume (grams or ml)	
Clear and Turbid Water Samples	Samples under 10 ml (or grams)	50 ml (or grams) BPW	36 ± 2°C for 16 – 20 hours
	Samples greater than 10 ml (or grams)	<b>Direct Sample Enrichment</b>	36 ± 2°C for 16 – 20 hours
		Make 1:2 sample dilution using 2xBPW	
		<b><sup>1</sup>Membrane Filtration</b>	
		Filter sample through 0.45 µm filter and immerse filter in 50 ml (or grams) of BPW  (Recommended for samples known to be high in mineral and/or salt content, highly turbid and/or polluted, or large volumes)	
<sup>2</sup> Orange Juice <sup>2</sup> Apple Cider <sup>3</sup> Apple Juice Turbid Beverages	25 ml (or grams)	225 ml (or 225 grams) of UPB	<b>Step 1.</b> Let stand at Room Temperature for 60 ± 5 minutes  <b>Step 2.</b> 35 ± 2°C for 22 – 26 hours
<sup>4</sup> Swabs <sup>4</sup> Sponges	Swab or sponge in sterile bag	225 ml (or 225 grams) of <del>m</del> BPW	35 ± 2°C for 22 – 26 hours
1. Recommended for samples known to be high in mineral and/or salt content, highly turbid and/or polluted, or large volumes 2. Includes pasteurized and unpasteurized samples. 3. Only includes pasteurized samples. 4. Samples should arrive refrigerated at 4 ± 2 °C, collected within 48 hours, and pre-saturated with Dey-Engly (DE) Broth.			

**Table 3. Dairy and Dried Egg Infused Products Sample Preparation**

Sample Matrix	Sample Preparation		Incubation
	Portion Size	Enrichment by Weight or Volume (grams or ml)	
<b>Dried Egg Yolk</b> <b>Dried Egg Whites</b> <b>Dried Whole Eggs</b> <sup>1</sup> Liquid Milk <sup>2</sup> Powdered Mixes <b>Infant Formula</b> <sup>3</sup> Feeding Tubes	25 grams (or ml)	<sup>4</sup> 225 ml (or grams) of LB	35 ± 2°C for 22 – 26 hours
1. Includes Skim Milk, 2% Fat Milk, Whole Milk, and Buttermilk. 2. Includes Cake, Cookie, Doughnut, Biscuit, and Bread Mixes. 3. Includes oral and tube feedings containing egg. 4. Close container and let stand at room temperature for 60 ± 5 minutes. Aseptically adjust pH (if necessary) to 6.8 ± 0.2 with 1 N NaOH or 1 N HCl (or 1 M HCl) before incubation. It is recommended to use a sterile bulb pipette and pH indicator strips to check the pH of the sample enrichment.			

**Table 5. Animal Food and Pet Treat Sample Preparation**

Sample Matrix	Sample Preparation		<sup>2</sup> Incubation
	Portion Size	Enrichment by Weight or Volume (grams or ml)	
<sup>1</sup> Animal Food	25 grams	225 ml (or grams) BPW	35 ± 2°C for 22 – 26 hours
<sup>2</sup> Pet Chew Products	1 Large Piece or 2 – 3 Smaller Pieces	Create a 1:9 dilution using LB, mix by swirling	<b>Step 1.</b> Let stand at Room Temperature for 60 ± 5 minutes  <b>Step 2.</b> <sup>3,4</sup> 35 ± 2°C for 22 – 26 hours
1. Includes Pet Food and Animal Feed. 2. Includes Pig Ears and other types of dog chew pieces. 3. Aseptically adjust pH (if necessary) to 6.8 ± 0.2 with 1 N NaOH or 1 N HCl (or 1 M HCl) before incubation. It is recommended to use a sterile bulb pipette and pH indicator strips to check the pH of the sample enrichment. 4. Add no more than 1% of sterilized <u>surfactant</u> (e.g. Triton X) to the enrichment. If the sample begins to foam after shaking enough has been added, always limit surfactants to the minimum quantity needed.			

### *Campylobacter*

The SOP is almost completed and under review by the Section.

The Section will be able to test the following matrices for *Campylobacter*:

Poultry Rinses, Raw Poultry Products, Variety of Food Samples (cooked, frozen, etc.), Raw Milk, Swabs

The Quality Manager has started the process of renewing the Inorganic Section's Laboratory Accreditation with DEQ.

The Quality Manager has finished the Bureau of Standards Internal Quality Audit. All the information is in the process of being consolidated to create an Action Plan for the Section.



## PT Results

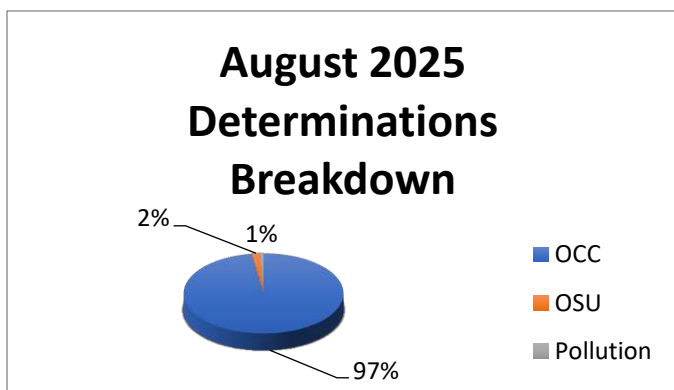
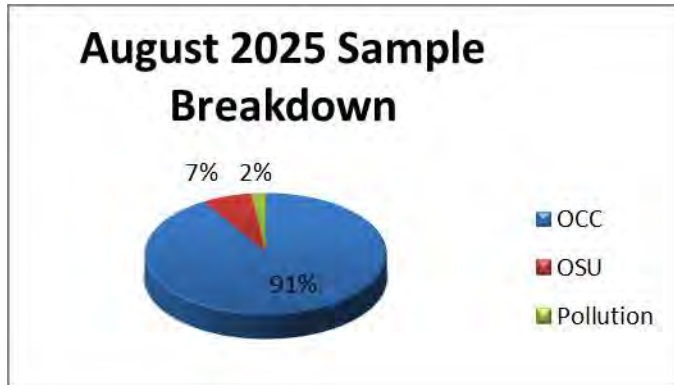
The routine distribution of quality control samples to respective sections of the Laboratory continued. Collection and submission of data to the respective study groups for statistical analysis was conducted.

There are no PT results to report for the month of August.

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

In August 2025, the Section completed 103 samples consisting of 842 determinations, with the following breakdown:

OCC	94	822
Service	0	0
Pollution	2	6
LMFO	0	0
OSU	7	14
<b>Total</b>	<b>103</b>	<b>842</b>

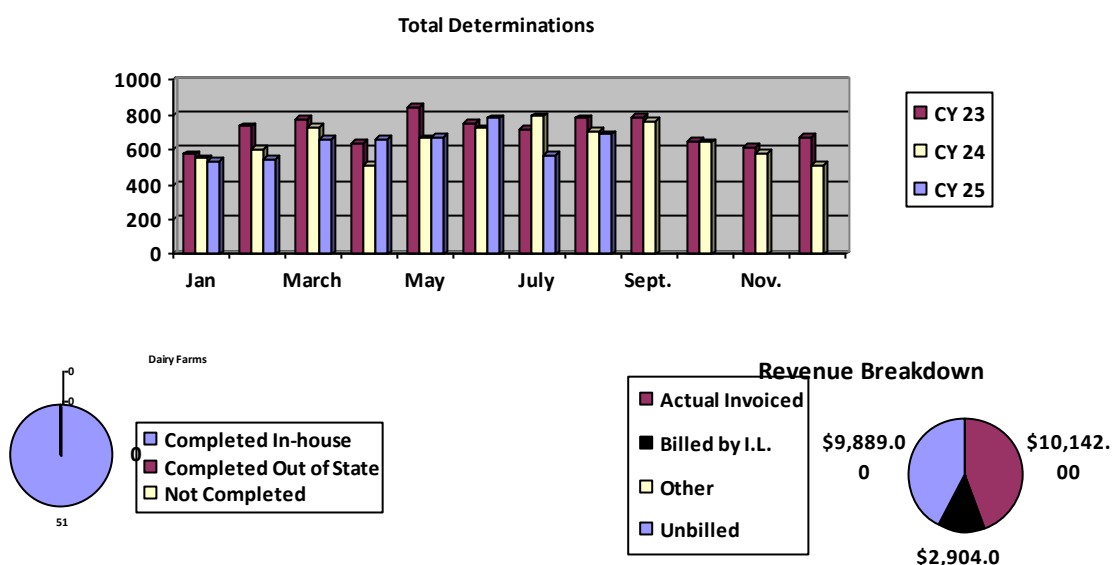


**DAIRY/FOOD SAFETY SECTION:** (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

August was a typical month for the Section. One dairy is currently suspended, and one dairy has ceased operation. All other dairies were tested for the month in the Section. The dairies are still being tested for H5N1 Avian flu.

Thirty-nine meat samples were tested for the month, which will make up for the lack of samples for July. One sample is presumptive positive for Non-O157 E. coli.

The Section is still researching new instruments and methods to improve results and to increase the number of pathogens the Section would be able to test.



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

Sample records indicate that a total of 191 seed samples were received for the month of August. Crops tested consisted of wheat, rye, barley and fall season grass. Overall sampling of small grains remained consistent with last year's samples.

Certified wheat seeds continue to show strong germination performance, as results greatly improved compared to recent years.

Up to now there have been no quality issues discovered pertaining to official samples. There were no Seed Law violations discovered during the month.

Oklahoma Genetics Inc. (OGI) held its quarterly board meeting at the Oklahoma Foundation Seed Stocks (OFSS) facility in Stillwater, in conjunction with the 75th Anniversary Celebration of OFSS. OFSS has played a vital role in advancing Oklahoma agriculture over the past 75 years, forming valuable partnerships statewide to deliver high-quality seed to agricultural producers. This

celebratory event honored OFSS's long-standing commitment to excellence and collaboration in seed development and distribution.

The anniversary celebration featured speakers from across the agriculture industry, offering insights into current initiatives and future developments. Wade Thomason, Department Head for the OSU Department of Plant and Soil Sciences, discussed recent and upcoming changes within the department, emphasizing innovation and responsiveness to producer needs. Jeff Wright, Director of Operations for OFSS, shared updates on the organization's progress, ongoing partnerships, and vision for continuing to support Oklahoma's agriculture community. Jayson Lusk, Dean and Vice President for OSU Agriculture, provided an overview of the progress at the Agronomy Discovery Center, highlighting its role in fostering cutting-edge agronomic research and education. Dr. Brett Carver, OSU Regents Professor and Wheat Genetics Chair, presented on the future of OSU wheat research, including developments in genetic improvement and industry collaboration to ensure Oklahoma remains at the forefront of wheat innovation. Blayne Arthur, Oklahoma Secretary of Agriculture, delivered a keynote address reflecting on the "hurdles and home runs" of Oklahoma agriculture. She highlighted both the challenges faced by producers and the success stories that exemplify the resilience and growth of the state's agriculture sector.

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

August was a great month for the Section, we had a decent inflow of samples all month allowing us to hit our targets and maintain efficient use of our equipment. The Section has started to use the FOSS near infrared scanner to screen out passing feed samples, hopefully this will free up a little time as well as reduce our consumables cost. It will be several months before we are able to quantify the impact it will have.

We received 251 samples, completed 274 samples consisting of 1404 determinations. We found 139 violations, giving a 9.90% fail rate. Even though we are not yet into the feed rush this was a good month statistically.

Our turn-around time for the month was 17.40 days, slightly under target.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
<b>Samples Received</b>	204	37	10	251
<b>Samples Completed</b>	227	33	14	274
<b>Determinations</b>	1231	84	89	1404
<b>Violations</b>	111	19	9	139
<b>Violation %</b>	9.02%	22.62%	10.11%	9.90%



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

For the month of August new samples received remain about average, with 2/3 being Residue cases. The remaining 1/3 are split evenly between Hemp and Formulation projects.

Turnaround Time for Residue analysis will continue to be high due to the number of tests requested for each sample, the limited number of analysts available for performing these tests, and the complicated nature of the analysis itself. The new LC-MS/MS systems are being worked into, though familiarity will take some time.

**Pesticide Section samples completed:**

In the month of August, the Section completed 40 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 51 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	17	32	231	71
Residue Soil	8	16	72	66
Residue Water	-	-	-	-
IFA Soil	-	-	-	-
Residue, Other	-	-	-	-
Residue, Swab	2	4	42	78
Concentrate	1	2	3	15
Tank Mix	3	6	5	29
Proficiency Test	-	-	-	-
Hemp	9	9	9	5

Average Residue Turnaround Time: 70 days

Average Formulation Turnaround Time: 26 days

Average Hemp Turnaround Time: 5 days

Totals		
# of Samples	# of Tests	# of Determinations
40	69	362

**Samples the Section received by month:**

The Section received 56 samples this month, comprising 108 tests. New samples received were mostly Vegetation residue samples. (see Fig A).

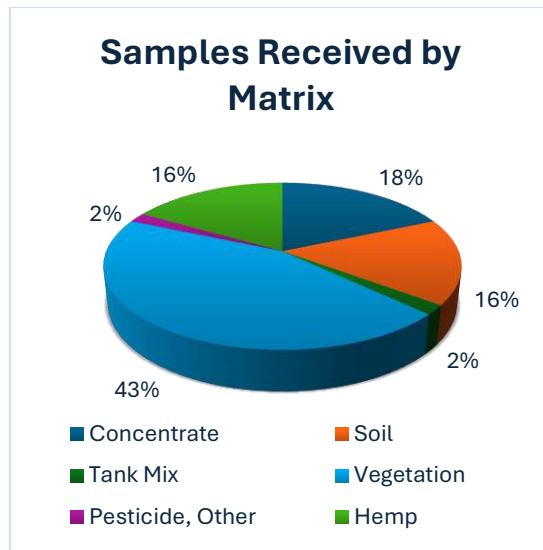
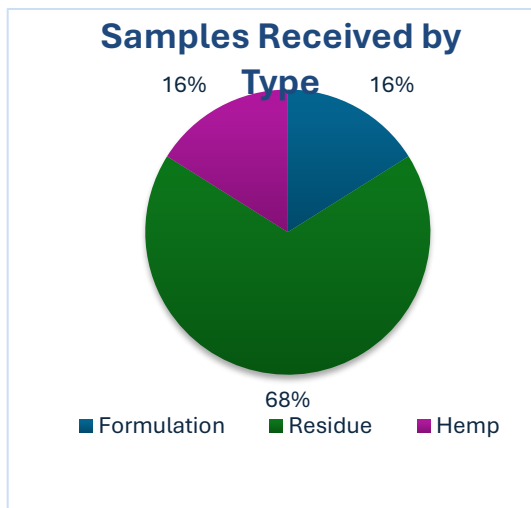


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

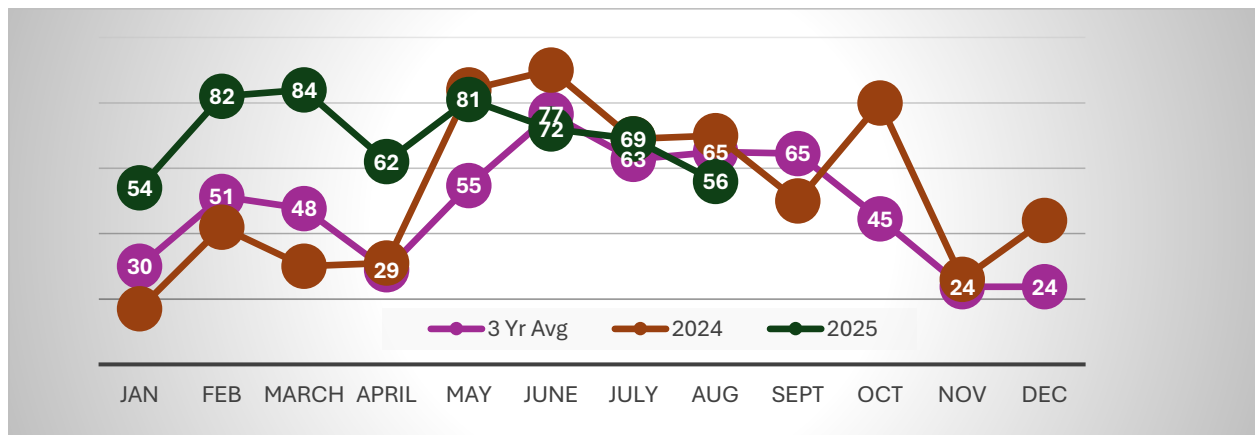
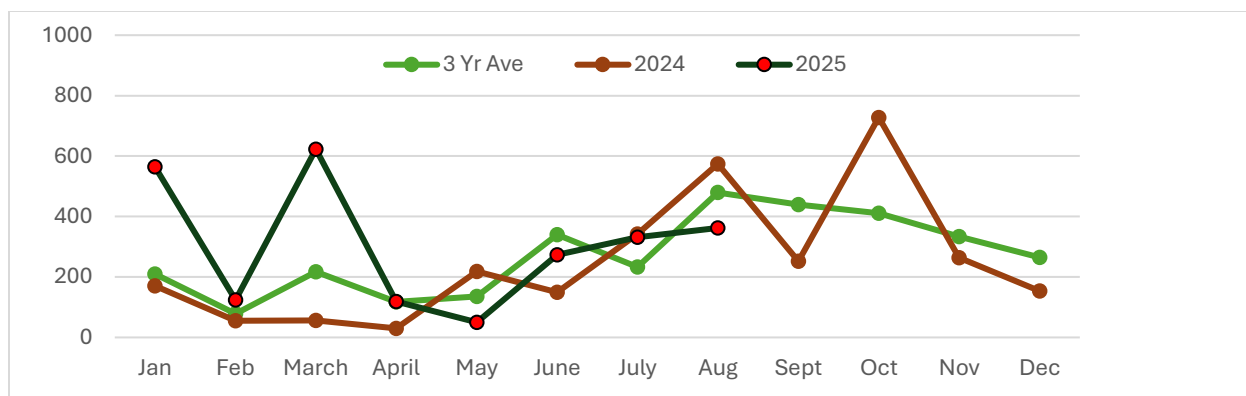


Fig B. Graph showing the number of samples received by the Section each month.

**Determinations the Section completed by month:**

This month, the Section completed 362 determinations with most of the determinations being on Residue samples.

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



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

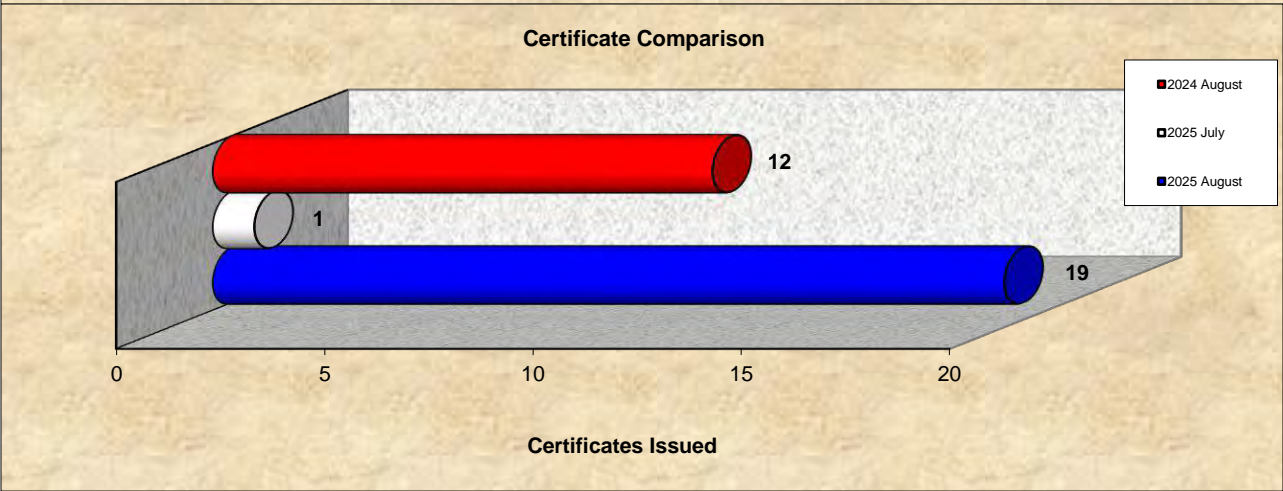
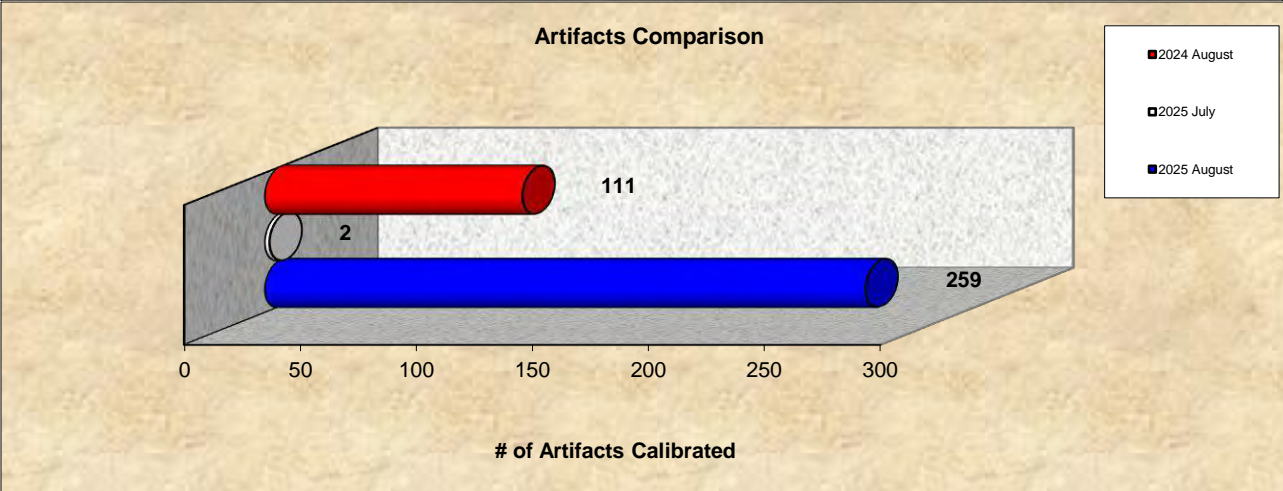
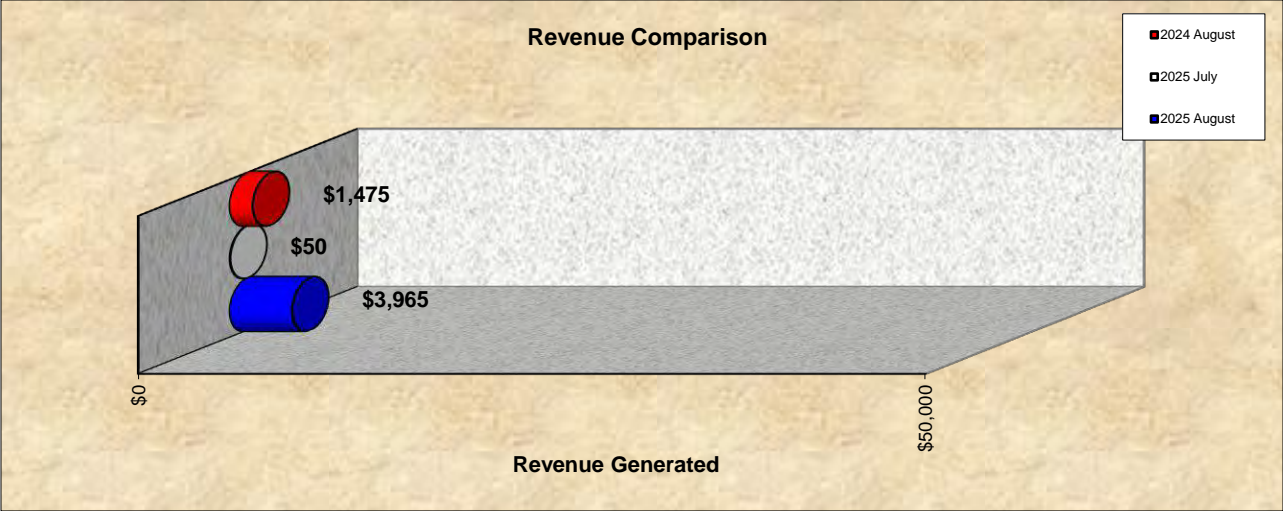
The following is a workload summary for the Oklahoma Bureau of Standards from August 1<sup>st</sup> through August 31<sup>st</sup>.

During the month of August 2025, the Oklahoma Bureau of Standards generated revenue of \$3,965. Approximately 57.5% of this revenue came from out-of-state customers.

The Section has sent out its Mass III standards for calibration to the Colorado Department of Agriculture. The Section plans to perform in-house calibrations on its own standards in the future but is unable to do so this year due to the purchase and delay of a thermometer that is on backorder and is expected to arrive late December. Once these standards are calibrated, the Section will soon be able to submit a recognition request to the National Institute of Standards and Technology (NIST) for Mass III calibrations.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$2,280.00	57.5%	40	15.00%
In-State Customers	4	\$1,685.00	42.5%	219	85.00%
Totals	5	\$3,965.00	100.00%	259	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	\$2,817.00	0
Volume	\$0.00	0



Respectfully Submitted,

Brian McDowell  
Laboratory Director  
Laboratory Services Division

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

FEED SAMPLES	204
FEED DETERMINATIONS	1231
POSSIBLE VIOLATIONS	111
 FERTILIZER SAMPLES	 37
FERTILIZER DETERMINATIONS	84
POSSIBLE VIOLATIONS	19
 LIME SAMPLES	 10
LIME DETERMINATIONS	89
POSSIBLE VIOLATIONS	9
 PESTICIDE SAMPLES	 40
PESTICIDE DETERMINATIONS	362
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 103
DETERMINATIONS	1277
 SEED SAMPLES	 191
SEED DETERMINATIONS	309
POSSIBLE VIOLATIONS	0
 BUREAU OF STANDARDS CERTIFICATES	 19
NUMBER OF STANDARDS CALIBRATED	259
FEE CHARGES	\$3,965.00
 DAIRY SAMPLES	 350
DAIRY DETERMINATIONS	690
POSSIBLE VIOLATIONS	17
 <b>TOTAL SAMPLES</b>	 <b>954</b>
<b>TOTAL DETERMINATIONS</b>	<b>4301</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>156</b>



## OKLAHOMA FORESTRY SERVICES BOARD REPORT

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

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

### FIRE MANAGEMENT

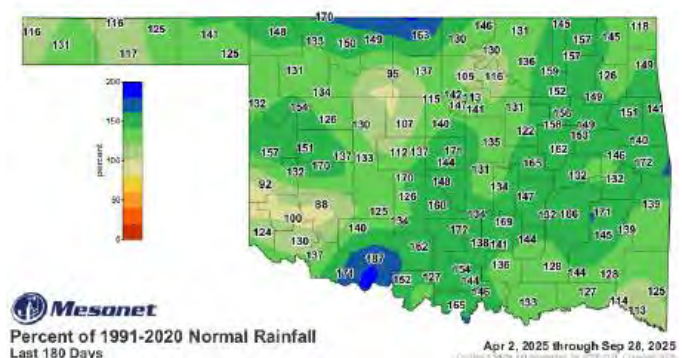
#### Executive Summary – Drew Daily

##### Wildland Fire Management Executive Summary

Fuel loading, or the volume of combustible vegetation on the landscape, is one of the critical considerations when developing seasonal wildfire assessments. Given the generally abundant moisture through the duration of the growing season, herbaceous fuel loading is above normal for many areas of Oklahoma. OFS will be conducting the annual photo survey of plots across the state to fully assess herbaceous fuel loading in the next month although 'drive-by' observations are proving concerning. The Percent Normal Rainfall spanning April 2 – September 28 (Right) expresses adequate to abundant moisture supporting herbaceous growth through the growing season. The expectation of generally above-normal herbaceous loading leading into the dormant season is of notable concern given the direct correlation to increased fire behavior including flame length, fireline intensity and to some extent rate of spread. Each of those expectations contributes to suppression difficulty and fully established fires will require additional resources and extended resource commitment to contain wildfires.

During August, OFS responded to and/or supported 22 wildfires that burned 421.5 acres. Wildfire occurrence has remained 'below normal' through the summer noting that in August of 2024 OFS responded to and/or supported 129 wildfires burning more than 6,000 acres. As of September 28, 2025, the year-to-date OFS wildfire response stands at 1,049 wildfires burning 228,156.2 acres.

Oklahoma Forestry Services extended critical incident support to fourteen (14) states battling wildfires and responding to natural disasters throughout the summer. To meet suppression needs, OFS deployed two dozers and two engines, while forty-seven (47) highly trained personnel stepped into action across the country. Personnel filled key roles including overhead positions (Incident Commander, Section Chiefs, Unit Leaders, etc.), equipment operators, medical support, and aerial support ensuring communities had the resources and expertise needed during times of extreme fire danger and high national preparedness levels.



