

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

Thursday, October 28, 2021
1:00 p.m.

2800 N. Lincoln Blvd.
Oklahoma City, OK 73105

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

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 September 15, 2021.
6. Consideration and Proposed Action on Division Reports
 - A. Administrative Services – Dan Ridings
Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.
 - B. Laboratory Services – Wade Krivanek
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
 - C. Forestry Services – Mark Goeller
Summary of activities and accomplishments in resource protection and rural fire defense, forest management and regeneration, water quality, urban forestry, forestry education and law enforcement. Includes statistics on wildfires and law enforcement activity and narrative of forestry program highlights for the month.
 - D. Consumer Protection Services – Kenny Naylor
Addresses stop sale orders on insect and disease infested crops, phytosanitary certificates issued, insect survey summaries, pesticide registration updates, pesticide inspections, seed program and seed laboratory updates, weights and measures reports, scanner inspections, grain warehouses and meetings attended by division personnel.

- E. Animal Industry Services – Rod Hall, DVM
Addresses information and activities of staff related to control and eradication of animal diseases affecting livestock and livestock market audits. It also addresses emergency response preparation and education for response to any outbreak of foreign, emerging and/or eradicated disease.
- F. Wildlife Services – Scott Alls
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 Cohenour
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 – Morgan Vance

7. Consideration and Proposed Action on Purchases/Contracts
Oklahoma Governor's Office - \$37,500
Oklahoma State University - \$2,000,000
OSU Plant Disease and Insect diagnostic Lab - \$47,991
FY22 – River Parks Authority Invasive Species Project - \$18,000
FY22 – strapping machine used at The Forest Regeneration Center - \$9,500
FY22 – \$50,000 Sub-awards given for development of Community Wildfire Preparedness Plans
FY22 – Additional \$125,000 to original request approved on 2/3/21 of \$200,000 to a total of \$325,000. New total was not given until after 8/12/21.
FY22 – Transport - \$182,000 (SFA-Response)
FY22 – Skid Steer - \$118,000 (SFA-Mitigation)
FY22 – Drones - \$24,000 (LSR)
FY22 – Handheld Radios - \$115,000
USDA-AMS Feeder Prices Grant - \$94,000

8. Consideration and Proposed Action on Cases Resolved by Stipulations

Agricultural Environmental Management Services

Ernest Fisher, 29335 S. 257TH W. Ave. Bristow, Oklahoma
Jeffrey Brian Harrison, 695 County Road 1013 NW, MT. Vernon, Texas
Elvis Poor, 14062 Liberty Hill Road, Cameron, Oklahoma
Trang Farms, 2401 Wyndermere Way, Fort Smith, Arkansas
Nghi Uy Truong, 11520 E. 91st ST., Broken Arrow, Oklahoma
Jeff Vinson, 621W. 22ND. St., Ada, Oklahoma
Vang Cheng Yang, 20251 S. 550 Road, Fairland, Oklahoma

Consumer Protection Services

Chemical Weed Control, Inc., 23949 E. 1010 Rd., Weatherford, Oklahoma
Annie Chin, 29225 Dustin Road, Henryetta, Oklahoma
Ronald J. Cline, 424 13th Ave. NE, Miami, Oklahoma
Lawn Guard, 2660 Florance Ave, Tulsa, Oklahoma
Farmers Cooperative, 2105 Industrial Park Road, Van Buren, Arkansas
Partners Lawncare, Inc., 15150 77th E. Ave., Bixby, 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 Acton on Cases Resolved by Consent Order

Consumer Protection Services

Sooner Scale, Inc., P. O. Box 82386, Oklahoma City, Oklahoma

10. Next Board meeting scheduled for Wednesday, December 8, 2021 at Oklahoma City.
11. Old Business
12. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.
13. Adjournment

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

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

Oklahoma City, Oklahoma
September 15, 2021

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., September 15, 2021, in the Agriculture Building, Oklahoma City, Oklahoma. Written notice of this meeting was filed with the Secretary of State. A notice was posted at the Agriculture Building 24 hours prior to the meeting setting forth thereon the date, time, place and agenda for the meeting and an agenda was posted on the agency website.

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

Others Present: Kandi Batts, Executive Secretary
 JanLee Rowlett, Deputy Commissioner
 Dan Ridings, Director, Administrative Services
 Mark Goeller, Director, Forestry Services
 Kenny Naylor, Director, Consumer Protection Services
 Dr. Rod Hall, Director, Animal Industry Services
 Troy Marshall, Director Agricultural Statistics
 Meriruth Cohenour, Director, Market Development Services
 Caleb Whitcomb, Agricultural Environmental
 Management Services
 James Rucker, Office of General Counsel
 Scott Yates, Director, Food Safety Services
 Morgan Vance, Communications
 Kevin Shelton, OSU

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

Ms. Meriruth Cohenour introduced the guest.

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the minutes of the regular meeting of August 11, 2021, as presented.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Abstain
Cook	Aye

The motion carried.

Secretary Arthur mentioned that Kenny Naylor is the recipient of the 2021 NASDA Douglass-Irvin Administration Award and will be recognized on Tuesday, September 21, 2021, in Kentucky at the President's Dinner at Churchill Downs.

A motion was made by Mr. Farris, seconded by Mr. Burtrum, to approve the division reports with corrections made to the Animal Industry division report. Dr. Hall submitted the incorrect board report prior to the Board Meeting. The correct report was emailed to the Board Members and Directors on September 16, 2021.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Cook, to approve the following purchases/contracts as submitted and contained on pages 5 through 7.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Cook, to approve the Proposed Action on Stipulations as submitted and contained on pages 8 and 9.

Consumer Protection Services

7-Eleven, 9416 S. Western, Oklahoma City, Oklahoma
D's Metal Recycling, 721 Boren Blvd, Seminole, Oklahoma
Eckles Aircraft, LLC, 330 Airport Lane, P. O Box, 1015, Holdenville, Oklahoma
Farmers Cooperative Association, 411 E. Street, Snyder, Oklahoma
Mid-America Feed, Inc., P.O. Box 11, Talala, Oklahoma
Sayre Grain, 202 N. Broadway Street, Sayre, Oklahoma

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

****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.”

A motion was made by Mr. Cook, seconded by Mr. Farris, to approve the Proposed Action on Proposed 2022 Board of Agriculture Meeting Dates as submitted and contained on pages 10 and 11.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

Correction: The next Board of Agriculture Meeting is scheduled for Thursday, October 28th in Oklahoma City.

There is no Old business presented for the Board to take action upon. Mr. Burtrum moved, Mr. Cook seconded, that the meeting be adjourned at 11:10 a.m.

By _____
President

ATTEST: _____
Executive Secretary

SEPTEMBER 15, 2021 BOARD MEETING

PURCHASES/CONTRACTS

Consumer Protection Services

Kelly Registration System (KRS)--ACH reimbursement --\$33,750.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

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

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

This money is an overpayment by KRS and needs to be returned.

Food Safety

Required Annual Organic Audit - \$20,000.00

The