Climate Division	Total Rainfall	Departure from Normal	Percentage of Normal	Rank (since 1921)	Driest on Record	Wettest on Record
Panhandle	17.76"	+3.44"	124%	19th wettest	5.66" 2011	22.45" 2015
N. Central	28.07"	+7.71"	138%	6th wettest	9.57" 1956	35.01" 1951
Northeast	37.60"	+11.89"	140%	5th wettest	14.40" 1956	45.04" 2014
W. Central	25.49"	+7.25"	140%	7th wettest	7.19" 2011	31.83" 1993
Central	32.23"	+9.46"	142%	6th wettest	11.81" 1956	39.19" 2007
E. Central	39.51"	+14.04"	155%	4th wettest	14.19" 1956	45.06" 2015
Southwest	25.20"	+6.37"	158%	11th wettest	6.20" 1998	33.11" 1993
S. Central	33.81"	+10.90"	148%	4th wettest	10.25" 1998	48.54" 2013
Southeast	34.59"	+9.04"	155%	15th wettest	13.12" 1956	44.28" 1951
Statewide	30.62"	+8.97"	141%	4th wettest	11.57" 1956	34.06" 1957

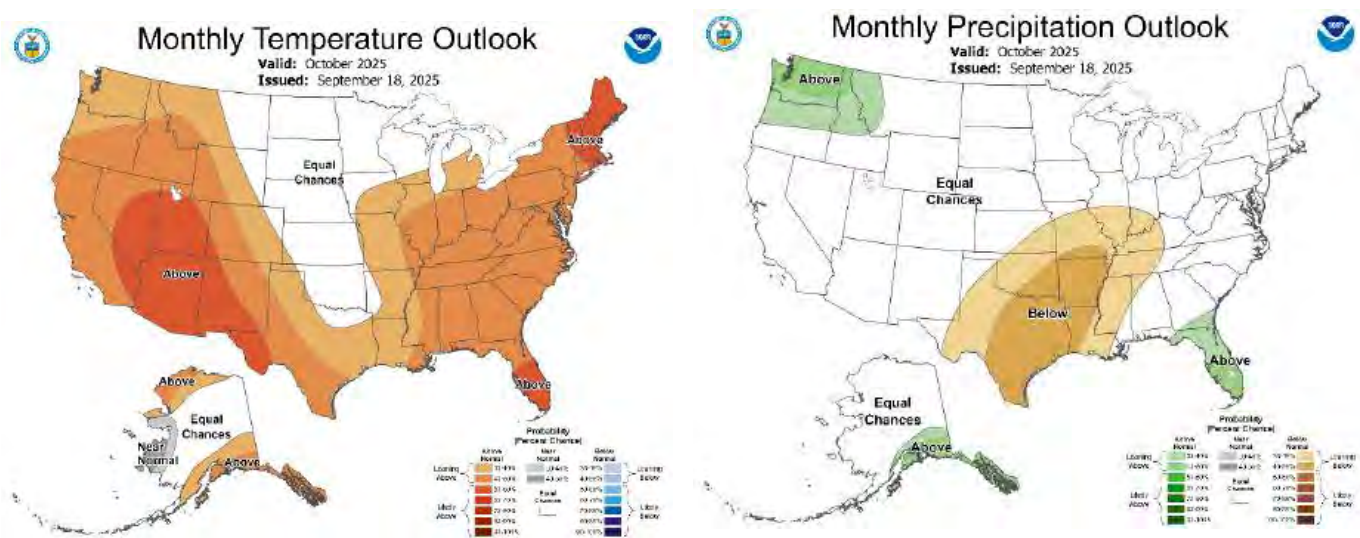


This commitment underscores OFS’s role as both a protector at home and a partner nationwide, demonstrating the dedication and strength of Oklahoma’s wildland fire program in safeguarding lives, property, and natural resources.

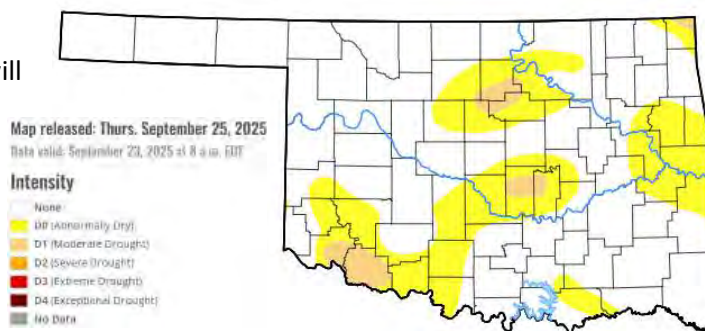
### **Fire Environment Outlook**

As previously mentioned, wildfire occurrences in Oklahoma have remained rather muted through the summer and initial attack efforts have continued to be successful in large part. The current fire environment and near-term outlooks point to a gradual uptick in wildfire occurrence although initial attack efforts will remain largely successful absent from critical fire weather. October generally provides periods of increased fire environment concerns given the transition from growing fuels to dormancy and more active weather patterns associated with seasonal change. Therefore, as the transition from summer to fall continues, the gradual uptick in initial attack activity may well come with limited extended attack incidents.

The current temperature and precipitation outlooks for October indicate the potential for temperatures to moderate nearer to seasonal norms while a transition La Nina influenced dryness appears likely. The longer lead outlooks that extend through December hold a somewhat drier expectation in place while temperature expectation continue to trend above normal.



The current Drought Monitor points to some abnormally dry conditions that have developed late summer and emergence of some Moderate Drought indicators where the separation from wetting rains has increased through September. The most recent Drought Outlook dated August 31, 2025, indicated that drought removal would be likely although that product has become stale and will be updated at the beginning of October likely holding the current dry areas in place.



### **Fire Management Collaboration**



Since hiring a Prescribed Fire Specialist, OFS has had the opportunity to assist numerous outreach/training events throughout Oklahoma coming alongside private landowners, Prescribed Burn Associations, OSU / OSU Extension, Oklahoma Conservation Commission, tribal nations as well as other agencies/organizations within the fire management working space. While there are classroom elements to this effort, the opportunities (often lead by OSU Extension) incorporate a hands-on field experience with prescribed fire. Additionally, the OFS Prescribed Fire Specialist consults with private landowners about burning on their property specifically providing expert advice for applying objective driven fire on their property. One of these landowners was the First Americans Museum, who is interested in burning their mound in Oklahoma City to promote native species and Rx Fire.



#### **OFS Trains County Equipment Operators**

Through the summer months, OFS Forest Rangers conducted three 'Introduction to Wildfire Heavy Equipment Operations' course offerings training eighty (80) county equipment operators that generally work through the county commissioners' offices. This training capitalizes on their ability to operate equipment and bridges the gap providing understanding of wildland tactics, weather and fuel influences, safety considerations and working within the incident command system. This training has been very well received on the local level and proving to increase valuable local-level resources. Additionally, OFS personnel have instructed four (4) Basic Wildland Fire Courses (32-hour Training), one (1) Wildland Engine Tactics class in conjunction with the OSU Wildland Academy as well as one (1) Expanding Incidents Course. The Expanding Incidents Course is targeted to enhance the wildland incident skillset of Chiefs, Officers and Incident Commanders focusing on preparedness, strategic response, and real-world implementation of incident command.



## **Hazardous Fuels Mitigation Program – Aaron Williams**

- Mitigation work on the Gilcrease Museum Project has been delayed by the City of Tulsa. They required the hold harmless agreement to be “resigned” by their current mayor instead of utilizing one already signed by the previous administration. Once signed crews will be moving equipment and personnel on site.
- OFS Mitigation Staff recently met with the City of Wilburton recently to work out details on the State Fire Capacity Grant awarded for mitigation activities near Lloyd Church Lake south of Wilburton and a VFW neighborhood. City of Wilburton officials and VFW residents are excited to see the project get started.

## **Community Fire Assistance Program – Tammy Carter**

### ***FFP Update***

- 2 Type 6 engines and a SUV will be transferred to Volunteer Fire Departments in the upcoming months.

### ***FEPP Update***

- 13 trucks are currently in the sales cycle process.

### ***Operational Grants (FY26 \$8,414,550.00)***

- All Operational Grant payments have gone out, with a few being returned due to accounts being closed or incorrect mailing addresses.

### ***80/20 Grants (FY26 \$2,000,000.00)***

- 73 Fire departments have been awarded FY26 80/20 grants. FY26 grant caps for building purposes has been raised to \$75,000.00 and \$30,000.00 on purchasing equipment.

### ***Equipment Replacement Grant***

- All Equipment Replacement Grant payments have gone out, with a few being returned due to bank accounts being closed or incorrect mailing addresses.

## **Community Wildfire Defense Grant Program (CWDG) – Eric Ashlock/Erin Brazel**

### ***Summary***

- OFS was recently notified that none of the Oklahoma applicants received funding during Round 3 of the CWDG application period. CWDG staff will continue to work with those applicants who were not funding to enhance and improve their latest application for future rounds. Outreach efforts are currently underway in additional communities anticipating another round of CWDG.

## ***Key Community Updates:***

<b><u>Community / County</u></b>	<b><u>Recent Activity</u></b>
Mannford/Creek	CWPP underway and initial draft contains three projects for CWDG grant application.
Stillwater/Payne	The Interim Fire Chief wishes to update their CWPP. OFS and the Conservation Commission are engaged in mitigation discussions with the City of Stillwater.
Skiatook/Osage, Tulsa	CWPP is underway and currently looking at project areas for CWDG grant application.
Edmond/Oklahoma	CWPP is underway and currently looking at project areas for CWDG grant application.
Pearl Jackson/Creek	CWPP is underway and currently looking at project areas for CWDG grant application.
Sequoyah County	HMGP is underway blending their CWPP components into a wildfire section. They are currently looking at project areas for CWDG grant application.
Pawnee County	HMGP update being planned. They are considering blending CWPP into a wildfire section.

## **FOREST MANAGEMENT**

### **Forest Health Program – Dieter Rudolph**

- OFS began accepting applications for the Forest Landowner Financial Assistance Program at the end of July; a program providing \$3 million dollars of cost-share for Oklahoma Landowners.
  - In August we developed a new application process complete with spatial tracking of projects allowing for better program management and accomplishment reporting.
  - We have also increased our focus on providing outreach to rural Oklahoma, looking to develop and strengthen partnerships to ensure these resources and regular OFS programs are accessible to forest landowners across Oklahoma.
  - In the coming months OFS will meet with representatives of communities, tribal entities, Non-Government Organizations, and Non-Profit Organizations to better develop more meaningful outreach.

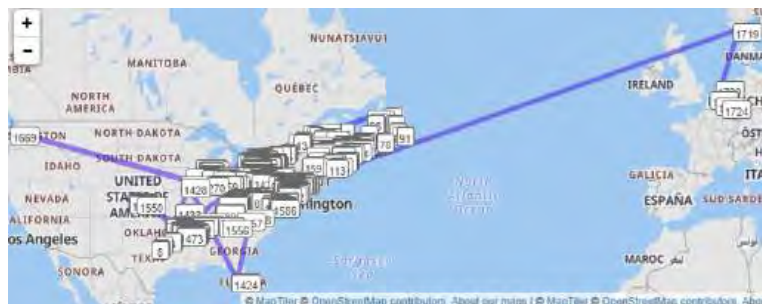
- OFS and the Oklahoma Department of Libraries have completed the pilot program for the Invasive Species Backpacks.
  - Partnering libraries provided feedback on the backpacks including the materials provided, lessons, and overall program implementation.
  - OFS and ODL are in the process of implementing changes based off feedback and plan to begin delivering the final version to libraries in the coming months.
  - A new backpack is already being planned for 2026 focusing on Urban Forestry.



- The Forest Health Program has mass printed “A Pocket Guide to Oklahoma Forest Health”, a book developed by Forest Health Program Coordinator Dieter Rudolph and Dr. David Coyle of Clemson University to showcase threats the health of Oklahoma’s forests.
  - These books will soon be available to purchase alongside the “Trees of Oklahoma” book.



- In 2017 OFS Forest Health Program created geo-coins showing the OFS shield on one side and the “Don’t Move Firewood” logo on the other.
  - Many have been distributed since that time, but few ever made it to multiple geocaches.
  - One has remained in motion since being placed in a cache at Beavers Bend State Park in 2018.
  - In recent months it has made it across the ocean and is now moving through multiple European countries.
  - Overall, it has traveled over 37,000 miles, bringing OFS’s shield to multiple countries and spreading the message about the dangers of moving firewood.





## Urban & Community Forestry Program – Riley Coy/Elizabeth Bland-Corbishley

- August 4<sup>th</sup>, Urban and Community Partnership Coordinator Elizabeth Bland-Corbishley visited OU Tulsa to check the health of a Survivor Tree sapling planted in the spring to commemorate the 30<sup>th</sup> anniversary of the Oklahoma City bombing.
- August 5<sup>th</sup>, Urban Forestry Coordinator Riley Coy met with arborists at the Oklahoma City National Memorial and Museum to discuss trees slated for transplanting. A treatment of Paclobutrazol was done on July 23<sup>rd</sup> to prepare the roots for the stresses of transplanting prior to the construction project that will ultimately require the removal/transplanting.
- August 6<sup>th</sup>, Riley and Elizabeth taught 20 students and parents at the Oklahoma City National Memorial STEM Day.



- August 8<sup>th</sup>, Riley and Elizabeth met with the Black Heritage Tree Project in Tulsa to talk about issues the potential witness tree is facing and to educate the public stewards of the tree. There was also spreading of compost to nourish the tree and a ribbon ceremony.
- August 11<sup>th</sup>, Riley and Elizabeth had the second site visit at Oklahoma City Community College to review tree planting OCCC performed in the spring as part of the Urban and Community Forestry Grant they were awarded in 2024.
- August 12<sup>th</sup>, Riley presented on Tree Line USA at the Oklahoma Association of Electric Cooperatives Vegetation Management summit. Tree Line USA is a recognition that an electric utility company or Cooperative can apply for that showcases they invest in tree care.

- August 19<sup>th</sup>, Riley filmed a segment of Oklahoma Gardening at OSU speaking about a large, mature oak which had started leaning on the Stillwater Campus.
- August 23<sup>rd</sup>, Elizabeth presented at the Epsilon Sigma Alpha of Eastern Oklahoma regional meeting in Sapulpa, there she spoke with 30 individuals on selecting native tree species and common tree pests in Oklahoma.
- August 25<sup>th</sup>, Elizabeth and Education Coordinator Anthony Pascall met with staff at the Academy of Blanchard about creating an outdoor classroom and forested area with trails.
- August 25<sup>th</sup>-29<sup>th</sup>, Oklahoma Forestry Services assisted with four Journey of Hope events in Woods, Dewey, Ellis, and Blaine counties.
- August 29<sup>th</sup> was the final day for applications to be submitted for the [Urban and Community Forestry Match-Waived Grant](#) for the second round of applications. Communities and non-profits could apply for up to \$50,000 to help communities that suffer from low tree canopy benefits. We received 14 applications which are currently being reviewed by the Oklahoma Community Forestry Council to determine which applicants will be awarded the grant.



#### **Forest Inventory Analysis Program (FIA) – Josh Bradley**

- FIA Foresters completed research plots in Grady, McClain, Oklahoma, Cleveland, Noble, Dewey, Major, Blaine, Woods, Comanche, Latimer, and LeFlore counties.
- FIA research takes reliable and repeatable measurements of forest area, forest volume, and forest health across the state.
- When working in counties outside the "timber basket" of SE Oklahoma, FIA data can be used to predict wildfire behavior, wildlife habitat, and land use change over time.

#### **Forest Legacy Program – Madison Gore**

- August 13<sup>th</sup>, Madison Gore and Brandon Faulkenberry began developing a 10-Year Harvest Plan for the Musket Mountain State Forest Management Plan.
- August 20<sup>th</sup>, Madison Gore introduced Bryce Boyer to The Conservation Fund's Communications team to begin strategizing a communications plan for the Musket Mountain project.

#### **Forest Heritage Center – Shalee Buzan**

- 2025 has been an exciting year at the Forest Heritage Center. The Center continues to be one of the top attractions at Beavers Bend State Park, welcoming thousands of visitors from across Oklahoma and neighboring states.

## ***Key Updates:***

### **Beavers Bend Folk Festival & Craft Show**

- Planning is underway for the 30th Anniversary Festival in November, themed *Community, Culture, and Craftsmanship*. Sponsorships and marketing are designed to make this milestone event especially memorable.

### **New Exhibit – *Invaders in the Forest***

- Launched an interactive invasive species exhibit featuring a 37-inch touchscreen kiosk, mounted specimens, educational materials, and youth activities. This hands-on program highlights the challenges facing Oklahoma’s forests and represents a step forward in modern, engaging exhibits.

### **Playground Project**

- With support from the McCurtain County Tourism Authority, FHC built its first-ever playground, connecting forestry with outdoor play.

### **Tree Bear’s Conservation Station**

- Thanks to Weyerhaeuser, FHC launched its first Children’s Learn and Play Station inside the museum. Since summer, this has already served 8,000+ children.

### **Camp Discover 2025**

- Offered students activities such as seed life cycle studies, butterfly house building, stream ecology, and bug identification games.

### **Professional Development & Strategic Planning – Conference Takeaways**

- Both staff attended the 2025 Oklahoma Museum Association Conference, gaining valuable insights for advancing FHC’s mission.

### **Looking Ahead – 2026**

- Continue enhancing exhibits (new additions planned).
- Strengthen grant writing and digitization efforts.
- Expand ADA accessibility and multilingual integration.
- Formalize volunteer programming.

### **Forestry Education Program – Tony Pascall**

- August 1<sup>st</sup>, Education Coordinator Tony Pascall co-facilitated the “Teaching Climate Science” workshop for about 40 educators at the National Weather Center. This workshop provided educators with tools and resources to teach about climate and how it affects our state. These educators now are more prepared to teach students about their environment, the climate, and how communities can take action to conserve their environment and prepare for the future.
- August 7<sup>th</sup>, Tony held a table at the Teacher Resource Social hosted by the Oklahoma History Center. Here, we spoke to more than 50 educators about Project Learning Tree and the educational resources that OFS has to offer.
- On August 11<sup>th</sup>, Tony taught a “Trees & Me” workshop for all of the PK educators in Deer Creek Public Schools. All 15 of the teachers received the teacher’s guide from Project Learning Tree, as well as training on outdoor education and how to implement hands-on learning. These teachers now have access to incorporating high quality forestry lessons with their students!



### **Forest Regeneration Center and Forest Tree Improvement Center – Justin Jones**

- Subsoiling operations are currently underway in nursery fields to break up compacted hardpan layers. This is a preparatory step being completed ahead of land plaining or leveling activities scheduled prior to fumigation later next month. The deep tillage will improve soil permeability and root penetration, ensuring better fumigant efficacy and overall soil health.





## **Water Quality – Aaron Black**

### ***Best Management Practices***

- A total of six completed logging tracts and one ongoing tract have been surveyed for BMP implementation, all on industry lands. A combined total of over 1800 acres has been inspected with an average score above 90% implementation.
- Inspections were conducted in Pushmataha County.
- Stream Side Management zones have been at 100% implementation and no risk to water quality has been identified at this time.
- Drier conditions have resulted in better tract access and high scores in all areas.



**Example of road construction with water diversion practices  
in Latimer County**

### ***Education and Training***

- One individual private landowner site visit in Oklahoma County was consulted on severe erosion issues and options for mature tree protection and stream bank armoring.
- Efforts are currently underway to try and obtain funds and responsibilities for potential repairs and mitigation.
- A commissioner's office site visit was made to inspect streamside erosion issues and help develop mitigation efforts through tree planting and riparian exclusionary fencing on an adjoining school and private tract.

## **EASTERN OKLAHOMA REGION**

### **NE Area Highlights – Kaley Helton/Craig Longshore**

#### ***Forest Protection***

- From August 1<sup>st</sup> through August 30<sup>th</sup>, the Northeast Area had 8 fires in the protection area for 58.8 acres.



- August 8<sup>th</sup> through the 10<sup>th</sup>, the NE Area held the Basic Wildland Fire Training S-130/190 at Mid County Community Center in Adair County. 23 firefighters attended the training from surrounding fire departments. Craig Longshore, Roger Wilhite, Isaac Merchant, Heath Jones, and Chad Bateman all participated in the training as instructors.
- Two NE Area Forest Rangers went on fire assignments to the western United States, with Cole Hix in California and Joe Leak in Idaho.
- Cole Hix/Charles Kimble presented a Fire Prevention program in Cherokee County at the Livestock Arena on 8/2/25 as a Back-to-School event for the community.



- On August 9<sup>th</sup> Cole Hix and Charles Kimble presented a fire prevention program at Sequoyah State Park. This was in celebration of Smokey's 81st birthday. There were around 150 people attending this event.

### ***Forest Management/Programs***

- Harris Groberg completed a prescribed fire plan for a property in Cherokee County and also completed the Forest Stewardship Monitoring for the NE Area.

### ***Administrative***

- Kaley Helton attended a Certified Procurement Officer training at GRDA in Chouteau discussing Procurement Fraud. This class counted towards six education units for her Procurement Officer certification.

### ***Upcoming Events***

- Smokey Event- Braggs Schools 10/6/25
- Career Fair- Cherokee Nation Casino 10/8/25
- Smokey Event – Sallisaw Head Start 10/15/25
- Smokey Event- Craig County Conservation 10/22/25
- Smokey Event- UKB Safety Fair Tahlequah 10/24/25
- Smokey Event- Boys & Girls Club Stilwell 10/30/25
- Smokey Event- Boys & Girls Club Dahlenegah 11/6/25
- Smokey Event- Boys & Girls Club Zion 11/13/25
- Smokey Event- Boys & Girls Club Rocky Mountain 11/20/25

### **EC Area Highlights – Eve Hawkins/Caleb Fields**

#### ***Forest Protection***



Louisiana hand crew work

- Since the last board report submission, EC has suppressed seven (7) fires within the EC protection area on a total of 80.1 acres. Five (5) primary structures were saved at a total value of \$140,000, three (3) secondary structures were saved at a total value of \$75,000, and one (1) primary structure was lost prior to OFS arrival valued at \$30,000.

- The last week of August brought another round of rainfall resulting in approximately 3.7 inches of precipitation that diminished wildfire occurrence and prompted previously receptive fuels to regain some moisture and green back up.

- During the month of August, five EC Forest Rangers responded out of state on federal fire assignments. Three of the Rangers staffed a Type 6 engine near Fort Polk, LA on the Kisatchie National Forest, the fourth Ranger served as an initial attack dozer operator for Washington DNR near Clarkston, WA, and the fifth Ranger served as a task force leader near Forks, WA



Washington task force



Washington aerial water



Hand crew near Forks, WA

### ***Hazardous Fuels Mitigation***

- Foresters Eddie Woods, Brandon Faulkenberry, and Caleb Fields sat in on a Cross Boundary grant Teams meeting to outline new operating guidelines and ranking procedures for prescribed burning under the grant.
- Planning is underway for the hazardous fuels mitigation project that will take place on the Oklahoma VFW Homes property south of Wilburton.
- A site visit to the Hale Scout Reservation boy scout camp northwest of Whitesboro was also conducted to determine the need for fuels treatments on the property.





Oklahoma VFW Homes



Hale Scout Reservation

### ***Forest Management***

- Forester Eddie Woods prepared one Forest Stewardship plan covering 620 acres and visited two separate properties for stewardship plan and Rx burn plan preparation.
- Foresters Eddie Woods and Brandon Faulkenberry spent several days cruising timber on the 7,602-acre San Bois Wildlife Management Area in southern Haskell county to collect timber stand data for stewardship plan preparation.
- Foresters Eddie Woods and Brandon Faulkenberry completed the Forest Stewardship Monitoring on selected properties. The Stewardship Monitoring helps OFS accurately assess what activities and “on the ground” accomplishments are being conducted on those properties OFS has written stewardship plans for. This data is then provided to the U.S. Forest Service on a yearly basis.
- Forester Brandon Faulkenberry also developed a 10-year revenue projection for the Musket Mountain State Forest to begin in 2027.
- Brandon also conducted two site visits to determine aerial spraying needs.
- Additionally, Brandon visited with three separate landowners regarding timber harvesting and provided them with harvesting info and a list of timber harvesting contractors.
- Lastly, Brandon is currently working with aerial spraying contractors to plan aerial chemical application to three different forested tracts.

### ***Information / Education***

- EC foresters Eddie Woods, Brandon Faulkenberry, and Caleb Fields, along with prescribed fire coordinator Christian Hayes, attended Smokey Bear’s 81<sup>st</sup> birthday celebration at Roman Nose State Park near Watonga.
- Forester Eddie Woods also assisted Panola 4-H students with leaf collections for the Latimer County Free Fair.



### ***Equipment update***

- Talihina rangers retrofitted and installed a military GSA winch onto the back of one of EC’s newest 650P John Deere dozers. Due to the rugged terrain and sometime due to wet low-lying areas, winches

can be an asset to effectively install fireline in otherwise inaccessible places. They are also extremely useful for extraction of stuck equipment.

- Wilburton rangers fabricated and installed drop ramps on two UTV trailers to facilitate safe loading and unloading of fireline equipment. The structural integrity and durability of storebought loading ramps that can support the weight of these machines leaves a little to be desired, so it was decided it was best to build our own.
- Forest ranger Stacy Lovell also fabricated a set of storage racks for his new Type 6 engine that are designed to hold additional fuel and hand tools.



Winch retrofit/Bumper build



Trailer Ramps

### ***Safety / Training***

- Forest Ranger Brett Boland completed his Firefighter Type 1/ Incident Commander Type 5 position task book. On smaller, less complex wildfire incidents, the ICT5 helps develop strategies and oversee the implementation of tactics, while providing for the safety of the public and all personnel assigned to the incident.
- Forest Ranger Clayton Hurst assisted SE Ranger Bob Cook in conducting a Heavy Equipment Operations course at Lawton.
- All EC Rangers completed the Pipeline Safety training sent out by safety officer Rick O'Daniel. Oklahoma has a significant number of underground pipelines, both for natural gas, gathering, transmission, and hazardous liquids. Pipeline safety awareness is critical for OFS equipment operators to ensure safety, regulatory compliance, environmental protection, and economic cost control.



### ***Ongoing Issues***

- With the Talihina Forester 1 vacancy remaining in East Central the goal will be to post and fill that position during FY2026.

### **SE Area Highlights – Brock Hill/Tama Lester**

#### ***Forest Protection Highlights***

- SE Area had 21 fires for 196.4 acres
- Structures lost: 0
- Structures saved: 5
- Forest Ranger Steve Painter reported to Washington for a fire assignment. Forest Ranger Jimmy Morris reported to Oregon for a fire assignment. Administrative Procurement Officer Tama Lester reported to Colorado for a fire assignment.

#### ***Forest Management/Programs Highlights***

- Will Phiher had 13 landowner visits/site exams.
- Tyler Hyatt had nine landowner contacts with various landowners to plan and conduct site visits for timber management and prescribed burns.
- Jacob Lewis had eight landowner contacts with various landowners to plan and conduct site visits for timber management, forest health and prescribed burns.
- Will Phiher completed one stewardship plan for 116 acres.
- Three landowners signed up for the Southern Pine Beetle Thinning program in McCurtain county for 252 acres.

#### ***Hazardous Fuels Mitigation:***

- The planning period for the fall prescribed burn efforts at McGee Creek WMA has begun with the intention of starting the operation directly after leaf-fall.

### ***Safety / Training***



- Pat Wayman held a safety meeting for the Antlers District discussing the use of Lookouts, Communications, Escape Routes, and Safety Zones.
- Tyler Hyatt held a safety meeting for the Antlers District reviewing chainsaw equipment inspections and safety.
- Don Cook facilitated Heavy Equipment Operations Training in Lawton, OK for county employees.

#### ***Employee Recognition/Other***

- Don Cook and Sonny Johnson attended the Fire Chiefs meeting in McCurtain County.
- Tony Macon attended the Fire Chiefs meeting in Pushmataha County.
- The refurb of the exterior front of the mechanic shop at the Broken Bow complex has been completed by the District Rangers.

#### ***Upcoming Events/Activities***

- Southern Pine Beetle thinning – Southern McCurtain County
- Site Preparation: Ripping late summer/fall
- Seed collection for the nursery



- Lee Fire on the outskirts of Meeker, CO. The Lee fire was over 137,000 acres and the fourth largest wildfire in the history of Colorado. Photo taken by Tama Lester, Finance Section Chief-trainee.



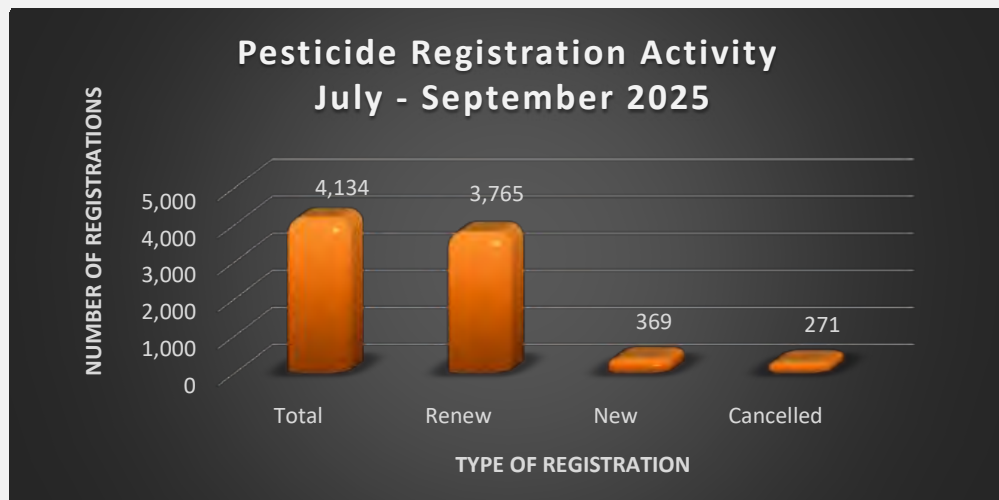
## CONSUMER PROTECTION SERVICES DIVISION

### OCTOBER 14, 2025, BOARD MEETING REPORT FOR AUGUST 2025

#### PESTICIDE SECTION

##### Pesticide Registration Activity

Pesticide registrations from July 1<sup>st</sup> to September 29<sup>th</sup>, 2025, are presented in the following chart. A total of 4134 products were registered, of the products registered 3765 were renewals and 369 were new. There were 271 products cancelled.



##### Pesticide Samples

Pesticide samples taken in August 2025 are presented in the following chart. A total of 51 with 24 Residue, 3 Tank Mix, 11 Concentration, and 13 Documentary samples were taken.

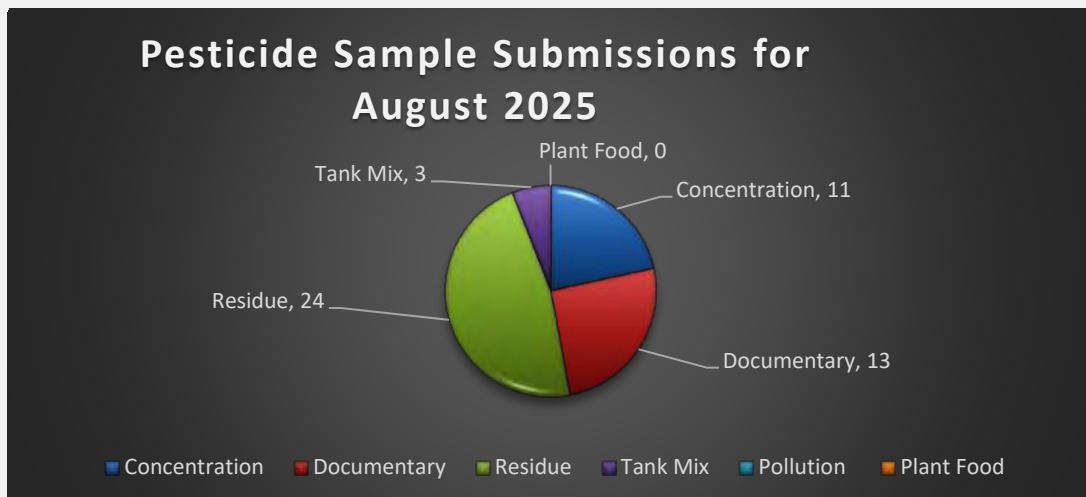




Table 1. Inspection Count for August-September 2025\*      Number of Inspections

Inspection Type	August	September	Two Month Total
CPS Investigation Form	14	17	31
Marketplace	10	9	19
Pesticide Applicator Facility	36	21	57
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	6	6	13
Container Containment Inspection	1	2	3
Producer Establishment	3	2	5
Use	42	23	65
Termite	2	4	6
Wood	0	0	0
Pre-treat	46	4	50
Drift Investigation	0	0	0
Pesticide Label	97	60	157
Worker Protection	3	16	19
Total	260	165	425

\* 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 32 nonagricultural use samples, 4 agricultural use samples, and 15 producer establishment samples for a total of 51 samples.

### Pesticide Certified Applicators

Categories renewing this year: 4-Seed Treatment, 5-Aquatic, & 7c-Fumigation

August 26, 2025 – Prepared 474 recertification letters for applicator categories renewing this year.

### Pesticide Complaints

PESTICIDE COMPLAINTS	August 1, 2025 – August 30, 2025			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	19	0	1	0
MUSK THISTLE:	0	0	0	0
PMR CASES:	10	11	11	11
CASES REFERRED TO OGC:	12			

## ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

### *Plant Protection Program*

## Phytosanitary Certificates

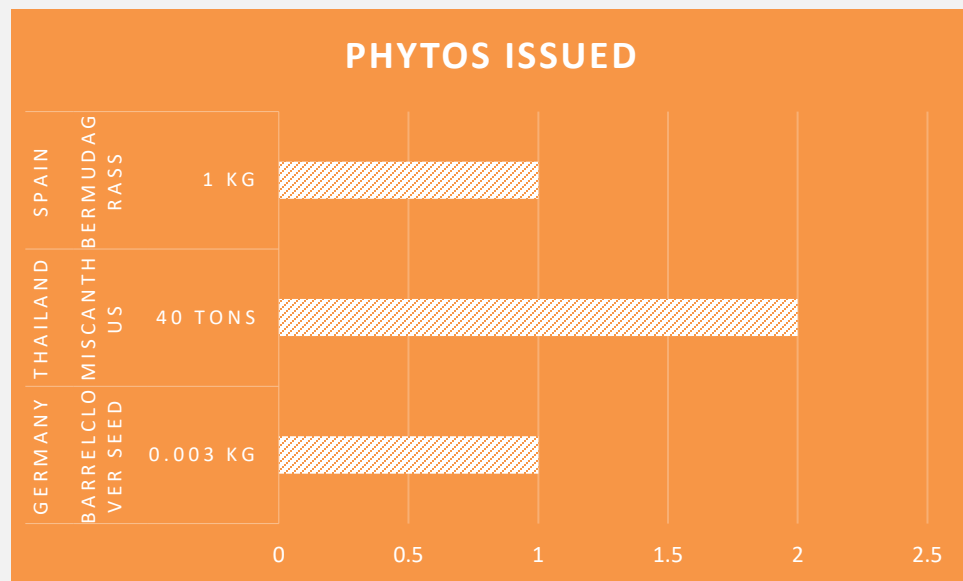
### Federal phytosanitary certificates Issued from August 2025

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

2 Federal phytosanitary certificates issued @ \$106.00 each

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

2 Federal phytosanitary Certificates issued @ \$61.00 each



## State

State phytosanitary certificates Issued from August 2025.

52 phytosanitary certificates for 1495 plants.



## Hemp

There are currently 85 hemp growers, 39 hemp processors/handlers, 265,739 licensed sq ft, and 3107 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 August 1<sup>st</sup> through 31<sup>st</sup>, 2025.

Sample Type	Number	Deficiency Penalty/SS
Fertilizer	115	11
Lime	15	-

Investigation Type	Number
Letters of Warning or Deficiency	0
Dry Bulk Fertilizer Storage Facility	47
Liquid Bulk Fertilizer Storage Facility	38
NH <sub>3</sub> Nurse Tank Inspections	0
NH <sub>3</sub> Storage Tank Inspections	0

#### *AAPFCO Annual Meeting*

Joshua Maples, Fertilizer Program Administrator, attended the 2025 Association of American Plant Food Control Officials (AAPFCO) Summer Annual Meeting in Omaha, Nebraska from August 6<sup>th</sup> through 8<sup>th</sup>. His attendance provides Oklahoma with representation in leadership of AAPFCO since Joshua is a current Board Member, Chair for the Education and Information committee, vice-chair for the Ag Lime and labeling committees for the model documents group, committee member on numerous committees, and is active in participating in discussions throughout this organization. He was acting chair and led the meeting for the Education and Information committee, whose purpose is *“To promote the role of AAPFCO as a source of uniformity in plant food regulations, labels, and definitions. To develop and disseminate information and educational materials to help ensure the safe and effective use of fertilizers, beneficial substances, and soil amending products in agricultural and consumer applications.”* He also oversees the AAPFCO labeling guide, as well as the AAPFCO inspector manual. The purpose of AAPFCO is to help achieve regulatory uniformity through state regulations, as well as provide regulatory control officials and industry a chance to interact and discuss the implementation of regulatory decisions. AAPFCO’s mission highlights the benefits of involvement and inclusion from the state regulatory programs to better maintain uniformity across the states about the regulation of our industry: *“The mission of the Association of American Plant Food Control Officials is to establish uniform standards that promote consumer protection, environmental stewardship, and provide a forum to achieve regulatory consensus.”* Thirty states, and Canada, were represented by a combined 145 control official and industry liaisons in attendance.

### Feed Program

### *AAFCO Annual Meeting*

In August Feed Program Administrator Cody Walls attended the Association of American Feed Control Officials (AAFCO) Annual meeting in Omaha, NE. At this meeting he represented Oklahoma and voted on items in the business meeting that impacted the animal feed industry. This event also allowed him to network with other state officials as well as representatives from the animal feed industry.

### *Program Performance*

During this reporting period there were a total of 215 official feed samples analyzed, with 1177 feed determinations made from these samples. These determinations resulted in the issuance of 41 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 Potassium, Calcium, Vitamin A, Zinc, Crude Fat, Copper, Magnesium, Manganese and Salt.

Thirty stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Nine stop sales were issued for products deficient in Vitamin A. Seven stop sales were issued for products deficient in Crude Fat. Four stop sales were issued for products deficient in Salt. Three stop sales were issued for products in excess of the allowable maximum for Crude Fiber. Three stop sales were issued for products deficient in Copper. Two stop sales were issued for products deficient in Calcium. One stop sale was issued for a product deficient in Crude Protein. One stop sale was issued for a product deficient in Phosphorus.

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

**Table 1. Feed Notice of Label Violation Summary July 2025 – August 2025**

Nutritional Guarantee	Number of Label Violations		
	August <sup>1</sup>	July <sup>2</sup>	Two Month Total
Crude Protein	15	7	22
Non-protein Nitrogen	0	0	0
Crude Fat	4	0	4
Crude Fiber	0	0	0
Calcium	4	2	6
Phosphorus	0	0	0
Salt	4	1	5
Magnesium	1	0	1
Potassium	2	2	4
Copper	2	0	2
Manganese	1	0	1
Iron	0	0	0
Zinc	2	1	3
Vitamin A	6	2	8
Methionine	0	0	0
<b>Total</b>	<b>41</b>	<b>15</b>	<b>56</b>

<sup>1</sup> 215 feed samples analyzed with 1177 determinations; <sup>2</sup> 81 feed samples analyzed with 402 determinations

**Table 2. Feed Stop Sale Summary July 2025 – August 2025**

Nutritional Guarantee	Number of Stop Sales		
	August <sup>1</sup>	July <sup>2</sup>	Two Month Total
Crude Protein	1	0	1
Non-protein Nitrogen	0	0	0
Crude Fat	7	2	9
Crude Fiber	3	1	4
Calcium	2	2	4
Phosphorus	1	0	1
Salt	4	1	5
Manganese	0	0	0
Potassium	0	0	0
Copper	3	0	3
Zinc	0	0	0
Vitamin A	9	4	13
Medicated Feed	0	0	0
<b>Total</b>	<b>30</b>	<b>10</b>	<b>40</b>

<sup>1</sup> 215 feed samples analyzed with 1177 determinations; <sup>2</sup> 81 feed samples analyzed with 402 determinations

### Weights & Measures Program

The large capacity scale technicians tested 120 Vehicle scales and 22 of the scales were rejected.

CPS field agents checked a total of 618 small scales and 18 platform scales, 13 of the scales were rejected. There were 26 random pack inspections and 132 standard pack inspections conducted that resulted in 4 companies receiving letters of warning. Additionally, 99 price verification inspections were conducted at various retailers that resulted in 4 companies receiving a letter of warning.

Eight scale companies received a letter of warning for not properly servicing scales. One business received a letter of warning for using an improper scale.

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  
October 15, 2025  
Activities August 1, 2025 – August 31, 2025

**Animal Disease Traceability:**

During August, we distributed 3,100 orange calfhood vaccination EID tags to veterinarians, and 13,700 official EID tags to veterinarians, livestock markets, and producers. We also distributed a wand and laptop with market software to a new livestock market veterinarian.

11 new accounts were opened for the no-cost electronic CVI we offer to Oklahoma veterinarians. Since we stopped distributing paper CVIs at the end of December, we are seeing a drastic decrease in the number of paper CVIs being returned, and an increase in the number of electronic CVIs.

AIS continues to work with Acclaim services through the transition planning for moving the information from USA Herds to the new Ag Enterprise platform. We are continuing UAT phase and anticipating going live with AgE in November.

On August 28 Dr. Gorczyca-Southerland and I met with officials of US CattleTrace and IMI Global regarding some changes and enhancements to US CattleTrace.

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

**Aquaculture:**

During August, our inspectors continued the biennial facility inspections.

We are developing administrative rules to address SB 777 to require a permit for covered aquaculture species imported into Oklahoma.

**Biologics:**

During August, we registered a new biological product. We also approved a field trial request for IDEXX to conduct an ASFV DNA Test Kit Interlaboratory Comparison study at OADDL.

On August 28, Dr. Gorczyca and Marissa met with Cambridge Biologics to discuss conditionally licensed biological products and the requirements to register these products in Oklahoma.

**Cattle Programs:**

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 nine months of 2025 has all been negative. Once all states have achieved negative status for several months, the US will be declared free of HPAI in the dairy herd.

### Brucellosis:

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

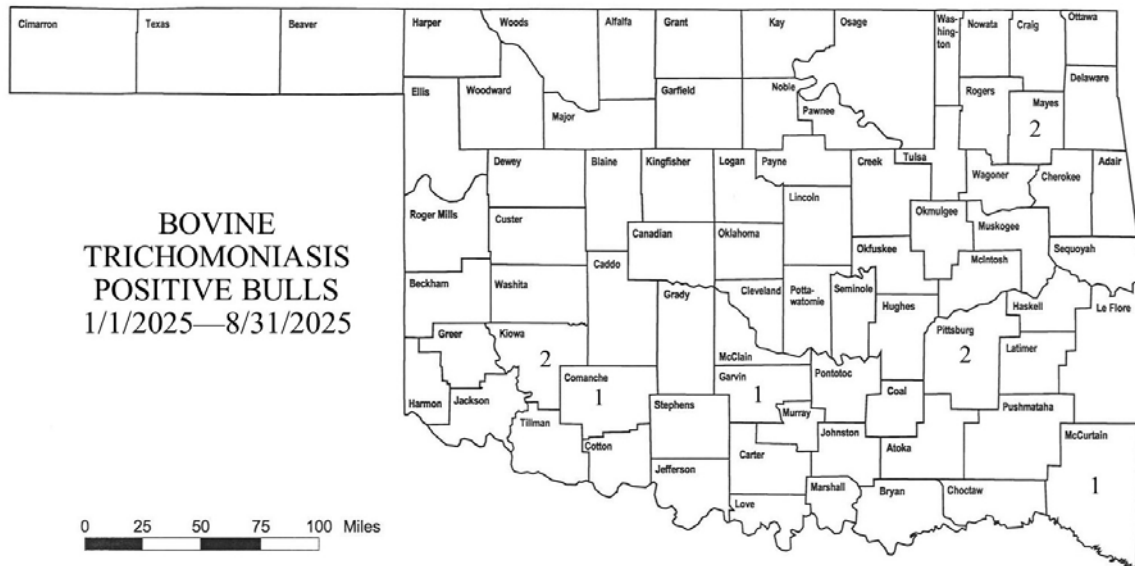
While there is very little need to test for *B abortus* any longer, this means we have very little or no surveillance for *Brucella suis* (Swine Brucellosis) in cattle, which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. *B suis* can, and does, infect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

### Tuberculosis:

All cows in the pen that contained the TB exposed cow from Texas have been slaughtered. We have not been notified of any suspicious lesions in any of the cows.

### Trichomoniasis:

During August, there were 345 Oklahoma bulls tested for Trichomoniasis with no positive confirmations.



10,985 bulls tested / 9 positive = 0.082% 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.

### Johne's Disease:

We received 15 positive Johne's reports with five coming from previously known premises and 10 as new identified premises. Year to date we have 53 positive reports with 14 coming from previously known premises and 39 from newly identified positive premises.

For the past several years we have seen the number of goats that are positive for Johne's increase and the number for other species decrease. It is difficult to know when this



started but we know the number of goat farms have increased. And John's in goats is difficult to even suspect as these animals look and act normal until late in the disease progression. It is not surprising to see a goat go from looking active, happy and healthy to end stage of life in about 30 days. Thus, identification and elimination within goat herds is difficult and husbandry practices for most meat goat production systems is not sufficient to stop within herd spread.

Dr. Stone continues to help veterinarians and producers understand the disease risk, ways to manage the disease and work out testing strategies to identify infected animals for culling while meeting the producer's goals.

**Emergency Management:**

On August 5<sup>th</sup>, Animal Industry Services began their NADPRP 2025 project *Strengthening Food Security: An Educational Excursion on Enhancing Biosecurity* that aims to increase awareness of voluntary Secure Food Supply Planning. This project's focus is to meet with producers, livestock exhibitors, veterinarians, etc. on a face-to-face basis at stakeholder conferences, meetings, and conventions, where AIS staff and interns can educate and discuss voluntary Secure Food Supply Plans. Additionally, this project partners with Oklahoma State University's Dr. Rosslyn Biggs, to host Secure Beef Supply workshops for accredited veterinarians, producers, and extension personnel.

On August 12, Dr. Gorczyca and I participated in the OK Pork Council's ASF tabletop exercise. This exercise is a follow up to one that was executed in November 2023 and focused on ASF response in show swine.

On August 18, Dr. Gorczyca provided a presentation to the Oklahoma Association of Animal Control Officers over emergency animal sheltering and New World screwworm.

On August 20, Dr. Gorczyca provided a presentation at the ITEMC Summit over the ongoing HPAI outbreak and New World screwworm.

On August 21, Dr. Gorczyca provided a presentation at the OSU Extension Western District meeting about New World screwworm and the sample submission kits provided to the extension offices.

On August 28, Dr. Gorczyca assisted Dr. Cheryl Eia, ISU Center for Food Safety and Public Health on an upcoming NADPRP project focused on developing training material over emergency management for newly hired SAHOs and Assistant SAHOs.

**Equine Programs:**

On August 18<sup>th</sup>, the quarantine on the Piroplasmosis-positive horse identified in Haskell County, Oklahoma, was released due to the horse testing negative to Piroplasmosis.

A quarantine remains in place related to one of our positive EIA cases involving a foal in Kay County. This foal is the result of an embryo transfer from a mare that later tested positive for EIA. It is believed that the embryo transfer occurred prior to the donor mare's

exposure to or infection with EIA. The recipient mare has tested negative for EIA. The foal will undergo EIA testing two to three months post-weaning. The foal will be EIA tested the week of September 22<sup>nd</sup>, 2025.

#### **Farmed Cervidae Programs:**

August is the beginning of the fall purchase cycle for farmed cervidae producers and commercial hunt area businesses. AIS issued 12 entry permits for a total of 196 deer and elk. Many of these imports came from Texas producers who are relocating to Oklahoma or completing sales before a deadline that has been set by Texas to end the CWD-herd certification program, at which time producers will no longer be able to move their CWD certified animals across state lines.

After the recent renewal cycle, AIS has 120 active farmed cervidae herds.

We continue to receive genetic testing results for the current CWD cooperative agreement. Sample submissions must be completed by the end of September.

On August 19, ODWC confirmed a CWD positive case in a wild deer in Texas county and as a result expanded their selected surveillance area. AIS communicated this finding to the farmed cervidae producers.

#### **Feral Swine:**

We continue to work with OMES and the developer of our new disease traceability software to migrate data from Kelly Registration Solutions to Ag Enterprise. OMES has collected historical information for the feral swine licenses from Kelly for the transition to Ag Enterprise, however, it has not yet been integrated into the Ag Enterprise staging site.

On August 27<sup>th</sup> Dr. Stone and LSI John Sartain attempted to meet with a feral hog hunter that was possibly engaged in some illegal activity involving feral hogs. They had an appointment. The hunter didn't show up. Dr Stone did communicate later with the individual by phone and informed the individual that he needed to go to our website and become familiar with our regulations.

Dr. Stone has been in contact with law enforcement and the game ranger in that area and they are working together dealing with this situation.

#### **Foreign Animal Disease:**

We had one FAD investigation during August. It was due to the suspicious fly larvae reported in McClain County. Due to some miscommunications about our agreement with USDA to utilize OADDL and PDIDL for routine fly larvae submissions, the case was assigned a FAD referral number. Once that occurred the samples had to be transported to NVSL and treated as a FAD investigation. As expected, there were several species of fly larvae recovered from the calf, none of which was New World Screwworm.

August 19-20, I traveled to Baltimore, MD and participated in a tri-national African Swine Fever Table Top Exercise. The exercise was focused mainly on communications that would have to occur surrounding a foreign animal disease occurrence to present a consistent message.

**Livestock Market Audits:**

During August, staff conducted a follow-up audit of Producers Livestock Commission Company's custodial account. This effort to closely monitor this market showed improvement in the management's handling of custodial funds. Staff will do periodic check-ins to ensure producer's funds are being handled according to state and federal laws.

Also during the month of August, staff mailed a letter of warning to Tahlequah Stockyards after a routine custodial account review revealed a few violations according to state and federal laws. Salebarn staff has indicated they have corrected these violations and a follow-up audit will be conducted in the near future.

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 a few additional custodial account audits.

**Livestock Auction Market Activities**

Auction market licenses issued	0
Auction market licenses pending	0
Market custodial audits completed	4
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	1
Special Audits (Market Development)	0

**Outreach:**

On August 1 Dr. Gorczyca-Southerland and I attended the Oklahoma Pork Congress, and I participated in a panel discussion on Foreign Animal Diseases.

On August 5<sup>th</sup>, Austyn Fuss met with Macey Scotten, Coordinator of Strategic Partnerships with Redlands Community College, to discuss and reflect on the 2024-2025 school year's piloted Secure Food Supply Plan Writers Internship Program. Items discussed included how to get other college students interested in Secure Food Supply and working with Oklahoma Producers, spreading the word among producers known in Austyn and Macey's personal lives to increase awareness of Secure Food Supply, and contact information exchanged with other agriculture colleges in the state to extend this internship opportunity to their students. This program partners with college students pursuing a degree in agriculture and collaborates with Oklahoma Producers in developing enhanced biosecurity plans through Secure Food Supply templates, in efforts to be better prepared for a Foreign Animal Disease Outbreak. This is a non-paid internship, with

which the student receives college internship course credit at the completion of a Secure Food Supply Plan for an Oklahoma Producer.

On August 6 I was interviewed by KOCO TV regarding cases of rabies in Oklahoma.

On August 11 I ate lunch with the new class of Ag Youth Council, and gave them a summary of AIS' responsibilities.

On August 12 Dr. Gorczyca-Southerland and I participated with OK Pork Council and approximately 15 show pig producers in a foreign animal disease table top exercise.

On August 13 and 28 I hosted meetings of the Oklahoma New World Screwworm Working Group.

On August 15, Dr. Gorczyca attended the OSU CVM Grey Coat Ceremony and was able to coat former AIS summer intern, Brittany Oehler before she begins her first year at OSU CVM.

On August 22 I met virtually with representatives of OSU College of Veterinary Medicine and Oklahoma Animal Disease Diagnostic Laboratory regarding New World Screwworm preparedness.

On August 25 I attended a meeting with OK Department of Wildlife Conservation and Commercial Hunt Area owners, to discuss regulations for CHS operators.

On August 25<sup>th</sup>, Austyn Fuss visited Redlands Community College to discuss the Secure Food Supply Plan Writers Internship Program to the fall 2025 internship class. 4 students expressed interest, with interviews to be conducted in September.

On August 26 I traveled to Okemah to give a presentation about New World Screwworm to the Northeast and Southeast OSU Extension Educators.

On August 26 I was interviewed by The Oklahoman about the New World Screwworm issue.

On August 26 I met virtually with representatives of OVMA, OKPork, OK State Fair, Tulsa State Fair, and others to discuss the birthing centers and potential interference by animal rights groups.

Dr. Stone attends monthly the meeting of NEOVMA in Claremore. This group is always interested in the latest disease detection and what they should be concerned with that is happening in Oklahoma.

### **Poultry Programs**

There have been 19 sick or dead birds submitted for our sick bird/dead bird program since last report and a total of 135 since January 1<sup>st</sup>.

With the southward migration of waterfowl underway ten states have had new HPAI (Highly Pathogenic Avian Influenza) detections in poultry since August 15<sup>th</sup>. 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 1,734 confirmed premises and 1268 Control Areas and Surveillance Zones released. We expect we will continue to see HPAI detections in more states. Therefore, we remain vigilant and continue to emphasize the importance of biosecurity for both commercial and backyard flocks through outreach efforts, including emails, social media, and county extension officers.

Even though we have had no new HPAI positive detections in Oklahoma since 2024 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 swap meets, auctions, and feed stores.

#### **Public Health**

There were no significant public health activities during this time. We communicate often with Oklahoma State Department of Health's Public Health Veterinarian and State Epidemiologist to share information that is pertinent to both agencies. We also take many calls from veterinarians about potential zoonotic diseases of public health concern.

#### **Rabies in Livestock:**

There were no cases of rabies in livestock in August. Due to several publicized cases in skunks, we did a couple of interviews about rabies and livestock.

#### **Sheep and Goat Programs:**

There were no significant activity in the Sheep and Goat Programs.

#### **Swine Programs:**

August is the beginning of county fair swine show season. AIS approved 33 show, and sale permits for upcoming fair exhibitions and show pig sales.

The USDA has created a program for breeding sows and exhibition swine to get RFID tags at no cost through MERCK Animal Health. Swine producers will be given access to a website to order their tags directly.

On August 5, Dana Call and Dr. Gorczyca-Southerland participated in an AgView update for the swine production health plan pilot program with Seaboard. Seaboard renewed their certification for the commercial swine sample collector program this month. This is a vital part of their US Swine Health Improvement Program participation.

On August 22, we met with the US SHIP HOD meeting OK delegates to discuss the upcoming proposed standards and resolutions that will be addressed at the meeting in September.

**Miscellaneous:**

The Inter-Tribal Emergency Management Symposium was held at the Fire Lake Casino in Shawnee on August 19-21. Dr. Gorczyca-Southerland, Austyn Fuss and Dana Call represented ODAFF. Dr. Gorczyca-Southerland and Austyn Fuss both presented lectures at the meeting, and ODAFF had an information booth as well. We provided information about secure food supply planning, New World Screwworm, and the NADPRP grant activities targeting tribal nations.

On Wednesday August 27<sup>th</sup>, Dr. Parrott was to testify in the Canadian County Court, for the Canadian County Sheriff's Office, following an investigation of animal neglect from July 2025. Because a petition was not filed and a request for forfeiture had not been made, no testimonies were heard, and the court ordered the return of the livestock.

On August 27 I participated in an Informal Conference with USDA personnel to discuss accreditation violations with an Oklahoma veterinarian. After discussing the violations, how they could be handled better, and how to make sure duties were performed correctly in the future, the veterinarian was offered, and accepted a suspension of their accreditation of 30 days.

A local veterinarian called to report that a client had purchased some cattle from a Canadian producer. As soon as the cattle arrived they tested them for Johne's Disease and one was positive. The purchaser wanted to return the animal to the seller and the seller was willing to accept the animal, but it was questionable if Canada would accept it. Fortunately the seller also has a ranch in Arizona, and suggested sending the animal there. Dr. Stone visited with all parties, and told them that we needed to check with the Arizona State Veterinarian before any decisions were made and certainly a CVI could not be issued without Arizona approval and notation of the positive Johne's test. The veterinarian and the buyer all communicated that approval from the Arizona State Veterinarian was needed to the seller. The following morning before the Arizona State Veterinarian could be contacted a driver showed up at the buyers place to load the positive heifer at the instruction of the seller. The driver told the Oklahoma buyer that hauling without a CVI was not a big deal and insisted on loading the disease positive heifer. The seller told Dr. Stone that he "Brokered about 18,000 head of cattle a year and health certificates were not a big deal". After Dr. Stone relayed this information to me, I contacted the Arizona State Veterinarian with the information. He will investigate the situation in Arizona, and we have initiated an investigation with USDA for the interstate transport of livestock with no CVI.

Respectfully,

A handwritten signature in dark ink, appearing to read "Rod Hall DVM". The signature is fluid and cursive, with the first name "Rod" being the most prominent.

Rod Hall, DVM

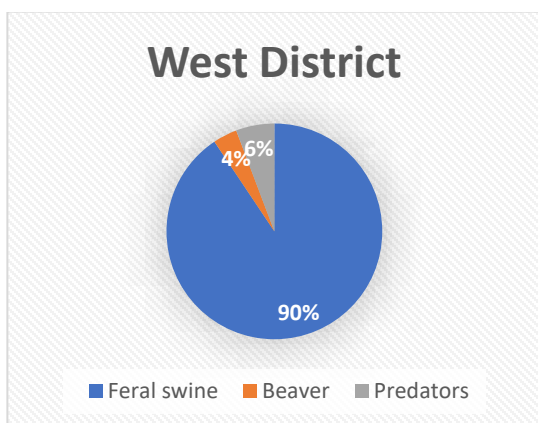


**Oklahoma Department of Agriculture, Food, and Forestry**  
**Wildlife Services Division**  
**Board Report for August/September 2025 Activities**

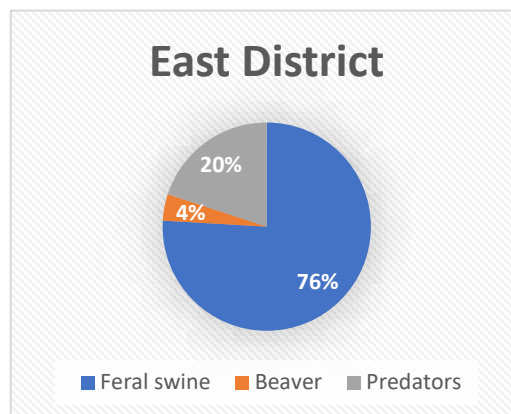
**Introduction**

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 664 properties with an estimated 1,046,950 acres of land under agreement. Additionally, WS helped 1,358 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 \$771,788 during this period. Beaver damages accounted for losses totaling \$126,400. Predation, primarily coyotes and black vultures were responsible for a number of damage requests, largely to livestock, with losses totaling \$96,799. Feral swine damages accounted for losses totaling \$546,989, while other species of wildlife were responsible for \$1,600 in damages to property, agriculture, and livestock.

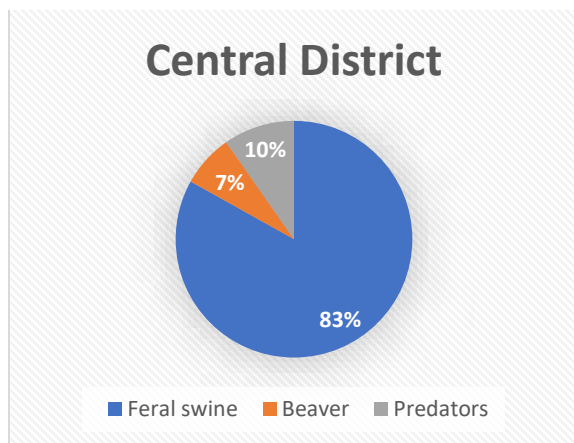
**Providing Wildlife Services**



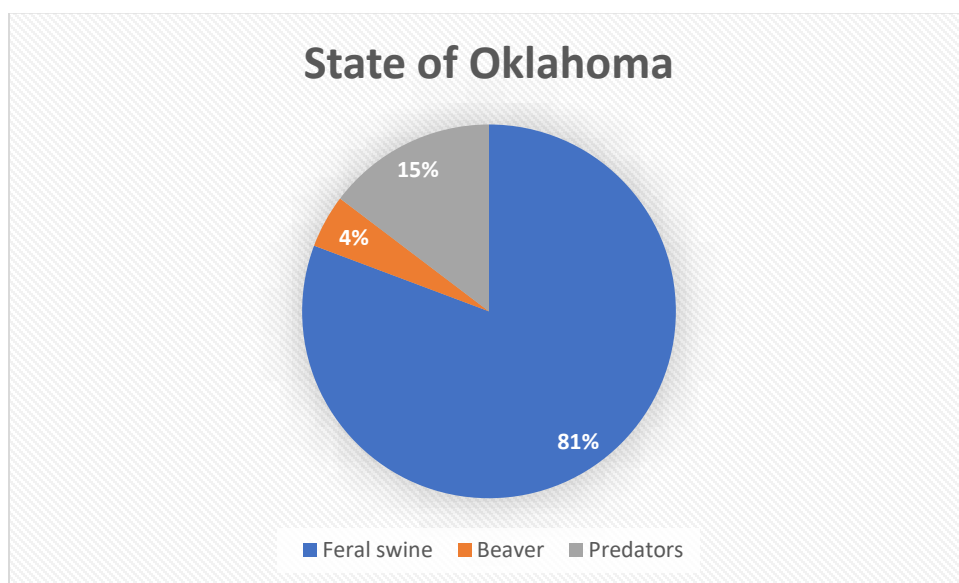
*Figure 1: Species Removed in West District by percentage during August/September 2025*



*Figure 2: Species Removed in the East District by percentage during August/September 2025*



*Figure 3: Species Removed in the Central District by percentage during August/September 2025*



*Figure 4: Species Removed in the State by percentage during August/September 2025*

### **Predator Damage Management**

**Comanche County** livestock producer requested assistance with coyotes predating on his show calves. The producer reported that coyotes killed six show calves valued at \$36,000. The Wildlife Specialist assigned to Comanche County responded to the request and examined one of the carcasses and confirmed coyotes were responsible for the loss. Control efforts have removed three coyotes and are continuing currently to further reduce predation losses to coyotes for the producer.

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

**Love County** landowner called WS with two fawns found predated on their property near their deer pens. A WS Specialist met with the landowner and verified the loss with estimated damage at \$2000. WS scouted the area and found where coyotes were digging under the fence. Devices were set and one coyote has been removed from the property.

**Logan County** landowner called WS with a report of coyotes killing sheep. A WS Specialist met with him and verified it was coyotes causing the loss estimated at \$1000.00 for five sheep lost. Devices were set on the property, and two coyotes have been removed at this time. Work is ongoing currently.

**Mayes County** commercial deer farm contacted W for assistance reporting the loss of a fallow deer to coyote predation. The loss was verified and estimated at \$500. The abundance of coyote sign confirmed that coyotes had caused the loss. Snares were placed to capture the coyotes, and one coyote has been removed with this project still being monitored.

### **Feral Swine Damage Management**

**Jackson County** landowner contacted WS needing assistance with feral swine rooting in his pastures. The landowner estimated the feral swine rooted up six acres valued at \$1,500 in damages. The Wildlife Specialist assigned to Jackson County responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove twenty-four feral swine from the property. No additional damage has occurred, and the population in the area is being monitored to determine if additional management is needed.

**Kiowa County** farmer requested assistance with feral swine causing damage in his milo fields. The farmer reported feral swine were responsible for damaging ten acres of milo valued at \$7,000. The Wildlife Specialist assigned to Kiowa 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 from the property. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

**Latimer County** cattle rancher called WS reporting feral swine damage to cattle pastures on property. The rooting damage was verified and estimated at \$5,000. After pre-baiting, a remote camera trap was placed, and 174 feral swine have been removed with this project still being monitored.

**Okmulgee County** producer called WS for assistance with feral swine, reporting rooting damage to his cattle pastures. The damage was verified and estimated at \$1,500. After pre-baiting with corn, a remote camera trap was placed and 39 feral swine have been removed with this project still being monitored.

**McCurtain County** producer called WS reporting feral swine rooting damage to his cattle pastures. The damage was verified and estimated at \$1,800. After pre-baiting with corn, a remote camera trap was placed and 82 feral swine have been removed with this project still being monitored.

**Muskogee County** producer called WS for assistance with feral swine in early August, 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 46 feral swine have been removed with this project still being monitored.

**Caddo County** farmer contacted WS about feral swine rooting up wheat and hayfield. WS responded to the call and determined the rooting was caused by feral swine. A corral trap was placed on the property, and 125 feral swine have been removed with work ongoing. Estimated damages to the wheat field was \$5000.

**Pottawatomie County** landowner called WS with reports of feral swine tearing up hayfields with estimated \$5000 in damage reported. WS responded to the call and determined the damage was caused by feral swine. Pre-bait was started with corn, and a feral swine corral trap was placed on the property. Twenty-seven feral swine have been removed from the property and there is no more sign of feral swine on his property.

**Creek County** producer called WS for assistance with feral swine reporting rooting damage to his cattle pastures and his yard. The feral swine damage was verified and estimated at \$2,000. After pre-baiting with corn, a remote camera trap was placed on the property and 17 feral swine were removed to conclude this project.



*Figure 5: Damage to property in Creek County*

**Nowata County** producer called WS for assistance with feral swine. The owner reported seeing a large sounder of feral swine rooting his Bermuda grass pastures. The rooting damage was verified and estimated at \$10,000. After pre-baiting with corn, a remote camera trap was placed, and 22 feral swine have been removed. This project is still being monitored, and the owner was instructed about environmental changes that he could make to his property, that could help to deter future feral swine issues.

**Haskell County** producer called WS for assistance with feral swine, reporting rooting damage to his property. The damage was verified and estimated at \$1,500. After pre-baiting, a remote camera trap was placed, and seven feral swine have been removed with this project is still being monitored.

### **Aerial Operations**

Aerial operations were conducted in **Dewey County** on August 6<sup>th</sup> on roughly 5,000 acres in response to multiple requests from landowners with feral swine damaging corn and milo fields. The helicopter was utilized for five flying hours with the removal of sixty-eight feral swine. Additional flight operations are planned in this area to further reduce hog populations and damage associated with feral swine.

Aerial operations were conducted in **Cotton County** on August 15<sup>th</sup> in response to landowners' request for feral swine around milo and pastures to reduce the damage associated with feral swine. Aerial operations were conducted on 2000 acres and reported damage in this area was \$18,000. The helicopter was utilized for five flying hours to remove one hundred and ninety-one feral swine from the area. Additional aerial operations are planned in these areas to further reduce damage associated with feral swine.

### **Beaver Damage Management**

**Blaine County** Road Commissioner requested assistance with beavers flooding one of the roads in his district. The Commissioner reported beavers were responsible for damage totaling \$1,500 to the bridge structure and roadbed. The Specialist for Blaine County responded to the request and verified beavers were responsible for the damage. Conibears were utilized to remove the beaver from the creek, and no further damage has occurred, with work concluded.

**Roger Mills 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 dam to be valued at \$3,000. The Specialist for Roger Mills County responded and verified beavers were responsible for damage. Control measures employed by the Specialist were successful in removing six beavers from the pond to help reduce any additional damage to the pond dam structure.

**Haskell County** Commissioner called WS reporting beaver activity along several county roads. The activity was verified, and damages were estimated at \$2,500. Conibear traps were set and four beavers were removed with this project still being monitored.

**Noble County** landowner contacted WS with reports of having trouble with beavers flooding a field and access point. The damage was previously verified, and beavers were trapped. The project was finished by WS draining the area and destroying dams with explosives.

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

**Cherokee County** Commissioners' office contacted WS when the road grader operator reported beaver activity that was affecting the county road. The beaver activity was verified and damage to the county road was estimated at \$400. That night, a spotlight and firearm were used to remove two beavers. This project has concluded with no further beaver activity reported.

**Latimer County** Commissioners' office contacted WS for assistance with beavers along a county road. The presence of beavers was confirmed and flood damage to the roadway was estimated at \$1,200. Conibear traps were placed to alleviate the damage. To date, five beavers have been removed with this project still being monitored.

### **Special Projects - Disease Sampling**

Wildlife Services is involved in disease management, research, disease surveillance, emergency response, education and outreach for diseases of feral swine. There are around 1.6 million feral swine in the United States today. Feral swine can be reservoirs of disease and may act as a host to a number of parasites, leaving the Oklahoma domestic swine industry vulnerable to disease.

The Oklahoma Wildlife Disease Biologist sampled five feral swine at the request from McIntosh County in cooperation with the Muskogee Creek Nation. during August. The swine were sampled during wildlife damage control operations. The collected samples were submitted for African Swine Fever (ASF), Classical Swine Fever (CSF), Pseudorabies (PRV) and Swine Brucellosis (SB).

### **Special Projects**

**Muskogee County** WS Specialist presented information on 9/13/25 about feral swine management at the Muskogee County Conservation District's "Soil Day". Numerous property owners and producers were present. The program was well received.

*Table 1: Beaver, Predator, and Feral Swine removal in Oklahoma by WS August/September 2025*

County	Beaver	Predators	Feral swine	District
Adair	3	2	14	E
Alfalfa		1		C
Atoka	2		104	E
Beaver				W
Beckham			11	W
Blaine	3	5	65	W



Bryan	6	304		E
Caddo			41	C
Canadian		1		C
Carter			20	C
Cherokee	7		3	E
Choctaw	6		49	E
Cimarron				W
Cleveland	7	1	12	C
Coal	6		9	C
Comanche		1	17	W
Cotton				W
Craig			65	E
Creek			75	E
Custer		6	99	W
Delaware		45	14	E
Dewey	12	3	215	W
Ellis	5	1	52	W
Garfield	6	1		C
Garvin		2	1	C
Grady	13		21	C
Grant				C
Greer		5	167	W
Harmon		2		W
Harper		2		W
Haskell	5		72	E
Hughes	3		118	E
Jackson		4	54	W
Jefferson			15	C
Johnston	4		46	C
Kay				C
Kingfisher	6			C
Kiowa		2	46	W
Latimer	12		186	E
Leflore	6		88	E
Lincoln			69	C
Logan	6	6	63	C
Love	1		26	C
Major				W
Marshall				C
Mayes	3	1	17	E
McClain		31		C

McCurtain	2		230	E
McIntosh	2		59	E
Murray		12	55	C
Muskogee			56	E
Noble			8	C
Nowata			50	E
Okfuskee			29	E
Oklahoma	1	13	67	C
Okmulgee			153	E
Osage	3	6	118	E
Ottawa				E
Pawnee		1	155	C
Payne	4			C
Pittsburg	20			E
Pontotoc	3	8	41	C
Pottawatomie			10	C
Pushmataha	15	107	67	E
Roger Mills				W
Rogers			29	E
Seminole			101	E
Sequoyah			49	E
Stephens	5	20	19	W
Texas				W
Tillman	5		40	W
Tulsa				E
Wagoner	1		23	E
Washington				E
Washita		1		W
Woods	2	2		W
Woodward	2		65	W
<b>TOTAL</b>	<b>187</b>	<b>596</b>	<b>3278</b>	

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

Respectfully submitted,

Justin Cooper  
Division Director  
Wildlife Services Division

**August 2025 Activity Report  
for  
October 2025 Board Meeting  
  
Agricultural Statistics Division**

\*On July 31, 2025, NASDA shifted all Data Collection Centers to a remote posture. We no longer will have enumerators making calls in the Oklahoma Call Center.

**Statistics:**

On August 12, 2025, the **Annual Small Grains Summary** was released. Highlights include:

In 2025, Oklahoma's winter wheat production slightly declined by 3.5%, dropping from 110.2 million bushels in 2024 to 106.4 million bushels. This was primarily due to a reduction in both planted acres (from 4.40 million to 4.15 million) and harvested acres (from 2.90 million to 2.80 million), while the yield remained steady at 38.0 bushels per acre.

Rye production experienced a significant drop of 25.9%, falling from 1.89 million to 1.40 million bushels. This was due to a 20% reduction in harvested area (from 70,000 to 56,000 acres) and a yield decrease from 27.0 to 25.0 bushels per acre.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 21.

**Releases for August:**

Cash Rents-State Level  
Crop Production  
Cattle on Feed  
Cash Rents-County Level  
Agricultural Prices

**Relating Dates:**

2025  
August 1, 2025  
August 1, 2025  
2025  
August 15, 2025

**Release Dates**

August 1, 2025  
August 12, 2025  
August 22, 2025  
August 22, 2025  
August 29, 2025

**Releases for September:**

Crop Production  
Cattle on Feed  
Small Grain Summary  
Quarterly Grain Stocks  
Agricultural Prices

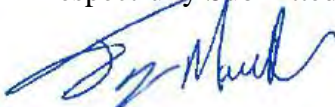
**Relating Dates:**

September 1, 2025  
September 1, 2025  
September 1, 2025  
September 1, 2025  
September 15, 2025

**Release Dates**

September 12, 2025  
September 19, 2025  
September 30, 2025  
September 30, 2025  
September 30, 2025

Respectfully Submitted,

  
Troy Marshall

# MARKET DEVELOPMENT SERVICES

October 15, 2025

Report to the State Board of Agriculture

## AG IN THE CLASSROOM

### AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 57
- Total Number of Pre-service Teachers Impacted: 27
- Total Number of Extension Educators Impacted: 25
- Total Number of Students Directly Impacted by Coordinators: 995
- Total Number of Resources Given: 1,199
- Total Number of Teachers/PreService Teachers Resources Given to: 98
- Total Number of PreK-12th Grade Students Resources Given to: 95

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

- The AITC monthly email is delivered to 17,060 accounts.
- The AITC Facebook page now has 10,536 followers.
- Oklahoma AITC Instagram account now has 930 followers.
- Oklahoma AITC Pinterest account now has 156 followers.
- The AITC YouTube channel now has 10,422 views.

### Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given	Professional Development Workshop/Booth
25 Farm Bureau Ladies	Caddo County-- Andadarko	Flat Aggie and Annie and Specialty Crop Card Games	Flat Aggie and Annie and Specialty Crop Card Games	PD
20 Preservice Teachers	NWOSU	Tomatoes on Trial/Specialty Crop Card Games	Barn Full of Resources	PD
7 Elementary Teachers	Haileyville Public Schools	AITC Website and Resources; Flat Aggie and Annie	Box full of resources	PD
12 STEM teachers	Career Tech STEM Summit - Tulsa, OK	AITC Website and Resources; Science in your shopping cart & NAITC Career resources	Ag Careers lesson, Science in your shopping cart, Engineering process poster and tear sheets	PD
7 Ag-Ed student teachers	Oklahoma State University	AITC Website and resources; Temple Grandin; Agricultural Careers National resource; Science in	Box full of resources	PD

		your shopping Cart		
7 teachers	What's Up Wednesday on Zoom	AITC Current Events; All things Watermelon	Gave opportunity to get watermelon Resources	PD

### Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
28 high school students	Building the Bridge Workshop - Jenks, OK	Building the Bridge Kits for use in Elementary classrooms: Flat Aggie and Annie; The Pie that Molly Grew (Pumpkin Pie in a Bag); Can-do Cow Kids (Cattle branding); and The Soil in Jackie's Garden (planting seeds)	First 2 kits: Flat Aggie and Annie AND The Pie that Molly Grew
15 high school students	Ag Youth Council - ODAFF	Encouraging them to participate in Read an Accurate Ag Book Week	Accurate Ag Books
30 high school students	Building the Bridge Workshop - Woodward, OK	Building the Bridge Kits for use in Elementary classrooms: Flat Aggie and Annie; The Pie that Molly Grew (Pumpkin Pie in a Bag); Can-do Cow Kids (Cattle branding); and The Soil in Jackie's Garden (planting seeds)	First 2 kits: Flat Aggie and Annie AND The Pie that Molly Grew
500 2nd - 3rd grade students	Grady County Free Fair Kid's Day	Scatter Square Dance	Gave teachers post cards promoting Read an Accurate Ag Book Week
22 High School students	Building the Bridge Workshop - McAlester, OK	Building the Bridge Kits for use in Elementary classrooms: Flat Aggie and Annie; The Pie that Molly Grew (Pumpkin Pie in a Bag); Can-do Cow Kids (Cattle branding); and The Soil in Jackie's Garden (planting seeds)	First 2 kits: Flat Aggie and Annie AND The Pie that Molly Grew
400 Students K-6th grade	Garvin County Free Fair	Spin the Wheel	Flat resources to teachers

### Ag in the Classroom- Resources Mailed or Delivered


SDE-Heroes Team	Collingsville FFA
Cement FFA	Stigler FFA
Buffalo Valley FFA	Welch FFA

Barnsdall FFA	Burns Flat FFA
Perry FFA	Miami FFA
Okmulgee FFA	Sapulpa FFA
Sallisaw FFA	Cache FFA
Gans FFA	McAlester FFA
Bokoshe FFA	Oologah FFA
Bokchito FFA	Cashion FFA
Geronimo FFA	Weatherford FFA
Carnegie FFA	Watts FFA
Guthrie FFA	Marlow FFA
Wapanucka FFA	Indianola FFA
Guymon FFA	Wilson FFA
Dewey FFA	Asher FFA
Frederick FFA	Copan FFA
Enid FFA	Geary FFA
Tipton FFA	Stilwell FFA
Ninnekah FFA	Sweetwater FFA
Caney FFA	Bristow FFA
Ryan FFA	South Coffeyville FFA
Foyil FFA	Sperry FFA
Silo FFA	Indianapolis FFA
Durant FFA	Hooker FFA
Laverne FFA	Mooreland FFA
Achille FFA	Watonga FFA
Rattan FFA	Aline Cleo FFA
Taloga FFA	Will Rogers Elementary - Stillwater
Carl Albert FFA	OU Center for Early Childhood Professional Development
Sallisaw FFA	Hughes County 4-H
Cushing FFA	Morrison FFA
Wyandotte FFA	Depew FFA
Joni Martin - Hulbert	Jullian Putman - McAlester
Lafayette Regional School - NH	Rose Union Elementary
Kenya Cole - Durant	

#### Ag in the Classroom- Other Events

Event	Highlights
Oklahoma Ag in the Classroom on News 9	Oklahoma Ag in the Classroom Coordinator, Emily Ague, had the opportunity to share with Tevis Hillis through a News 9 interview about Read an Accurate Ag Book Week. We believe this was a great way to promote our program and the week surrounding learning about agriculture through books.



	
Oklahoma AITC Advisory Meeting	<p>Oklahoma AITC held their quarterly advisory meeting on August 27th at American Farmers and Ranchers Insurance. We had about 20 in attendance and were able to talk about past and upcoming events, including sharing accurate ag books to read during Read an Accurate Ag Book Week.</p>

## **AGRITOURISM**

### **Agritourism - Site Visits**

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Peach Tree Farms	Ada	Farm to Table	Delivered OK Grown Bags

### **Agritourism - New Producers or Potential Producers**

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
IGrowBlooms	Blanchard	Horticulture, U-Pick	Site visit, added into program
Arcadia Family Farms	Fort Cobb		Attended Acres USA field day

### **Social media**

#### Facebook

- 26,501 followers

#### Instagram

- 9,931 followers

### **Agritourism - Other Activities**

- **Phone consult/conversations:** Mandy with TicketSpice, Tim at Peach Tree Farms, Zac at Dogwood Blooms, Meredith Scott at ONIE, Teresa at Cowtown Market, Lisa Fennell – new farm, Rod Ardoin at Acadian Family Farms, Margarit Snow at OK Heritage Farm
- **Email consults:** Ardmore FM, HH Farmers Market,
- Attended the Great American Farmers Market in Washington D.C. with a Made in Oklahoma booth featuring 6 products
  - [News 9 story](#)
- AgHERculture – coordinated and executed both events
- Attended Tulsa State Fair Gala
- Presented about OK Agritourism at the Ardmore Rotary Meeting
- Reviewed and edited Edible OKC article for Easom Farms
- Attended OSU Women In Ag Conference
- Attend First seminar of the Oklahoma Ag Leadership Program (OALP)
- Create central and southeast/central region lists for Freestyle new brochure, confirm all farms are active and links are functioning

## **FARM TO SCHOOL**

<b>Date</b>	<b>F2S Contact Meetings and Events</b>	<b>Highlights</b>
8/4/25	Meeting with Josh Lynn Founder of 2050 Farms	Josh is launching a pilot program in Tulsa to repurpose abandoned marijuana grow facilities into indoor hydroponic gardens. Before moving forward, he's exploring potential markets for his produce and is particularly interested in selling to schools. We met so he could learn more about the Farm to School Program and how to get involved.
8/9/25	Edmond Farmers Market	Attended and submitted a market report.
8/11/25	Ag Youth Council	Helped with the first AYC meeting.
8/18/25	Meeting with Sheila Frost with Opaa	Sheila is wanting to partner with F2S for a Farm to School Local Lunch Celebration for National Farm to School Month.

### **F2S Resources Sent:**

- Poster Sets: 22
- Cookbooks: 9

### **F2S Social Media:**

<b>FB Followers</b>	Total: 2,257    New followers: 11
<b>FB Post Reach:</b> This metric counts reach from the distribution of your post.	2,099
<b>FB Views:</b> The number of times your content was played or displayed.	5,234

## **INTERNATIONAL**

Activity	Action
Certificate of Free Sale	<ul style="list-style-type: none"> <li>• Bar S</li> <li>• Via Core</li> </ul>
Food Export	<ul style="list-style-type: none"> <li>• Funding for 2026 Opened and encouraging all companies that fit to apply early</li> <li>• Received assignments for 2026, Oklahoma will be working on the following projects: 2026 FSP! ANUGA Brazil, April; Focused Trade Mission to Korea for Innovative, Healthy, &amp; Convenient Products in Retail and Food Service, October</li> <li>• Fine Food Australia followups and evaluations collected</li> </ul>
Misc Meetings	<ul style="list-style-type: none"> <li>• Finalized details of the Japan trip with LT Governor Pinell</li> <li>• Met with Chad Dainty send via commerce looking to source a few ag commodities for an international client</li> </ul>

## **MADE IN OKLAHOMA PROGRAM**

Events	Date	Location	Details
Stillwater Rotary	August 7	Stillwater	Shared presentation with rotary regarding the Made in Oklahoma Program, our members, events, etc.
Red Carpet Country Presentation	August 19	Kingfisher	Gave Made in Oklahoma presentation with audience members. Met with several producers and chamber members who have retail stores in their communities.
State Fair Move-In	August 28	OKC	Began being on-site at the fairgrounds to set up the MIO Store – this years’ store featured 76 companies and 831 different products.

### **New Producers:**

There are 26 new applications to be reviewed, but I was unable to review them due to state fair planning.

## **VITICULTURE**

### **Site Visits:**

Bridging Vines—Yukon, OK

OK Cider –OKC

Backyard Vineyards – OKC

Shawnee Balloon Festival – Shawnee, OK - chat with OkeOzark and give them more wine trails stickers.

Tidewater Winery – Drumright, OK

Vojai’s Winery – Hochatown, OK

Old Hochatown Wine Co – Hochatown, OK  
 Girls Gone Wine – Hochatown, OK  
 Knotted Rope Winery – Hochatown, OK  
 FishTales Winery – Hochatown, OK

Gore, Oklahoma

Headed to an elementary school in Gore to help Annie (AITC) assist some teachers with their school garden grapevine. We discussed pruning practices as well as brainstormed ways to include viticulture in more school programs.



TexSom Conference – Dallas, TX

Texas Dept. of Ag invited me to attend the annual TexSom conference. Virginia and Missouri were also present and representing their states. I am hoping to be able to bring some Oklahoma wine to pour at a future TexSom to continue to promote our ability to produce comparable quality.

## **Market News**

**August 1, 2025-August 31, 2025**

- **Grain Report:**

	<b>August 1, 2025,</b>	<b>August 29, 2025,</b>	<b>DIFFERENCE</b>	
<b>WHEAT: (bu)</b>	\$3.99-\$4.64	\$3.73-\$4.50	\$0.26 to \$0.14	<b>Lower</b>
<b>MILO: (bu)</b>	\$2.99-\$3.89	\$2.85-\$3.70	\$0.14 to \$0.19	<b>Lower</b>
<b>SOYBEANS: (bu)</b>	\$8.64-\$9.39	\$9.29-\$9.84	\$0.65 to \$0.45	<b>Higher</b>
<b>CORN: (bu)</b>	\$2.54-\$4.36	\$3.85-\$4.45	\$1.31 to \$0.09	<b>Higher</b>
<b>COTTON: (lb)</b>	60.42 cents	60.96 cents	0.54 cents	<b>Higher</b>

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

<b>Year</b>	<b>Gender</b>	<b>Muscle Thickness</b>	<b>Prices</b>	<b>500-600 lb. Weighted Average</b>
-------------	---------------	-------------------------	---------------	-------------------------------------

8-27-2024	STEERS	Number 1	\$268.00-\$294.50	\$281.25
8-26-2025	STEERS	Number 1	\$405.00-\$494.00	\$449.50

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
8-27-2024	HEIFERS	Number 1	\$252.00-\$269.00	\$260.50
8-26-2025	HEIFERS	Number 1	\$367.50-\$415.00	\$391.25

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 11,850 subscribers August 1,2025-August 31,2025 (**DOWN from 50 subscribers last report**).

- **Voice Messaging System:**

- The market news voice messaging system during
  - Monthly Total: August 1,2025-August 31,2025, **4,004 Accessed Times**
  - Last Report: July 1,2025-July 31, 2025, **3,957 Accessed Times**
  - Compared to Last Month: **Accessed Times-is UP 47 on Accessed times**

- **Oklahoma Agriculture Market News**

- **Facebook Page**
    - Likes/Followers 819
    - **Likes/Followers UP 19**
    - People reached through past report: 734 people

- **Oklahoma Hay Directory**

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

- **Hay Report**

- **Hay Remarks – From our Producers (Each statement or comment is from a different hay producer)**
    - No movement.
    - Movement is slower
    - Dead market, compared to the past 50 plus years I have been selling hay.
    - Too much hay and not enough cattle to feed it too.

		August 8, 2025-August 22, 2025	August 2, 2024-August 30, 2025	Difference
<b>Tons:</b>	Hay	1,625	4,200	<b>DOWN 2,575</b>
<b>Bales:</b>	Hay	2,910	5,955	<b>DOWN 3,045</b>

### OKLAHOMA HAY MARKET REPORT 8-22-25

		This Week	Last Reported	Last Year
<b>Tons:</b>	Hay	1025	600	0
<b>Bales:</b>	Hay	1580	1330	0

Compared to the last report. Demand is slow to moderate. Movement picked up over the past week for a brief

moment. Most people have been able to get at least one cutting of hay in. Some are still seeking the second cutting. The amount of hay we have and the amount that has been moved still do not indicate a trend in prices. We are supposed to see some cooling temperatures between now and the next report. Some parts of the state may also receive some moisture.

Trends: No Trends currently.

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, 1.77 percent is moderate, 20.65 percent is abnormally dry conditions, and 79.35 percent has no drought conditions.

\*\*\* The next report release will be on September 5th \*\*\*

### 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 4x4	120	160.00	160.00	F.O.B.
Alfalfa	Good	Trade	Per Ton	Large	Square 4x4	200	150.00	150.00	F.O.B.
Alfalfa	Fair/Good	Ask	Per Ton	Ground	Grinding		80.00		
Bermuda	Fair/Good	Trade	Per Bale	Medium	Round	520	50.00	50.00	F.O.B.

### North Central

Type	Quality	Ask or Trade	Bale/Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Bermuda	Good/Premium	Ask	Per Bale	Large	Round	0	60.00		F.O.B.
Bermuda	Premium	Trade	Per Bale	Small	Square	900	9.00	9.00	Picked up out of Field
Bermuda	Good	Ask	Per Bale	Large	Round		55.00		F.O.B.
Bermuda	Fair/Good	Ask	Per Bale	Large	Round		50.00		F.O.B.

### Northeastern

Type	Quality	Ask or Trade	Bale/Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Good	Trade	Per Ton	Large	Round	160	215.00	215.00	Delivered
Bermuda	Premium/Supreme	Ask	Per Bale	Large	Round	185	150.00	150.00	Delivered
Prairie/Meadow	Good/Premium	Trade	Per Bale	Large	Square 3x4		60.00		F.O.B.
Prairie/Meadow	Good/Premium	Trade	Per Bale	Medium	Round		50.00		F.O.B.
Prairie/Meadow	Good	Trade	Per Bale	Medium	Round		45.00		F.O.B.

### Northwestern

Type	Quality	Ask or Trade	Bale/Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Good	Trade	Per Ton	Large	Square 4x4	80	150.00	150.00	F.O.B.
Alfalfa	Good	Trade	Per Ton	Ground	Ground	120	80.00	80.00	F.O.B.
Alfalfa	Fair	Trade	Per Ton	Large	Round	80	130.00	130.00	F.O.B.
Prairie/Meadow	Good	Trade	Per Bale	Medium	Round		45.00		F.O.B.
Bermuda	Good/Premium	Trade	Per Ton	Large	Round	20	150.00	150.00	F.O.B.

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

**General Activities**

- AEMS Staff participated in the August 28 bimonthly ACWA call where technical and regulatory perspectives were discussed relating to manure processing for water quality discharge.
- Long time, respected CAFO Inspector, David Jett retired on October 1, 2025 with over 28 years of service.

**Complaints**

	<b>Received</b>	<b>Closed*</b>
This Reporting Period	12	11
Total FY25	26	29

*\*These numbers include closing of older complaints.*

**Complaint Breakdown for this Reporting Period**

Cattle:	4
Swine:	1
Poultry:	2
Misc Animal:	2
Other:	0
Animal Shelter:	0
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**

	<b>Aug 1-Aug 31</b>	<b>FY 26 Total</b>
Complaint or Compliance Follow-ups	10	23
Annual Inspections	28	88
Technical Assistance with Contacts	60	149
Site Visit/Review – No contact made	7	26

**POULTRY ACTIVITIES**

	<b>Aug 1-Aug 31</b>	<b>FY 26 Total</b>
Complaint or Compliance Follow-ups	3	7
Annual Inspections	10	26
Technical Assistance with Contacts	297	525
Site Visit/Review – No contact made	73	149
OSU Poultry Education Classes Attended	0	0
Eucha-Spavinaw CNMP Written	5	11



### PET BREEDER & SHELTER ACTIVITIES

	Aug 1-Aug 31	FY 26 Total
Complaint or Compliance Follow-ups	5	16
Annual Inspections	30	62
Technical Assistance with Contacts	72	135
Close Outs	1	4

### AGPDES ACTIVITIES

	Aug 1-Aug 31	FY 26 Total
Complaint or Compliance Follow-ups	0	0
Site Inspections	0	4
Technical Assistance with Contacts	2	10

### COMPOSTING ACTIVITIES

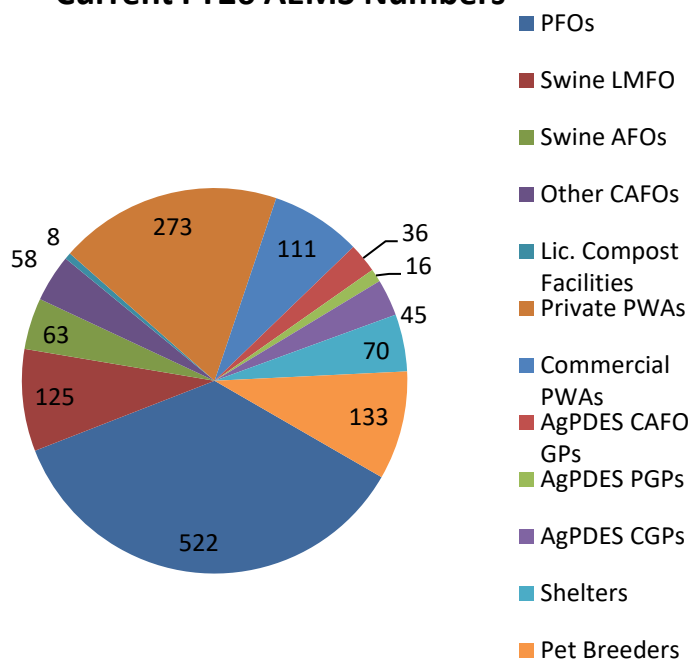
	Aug 1-Aug 31	FY 26 Total
Complaint or Compliance Follow-ups	2	5
Site Inspections (all)	2	6
Technical Assistance with Contacts	7	17

### AgPDES Permitting Activities

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

### Active Licenses/Registrations/Certifications/Permits

### Current FY26 AEMS Numbers



Respectively,

Teena G. Gunter, AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE  
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
OCTOBER 2025 BOARD REPORT  
REGARDING AUGUST 1, 2025 THROUGH AUGUST 31, 2025 ACTIVITIES OF THE  
OFFICE OF GENERAL COUNSEL**

**AMOUNT OF ADMINISTRATIVE FINES COLLECTED:**

<b>Amount to Date (2025)</b>	<b>Amount of Fines for this Board Meeting</b>
\$135,965	\$28,300
\$236,230	2024
\$372,095	2023
\$207,400	2022

**CONTRACTS REVIEWED OR DRAFTED (166):**

Marketing: 112
Admin: 7
Animal Industry: 2
FSD: 6
FOR: 19
CPS: 5
LAB: 4
WS: 2
IS: 9

**ADMINISTRATIVE HEARING PROCEEDINGS:**

Total Number of Open Cases: 85
Total Number of New Cases: 20
Total Number of Cases Closed: 26
NOVs Sent: 61

**OTHER ACTIONS AND PROCEEDINGS:**

<b>Stitt v Drummond, Oklahoma County Case Number CV-2024-606:</b> 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.
<b>Spring Creek Coalition v. ODAFF and Trong, Cherokee County Case Number CJ-2021-29:</b> Petition seeking declaratory and injunctive relief. Answer filed.
<b>Spring Creek Coalition v. ODAFF and Phan, et al., Delaware County Case Number CJ-2021-33:</b> Petition Seeking Declaratory and Injunctive Relief. Order

Granting Partial Summary Judgement entered June 28<sup>th</sup>, 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. Case assigned to Court of Civil Appeals.

***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.

***Brad Phillips et al. v. ODAFF and Phan, et al., McCurtain County Case Number CJ-2025-00149:*** Petition seeking injunctive relief. Answer filed.

### **MEETINGS:**

<b>Date</b>	<b>Activity</b>
August 1, 2025	AALA Food Law Planning Committee
August 4, 2025	AEMS Leadership
August 6, 2025	LIMS contract review
August 7, 2025	Director's Meeting
August 8, 2025	OBS Legislative Monitoring Committee
August 11, 2025	AEMS Leadership
August 12, 2025	LIMS document review
August 13, 2025	LIMS contract
August 13, 2025	Safety committee
August 13, 2025	OBA Legislative Monitoring Committee
August 14, 2025	ALJ Docket
August 14, 2025	Conference and SOW
August 15, 2025	AquaPulse
August 18, 2025	AEMS Leadership
August 18, 2025	AEMS Legal
August 18, 2025	Commissioners of Land Office
August 19, 2025	Director's Meeting
August 19, 2025	OBA GALPS
August 20, 2025	Granicus Connect/Open Records
August 20, 2025	AALA Symposium Planning Committee
August 22, 2025	OBA Legislative Debrief
August 25, 2025	AEMS Leadership
August 25, 2025	AEMS Legal
August 25, 2025	NASDA Pre-Call
August 26, 2025	AALA Webinar
August 27, 2025	NASDA Pre-Call
August 28, 2025	OGC Staff
August 28, 2025	AgPDES

### **RULE ACTIVITIES:**

<b>Chapter 1. Administrative Operations (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.
<b>Chapter 2. Fees (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.
<b>Chapter 10. Agricultural Products (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.
<b>Chapter 15. Animal Industry (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.
<b>Chapter 17. Water Quality (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.
<b>Chapter 30. Consumer Protection (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.
<b>Chapter 37. Food Safety (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.
<b>Chapter 50. Aquaculture (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.
<b>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.
<b>Chapter 56. Emergency Drought Committee (Permanent FY 2026):</b> On September 25, 2025, the Notice of Rulemaking Intent was submitted and accepted by the Office of

Administrative Rules. Publication will occur on October 15, 2025. Public comment will be open from October 15, 2025, through November 14, 2025. A public hearing will take place on November 17, 2025.

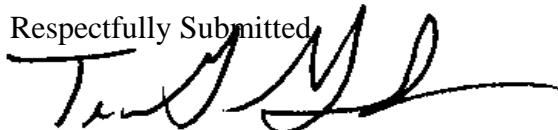
**OPEN RECORDS REQUESTS (26):**

AEMS: 3
CPS: 7
AIS: 4
Pet Breeders: 4
Food Safety: 2
Forestry: 6

**OTHER ACTIVITIES:**

Phone calls or emails with the public: 6
Assistance to industry: 0
Assistance to AEMS: 5
Assistance to CPS: 6
Assistance to Wildlife Services: 2
Assistance to Forestry: 19
Assistance to AIS: 3
Assistance to Admin: 6
Assistance to Market Development: 2
Assistance to other state agencies: 8
Assistance to federal agencies: 0
Assistance to Food Safety: 8
Assistance to NASS: 0
Assistance to Executive Office: 5
Assistance to Lab: 5
Assistance to Investigative Services: 3
Assistance to Human Resources: 0
Assistance to Legislature: 0
Assistance to Attorney General: 5
Assistance to Public Information: 1
Assistance to Governor's Office: 0

Respectfully Submitted,



Teena G. Gunter  
General Counsel

# **FOOD SAFETY BOARD REPORT**

OCTOBER 2025



# POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

## POULTRY AND EGG SECTION

In Broken Bow at Tyson Foods, USDA poultry grading was performed by ODAFF inspectors on 3,742,460 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA Shell Egg grading on 78,590 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors provided USDA poultry grading services on poultry products being shipped from National Steak & Poultry Quality Meats in Owasso. Also, routine egg quality inspections under the Oklahoma egg law were conducted.

## ORGANIC FOODS SECTION

Organic inspectors completed compliance and certification inspections at:

- Twelve organic crop producers
- One organic livestock producer
- Four organic processors
- Collected two organic samples
- Fifteen retail organic inspections
- Organic staff attended an Organic Transition Field Day at Acadian Family Farm
- The organic section had requests for 3,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States.
- The organic section had 4 requests for organic crop applications and 3 requests for organic processing applications.



# POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

## PRODUCE SAFETY SECTION

- Visited 8 farms providing outreach and education to producers and updating farm inventory
- Completed 2 produce farm inspections for the Produce Safety Rule
- Taught an online Produce Safety Alliance class with OSU
- Working on learning how to inspect and teach the new water rule to our farmers and working on developing a multi-state agricultural water workshop for farms
- Provided technical assistance for 8 farms
- Visited 51 farmers markets/market hubs providing outreach and education to producers and to collect farm inventory
- Sent an e-mail newsletter to inform farms about produce safety classes
- Regular conference calls with TX, LA, AR, NM, MO, MS

## HOMEMADE FOOD FREEDOM ACT

- Received 29 complaints on Homemade Food Freedom Act businesses.
- Meat compliance assisted with 9 complaints.
- Issued 12 Warning letters and 6 Verbal warnings; we have been unable to contact 2 of the producers.
- We now have over 500 registered Homemade Food Freedom Act businesses.
- Taught a Homemade Food Freedom Act workshop with OSU in Oklahoma City.
- Presented information about the law at a veteran farmer workshop in Purcell.

# OKLAHOMA MEAT INSPECTION SERVICES

## INVESTIGATIONS AND COMPLIANCE ACTIVITIES

Planned Compliance Reviews	08
Random Compliance Reviews	189
Person-to-Person Contacts	91
Special Investigations and/or Projects	10
Reports of Apparent Violations	00
Detentions	00
Consumer Complaints	08
Verbal Warnings Issued	09
Letters of Warning Issued	00
Samples Submitted to Lab for Analysis	00
Accident Investigations	03
Administrative Procedures Act	00

The Oklahoma Highway Patrol notified Meat Inspection Compliance with three (3) truck accidents in the month of August 2025.

See details below:

ACCIDENT LOCATION	ANIMAL PRODUCT	DISPOSITION
<ul style="list-style-type: none"><li>I-240 &amp; I-35</li><li>I-35 S. of Norman</li></ul>	<ul style="list-style-type: none"><li>85 cases of mixed beef products; 1168 pounds</li><li>300 cases of BLNS Pork (39820 lbs)</li></ul>	<ul style="list-style-type: none"><li>All product was sent to OKC landfill</li><li>Truck and trailer caught fire; product took to landfill</li></ul>

### Highlighted Activities

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



# OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

## SLAUGHTER MEAT INSPECTION

<b>Number of Cattle</b>	1,256
<b>Total Beef Condemned</b>	14,300 lbs
<b>(Beef heads &amp; livers)</b>	(avg. H wt 20 lbs, avg. L wt 10 lbs)
<b>Number of Swine</b>	245
<b>Total Pork Condemned</b>	1,162 lbs
<b>(Pork heads &amp; livers)</b>	(avg. H wt 10 lbs, avg. L wt 2 lbs)
<b>Number of Sheep &amp; Goats</b>	3,624
<b>Total Condemned</b>	28 lbs
<b>Number of Chickens</b>	3,676
<b>Number of Rabbits</b>	104
<b>Total Condemnations</b>	0 lbs
<b>Number of Buffalo</b>	11
<b>Total Condemnations</b>	250 lbs
<b>TOTAL MEAT INSPECTED</b>	1,314,330 lbs

**AVG. CARCASS WT**  
Beef 700 lbs, Pork 250 lbs,  
Sheep/Goat 100 lbs

**AVG. SWINE HEAD/LIVER**  
Head 10 lbs / Liver 2 lbs

**AVG. BEEF HEAD/LIVER**  
Head 20 lbs / Liver 10 lbs

**AVG. LAMB/GOAT HEAD**  
Head 2 lbs

## PROCESSED BOXED MEAT INSPECTED

<b>Processed Red Meat</b>	1,657,674.24 lbs
<b>Condemned on Reinspection</b>	0 lbs
<b>Poultry (Portions)</b>	267,514.76 lbs
<b>Condemned on Reinspection</b>	0 lbs
<b>Rabbit Meat</b>	0
<b>Condemned on Reinspection</b>	0 lbs
<b>Exotic Deer Meat</b>	0
<b>Condemned on Reinspection</b>	0 lbs
<b>TOTAL PROCESSED MEAT INSPECTED</b>	1,925,189 lbs

## MEAT SAMPLE ACTIVITY

31 Samples Submitted for Analysis  
31 Samples Analyzed  
31 Samples Negative Analysis

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

Sept. 22 – 26 – Tommy Stephens attended the USDA Frontline Supervisor meeting in Dallas

# DAIRY SECTION

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

Additionally, Dairy Services conducted the following dairy farm surveys:

- DFA CENTRAL COUNCIL 23 (BTU 40-023) located in Grady County.

This state survey received a passing score and information regarding the survey is available on FDA's Interstate Milk Shippers List website.

In September FDA Milk Specialist, Clinton George, conducted an FDA Check rating for the following facility:

- PARKER PLASTICS INC. (40-119) located in Sand Springs

This Check Rating will receive a passing score.

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 eight months in a row.

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.

In September, Oklahoma dairy services partnered with FDA and ORAU to film a dairy plant training video at Hiland Dairy in Chandler. This will be a teaching aid for dairy inspectors throughout the country.

Dairy Services continues to periodically test raw milk permit holders for Listeria and E. coli.

Sincerely,

Scott Yates  
Director of Food Safety

## Communications

Aug. 1, 2025 – Aug. 31, 2025

### Events:

- AgHERculture college & high school conferences
- State Suppliers Expo
- Sand Springs FFA visit
- Ag Youth Council first session
- Langston Tour & Board meeting
- OSU Student Farm Tour

### News outreach:

- We joined News 9 to talk about Read an Accurate Ag Book Week!: [Connecting kids to agriculture through Read an Accurate Ag Book Week](#)
- State Veterinarian Dr. Rod Hall talked with KOCO about rabies in Oklahoma: [State vet warns Oklahomans about uptick in rabies cases](#)
- Applications for the Local Food for Schools program opened:
  - KOCO: [Oklahoma accepts applications for Local Food for Schools Program](#)
  - KSWO: [Local Foods for Schools program opens applications for Fiscal Year 2026](#)
  - Fox23: [Applications open for participation in ODAFF's Local Foods for Schools program | News | fox23.com](#)
  - Fox25: [Oklahoma Local Food for Schools program accepting applications](#)
  - KRMG: [Applications open for participation in ODAFF's Local Foods for Schools program – 102.3 KRMG](#)
  - The Duncan Banner: [Oklahoma Local Food for Schools Program now accepting applications | Community | duncanbanner.com](#)
  - The Claremore Progress: [Applications accepted for Oklahoma Local Food for Schools Program | News | claremoreprogress.com](#)

### Social:

- Youth in agriculture highlights
- Local Food for Schools Program
- Highlighting FFA group visits to ODAFF
- Agriculture Youth Council



## Social media reach:

- Facebook:
  - Followers: 25.5K
  - Reach: 274K people
  - Engagement: 5.3K
  - Compared to July: Reach is down 11%, engagement is down 11%
- Instagram:
  - Followers: 4.5K
  - Reach: 83K people
  - Engagement: 2.1K
  - Compared to July: Reach is down 31%, engagement is down 21%

# October 14, 2025, BOARD MEETING

## **PURCHASES/CONTRACTS**

### **LABORATORY SERVICES**

#### **FY26 – Service Contract- \$14,000.00**

Purchase of a one-year service maintenance contract for a Gas Chromatography – Mass Spectrometry Analyzer (GC-MS) for the Pesticide Lab.

#### **FY26 – Anaerobic/Microaerophilic Workstation- \$85,000.00**

This instrument is designed to isolate and cultivate microorganisms under strict anaerobic (no oxygen) or microaerophilic (low oxygen) conditions.

**Justification:** Initial intent is to use this unit for Campylobacter testing in food and allow for testing of other anaerobic and microaerophilic bacteria. Without this unit the samples would have to be outsourced, which would cause an additional increase in expenditures to the Section.

### **FORESTRY SERVICES**

#### **FY26 – Wildland Firefighting Supplies - \$37,991**

***(Funding Source: USFS 2023 – State Fire Capacity Grant)***

Purchase of 220 pairs of summer and winter Nomex pants (Personal Protective Equipment) for OFS fireline personnel and ODAFF Special Investigators to be used while suppressing, mitigating and investigating wildland fires statewide. Remaining funds will be used to purchase wildland fire hand tools including Pulaski, rakes, shovels and combi-tools. If this purchase is not approved, OFS and ODAFF personnel will not have the mandatory fire resistance clothing needed to provide protection from open flame and radiant heat when suppressing and investigating wildfires.

#### **FY26 – Prescribed Fire Supplies and Prevention Activities - \$77,488**

***(Funding Source: USFS 2024 - Cross Boundary Grant)***

Purchase Evacuation Route signage and fire prevention communication message centers / fire danger signs. These communication tools will be focused and installed in the McCurtain County area per the grant narrative focused on enhancing fire prevention and wildland fire awareness in the Hochatown area specifically within ten (10) miles of US Forest Service lands. If this purchase is not approved, OFS will not be able to provide fire prevention services to the general public as required in state statute. These grant activities will inform the public when fire danger conditions are most extreme and caution should be used.

#### **FY26 – Prepositioning Costs for OFS Suppression Groups - \$46,386**

***(Funding Source: USFS 2025 – State Fire Capacity Grant)***

Payment for lodging and per diem when OFS Suppression Groups are pre-positioned outside of their normal response area. When dangerous fire weather conditions are forecast in Oklahoma, OFS will pre-position resources to areas of concern to assist with the anticipated heavy initial attack activity. A typical Suppression Group consists of 7-11 firefighters operating engines, dozers and UTVs. If this purchase is not approved, Forestry will not have the ability to pay for



lodging and per diem when firefighting resources are prepositioned or requested away from their home unit during emergency response or during periods of moderate to extreme fire danger.

**FY26 – Volunteer Firefighter Personal Protective Equipment- \$52,981**

***(Funding Source: USFS 2022 – Volunteer Fire Capacity Grant)***

Purchase of Personal Protective Equipment (PPE) for volunteer firefighters that have successfully attended and completed wildland fire training provided by OFS. The PPE package may include Nomex clothing, hard hat, gloves, hand tool, fireline pack, and a fire shelter. This gear will allow them to work safely and comfortably in the wildfire environment year-round. If this purchase is not approved, Oklahoma's volunteer firefighters will not have the fire resistance clothing needed to provide protection from open flame and radiant heat when suppressing, securing, and mopping-up wildfires.

**FY26 – Wildland Fire Equipment Contracts- \$61,144**

***(Funding Source: USFS 2025 – BIL Volunteer Fire Capacity Grant)***

Award federal pass-through grants for the purchase of equipment packages that will help volunteer fire departments with wildfires in challenging terrain and fuels when access by a vehicle is not an option. The packages will consist of items such as hand tools, chainsaws, bladder bags and leaf blowers. Thirty (30) grants will be awarded at a value of \$2,038 each. If this purchase is not approved, Oklahoma's volunteer fire departments will not have the firefighting tools needed to contain wildfires in adverse fuels and terrain thus resulting in fires continuing to burn and threatening values at risk.

**FY26 – Type 7 Engines - \$180,000**

***(Funding Source: USFS 2022 Volunteer Fire Capacity Grant - \$58,726; USFS 2024 Volunteer Fire Capacity Grant - \$62,160; OFS 245 Fund - \$60,000)***

Purchase two (2) Type 7 wildland firefighting engines. These engines will include the cab/chassis, slip-on firefighting unit, toolboxes, emergency lighting, mobile radios, and miscellaneous firefighting supplies. These engines will be used in support of fire management activities including suppression, fuels mitigation and the USFS surplus property program. These engines will be replacing high mileage vehicles that are fifteen years old and have costly mechanical issues. If this purchase is not approved, our wildland firefighting capacity will be reduced, and Forestry may not have enough resources needed to respond statewide. These engines will also be used to support mechanical fuels mitigation projects and in the event of a fire being started by this equipment, Forestry would not have water needed to suppress new starts.

**FY26 – P25 Compliant portable and mobile radios - \$199,950**

***(Funding Source: USFS 2024 State Forest Action Plan Grant - \$164,015; USFS 2023 State Forest Action Plan Grant - \$35,935)***

Purchase of forty-five (45) handheld radios and thirty-seven (37) mobile radios. These radios will be replacing handhelds and mobiles that are no longer being manufactured or supported by the current vendor. The radios will be used by our Fire Management program to support wildfire/emergency response, fuels mitigation projects and communication with federal, state,

and local cooperators. If this purchase is not approved, firefighting resources will not have radios capable of communications on wildfires, mitigation projects, and emergency response. Coordination with other incident personnel will be impossible and as a result would impact the safety of everyone involved.

**FY26 – Aerial Firefighting Exclusive Use Contract - \$925,896**

***(Funding Source: USFS 2025 State Forest Action Plan Grant - \$425,896; OFS 245 Fund - \$500,000)***

Establishment of a contract for the purpose of utilizing single-engine scoopers for aerial fire suppression services. The contract will include the daily availability rate for a minimum of two (2) aircraft that will be prepositioned in Oklahoma where the highest threats exist. Remaining funds from the contract will only cover a fraction of the flying costs so this will be augmented with 245 Emergency Funds if fire activity dictates. This contract will ensure aircraft are secured and in place to help with successful initial attack efforts thus preventing significant impacts to values at risk. If this purchase is not approved, Oklahoma wildland firefighters will not have access to aircraft needed to help support on the ground operations including initial attack. Suppression aircraft enhance firefighter/public safety and assist in the efforts to protect values at risk including homes, ranches, and natural resources.

**FY26 – NE Area Radio Repair - \$37,991**

***(Funding Source: OFS 245 Fund)***

Repair & replacement of Coax & antenna for NE area radio infrastructure. The functionality and reliability of the NE area radio infrastructure is critical to the safety and effectiveness of wild land firefighting operations. These radios serve as the backbone of communication across remote and often hazardous terrain where cellular service is either limited or nonexistent. When radio communication is non-functional or compromised, it significantly increases the risk to personnel, property, and the success of wildfire suppression efforts. If this purchase is not approved, the NE Area Dispatch Center in Tahlequah will not have the ability to communicate, coordinate and dispatch wildland firefighting resources. VHF radios are the lifeline of any emergency response organization and dispatching would be impossible without that network.

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

***(Funding Source: Legislative Directed Fund)***

Revision of Board approval of July 23rd, 2025, increase of funding limits per application per state statute: 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 \$75,000 of state appropriated funds for construction and \$30,000 for fire equipment. Fire departments awarded these grants can fulfill a critical public safety function by purchasing firefighting equipment and/or build, remodel, or expand fire stations. If this grant program is not approved, eligible volunteer fire departments in Oklahoma would not receive the financial assistance needed to complete construction projects or purchase fire equipment. Without this equipment or stations to house the equipment in, response capabilities would be reduced, increasing the threat to public safety and values at risk.

### **FY26 - United States Forest Service Reimbursement - \$15,697.15**

This payment to the United States Forest Service *is* coded incorrectly in our financial system and caused us to bill the wrong grant, Program 88 FY 22. It should have been charged to Program 16 CPG 20. We need to reimburse the incorrect grant Program 88 and charge it to Program 16. If not approved these costs will have to be come from state funding without federal reimbursement leading to a loss in revenue.

### **ANIMAL INDUSTRY SERVICES**

#### **FY26- Oklahoma State University College of Veterinary Medicine - \$32,380.00**

Per the NADPRP Cooperative Agreement, ODAFF will work with OSU CVM for the purpose of promoting 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. Personnel costs include travel for Dr. Biggs to provide the SBS training to accredited veterinarians as well as an Event Specialist providing administrative and scheduling support. Without this NADPRP Cooperative Agreement funding between ODAFF and OSU, we will not be able to provide professional SBS Training.

### **WILDLIFE SERVICES**

#### **FY26 – Helicopter Pilot Training (*Pre-Approved 8/27/25*) - \$15,760.00**

ODAFF Wildlife Services is requesting approval to send helicopter pilot (Jordan Hamilton) to attend Bell 206 Jet Ranger Training in Dallas, TX September 8-12 with travel dates being September 7-13, 2025. This is a required training for all pilots utilizing federal Bell 206 helicopters. Expenses include:

\$14,000 - Bell Academy Tuition

\$700 - Lodging

\$560 - Per Diem

\$500 - Transportation/Mileage

Not approving this will result in the employee being unable to conduct mission critical work.

### **MARKET DEVELOPMENT**

#### **FY2026 – Printing – Oklahoma Ag Route signage and brochures – Tulsa State Fair \$6,074.00**

#### **FY2026 –USDA Specialty Crop Block Grant- \$637,149.70**

USDA has provided a Specialty Crop Block Grant to ODAFF with the objective to solely enhance the competitiveness of specialty crops. ODAFF is one of six grant partners included in this award. Effective: 9/30/25 - 9/29/28 - \$637,149.70

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

**FY2026 – Agreement with Oklahoma Tourism and Recreation Department to Promote the Agritourism Industry-\$42,274.00**

Agreement with Oklahoma Tourism and Recreation Department to promote the Agritourism industry through the development of consumer marketing campaigns. - \$35,000.00 went to board in April 2025 but prices increased so total cost is now \$42,274.00

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

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

**APPROVAL OF CASES**

ON THIS 14<sup>th</sup> day of October 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 14<sup>th</sup> day of October 2025.

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Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A  
Board of Agriculture  
October 14, 2025**

**Consideration and Proposed Action on Cases Resolved by Stipulation:**

**Agricultural Environmental Management Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Mark Amos	OGC-24-883	AEMS	\$1, 500.00
Jeff Buffington	OGC-25-184	AEMS	\$250.00
Tommy Caldwell	OGC-25-174	AEMS	\$250.00
Christopher Piovesan	OGC-25-471	AEMS	\$250.00
Zachary Rendel	OGC-25-168	AEMS	\$250.00
Par Thluai	OGC-25-757	AEMS	\$250.00
Tun & Niang Lun Tuang	OGC-24-821	AEMS	\$1,950.00
Gao N. Yang	OGC-25-515	AEMS	\$250.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
7-Eleven	OGC-25-443	CPS	\$450.00
7-Eleven	OGC-25-444	CPS	\$450.00
7-Eleven	OGC-25-655	CPS	\$600.00
Atlas Lawn Care and Tree Service	OGC-25-944	CPS	\$500.00
Barnes Weed and Pest Control	OGC-25-651	CPS	\$2,500.00
CHS Agronomy CP	OGC-25-1147	CPS	\$2,500.00
Casey's General Stores, Inc.	OGC-25-438	CPS	\$600.00
Family Dollar	OGC-25-291	CPS	\$3,500.00
Lupercio Lawns	OGC-24-65	CPS	\$1,500.00
Conner & Jason McCabe	OGC-25-618	CPS	\$1,000.00
Okie Drones	OGC-25-1013	CPS	\$1,500.00

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Terminix	OGC-25-951	CPS	\$5,000.00
Thunder's Edge, LLC Weed Man	OGC-25-604	CPS	\$250.00
Julio Velasco	OGC-25-638	CPS	\$1,500.00

**Consideration and Proposed Action on Cases Resolved by Proposed final Order:**

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Mahler Enterprises, LLC	OGC-25-619	CPS	\$1,500.00
Brian Sheffield	OGC-25-602	CPS	\$1,500.00



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. MARK AMOS**

**Case File No. OGC-24-883**

**MARK AMOS  
22201 FALLING SPRINGS RD  
DECATUR, AR 72722**

**Summary of Facts:** The Respondent, while unlicensed, land applied poultry waste without following the Nutrient Management Plan and applied too close to an intermittent stream and pond.

**Statute or Rule Violation:** Respondent violated Okla. Stat. Tit. 2 § 10-9.17(A), 10-9.19a, O.A.C 35:17-5-5(a), and O.A.C. 35:17 Appendix B, Figure 2 by providing poultry waste land applications services, without an Oklahoma license, spreading too closely to an intermittent stream and pond, and not following the NMP as to the rates of application.

**Proposed Administrative Penalty:** The proposed penalty for this case was One Thousand and Five Hundred Dollars (\$1,500.00). Respondent stipulated to and paid the penalty and submitted the annual report.

**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.

MARK AMOS  
22201 FALLING SPRINGS RD  
DECATUR, AR 72722

RESPONDENT.

Case No: OGC-24-883

**FILED**  
SEP 9 2025  
STATE BOARD OF AGRICULTURE

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Three Thousand Dollars (\$1,500.00) for this action, **submitted the 2024 annual report**, 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:

Mark Amos  
Signature

Mark Amos  
Printed Name and Title:

Date: 9-2-25



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 conducted business operations within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in operating as a Poultry Waste Applicator (PWA) in the State of Oklahoma.

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. That Act at Okla. Stat. Tit. 2 § 10-9.17(A) states: “*It shall be unlawful and a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00) for any person to act, operate, or do business or advertise as a commercial poultry waste applicator or to land-apply poultry waste as a private poultry waste applicator unless such person has obtained a valid applicator’s certificate issued by the Oklahoma Department of Agriculture, Food, and Forestry.*”

18. That Act at Okla. Stat. Tit. 2 § 10-9.19a states: “*Land application of poultry waste, whether performed by a private or commercial poultry waste applicator, shall comply at all times with the provisions set forth in: 1. The Nutrient Management Plan, if application is conducted on land operated by a registered poultry feeding operation. . .*”

19. O.A.C 35:17-5-5(a) states: “*The NMP shall comply with all requirements contained in Appendix B. . .*”

20. O.A.C. 35:17 Appendix B, Figure 2 states: *“Do not apply nutrients in the following situations. . . to areas within 100 feet of . . . pond. . . unless an established buffer strip is present. . . [t]he width of the buffer strip shall be used as a setback distance for application purposes.”*

21. O.A.C. 35:17 Appendix B, Figure 2 states: *Do not apply nutrients in the following situations. . .to areas within 50 feet of an intermittent stream unless an established buffer strip is present. The width of the buffer strip shall be used as a setback distance for application purposes. . . ”*

22. That Act at Okla. Stat. Tit. 2 § 10-9.17(E)(1) states: *“The Department shall issue a commercial applicator certificate for a five-year period if a properly completed application is filed with the Department not later than the first day of January of the subsequent five-year period. A registration fee of Seventy-Five Dollars (\$75.00) shall accompany every initial and renewal application for certification.”*

### **ALLEGATIONS OF FACT**

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

24. On or about June 24, 2024, the Agricultural Environmental Management Services (AEMS) Division of the Department received a complaint of the Respondent over spreading poultry waste on the property in Jay, Oklahoma, without an Oklahoma poultry waste applicator license, on or around June 21, 2024.

25. On or about June 25, 2024, an inspector with the Department went to Poultry Feeding Operation (PFO) 1724 located in Jay, Oklahoma to speak with the landowners regarding what occurred. The landowners reported they had hired Mr. Chamberlain, who in return hired the Respondent, to spread their poultry waste at two locations, one in Oklahoma and one in

Arkansas. The Nutrient Management Plan (NMP) for the location in Oklahoma can only supports Ninety-Five (95) tons of litter, because it lies within the Eucha-Spavinaw Watershed. After the job was completed, Mr. Chamberlain reported the Respondent spread One Hundred and Eighty (180) tons of litter in Oklahoma and spread nothing at the Arkansas location. The Respondent sent a bill by texted message to the landowners for the spread of One Hundred and Forty-Four (144) tons of litter. The landowners asked the Respondent for his poultry waste applicator license number for their paperwork, but he informed them he was not licensed in Oklahoma.

26. On or about June 25, 2024, the inspector observed that litter had been spread up to the fence line with a bar ditch, an intermittent stream, right on the other side, which would require a fifty (50) foot setback. The inspector also observed litter within forty-five (45) feet of a cow pond full of water, which would require a One Hundred and Fifty (150) foot setback.

27. On or about October 15, 2024, the Department sent a Letter of Warning (LOW) to the Respondent regarding their actions as a poultry waste applicator, without a license, in the state of Oklahoma. The LOW requested a completed annual report for 2024, and an application and payment, if the Respondent intends to continue to operate as a waste applicator, with a due date of November 15, 2024.

28. To date, the Respondent has failed to respond to the Department with any of the requested documentation.

### **ALLEGED CONCLUSIONS OF LAW**

29. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.17(A), 10-9.19a, O.A.C 35:17-5-5(a), and O.A.C. 35:17 Appendix B, Figure 2 by providing poultry waste land applications services, without an



Oklahoma license, spreading to closely to an intermittent stream and pond, and not following the NMP as to the rates of application.

### **ATTORNEY CONFERENCES**

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

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

34. Pursuant to 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.

#### **PRAYER FOR RELIEF**

36. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case we are seeking a One Thousand and Five Hundred Dollar (\$1,500.00) administrative penalty, and **submittal of 2024 annual report.**

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

37. 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**

38. 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**

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 One Thousand Five Hundred Dollars (\$1,500.00), and **submittal of the 2024 annual report.**

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

DATED THIS 29TH day of July, 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 Wormus, 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 29 day of July, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**MARK AMOS  
22201 FALLING SPRINGS RD  
DECATUR, AR 72722**



---

GINA BLAYLOCK



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. JEFF BUFFINGTON**

**Case File No. OGC-25-184**

**JEFF BUFFINGTON PWA#5012  
15621 RHINO RD  
SPIRO, OK 74959**

**Summary of Facts:** The Respondent, a poultry waste applicator, failed to attend their continuing education.

**Statute or Rule Violation:** Respondent 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

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

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

JEFF BUFFINGTON PWA#5012  
15621 RHINO RD  
SPIRO, OK 74959

RESPONDENT.

Case No: OGC-25-184

**FILED**  
AUG 31 2025  
STATE BOARD OF AGRICULTURE  
AUG 26 2025  
STATE BOARD OF AGRICULTURE

STIPULATION

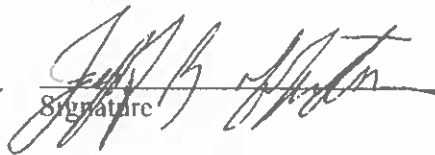
Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred and Fifty Dollars (\$250.00) for this action, and **attended the two (2) hour education course**, and has accordingly signed this Resolution by Stipulation, and returned same along with a check or money order 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.

**RECEIVED**

AUG 27 2025  
ODAFF FINANCE

RESPONDENT:

  
Signature

Jeff Buffington  
Printed Name and Title:

Date: 8-20-25





**FILED**  
APR 17 2025  
STATE BOARD OF AGRICULTURE  
25-184

**Case No: OGC-25-184**

<sup>1</sup> 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 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 2000.

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 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 31<sup>st</sup> deadline.

26. To date, the Respondent has failed to complete the two (2) hours of continuing 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](mailto: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 14TH 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  
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 17 day of April, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**JEFF BUFFINGTON PWA#5012  
15621 RHINO RD  
SPIRO, OK 74959**

  
\_\_\_\_\_  
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.**

**JEFF BUFFINGTON PWA#5012  
15621 RHINO RD  
SPIRO, OK 74959**

**RESPONDENT.**

**Case No: OGC-25-184**

**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. TOMMY CALDWELL**

**Case File No. OGC-25-174**

**TOMMY CALDWELL PWA#1227  
28565 LATHAM SCHOOL ROAD  
SHADY POINT, OK 74956**

**Summary of Facts:** The Respondent, a poultry waste applicator, failed to attend their continuing education.

**Statute or Rule Violation:** Respondent 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 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.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

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

**V.**

**RESPONDENT.**

## STIPULATION

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

Signature

Printed Name and Title:

Date:

**FILED**  
APR 14 2025  
STATE BOARD OF AGRICULTURE  
GC-25-174

**Case No: OGC-25-174**

**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 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 2022.
24. On or about February 5, 2024, the Department sent Respondent a Letter of Warning (LOW) regarding their missing educational training, in which they are behind two (2) hours of continuing education, with 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 31<sup>st</sup> deadline.
26. To date, the Respondent has not completed the 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](mailto: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, **as well as the 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 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 9TH 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

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:

**TOMMY CALDWELL PWA#1227  
28565 LATHAM SCHOOL ROAD  
SHADY POINT, OK 74956**

  
\_\_\_\_\_  
GINA BLAYLOCK

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

**v.**

**RESPONDENT.**

**Case No: OGC-25-174**

## Page 9 of 9

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. CHRISTOPHER PIOVESAN**

**Case File No. OGC-25-471**

**CHRISTOPHER PIOVESAN PWA#5329  
31605 HOLSON VALLEY RD  
WISTER, OK 74966**

**Summary of Facts:** The Respondent failed to renew their PWA certification.

**Statute or Rule Violation:** Respondent has violated Okla. Stat. Tit. 2 § 10-9.17(E)(1) by failing to renew their PWA certification and pay the fee.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Hundred and Fifty Dollars (\$250.00) and the renewal fee of Seventy-Five Dollars (\$75.00). Respondent stipulated to and paid the penalty and submitted the registration.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
AUG 25 2025  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

CHRISTOPHER PIOVESAN PWA#5329  
31605 HOLSON VALLEY RD  
WISTER, OK 74966

RESPONDENT.

Case No: OGC-25-471

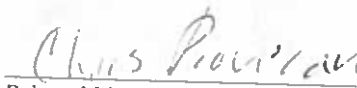
**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Three Hundred and Twenty-Five Dollars (\$325.00) for this action, and **submitted PWA registration form**, 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: 8-15-25



**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 No: OGC-25-471**

**CHRISTOPHER PIOVESAN PWA#5329 )  
31605 HOLSON VALLEY RD )  
WISTER, OK 74966 )**

**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 Conference<sup>1</sup> 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.**

---

<sup>1</sup> 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 waste applicators.

17. The Act at Okla. Stat. Tit. 2 § 10-9.17(E)(1) states: “*The Department shall issue a commercial applicator certificate for a five-year period if a properly completed application is filed with the Department not later than the first day of January of the subsequent five-year period. A registration fee of Seventy-Five Dollars (\$75.00) shall accompany every initial and renewal application for certification.*”

### **ALLEGATIONS OF FACT**

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

19. In September 2024, the Agricultural Environmental Management Services (AEMS) Division of the Department mailed a renewal notice for the Poultry Waste Application Certification registration due date of January 1, and the renewal fee.

20. On or about January 16, 2025, Department sent Respondent a Letter of Warning (LOW) regarding their missing expired Poultry Waste Applicator (PWA) Certification, with a due date of February 15, 2025, with the Seventy-Five (\$75.00) Dollar registration fee.
21. To date, the Respondent has failed to register PWA, and pay the registration fee.

### **ALLEGED CONCLUSIONS OF LAW**

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.17(E)(1) by failing to register their PWA and pay the registration fee.

### **ATTORNEY CONFERENCES**

23. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at [Abigail.wilburn@ag.ok.gov](mailto:Abigail.wilburn@ag.ok.gov).
24. 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.
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.

#### **PRAYER FOR RELIEF**

29. 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 Three Hundred and Twenty-Five Dollar (\$325.00) administrative penalty, **and submittal of PWA registration form.**

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

30. 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**

31. 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**

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

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

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

### **STIPULATION**

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Three Hundred and Twenty-Five Dollars (\$325.00), **as well as submittal of the PWA registration.**

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 15TH 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  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CHRISTOPHER PIOVESAN PWA#5329  
31605 HOLSON VALLEY RD  
WISTER, OK 74966**

\_\_\_\_\_  
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-25-471**

**CHRISTOPHER PIOVESAN PWA#5329** )  
**31605 HOLSON VALLEY RD** )  
**WISTER, OK 74966** )

**RESPONDENT.** )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Three Hundred and Twenty-Five Dollars (\$325.00) for this action, and **submitted PWA registration form**, 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. ZACHARY RENDEL**

**Case File No. OGC-25-168**

**ZACHARY RENDEL PWA#1174  
59955 E. 66 RD.  
MIAMI, OK 74354**

**Summary of Facts:** The Respondent, a poultry waste applicator, failed to attend their continuing education before the deadline.

**Statute or Rule Violation:** Respondent 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 four (4) 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 education.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

**FILED**  
AUG 17 2025  
STATE BOARD OF AGRICULTURE  
168

**RESPONDENT.**

**Case No: OGC-25-168**

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:

Signature \_\_\_\_\_

Factory Pendel

Printed Name and Title:

Date:

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

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

**COMPLAINANT,**

**v.**

**ZACHARY RENDEL PWA#1174  
59955 E. 66 RD.  
MIAMI, OK 74354**

**RESPONDENT.**

**Case No: OGC-25-168**

**FILE**  
**JUN 12 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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. 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.**

---

<sup>1</sup> 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 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 2019.

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 four (4) hours of continuing education, with 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 31<sup>st</sup> deadline.

26. The Respondent completed the four (4) hours of education on June 10, 2025.

#### **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 four (4) hours of continuing education, within the statutory deadline.

### **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](mailto: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.

#### **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).

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 June 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 13 day of June, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**ZACHARY RENDEL PWA#1174  
59955 E. 66 RD.  
MIAMI, OK 74354**

  
\_\_\_\_\_  
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.**

**ZACHARY RENDEL PWA#1174  
59955 E. 66 RD.  
MIAMI, OK 74354**

**RESPONDENT.**

**Case No: OGC-25-168**

**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:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. PAR THLUAI**

**Case File No. OGC-25-757**

**PAR THLUAI PFO #1849  
46200 670 RD.  
JAY, OK 74346**

**Summary of Facts:** The Respondent, a poultry feeding operator, failed to attend their continuing education.

**Statute or Rule Violation:** Respondent violated Okla. Stat. Tit. 2 § 10-9.5(F)(1), 10-9.5(F)(3), and 10-9.5(F)(4) 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.

**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.

PAR THLUAI PFO #1849  
46200 670 RD.  
JAY, OK 74346

RESPONDENT.

Case No: OGC-25-757

**FILED**  
SEP 29 2025  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred and Fifty Dollars (\$250.00) for this action, **completed 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:

*P-T*

Signature

*Par Thluai*

Printed Name and Title

Date

*9-24-25*

**FILED**  
SEP 15 2025  
STATE BOARD OF AGRICULTURE  
5-757

**Case No: OGC-25-757**

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

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. November 13, 2025**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

<sup>1</sup> 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 Feeding Operation.

16. Pursuant to the Oklahoma Registered Poultry Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9.1 *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. . ."*



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."*

### **ALLEGATIONS OF FACT**

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

21. The Respondent is a PFO.

22. On or about January 27, 2025, the Department sent Respondent a Letter of Warning (LOW) regarding their two (2) hours of missing educational training, with the deadline of June 1<sup>st</sup>, 2025.

23. The Department's records indicate that the Respondent failed to complete the two (2) hours of missing education due by June 1<sup>st</sup>, 2025, as directed in the LOW.

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

### **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), and 10-9.5(F)(4), by failing to complete the two (2) hours of missing 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](mailto: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 Dollars (\$250.00), **as well completion of the two (2) hours of missing 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 completion 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 15TH day of September 2025.

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

\_\_\_\_\_  
Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574

Wendi Morse, OBA # 33571  
Kiersten Wormus, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**PAR THLUAI PFO #1849  
46200 670 RD.  
JAY, OK 74346**

\_\_\_\_\_  
GINA BLAYLOCK



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. TUN & NIANG LUN TUANG**

**Case File No. OGC-24-821**

**TUN & NIANG LUN TUANG PFO#1288  
26150 CONSER LANDING  
HEAVENER, OK 74931**

**Summary of Facts:** The Respondents failed to provide their 2023 annual reports, update their Nutrient Management Plan, attend the education classes, and renew their PFO license.

**Statute or Rule Violation:** 10-9.7(J), 10-9.7(C), 10-9.7(E)(1), 10-9.5(F)(1), 10-9.5(F)(3), 10-9.5(F)(4), 10-9.4(A), 10-9.8, O.A.C. 35:17-5-3(b)(4), and O.A.C. 35:17-5-3(a)(2) by failing to provide their 2023 annual report, NMP, by failing to complete eleven (11) hours of education, and by failing to register annually for 2025 and paying the ten-dollar (\$10.00) registration fee.

**Proposed Administrative Penalty:** The proposed penalty for this case was One Thousand Nine Hundred and Fifty Dollars (\$1,950.00) and the renewal fee of Ten Dollars (\$10.00). Respondents stipulated to and paid the penalty, and are working with AEMS to provide missing documentation and attend classes.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

FILED  
SEP 16 2025  
STATE BOARD OF AGRICULTURE

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

TUN & NIANG LUN TUANG PFO#1288  
26150 CONSER LANDING  
HEAVENER, OK 74931

RESPONDENT.

Case No: OGC-24-821

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Nine Hundred Sixty Dollars (\$1,960.00) for this action provided the missing NMP, eleven (11) hours of education, annual report for 2023 and annual registration, 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: 9.15.2025

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
SEP 17 2025  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-24-821

TUN & NIANG LUN TUANG PFO#1288 )  
26150 CONSER LANDING )  
HEAVENER, OK 74931 )

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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. November 13, 2025, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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<sup>1</sup> 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 § 10-9.7(J) states: *“Every poultry feeding operation shall file by September 1 of each year an annual report with the Department regarding all poultry waste removed from or land-applied by the facility for the period from July 1 of the previous year through June 30 of that year.”*

18. That Act at Okla. Stat. Tit. 2 § 10-9.7(C) states: *“Every poultry feeding operation shall have a Nutrient Management Plan. . .”*

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

20. O.A.C. 35:17-5-3(b)(4) states: *“Plans shall be reviewed and updated at least every six (6) years from the date the NMP was obtained. . .”*

21. That 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. . . .”*

22. That 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.”*

23. That 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.”*

24. That Act at Okla. Stat. Tit. 2 § 10-9.4(A) states: *“Every poultry feeding operation shall be required to register annually to operate pursuant to the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.”*

25. That Act at Okla. Stat. Tit. 2 § 10-9.8 states: *“Every application shall be accompanied by an annual registration fee of Ten Dollars (\$10.00), which is nonrefundable. . . .”*

26. O.A.C. 35:17-5-3(a)(2) states: *“Every poultry feeding operation shall be required to renew the registration annually by January 1 to operate.”*

### **ALLEGATIONS OF FACT**

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

28. On or about September 19, 2023, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Poultry Feeding Operation annual reports.
29. The Warning was accompanied by a blank annual report for Respondent to submit along with the deadline of October 20, 2023.
30. Respondent failed to submit their annual report for 2023.
31. A Nutrient Management Plan (NMP) is required for each Poultry Feeding Operations (PFOs), and an update is required every six (6) years from the date the initial or previous plan was submitted.
32. The Respondent's NMP was due on February 27, 2023.
33. On or about May 10, 2024, AEMS mailed Respondent a reminder notice regarding their late NMP.
34. On or about May 16, 2023, the Department sent Respondent a reminder notice by email regarding their late NMP.
35. On or about May 26, 2023, an inspector with the Department reached out to the Respondent to offer assistance with the NMP.
36. On or about June 27, 2023, the Department sent Respondent a Letter of Warning (LOW) regarding their expired NMP or in the alternative, an update from an NMP writer.
37. On or about October 31, 2024, the Department sent Respondent a LOW regarding their expired NMP, or an update from the NMP writer, with a due date of November 30, 2024.
38. To date, the Respondent has not provided their NMP or an update from their plan writer.

39. On or about February 5, 2024, the Department sent Respondent a LOW regarding their missing nine (9) hours of education, as well as a reminder of the two (2) hours of education due by December 31 of each year.

40. To date, the Respondent has failed to complete eleven (11) hours of education courses.

41. In September 2024, the Department mailed renewal notices to the mailing address on file for the Respondent, along with three reminder emails.

42. On or about January 16, 2025, the Department sent Respondent a LOW regarding their annual registration and ten-dollar (\$10.00) registration fee, which was due on January 1<sup>st</sup>, as well as their expired NMP.

43. To date, the Respondent has failed to provide the renewal registration paperwork or the ten-dollar (\$10.00) registration fee.

#### **ALLEGED CONCLUSIONS OF LAW**

44. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.7(J), 10-9.7(C), 10-9.7(E)(1), 10-9.5(F)(1), 10-9.5(F)(3), 10-9.5(F)(4), 10-9.4(A), 10-9.8, O.A.C. 35:17-5-3(b)(4), and O.A.C. 35:17-5-3(a)(2) by failing to provide their 2023 annual report, NMP, by failing to complete eleven (11) hours of education, and by failing to register annually for 2025 and paying the ten-dollar (\$10.00) registration fee.

#### **ATTORNEY CONFERENCES**

45. 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](mailto:Abigail.wilburn@ag.ok.gov).

46. 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.

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

### **ENFORCEMENT PROCEEDINGS**

48. 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.
49. 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.
50. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

### **PRAYER FOR RELIEF**

51. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case, we are seeking a One Thousand Nine Hundred and Sixty Dollar (\$1,960.00) administrative penalty **and submittal of the Respondent's NMP, eleven (11) hours of education, annual report for 2023, and annual registration.**

### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

52. 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**

53. 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**

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

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

56. 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**

57. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Thousand Nine Hundred Sixty Dollars (\$1,960.00).

58. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may submit your **NMP, eleven (11) hours of education, annual report for 2023 and annual registration** 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 2ND day of September, 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 2 day of Sept, 2025, a true and  
correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**TUN & NIANG LUN TUANG PFO#1288**  
**26150 CONSER LANDING**  
**HEAVENER, OK 74931**

  
\_\_\_\_\_  
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.**

**TUN & NIANG LUN TUANG PFO#1288  
26150 CONSER LANDING  
HEAVENER, OK 74931**

**RESPONDENT.**

**Case No: OGC-24-821**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Nine Hundred Sixty Dollars (\$1,960.00) for this action provided the missing **NMP, eleven (11) hours of education, annual report for 2023 and annual registration**, 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. GAO N. YANG**

**Case File No. OGC-25-515**

**GAO N. YANG  
8722 S CHEROKEE ST  
MUSKOGEE, OK 74403**

**Summary of Facts:** The Respondent failed to renew their PFO license.

**Statute or Rule Violation:** Respondent violated Okla. Stat. Tit. 2 § 10-9.4(A), 10-9.8, and O.A.C. 35:17-5-3(a)(2) by failing to renew their PFO and pay the renewal fee.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Hundred and Fifty Dollars (\$250.00) and the renewal fee of Ten Dollars (\$10.00). Respondent stipulated to and paid the penalty and submitted the annual registration.

**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.

GAO N. YANG PFO #1673  
8722 S CHEROKEE ST  
MUSKOGEE, OK 74403

RESPONDENT.

**FILED**  
SEP 9 2025  
STATE BOARD OF AGRICULTURE


Case No: OGC-25-515

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Sixty Dollars (\$260.00) for this action. **provided the missing PFO annual registration.** 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

MEENA YANG  
Printed Name and Title:

Date: 09/02/2025

**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.**

**GAO N. YANG PFO #1673  
8722 S CHEROKEE ST  
MUSKOGEE, OK 74403**

**RESPONDENT.**

**FILED**  
JUL 23 2025  
STATE BOARD OF AGRICULTURE

**Case No: OGC-25-515**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. September 11th, 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.**

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

### **JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

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

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

17. That Act at Okla. Stat. Tit. 2 § 10-9.4(A) states: *“Every poultry feeding operation shall be required to register annually to operate pursuant to the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.”*

18. The Act at Okla. Stat. Tit. 2 § 10-9.8 states: *“Every application shall be accompanied by an annual registration fee of Ten Dollars (\$10.00), which is nonrefundable.”*

19. O.A.C. 35:17-5-3(a)(2) states: *“Every poultry feeding operation shall be required to renew the registration annually by January 1 to operate.”*

### **ALLEGATIONS OF FACT**

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

21. In September 2024, the Department sent a renewal notice to remind the Respondent about registering their PFO, and Ten Dollar (\$10.00) renewal fee, which is due by January 1<sup>st</sup> each year.

22. On or about January 16, 2025, the Department sent Respondent a LOW regarding the Respondent's expired PFO Registration, and the Ten Dollar (\$10.00) renewal fee, with a deadline of February 15, 2025.

23. To date, the Respondent has failed to register their PFO or pay the renewal fee. This will be the 2<sup>nd</sup> year the Respondent has been late.

#### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.4(A), 10-9.8, and O.A.C. 35:17-5-3(a)(2) by failing to register their PFO and pay the renewal fee.

#### **ATTORNEY CONFERENCES**

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

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

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

#### **ENFORCEMENT PROCEEDINGS**

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

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

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

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

#### **PRAYER FOR RELIEF**

31. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 2-18(A). In this case, we are seeking a Two Hundred Sixty Dollar (\$260.00) administrative penalty **and submittal of the Respondent's PFO annual registration.**

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

#### **ENFORCEMENT OF JUDGMENTS**

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

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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



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

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

### **STIPULATION**

37. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Sixty Dollars (\$260.00).

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 submit your **PFO annual registration** 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 30TH day of July, 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 29 day of July, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**GAO N. YANG PFO #1673  
8722 S CHEROKEE ST  
MUSKOGEE, OK 74403**



\_\_\_\_\_  
GINA BLAYLOCK

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

**v.**

**RESPONDENT.**

## STIPULATION

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

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. 7-ELEVEN**

**Case File No. OGC-25-443**

**7-ELEVEN**

**8930 S SOONER RD**

**OKLAHOMA CITY, OK 73135**

**Summary of Facts:** The Respondent failed to accurately price 95% of the sampled items, during a price verification. This is the 2<sup>nd</sup> violation for this location.

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

**Proposed Administrative Penalty:** The proposed penalty for this case was Four Hundred Fifty Dollars (\$450.00)(6 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT, )

v. )

7-ELEVEN )  
8930 S SOONER RD )  
OKLAHOMA CITY, OK 73135 )

RESPONDENT. )

Case No: OGC 25-443

FILED  
AUG 26 2025  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Hundred Fifty Dollars (\$450.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

*Sandy Saden*

Signature

Sandy Saden

Printed Name

Regulatory Compliance

Job Title

8/21/2025

Date

*[Handwritten signature]*  
8-21-25

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

**FILED**  
**JUL 29 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 25-443**

**7-ELEVEN )  
8930 S SOONER RD )  
OKLAHOMA CITY, OK 73135 )**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on September 11<sup>th</sup>, 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.**

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

### **JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of 7-Eleven, located at 8930 S Sooner Rd, Oklahoma City, Oklahoma.

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

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

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation discovered within any twelve-month period will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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



20. On or about December 3, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that seven (7) of one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

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

22. On or about February 7, 2025, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that six (6) of one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

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

#### **ALLEGED CONCLUSIONS OF LAW**

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

#### **ATTORNEY CONFERENCES**

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

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

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

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

### **PRAYER FOR RELIEF**

31. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 14-38(J)(2). In this case, we are seeking a Four Hundred and Fifty Dollar (\$450.00) administrative penalty.

### **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 **Four Hundred and Fifty Dollars (\$450.00) (6 violations at \$75.00 per violation).**

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 \_\_\_\_\_ 29<sup>TH</sup> day of July, 2025.

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

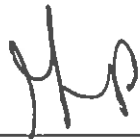
Abigail Wilburn  
Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA # 33571  
Kiersten Wormus, 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 29 day of July, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**7-ELEVEN, INC.  
ATTN: CORPORATE COMPLIANCE 4<sup>th</sup> Floor  
3200 HACKBERRY ROAD  
IRVING, TX 75063**

  
\_\_\_\_\_  
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.**

**7-ELEVEN  
8930 S SOONER RD  
OKLAHOMA CITY, OK 73135**

**RESPONDENT.**

**Case No: OGC 25-443**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Hundred Fifty Dollars (\$450.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



**Price Verification Report**  
Consumer Protection Services  
OK Department of Agriculture, Food & Forestry  
2800 N. Lincoln Blvd. Oklahoma City, OK 73105

GENERAL INFORMATION				
Inspection Site	7 eleven			
Inspection Number	GMC-020725-6			
Inspector's Name	Manager: Carol McKean			
Date:	02/07/2025	AGN: 0197039		
Site Address	8930 S Sooner Rd Oklahoma City OK 73135 CountyCleveland			
Phone Number	(405)733-4323	<input type="checkbox"/> Initial <input checked="" type="checkbox"/> Follow Up	Previous Inspection number gmc-120324-5	
Type of Store: Convenience Store		Item Status: Non Sale		
PRICE VERIFICATION INFORMATION				
PRODUCT	UPC CODE	PRICE	CHARGED	ERROR
Coca cola 2L	0480000050103	3.89	3.99	0.10
TWISTED TEA PEACH 24FLOZ	087692004905	3.59	3.89	0.30
Truly fruit punch 24flox	087692012528	3.59	3.69	0.10
White Claw rubby grapefruit 19.2flox	635985802143	3.59	3.69	0.10
Microfiber cloths 3	0213986134	3.29	3.99	0.70
Robi cough+chest	300318739129	11.99	12.49	0.50
Total Number Checked: 100		Total Number of Violations: 6	Accuracy: 94%	Result: Notice of Violation
REMARKS SECTION				

Person Interviewed: C. McKean Inspector: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. 7-ELEVEN**

**Case File No. OGC-25-444**

**7-ELEVEN**

**12000 S WESTERN**

**OKLAHOMA CITY, OK 73160**

**Summary of Facts:** The Respondent failed to accurately price 95% of the sampled items, during a price verification. This is the 2<sup>nd</sup> violation for this location.

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

**Proposed Administrative Penalty:** The proposed penalty for this case was Four Hundred and Fifty Dollars (\$450.00)(6 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

**FILED**  
AUG 26 2025  
STATE BOARD OF AGRICULTURE

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT, )

v. )

Case No: OGC 25-444

7-ELEVEN )  
12000 S WESTERN )  
OKLAHOMA CITY, OK 73160 )

RESPONDENT. )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Hundred Fifty Dollars (\$450.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

*Sandy Saden*

Signature

Sandy Saden

Printed Name

Regulatory Compliance

Job Title

8/22/2025

Date

*[Handwritten signature]*  
8-22-25



**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.**

**7-ELEVEN  
12000 S WESTERN  
OKLAHOMA CITY, OK 73160**

**RESPONDENT.**

**Case No: OGC 25-444**

**FILED**  
**JUL 23 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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on September 11<sup>th</sup>, 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.**

---

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

### **JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of 7-Eleven, located at 12000 S Western, Oklahoma City, Oklahoma.

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

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

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation discovered within any twelve-month period will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about November 20, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that six (6) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

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

22. On or about February 4, 2025, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that six (6) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

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

#### **ALLEGED CONCLUSIONS OF LAW**

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

#### **ATTORNEY CONFERENCES**

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

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

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

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

### **PRAYER FOR RELIEF**

31. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 14-38(J)(2). In this case, we are seeking a Four Hundred and Fifty Dollar (\$450.00) administrative penalty.

### **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 **Four Hundred and Fifty Dollars (\$450.00) (6 violations at \$75.00 per violation).**

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 29<sup>TH</sup> day of July, 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 Wormus, 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 29 day of July, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**7-ELEVEN, INC.  
ATTN: CORPORATE COMPLIANCE 4<sup>th</sup> Floor  
3200 HACKBERRY ROAD  
IRVING, TX 75063**

  
\_\_\_\_\_  
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 25-444**

**7-ELEVEN )  
12000 S WESTERN )  
OKLAHOMA CITY, OK 73160 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Hundred Fifty Dollars (\$450.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



## Price Verification Report

## Consumer Protection Services

**OK Department of Agriculture, Food & Forestry**

**2800 N. Lincoln Blvd. Oklahoma City, OK 73105**

GENERAL INFORMATION				
Inspection Site	7 eleven			
Inspection Number	GMC-020425-8			
Inspector's Name		Manager: Kristopher Constable		
Date:	02/04/2025	AGN: 0180853		
Site Address	1200 S Western av	Oklahoma City	OK	73159 CountyCleveland
Phone Number	(800)255-0711	<input type="checkbox"/> Initial <input checked="" type="checkbox"/> Follow Up	Previous inspection number:gmc-112024-15	
Type of Store: Convenience Store		Item Status: Sale		
PRICE VERIFICATION INFORMATION				
PRODUCT	UPC CODE	PRICE	CHARGED	ERROR
Extra classic bubble 15ct	022000008459	2.19	2.39	0.20
Gummi orange alices 7oz	052548730932	2.49	2.59	0.10
Sour watermelon wedges 7oz	052548730871	2.49	2.59	0.10
Coca Cola 2L	049000050103	2.89	3.99	1.10
Sprite lemon-lime 2L	049000050158	3.89	3.99	0.10
Redbull 12 floz	611268818994	3.79	3.99	0.20
Total Number Checked:100		Total Number of Violations:6	Accuracy: 94%	Result: Notice of Violation
REMARKS SECTION				

**Person Interviewed:**

**Inspector:**

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. 7-ELEVEN**

**Case File No. OGC-25-655**

**7-ELEVEN**

**500 SW 89<sup>TH</sup>**

**OKLAHOMA CITY, OK 73135**

**Summary of Facts:** The Respondent failed to accurately price 95% of the sampled items, during a price verification. This is the 2<sup>nd</sup> violation for this location.

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

**Proposed Administrative Penalty:** The proposed penalty for this case was Six Hundred Dollars (\$600.00)(8 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

FILED  
AUG 26 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 25-655

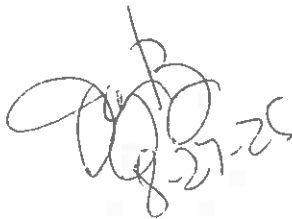
7-ELEVEN )  
500 SW 89<sup>TH</sup> )  
OKLAHOMA CITY, OK 73135 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Six Hundred Dollars (\$600.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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



RESPONDENT:

*Sandy Saden*

Signature

Sandy Saden

Printed Name

Regulatory Compliance

Job Title

8/22/2025

Date

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

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

**COMPLAINANT,**

**v.**

**7-ELEVEN  
500 SW 89<sup>TH</sup>  
OKLAHOMA CITY, OK 73135**

**RESPONDENT.**

**FILED**  
**JUL 29 2025**  
**STATE BOARD OF AGRICULTURE**

**Case No: OGC 25-655**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on September 11<sup>th</sup>, 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.**

---

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

### **JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of 7-Eleven, located at 500 SW 89<sup>th</sup>, Oklahoma City, Oklahoma.

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

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

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation discovered within any twelve-month period will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about December 5, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that nine (9) of one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

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

22. On or about April 21, 2025, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that six (8) of one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

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

### **ALLEGED CONCLUSIONS OF LAW**

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

### **ATTORNEY CONFERENCES**

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

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

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

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

### **PRAYER FOR RELIEF**

31. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 14-38(J)(2). In this case, we are seeking a Six Hundred Dollar (\$600.00) administrative penalty.

### **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 **Six Hundred Dollars (\$600.00) (8 violations at \$75.00 per violation)**.

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 \_\_\_\_\_ 29TH day of July, 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 29 day of July, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**7-ELEVEN, INC.  
ATTN: CORPORATE COMPLIANCE 4<sup>th</sup> Floor  
3200 HACKBERRY ROAD  
IRVING, TX 75063**

  
\_\_\_\_\_  
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. )  
 )  
7-ELEVEN )  
500 SW 89<sup>TH</sup> )  
OKLAHOMA CITY, OK 73135 )  
 )  
RESPONDENT. )**

**Case No: OGC 25-655**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Six Hundred Dollars (\$600.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



**OKLAHOMA**  
Dept. of Agriculture  
Food and Forestry

**Price Verification Report**  
Consumer Protection Services  
OK Department of Agriculture, Food & Forestry  
2800 N. Lincoln Blvd. Oklahoma City, OK 73105

GENERAL INFORMATION				
Inspection Site	7 eleven			
Inspection Number	GMC-042125-2			
Inspector's Name	Gersende M	Manager: Andrew		
Date:	04/21/2025	AGN: 0180854		
Site Address	500 SW 89TH	Oklahoma City	OK	73139 County Cleveland
Phone Number	(800)255-0711	<input type="checkbox"/> Initial <input checked="" type="checkbox"/> Follow Up	Previous Inspection number GMC-120524-3	
Type of Store: Convenience Store		Item Status: Non Sale		
PRICE VERIFICATION INFORMATION				
PRODUCT	UPC CODE	PRICE	CHARGED	ERROR
Four Loko 23.5oz	849808005822	3.59	3.69	0.10
Joose screw drive 23.5 oz	833050004823	3.19	3.69	0.50
Kell rice krispies 1.3oz	038000580983	1.59	2.39	0.80
Hostess donught gen 3oz	888109050047	2.59	2.89	0.30
Gardetto's special request 4.75 oz	016000502789	3.89	3.99	0.10
Oreo mini 3oz	044000008808	2.19	2.39	0.20
Trident watermelon 14ct	073390055189	1.99	2.19	0.20
Sour patch kids 8oz	070462038008	3.79	3.99	0.20
Total Number Checked: 100		Total Number of Violations: 8	Accuracy: 92%	Result: Notice of Violation
REMARKS SECTION				

Person Interviewed: \_\_\_\_\_

Inspector: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. ATLAS LAWN CARE AND TREE SERVICE**

**Case File No. OGC-25-944**

**ATLAS LAWN CARE AND TREE SERVICE**

**34153 CS 2690**

**ANADARKO, OK 73005**

**Summary of Facts:** In April of 2025, a complaint investigation was conducted in Gracemont, OK. The Respondent's application records showed that he made an application on April 15, 2025. The Department's records show that the Respondent's license expired on September 30, 2024, and he did not renew his license until April 24, 2025.

**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 making commercial pesticide applications without a license and certification.

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

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

ATLAS LAWN CARE AND TREE SERVICE  
34153 CS 2690  
ANADARKO, OK 73005

RESPONDENT.

Case No: OGC-25-944

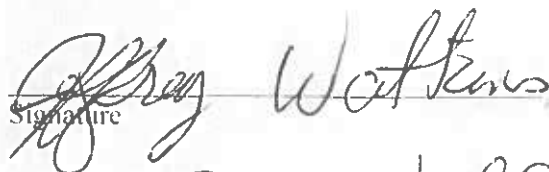
**FILED**  
SEP 17 2025  
STATE BOARD OF AGRICULTURE

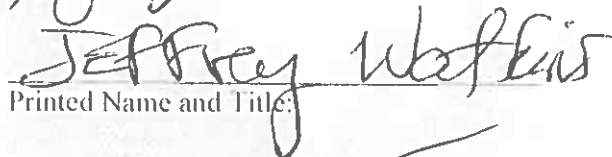
STIPULATION

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

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

RESPONDENT:

  
Signature

  
Printed Name and Title:

Date: 

**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.**

**ATLAS LAWN CARE AND TREE SERVICE )  
34153 CS 2690 )  
ANADARKO, OK 73005 )**

**RESPONDENT.**

**Case No: OGC-25-944**

**FILED**  
**AUG 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. The Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 13<sup>th</sup> day of November 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.**

---

<sup>1</sup> 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 business of commercial pesticide applications.

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

### **ALLEGATIONS OF FACT**

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

18. On the 22<sup>nd</sup> day of April 2025, the Consumer Protection Services Division of the Department conducted a complaint investigation at 25177 CS 2660 in Gracemont, OK.

19. A complaint was received on April 15, 2025, regarding your application to a neighboring property during high winds.

20. According to your application records on April 15, 2025, you applied Agri-Star 2,4-D Amine 4 to a lawn located at 25167 CS 2660, Gracemont, OK. This lawn is adjacent to the north of the complainant's property.

21. ODAFF records show that your license expired on September 30, 2024, and you did not renew your license until April 24, 2025.

22. According to our investigation you were commercially applying pesticide without having a current license.

23. Making commercial pesticide applications without a 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**

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)(15), and 2 O.S. § 3-86(A)(16) which are all stated 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**

25. The Department is seeking an administrative penalty in the amount of **Five Hundred Dollars (\$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](mailto: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 the Respondent desires to resolve this matter without a hearing or further action, the Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00)**.

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

DATED THIS 27th day of August, 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 Aug., 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

ATLAS LAWN CARE AND TREE SERVICE  
34153 CS 2690  
ANADARKO, OK 73005

  
\_\_\_\_\_  
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.** )  
 )  
**ATLAS LAWN CARE AND TREE SERVICE** )  
**34153 CS 2690** )  
**ANADARKO, OK 73005** )  
 )  
                                  **RESPONDENT.** )

**Case No: OGC-25-944**

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. BARNES WEED AND PEST CONTROL**

**Case File No. OGC-25-651**

**BARNES WEED AND PEST CONTROL  
1225 N. ILLINOIS  
WEATHERFORD, OK 73096**

**Summary of Facts:** In March of 2025, a use inspection was conducted in Weatherford, OK. The Department's inspector observed the Respondent applying Up-End, Cornerstone 5 Plus, and 2,4-D LV 6 at a residence. A tank sample found a comparable amount of MSMA to the other herbicides in the tank. In 2009 the EPA banned the use of MSMA on lawns. Additionally, Respondent's commercial applicator license was suspended on January 17, 2025, due to no proof of insurance.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A), 2 O.S. § 3-86(A)(4), and 2 O.S. § 3-86(A)(15) by applying pesticide commercially without a license and in a manner inconsistent with the product label.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Thousand Five Hundred Dollars (\$2,500.00). Respondent stipulated and paid.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT, )

v. )

BARNES WEED AND PEST CONTROL )  
1225 N. ILLINOIS )  
WEATHERFORD, OK 73096 )

RESPONDENT. )

Case Nos: OGC-25-651

**FILED**  
SEP 9 2025  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Five Hundred Dollars (\$2,500.00)** 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

Jonathan Barnes  
Printed Name and Title:

Date: 9-5-25

**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.**

**BARNES WEED AND PEST CONTROL  
1225 N. ILLINOIS  
WEATHERFORD, OK 73096**

**RESPONDENT.**

**FILED  
JUN 10 2025  
STATE BOARD OF AGRICULTURE**

**Case Nos: OGC-25-651**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 9<sup>th</sup> 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.**

---

<sup>1</sup> 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 March 10, 2025, a use inspection was by the Consumer Protection Division of the Department at 3501 Callaway in Weatherford, OK.

19. During this inspection, our inspector observed you making a lawn application at this residence. When asked what was being sprayed you informed our inspector that you were applying Up-End, Cornerstone 5 Plus, and 2,4-D LV 6.

20. Our inspector took a sample of your tank mix during this inspection and MSMA was detected in the sample analysis along with the herbicides you mentioned that were in the tank mix.

21. The amount of MSMA detected in the sample was comparable to the other herbicide amounts.

22. In 2009 the Environmental Protection Agency banned the use of MSMA on lawns.
23. Additionally, your commercial applicator license was suspended on January 17, 2025, due to no proof of insurance, and as of today our office has not received your updated insurance policy.
24. Applying a pesticide commercially without a license and in a manner inconsistent with the product label are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A), 2 O.S. § 3-86(A)(4), and 2 O.S. § 3-86(A)(15).

#### **ALLEGED CONCLUSIONS OF LAW**

25. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-82(A), 2 O.S. § 3-86(A)(4), and 2 O.S. § 3-86(A)(15) which are listed below.

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

#### **PRAYER FOR RELIEF**

26. The Department is seeking an administrative penalty in the amount of **Two Thousand Five Hundred Dollars (\$2,500.00)**.

#### **ATTORNEY CONFERENCES**

27. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5803 or by email at [Kiersten.wormus@ag.ok.gov](mailto:Kiersten.wormus@ag.ok.gov).

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

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

### **ENFORCEMENT PROCEEDINGS**

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

### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

### **ENFORCEMENT OF JUDGMENTS**

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



### INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

### STIPULATION

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Thousand Five Hundred Dollars (\$2,500.00)**.

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

**BARNES WEED AND PEST CONTROL  
1225 N. ILLINOIS  
WEATHERFORD, OK 73096**



\_\_\_\_\_  
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-25-651**

**BARNES WEED AND PEST CONTROL )  
1225 N. ILLINOIS )  
WEATHERFORD, OK 73096 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Five Hundred Dollars (\$2,500.00)** 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. CHS AGRONOMY CP**

**Case File No. OGC-25-1147**

**CHS AGRONOMY CP**

**5500 CENEX DR.**

**INVER GOVE HEIGHTS, MN 55077**

**Summary of Facts:** In July of 2025, a restricted use pesticide (RUP) dealer inspection was conducted in Tecumseh, OK. The inspector found that the Respondent sold RUP's to Walker's Ag Supply in Okemah, OK. At the time of this sale Walker's Ag Supply did not have a current RUP dealer permit. The Respondent's records of this sale did not have Walker's Ag Supply's RUP dealer permit number and expiration date.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-83(B), 2 O.S. § 3-86(C)(8), and O.A.C. 35:30-17-21(c) by not keeping all required RUP sales records.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Thousand Five Hundred Dollars (\$2500.00). Respondent stipulated and paid.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Wormus

RECEIVED  
SEP 22 2025  
OFFICE OF GENERAL COUNSEL  
OKLA. DEPT OF AGRICULTURE  
C-25-1147

RESPONDENT.

**Case No: OGC-25-1147**

Date: 9/16/25

**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. )

CHS AGRONOMY CP )  
5500 CENEX DR. )  
INVER GOVE HEIGHTS, MN 55077 )

RESPONDENT. )

Case No: OGC-25-1147

**FILED**  
SEP 4 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. The Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 11<sup>th</sup> day of December 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.**

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<sup>1</sup> 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 business of a restricted use pesticide dealer.

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

### **ALLEGATIONS OF FACT**

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

18. On July 24, 2025, the Consumer Protection Services Division of the Department conducted a restricted use pesticide (RUP) dealer inspection at your location in Tecumseh, OK.

19. During this inspection our inspector found that you sold RUP's to Walker's Ag Supply in Okemah, OK.

20. At the time of this sale Walker's Ag Supply did not have a current RUP dealer permit.

21. Your record of this sale did not have Walker's Ag Supply's RUP dealer permit number and expiration date.

22. Not keeping all required RUP sales records is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-83(B), 2 O.S. § 3-86(C)(8), and O.A.C. 35:30-17-21(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. § 3-83(B), 2 O.S. § 3-86(C)(8), and O.A.C. 35:30-17-21(c) which are all stated below:

- 2 O.S. § 3-83(B): “B. Every restricted use pesticide dealer shall keep accurate records pertaining to restricted use pesticide purchases and sales, as required by the Board. The records shall be kept intact at the principal business location in this state for at least two (2) years after their date of expiration. Copies shall be furnished to any authorized agent of the Board at any time during the regular business hours of the dealer, immediately upon request in person, or within seven (7) working days of a written request, in summary form, by mail, fax, e-mail, web site, or any other electronic media customarily used.”
- 2 O.S. § 3-86(C)(8): “C. It shall be unlawful for any person, whether or not a person holds a permit as a manufacturer, registrant, or distributor, to distribute, sell, or offer for sale within this state, deliver for transportation or transport in intrastate or interstate commerce, or to violate any part of this subarticle or rules promulgated by the Board. Any pesticide registration, permit, certificate, or identification issued may be suspended, canceled, revoked, or refused reissue by the Board after a notice and opportunity to be heard has been given to the holder of the registration, permit, certificate, or identification. Notice shall be given to the holder of the registration, permit, certificate, or identification by registered or certified mail at least ten (10) days prior to the date of hearing. The suspension, cancellation, revocation, or refusal to reissue any registration, permit, certificate

or identification may be made if the Board finds that: (8) A pesticide dealer has failed or refused to keep accurate and complete records, as required by the Board, for a period of at least two (2) years at each business location.”

- O.A.C. 35:30-17-21(c):  
(c) Restricted use pesticide dealers shall keep accurate records of restricted use pesticide sales, which, at a minimum show:
  - (1) Complete brand name of the pesticide.
  - (2) EPA registration number of the pesticide.
  - (3) Date the pesticide was sold.
  - (4) Total amount of restricted use pesticide sold.
  - (5) Name and address of the residence or principal place of business of any person to whom the restricted use pesticide was distributed or sold for application by a certified applicator.
  - (6) Name, address, license or certification number, and certification expiration date, or copy of the applicator's card of a certified or private applicator.
  - (7) The category(ies) in which the applicator is certified relevant to the pesticide(s) sold.
  - (8) Other information as required by the Board.

#### **PRAYER FOR RELIEF**

24. The Department is seeking an administrative penalty in the amount of **Two Thousand Five Hundred Dollars (\$2500.00)**.

#### **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](mailto: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 the Respondent desires to resolve this matter without a hearing or further action, the Complainant proposes an administrative penalty of **Two Thousand Five Hundred Dollars (\$2500.00)**.

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 3rd day of September, 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 4 day of Sept., 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

CHS AGRONOMY CP  
5500 CENEX DR.  
INVER GOVE HEIGHTS, MN 55077

  
\_\_\_\_\_  
Gina Blaylock



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. CASEY'S GENERAL STORES, INC.**

**Case File No. OGC-25-438**

**CASEY'S GENERAL STORES, INC.**

**31258 U.S. 70**

**RINGLING, OK 73456**

**Summary of Facts:** The Respondent failed to accurately price 95% of the sampled items, during a price verification. This is the 3<sup>rd</sup> violation for this location.

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

**Proposed Administrative Penalty:** The proposed penalty for this case was Six Hundred Dollars (\$600.00)(4 violations at \$150.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn



BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
AUG 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 No: OGC 25-438

CASEY'S GENERAL STORES, INC. )  
31258 U.S. 70 )  
RINGLING, OK 73456 )

RESPONDENT. )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Six Hundred Dollars (\$600.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Amanda Jansen  
Signature

AMANDA JANSEN  
Printed Name

ASSISTANT GENERAL COUNSEL  
Job Title

8/11/2025  
Date

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

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

**COMPLAINANT,**

**v.**

**CASEY'S GENERAL STORES, INC.  
31258 U.S. 70  
RINGLING, OK 73456**

**RESPONDENT.**

**FILED**  
JUL 23 2025  
STATE BOARD OF AGRICULTURE

**Case No: OGC 25-438**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on September 11<sup>th</sup>, 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.**

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

### **JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of Casey's General Store, located at 31258 U.S. 70, Ringling, Oklahoma.

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

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

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

### **ALLEGATIONS OF FACT**

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

20. On or about August 23, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Casey's General Store in Ringling, Oklahoma. The inspection revealed that four (4) of fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

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

22. On or about November 12, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Casey's General Store in Ringling, Oklahoma. The inspection revealed that three (3) of fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

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

24. On or about January 30, 2025, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Casey's General Store in Ringling, Oklahoma. The inspection revealed that four (4) of fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

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

### **ALLEGED CONCLUSIONS OF LAW**

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

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

### **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](mailto:Abigail.wilburn@ag.ok.gov).

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

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

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

### **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 § 14-38(J)(2). In this case, we are seeking a Six Hundred Dollar (\$600.00) administrative penalty.

### **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 **Six Hundred Dollars (\$600.00) (4 violations at \$150.00 per violation)**.

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 \_\_\_\_\_ 29<sup>TH</sup> day of July, 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 29 day of July, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CASEY'S GENERAL STORES, INC  
ATTN: LEGAL DEPARTMENT  
1 SE CONVENIENCE BLVD.  
ANKENY, IA 50021**

*JB*

\_\_\_\_\_  
Gina Blaylock



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

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

**COMPLAINANT,**

**v.**

**CASEY'S GENERAL STORES, INC.  
31258 U.S. 70  
RINGLING, OK 73456**

**RESPONDENT.**

**Case No: OGC 25-438**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Six Hundred Dollars (\$600.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

GENERAL INFORMATION				
Inspection Site	Caseys			
Inspection Number	JPS-013025-1			
Inspector's Name	James P	Manager:		
Date:	01/30/2025	AGN:		
Site Address	31258 U.S. 70	Ringling	OK	73456 County:Jefferson
Phone Number	(580)307-9036	<input type="checkbox"/> Initial <input checked="" type="checkbox"/> Follow Up	Previous Inspection number 24-JPS-0057	
Type of Store: Convenience Store		Item Status: Non Sale		
PRICE VERIFICATION INFORMATION				
PRODUCT	UPC CODE	PRICE	CHARGED	ERRO
Caseys Zesty Jalapeno Peanut 2.75 oz	098437210253	1.69	1.79	
Reign Sour Gummy Worm 16 oz	815154023405	3.19	3.29	
Monster Rehab Drink 16 oz	070847003229	3.29	3.49	
Juul Device	819913011580	3.99	9.99	
Total Number Checked:50	Total Number of Violations:4	Accuracy:92%	Result: Notice of Violati	
REMARKS SECTION				

Person Interviewed: W.A. Beck Inspector: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. FAMILY DOLLAR**

**Case File No. OGC-25-291**

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

**Summary of Facts:** The Respondent failed to accurately price 95% of the sampled items, during a price verification. This is the 6<sup>th</sup> violation for this location.

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

**Proposed Administrative Penalty:** The proposed penalty for this case was Three Thousand Five Hundred Dollars (\$3,500.00)(7 violations at \$500.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None.

**OGC Attorney:** Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT, )

v. )

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

RESPONDENT. )

Case No: OGC 25-291

FILED  
SEP 22 2025  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Thousand Five Hundred Dollars (\$3,500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Cathy Lewis-Howard  
Cathy Lewis-Howard

Signature

Cathy Lewis-Howard

Printed Name

Fine & Penalties Compliance Specialist

Job Title

9/18/2025

Date

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

**FILED**  
JUL 24 2025  
STATE BOARD OF AGRICULTURE

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

**COMPLAINANT,**

**v.**

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

**RESPONDENT.**

**Case No: OGC 25-291**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on September 11<sup>th</sup>, 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.**

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

### **JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of Family Dollar, located at 911 E Broadway, Enid, Oklahoma.

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

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

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A sixth violation discovered within any twelve-month period will be assessed a penalty of Five Hundred Dollars (\$500.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

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

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

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

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

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

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

26. On or about June 17, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The



inspection revealed that eleven (11) of one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

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

28. On or about August 23, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that six (6) of one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

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

30. On or about January 8, 2025, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that seven (7) of one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

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

#### **ALLEGED CONCLUSIONS OF LAW**

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

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

### **ATTORNEY CONFERENCES**

33. 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](mailto:Abigail.wilburn@ag.ok.gov).

34. 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.

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

### **ENFORCEMENT PROCEEDINGS**

36. 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.

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

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

#### **PRAYER FOR RELIEF**

39. 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 § 14-38(J)(2). In this case, we are seeking a Three Thousand Five Hundred Dollar (\$3,500.00) administrative penalty.

#### **ENFORCEMENT OF JUDGMENTS**

40. 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**

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

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

43. 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**

44. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Three Thousand Five Hundred Dollars (\$3,500.00) (7 violations at \$500.00 per violation)**.

45. 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 \_\_\_\_\_ 29TH day of July, 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 Wormus, OBA #33187  
Abigail Wilburn, OBA #33641  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 29 day of July, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

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

  
\_\_\_\_\_  
Gina Blaylock

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

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

**COMPLAINANT,**

**v.**

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

**RESPONDENT.**

**Case No: OGC 25-291**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Thousand Five Hundred Dollars (\$3,500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date

## PRICE VERIFICATION REPORT

### Inspection Number

JCB-010825-3

### Inspection Site

Family Dollar

### Date

01/08/2025

### Address

911 E Broadway Ave.

### City

Enid

### State

OK

### Zip

73701

### County

Garfield

### Phone

(000)000-0000

### AGN Number

### Manager/Owner

Deeon Barton

### Type of Inspection

☐ Initial

☒ Follow Up

### Previous Inspection Number

24-JCB-0045 (in ARID)

### Type of Store

Mass Merchandiser

### Item Status

Non Sale

### Price Verification Information

Product	UPC Code	Price	Charged	Error
Hanes Women ASTD Briefs 5PK	090563958245	8.50	9.00	0.50
TC Little Remedies SLNE SPRY Drops 1FLoz	756184120118	4.50	4.60	0.10
SB Foaming Bleach Bathroom Cleaner 32FLoz	025700708094	4.25	4.35	0.10
Little Tree Supernova 1PK	076171173034	1.00	1.25	0.25
Purina Puppy Chow Tender N Crunchy 15 LB	017800100472	15.50	15.75	0.25
CH Ranch Dressing 16FLOZ	032251738883	1.95	2.00	0.05
TC Benadryl Child Allergy CHWBLE Grape 20ct	300450553201	8.25	8.65	0.40

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. LUPERCIO LAWNS**

**Case File No. OGC-24-65**

**LUPERCIO LAWNS  
1237 N VERMONT AVE.  
OKLAHOMA CITY, OK 73107**

**Summary of Facts:** In August of 2023, a use inspection was conducted in Blanchard, OK. Our inspector met with Respondent's employee, and he had pesticide in his tank mix. Respondent's business is not licensed, and Respondent's employee was not a certified applicator. Additionally, the license number listed on Respondent's application vehicle belongs to a different applicator company

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(13), 2 O.S. § 3-86(A)(15), and 2 O.S. § 3-86(A)(16) by operating commercially without a license and certification and displaying false company identification.

**Proposed Administrative Penalty:** The proposed penalty for this case was Fifteen Hundred Dollars (\$1500.00). 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.

LUPERCIO LAWNS  
1807 NW 5TH STREET  
OKLAHOMA CITY, OK 73106

RESPONDENT.

Case No: OGC-24-65

**FILED**  
SEP 16 2025  
STATE BOARD OF AGRICULTURE

STIPULATION

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

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

RESPONDENT:

Signature

*Antonio Lopez*  
Printed Name and Title

Date: 09/05/2025



**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.**

**LUPERCIO LAWNS  
1807 NW 5TH STREET  
OKLAHOMA CITY, OK 73106**

**RESPONDENT.**

**FILED**  
JUN 02 2025  
STATE BOARD OF AGRICULTURE

**Case No: OGC-24-65**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 9<sup>th</sup> 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.**

---

<sup>1</sup> 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 Blanchard, Oklahoma.

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

### **ALLEGATIONS OF FACT**

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

18. On or about the 25<sup>th</sup> day of August 2023, the Consumer Protection Services Division of the Department conducted a use inspection at 801 Walnut St. in Blanchard, OK.

19. During this inspection, our inspector met with your employee Juan Torres. Mr. Torres was operating your commercial application vehicle that displayed your company name and license number 3077 on the side.

20. Mr. Torres is not a certified applicator, and your company is not licensed as a commercial applicator.

21. The license number listed on your application vehicle belongs to a different applicator company.

22. Mr. Torres informed our inspector that Strike 3 and Q4 were the products in the tank mix.
23. To date, your company is not licensed with ODAFF.
24. Operating commercially without a license and certification and displaying false company identification are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(13), 2 O.S. § 3-86(A)(15), and 2 O.S. § 3-86(A)(16).

#### **ALLEGED CONCLUSIONS OF LAW**

25. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(13), 2 O.S. § 3-86(A)(15), and 2 O.S. § 3-86(A)(16) which are all stated below:

- 2 O.S. §3-82(A)(1): “(A) LICENSE REQUIRED: (1) It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.”
- 2 O.S. §3-86(A)(13): “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: (13) Falsely stating that a person is employed by or represents another person.”

- 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**

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

### **ATTORNEY CONFERENCES**

27. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5803 or by email at [Kiersten.wormus@ag.ok.gov](mailto:Kiersten.wormus@ag.ok.gov).

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

31. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have

the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

#### **ENFORCEMENT OF JUDGMENTS**

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

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

#### **STIPULATION**

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

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

LUPERCIO LAWNS  
1237 N VERMONT AVE.  
OKLAHOMA CITY, OK 73107

GB  
Gina Blaylock

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

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

**COMPLAINANT,**

**v.**

**LUPERCIO LAWNS  
1807 NW 5TH STREET  
OKLAHOMA CITY, OK 73106**

**RESPONDENT.**

**Case No: OGC-24-65**

**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. SKY HIGH INNOVATIONS**

**Case File No. OGC-25-618**

**CONNOR & JASON MCCABE  
SKY HIGH INNOVATIONS  
213 W. JACKSON AVE  
MCALESTER, OK 74501**

**Summary of Facts:** In April of 2025, an investigation was conducted. The Department found the Respondent's advertisement for commercial pesticide drone spraying that was posted on Facebook. At the time of the investigation, Respondent's company was not licensed with ODAFF to make commercial pesticide applications.

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

**Proposed Administrative Penalty:** The proposed penalty for this case was One Thousand Dollars (\$1,000.00). 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. )

CONNOR & JASON MCCABE )  
SKY HIGH INNOVATIONS )  
213 W. JACKSON AVE. )  
MCALESTER, OK 74501 )

RESPONDENT. )

Case Nos: OGC-25-618

**FILED**  
SEP 9 2025  
STATE BOARD OF AGRICULTURE

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:

9-3-2025

**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.**

**CONNOR & JASON MCCABE  
SKY HIGH INNOVATIONS  
213 W. JACKSON AVE.  
MCALESTER, OK 74501**

**RESPONDENT.**

**Case Nos: OGC-25-618**

**FILED  
MAY 09 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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 11<sup>th</sup> 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.**

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<sup>1</sup> 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 April 9, 2025, an investigation was performed by the Consumer Protection Division of the Department.

19. During this investigation, the Department found your advertisement for commercial pesticide drone spraying that was posted on Facebook.

20. Advertising commercial pesticide applications is considered conducting business and requires a company to be licensed with ODAFF.

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

22. ODAFF 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) and 2 O.S. § 3-86(A)(15).

#### **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) and 2 O.S. § 3-86(A)(15) which are listed below.

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



### **PRAYER FOR RELIEF**

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](mailto: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 fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 9th day of 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 9th day of May, 2025, a true and correct copy of the forgoing instrument emailed, as follows:

CONNOR & JASON MCCABE  
SKY HIGH INNOVATIONS  
[badge016@icloud.com](mailto:badge016@icloud.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.**

**CONNOR & JASON MCCABE  
SKY HIGH INNOVATIONS  
213 W. JACKSON AVE.  
MCALESTER, OK 74501**

**RESPONDENT.**

**Case Nos: OGC-25-618**

**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. OKIE DRONES**

**Case File No. OGC-25-1013**

**OKIE DRONES**

**51110 W. 281st St. S.**

**STROUD, OK 74079**

**Summary of Facts:** In July of 2025, a use inspection was conducted in Bristow, OK. The inspector observed Respondent's business card advertising commercial pesticide applications. The advertisements were also on Facebook. The inspector spoke with Respondent, and Respondent confirmed making commercial pesticide applications. Respondent's company is not licensed with ODAFF to make commercial pesticide applications.

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

**Proposed Administrative Penalty:** The proposed penalty for this case was One Thousand Five Hundred Dollars (\$1500.00). 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.

OKIE DRONES  
51110 W. 281st St. S.  
STROUD, OK 74079

RESPONDENT.

Case No: OGC-25-1013

**FILED**  
SEP 12 2025  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Five 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

Justin Wyre  
Printed Name and Title:

Date: 9-16-2025

**RECEIVED**  
SEP 19 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.**

**OKIE DRONES  
51110 W. 281st St. S.  
STROUD, OK 74079**

**RESPONDENT.**

**Case No: OGC-25-1013**

**FILED**  
**AUG 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. The Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 13<sup>th</sup> day of November 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.**

---

<sup>1</sup> 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 business of commercial pesticide applications.

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

### **ALLEGATIONS OF FACT**

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

18. On the 2<sup>nd</sup> day of July 2025, the Consumer Protection Services Division of the Department conducted a use inspection at Tractor Supply Company in Bristow, OK.

19. Our Inspector observed your business card by the cash register at Tractor Supply Company in Bristow, OK. This card advertised commercial pesticide applications, and you were also advertising on Facebook.

20. Our inspector spoke with you, and you confirmed making commercial pesticide applications.

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

22. A company is required to be licensed with ODAFF to make commercial pesticide applications and/or advertise commercial pesticide applications.

23. Making commercial pesticide applications without a 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**

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)(15), and 2 O.S. § 3-86(A)(16) which are all stated 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**

25. The Department is seeking an administrative penalty in the amount of **One Thousand Five Hundred Dollars (\$1500.00)**.

#### **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](mailto: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 the Respondent desires to resolve this matter without a hearing or further action, the Complainant proposes an administrative penalty of **One Thousand Five 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 27<sup>th</sup> day of August, 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 21 day of Aug., 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

JUSTIN WYRE  
OKIE DRONES  
51110 W. 281st St. S.  
STROUD, OK 74079

  
\_\_\_\_\_  
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.** )  
 )  
**OKIE DRONES** )  
**51110 W. 281st St. S.** )  
**STROUD, OK 74079** )  
 )  
**RESPONDENT.** )

**Case No: OGC-25-1013**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Five 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. RENTOKIL NORTH AMERICA INC. DBA TERMINIX**

**Case File No. OGC-25-951**

**RENTOKIL NORTH AMERICA INC  
DBA TERMINIX  
13220 N. Sante Fe Ave.  
Oklahoma City, OK 73114**

**Summary of Facts:** In June of 2025, a complaint investigation was conducted in Guthrie, OK. The Inspector found that Respondent had complainant's residence under a termite treatment contract since April of 2018. The Respondent's records also indicated that on March 28, 2025, Respondent performed an annual baiting system inspection. During this investigation the inspectors did not observe drill holes in the stem wall or in the brick veneer void in the area where Respondent indicated a spot treatment was performed. In measuring the distance between the bait stations, the inspectors found that several stations exceeded the 20 feet maximum spacing requirement. Additionally, the records the Respondent provided the Department office were not complete from the original 2018 spot treatment, and the records for Respondent's 2019 & 2022 annual baiting system inspections were missing.

**Statute or Rule Violation:** Respondent violated 2 O.S. §3-86(A)(1), 2 O.S. §3-86(A)(8), 2 O.S. §3-86(A)(11), 2 O.S. § 3-86(A)(12), O.A.C. 35:30-17-67(A), O.A.C. 35:30-17-69(A)(1), O.A.C. 35:30-17-69(A)(2), and O.A.C. 35:30-17-69.2(B)(3) by not meeting termite treatment minimum standards and not maintaining accurate application records.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Thousand Dollars (\$5000.00). 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.

RENTOKIL NORTH AMERICA INC  
DBA TERMINIX  
13220 N. SANTE FE AVE.  
OKLAHOMA CITY, OK 73114

RESPONDENT.

Case No: OGC-25-951

**FILED**  
SEP 13 2025  
STATE BOARD OF AGRICULTURE

STIPULATION

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

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

RESPONDENT:

  
Signature

CHAD NYE BRANCH MANAGER  
Printed Name and Title:

Date: 9/8/25

**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.**

**RENTOKIL NORTH AMERICA INC  
DBA TERMINIX  
13220 N. SANTE FE AVE.  
OKLAHOMA CITY, OK 73114**

**RESPONDENT.**

**Case No: OGC-25-951**

**FILED**  
AUG 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. The Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 11<sup>th</sup> day of December 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.**

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<sup>1</sup> 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 business of commercial pesticide applications.

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

### **ALLEGATIONS OF FACT**

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

18. On the 3<sup>rd</sup> day of June 2025, the Consumer Protection Services Division of the Department conducted a complaint investigation at 1022 Hidden Oaks Way in Guthrie, OK.

19. The Inspector found that your company has had this residence under a termite treatment contract since April of 2018. Your application records show that termites were found in the bathroom of the home and a baiting system was installed along with a liquid spot treatment in the area of infestation. Your diagram of the spot treatment shows that you trenched and treated along the stem wall and a sub slab injection was performed by drilling through the outside of the stem wall to treat underneath the main slab. Your records also indicate that on March 28, 2025, you performed an annual baiting system inspection.

20. During this investigation our inspectors did not observe drill holes in the stem wall or in the brick veneer void in the area where you indicated a spot treatment was performed. In measuring the distance between the bait stations our inspectors found that several stations exceeded the 20 feet maximum spacing requirement.

21. Additionally, the records you provided our office state that you did not have the complete record from the original 2018 spot treatment, and the records for your 2019 & 2022 annual baiting system inspections were missing.

22. ODAFF record keeping requirements state that complete records are to be maintained during the contract period and two years after the expiration of the contract.

23. Not meeting termite treatment minimum standards and not maintaining accurate application records are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. §3-86(A)(1), 2 O.S. §3-86(A)(8), 2 O.S. §3-86(A)(11), 2 O.S. § 3-86(A)(12), O.A.C. 35:30-17-67(A), O.A.C. 35:30-17-69(A)(1), O.A.C. 35:30-17-69(A)(2), and O.A.C. 35:30-17-69.2(B)(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)(1), 2 O.S. §3-86(A)(8), 2 O.S. §3-86(A)(11), 2 O.S. § 3-86(A)(12), O.A.C. 35:30-17-67(A), O.A.C. 35:30-17-69(A)(1), O.A.C. 35:30-17-69(A)(2), and O.A.C. 35:30-17-69.2(B)(3) which are all stated below:

- 2 O.S. §3-86(A)(1): “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: (1) A person has made misrepresentations for the purpose of defrauding, or has not satisfactorily performed, without proper cause, any contract into which the person entered.”

- 2 O.S. §3-86(A)(8): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (8) Failure or refusal to keep and maintain complete and accurate records as specified in this subarticle.”
- 2 O.S. §3-86(A)(11): “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: (11) Failure to explain in writing in



a contract signed by the property owner the ways that a pesticide application fails to comply with any minimum requirements or standards authorized by this article.”

- 2 O.S. §3-86(A)(12): “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: (12) Failure to perform work according to minimum standards authorized by this subarticle except as agreed by all parties in writing in the contract.”
- O.A.C. 35:30-17-67(A): “(A) Voids shall be drilled or otherwise entered and treated. Drill holes shall be securely plugged after treatment except in crawl spaces, unless required by the label. Application pressure shall not exceed 25 psi.”
- O.A.C. 35:30-17-69(A)(1): “(a) The minimum standard for existing structure concrete slabs shall include the following: (1) Termiticide shall be injected immediately under and adjacent to the slab at the rate specified on the label by drilling and treating to create a continuous barrier between the soil and the outside perimeter walls of the structure. Use of a sub-slab injector or similar device to prevent backflow is recommended. All drill holes shall be securely plugged. Application pressure shall not exceed 25 psi. Monolithic, supported slab with

thickened perimeter or post tension slabs, with or without footing, shall be treated by drilling only in areas where known cracks exist.”

- O.A.C. 35:30-17-69(A)(2): “(a) The minimum standard for existing structure concrete slabs shall include the following: (2) Where evidence of termite infestation exists on interior walls, the slab shall be treated by drilling the slab and treating the soil under the slab at the base of the wall where the termite activity is present and continue for a minimum of three (3) feet in at least two (2) directions from the termite activity. The treatment may be performed on either side of the wall if construction elements prevent treatment on the side of termite activity, so long as the reason for treating only one side of the treatment is discussed on the contract and the customer consents in writing.”
- O.A.C. 35:30-17-69.2(B)(3): “(b) Exceptions to minimum standards for a spot or partial treatment shall include the following: (3) The contract shall specifically identify the exact location where the spot treatment is performed and the treatment shall meet all minimum standards for the specific location identified. The identified spot treatment location shall be at least three feet (3') in two (2) or more directions but shall not be equal to the entire structure.”

#### **PRAYER FOR RELIEF**

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

### **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](mailto: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 the Respondent desires to resolve this matter without a hearing or further action, the Complainant proposes an administrative penalty of **Five Thousand Dollars (\$5000.00)**.

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 28th day of August, 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 Aug., 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

RENTOKIL NORTH AMERICA INC  
DBA TERMINIX  
13220 N. Sante Fe Ave.  
Oklahoma City, OK 73114

  
\_\_\_\_\_  
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.**

**RENTOKIL NORTH AMERICA INC  
DBA TERMINIX  
13220 N. SANTE FE AVE.  
OKLAHOMA CITY, OK 73114**

**RESPONDENT.**

**Case No: OGC-25-951**

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. THUNDERS EDGE LLC WEED MAN**

**Case File No. OGC-25-604**

**THUNDERS EDGE LLC WEED MAN  
3712 NE 104TH SUITE 400  
OKLAHOMA CITY, OK 73131**

**Summary of Facts:** In January of 2025, an investigation was conducted in response to door hanger advertisements being left at residences in the Oklahoma City metro area. At the time of this investigation, Respondent's license had expired. According to our investigation the Respondent was conducting business as a commercial pesticide applicator during the time its license was expired. Respondent's license was operating with an expired license for 3 weeks prior to it being renewed.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A) and 2 O.S. § 3-86(A)(15) by operating as a commercial pesticide applicator without having a license.

**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,

Case No: OGC-25-604

THUNDERS EDGE LLC WEED MAN  
3712 NE 104TH SUITE 200  
OKLAHOMA CITY, OK 73131

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:

Kyle Collins Branch Manager

Printed Name and Title:

Date:

9/8/25

**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.**

**THUNDERS EDGE LLC WEED MAN  
3712 NE 104TH SUITE 400  
OKLAHOMA CITY, OK 73131**

**RESPONDENT.**

**FILED**  
**APR 21 2025**  
**STATE BOARD OF AGRICULTURE**

**Case Nos: OGC-25-604**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 11<sup>th</sup> 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.**

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<sup>1</sup> 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 January 21, 2025, an investigation was performed by the Consumer Protection Division of the Department in response to door hanger advertisements being left at residences in the Oklahoma City metro area.

19. Advertising commercial pesticide applications is considered conducting business, and a company must be licensed by ODAFF to do so.

20. At the time of this investigation, your license was expired.

21. Our inspector met you at your facility and you informed her that you were working on getting your license renewed.

22. Our inspector also viewed some of your 2025 application records.

23. According to our investigation you were conducting business as a commercial pesticide applicator during the time your license was suspended.

24. Operating as a commercial pesticide applicator without having a license is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A) and 2 O.S. § 3-86(A)(15).

#### **ALLEGED CONCLUSIONS OF LAW**

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

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

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

### **PRAYER FOR RELIEF**

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

### **ATTORNEY CONFERENCES**

27. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5803 or by email at [Kiersten.wormus@ag.ok.gov](mailto:Kiersten.wormus@ag.ok.gov).

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

31. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have

the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

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

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

#### **ENFORCEMENT OF JUDGMENTS**

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

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

### STIPULATION

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00)**.

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

DATED THIS 17th day of April, 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 21 day of April, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**THUNDERS EDGE LLC WEED MAN  
3712 NE 104TH SUITE 400  
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.**

**THUNDERS EDGE LLC WEED MAN  
3712 NE 104TH SUITE 400  
OKLAHOMA CITY, OK 73131**

**RESPONDENT.**

**Case Nos: OGC-25-604**

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. GREEN SQUAD INC.**

**Case File No. OGC-25-638**

**JULIO VELASCO  
GREEN SQUAD INC.  
10917 SW 33RD ST  
YUKON, OK 73099**

**Summary of Facts:** In March of 2025, a use inspection was conducted in Oklahoma City, OK. The Department's inspector observed the Respondent making an ornamental and turf application. The Department's records show that the Respondent's company license expired on December 31, 2022.

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

**Proposed Administrative Penalty:** The proposed penalty for this case was Fifteen Hundred Dollars (\$1,500.00). Respondent stipulated and paid.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT, )

v. )

JULIO VELASCO )  
GREEN SQUAD INC. )  
10917 SW 33RD ST )  
YUKON, OK 73099 )

RESPONDENT. )

Case Nos: OGC-25-638

**FILED**  
SEP 9 2025  
STATE BOARD OF AGRICULTURE

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:

Julio Velasco  
Signature

Julio Velasco Green Squad inc  
Printed Name and Title:

Date: 09-09-2025

**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.**

**JULIO VELASCO  
GREEN SQUAD INC.  
10917 SW 33RD ST  
YUKON, OK 73099**

**RESPONDENT.**

**FILED**

**JUN 10 2025**

**STATE BOARD OF AGRICULTURE**

**Case Nos: OGC-25-638**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 11<sup>th</sup> 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.**

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<sup>1</sup> 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), ODAPP 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 12, 2025, a use inspection was performed by the Consumer Protection Division of the Department at 2800 SW 65th in Oklahoma City, OK.

19. During this investigation, our inspector observed you making an ornamental and turf application.

20. Our records show you are currently certified in ornamental and turf, but your company license expired on December 31, 2022.

21. Operating without a commercial applicator license is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A) and 2 O.S. § 3-86(A)(15).

### **ALLEGED CONCLUSIONS OF LAW**

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

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

### **PRAYER FOR RELIEF**

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



### **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](mailto: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 **Fifteen Hundred Dollars (\$1,500.00)**.

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

**JULIO VELASCO  
GREEN SQUAD INC.  
10917 SW 33RD ST  
YUKON, OK 73099**



---

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-25-638**

**JULIO VELASCO )  
GREEN SQUAD INC. )  
10917 SW 33RD ST )  
YUKON, OK 73099 )**

**RESPONDENT.**

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. MAHLER ENTERPRISES LLC**

**Case File No. OGC-25-619**

**MAHLER ENTERPRISES LLC  
1816 JOHNSTON RD.  
IOWA PARK, TX 76367**

**Summary of Facts:** In April of 2025, an investigation was performed in Cookietown, OK. The Department's inspectors observed Respondent's mobile advertisement vehicle parked at the intersection of OK Highway 277 and OK Highway 5A. Respondent's company is not licensed with the Department to make commercial pesticide applications. After further investigation the Department's inspector was informed that the Respondent has been making applications in the Cotton County area for several years.

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

**Proposed Administrative Penalty:** The proposed penalty for this case was Fifteen Hundred Dollars (\$1,500.00). Respondent upon being served the Notice of Violation, failed to appear in Court on September 11, 2025. Judge Mor granted a Default Judgement against the Respondent in the amount of Fifteen Hundred Dollars (\$1,500.00). On September 22, 2025, the Respondent paid the default of \$1500.

**Other Actions Required:** None.

**OGC Attorney:** Kiersten Wormus

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

**FILED**  
SEP 15 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-25-619**

**MAHLER ENTERPRISES LLC )  
1816 JOHNSTON RD. )  
IOWA PARK, TX 76367 )**

**RESPONDENT. )**

**PROPOSED FINAL ORDER**

NOW on this 11<sup>th</sup> day of September 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 11<sup>th</sup> day of September 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 8074 on July 19, 2025, to Mahler Enterprises LLC, At 1816 Johnston Rd., Iowa Park, TX 76367.

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

**FINDINGS OF FACT**

1. On April 8, 2025, an investigation was performed by the Consumer Protection Division of the Department in Cookietown, OK. During this investigation, the

Department's inspectors observed Respondent's mobile advertisement vehicle parked at the intersection of OK Highway 277 and OK Highway 5A. Advertising commercial pesticide applications is considered conducting business and requires a company to be licensed with the Department. Respondent's company is not licensed with the Department to make commercial pesticide applications. After further investigation the Department's inspector was informed that the Respondent has been making applications in the Cotton County area for several years. *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 July 19, 2025. *See certified mail receipt attached hereto as Exhibit 2.*

4. A hearing was set for 11<sup>th</sup> day of September 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 One Thousand Five Hundred Dollars (\$1500.00) 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) and 2 O.S. § 3-86(A)(15) which are listed below.



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

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

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

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

**RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED that the Notice of Violation filed in this matter on April 29, 2025, be adopted as a Final Order and a penalty in the amount of One Thousand Five Hundred Dollars (\$1500.00) imposed on the Respondent.

SIGNED THIS 15 DAY OF Sept. 2025.



HONORABLE 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:

MAHLER ENTERPRISES LLC  
1816 JOHNSTON RD.  
IOWA PARK, TX 76367



---

Gina Blaylock

## Exhibit 1

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

**FILED**

**APR 29 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-25-619**

**MAHLER ENTERPRISES LLC  
1816 JOHNSTON RD.  
IOWA PARK, TX 76367**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 11<sup>th</sup> 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.**

---

<sup>1</sup> 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.

**CONSPICUOUS VENUE, WHEN 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 8, 2025, an investigation was performed by the Consumer Protection Division of the Department in Cookietown, OK.

19. During this investigation, our inspectors observed your mobile advertisement vehicle parked at the intersection of OK Highway 277 and OK Highway 5A.

20. Advertising commercial pesticide applications is considered conducting business and requires a company to be licensed with ODAFF.

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

22. ODAFF records show that you are a certified applicator, but you are not tied to a licensed pesticide applicator company.

23. After further investigation our inspector was informed that you have been making applications in the Cotton County area for several years.

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

### **ALLEGED CONCLUSIONS OF LAW**

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

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



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

### **PRAYER FOR RELIEF**

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

### **ATTORNEY CONFERENCES**

27. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5803 or by email at [Kiersten.wormus@ag.ok.gov](mailto:Kiersten.wormus@ag.ok.gov).

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

31. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have

the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

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

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

#### **ENFORCEMENT OF JUDGMENTS**

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

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Fifteen Hundred Dollars (\$1,500.00)**.

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

DATED THIS 23rd day of April, 2025.

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

*Kiersten Wormus*

\_\_\_\_\_  
Teena G. Gunter, General Counsel, OBA #17767

James Rucker, Deputy G. Counsel, OBA #14574

Wendi Morse, OBA #33571

Kiersten Wormus, OBA #33187

Abbie Wilburn, OBA #33641

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298


Telephone: (405) 522-5803

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 29 day of April, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**MAHLER ENTERPRISES LLC  
1816 JOHNSTON RD.  
IOWA PARK, TX 76367**

  
\_\_\_\_\_  
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. )

MAHLER ENTERPRISES LLC )  
1816 JOHNSTON RD. )  
IOWA PARK, TX 76367 )

RESPONDENT. )

Case Nos: OGC-25-619

**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: \_\_\_\_\_

## Exhibit 2

August 25, 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 3765 2580 74.**

#### Item Details


<b>Status:</b>	Delivered, Left with Individual
<b>Status Date / Time:</b>	July 19, 2025, 3:17 pm
<b>Location:</b>	IOWA PARK, TX 76367
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™
	Return Receipt Electronic

#### Shipment Details

<b>Weight:</b>	1.7oz
----------------	-------

#### Recipient Signature

Signature of Recipient:

  
Sheri Mahl

Address of Recipient:

1816 JOHNSON RD, IOWA  
PARK, TX 76367

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

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

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

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. BRIAN SHEFFIELD**

**Case File No. OGC-25-602**

**BRIAN SHEFFIELD  
205 NASH AVE.  
FT. GIBSON, OK 74434**

**Summary of Facts:** In July of 2024, a complaint inspection was performed, the inspectors observed some of the trees in the nursery having cupped leaves. They also observed curled weeds in Respondent's soybean field southeast of the nursery. According to the Department's investigation the Respondent applied a non-approved general use Dicamba product to a crop that requires specific restricted use Dicamba products to be applied. Additionally, multiple application records requests were sent to the Respondent beginning August 8, 2024, and he did not supply his records to the Department until April 3, 2025.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(5), and O.A.C 35:30-17-21(d) by applying a pesticide in a manner inconsistent with the product label and not providing information about pesticide activities in a timely manner when requested.

**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 September 11, 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**

**FILED**  
SEP 15 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-25-602**

**BRIAN SHEFFIELD )  
205 NASH AVE. )  
FT. GIBSON, OK 74434 )**

**RESPONDENT. )**

**PROPOSED FINAL ORDER**

NOW on this 11<sup>th</sup> day of September 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 11<sup>th</sup> day of September 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 5110 on April 17, 2025, to Brian Sheffield, at 205 Nash Ave., Ft. Gibson, OK 74434.

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 July 31, 2024, a complaint inspection was performed by the Consumer Protection Division of the Department in Ft. Gibson, OK. During this investigation, the

Department's inspectors observed some of the trees in the nursery having cupped leaves. They also observed curled weeds in Respondent's soybean field southeast of the nursery. According to the Department's investigation the Respondent misapplied Rifle Herbicide as it is not labeled to be applied to soybean fields. Specifically, the Respondent applied a non-approved general use Dicamba product to a crop that requires specific restricted use Dicamba products to be applied. Additionally, multiple application records requests were sent to the Respondent beginning August 8, 2024, and he did not supply his records to the Department until April 3, 2025. *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 April 17, 2025. *See* certified mail receipt attached hereto as Exhibit 2.

4. A hearing was set for 11<sup>th</sup> day of September 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 One Thousand Five Hundred Dollars (\$1500.00) 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. § 3-86(A)(4), 2 O.S. § 3-86(A)(5), and O.A.C 35:30-17-21(d) which are listed below.

- 2 O.S. §3-86(A)(4): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (4) A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”
- 2 O.S. §3-86(A)(5): “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: (5) Failure or refusal to furnish the Board, upon request, true information regarding methods, pesticides, and safety measures used, work performed, or other information required by the Board, or for making any false statement or representation in the person's application for issuance or renewal of a permit.”
- O.A.C 35:30-17-21(d): “Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven (7) working days when requested by mail or in person shall be a violation of this section.”

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 April 11, 2025, be adopted as a Final Order and a penalty in the amount of One Thousand Five Hundred Dollars (\$1500.00) imposed on the Respondent.

SIGNED THIS 15<sup>th</sup> DAY OF Sept. 2025.



HONORABLE 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:

BRIAN SHEFFIELD  
205 NASH AVE.  
FT. GIBSON, OK 74434

A handwritten signature in black ink, appearing to read "G B", is positioned above a horizontal line.

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.**

**BRIAN SHEFFIELD  
205 NASH AVE.  
FT. GIBSON, OK 74434**

**RESPONDENT.**

**Case Nos: OGC-25-602**

**STATE BOARD OF AGRICULTURE  
APR 11 2025**

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 11<sup>th</sup> 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.**

---

<sup>1</sup> 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 July 31, 2024, a complaint inspection was performed by the Consumer Protection Division of the Department in Ft. Gibson, OK.

19. During this investigation, our inspectors observed some of the trees in the nursery having cupped leaves. They also observed curled weeds in your soybean field southeast of the nursery.

20. According to your application records you applied Rifle Herbicide to the soybeans from 9:00 am to 11:00 am on July 8, 2024, during a 5-mph north wind.

21. According to our investigation you misapplied Rifle Herbicide as it is not labeled to be applied to soybean fields. Specifically, you applied a non-approved general use Dicamba product to a crop that requires specific restricted use Dicamba products to be applied only

22. Additionally, multiple application records requests were sent to you beginning August 8, 2024, and you did not supply your records to our office until April 3, 2025.

23. Applying a pesticide in a manner inconsistent with the product label and not providing information about pesticide activities in a timely manner when requested are violations of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(5), and O.A.C 35:30-17-21(d).

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(4), 2 O.S. § 3-86(A)(5), and O.A.C 35:30-17-21(d) which are listed below.

- 2 O.S. §3-86(A)(4): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (4) A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”
- 2 O.S. §3-86(A)(5): “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: (5) Failure or refusal to furnish the Board, upon request, true information regarding methods, pesticides, and safety measures used, work performed, or other information required by the Board, or for making any false statement or representation in the person's application for issuance or renewal of a permit.”

- O.A.C 35:30-17-21(d): “Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven (7) working days when requested by mail or in person shall be a violation of this section”

#### **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 [Kjersten.wormus@ag.ok.gov](mailto:Kjersten.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 9th day of April, 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 11 day of April, 2025, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**BRIAN SHEFFIELD  
205 NASH AVE.  
FT. GIBSON, OK 74434**

  
\_\_\_\_\_  
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-25-602**

**BRIAN SHEFFIELD )  
205 NASH AVE. )  
FT. GIBSON, OK 74434 )**

**RESPONDENT. )**

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date:\_\_\_\_\_



## Exhibit 2

September 12, 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 3765 2551 10.**

#### Item Details

<b>Status:</b>	Delivered, Individual Picked Up at Post Office
<b>Status Date / Time:</b>	April 17, 2025, 8:57 am
<b>Location:</b>	FORT GIBSON, OK 74434
<b>Postal Product:</b>	First-Class Mail <sup>®</sup>
<b>Extra Services:</b>	Certified Mail <sup>™</sup> Return Receipt Electronic

#### Shipment Details

<b>Weight:</b>	4lb, 3.0oz
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#### Recipient Signature

Signature of Recipient:

*C Sheffield*  
*Conny Shedd*

Address of Recipient:

*205 Nash Ave*  
*Fort Gibson, OK 74434*

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<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

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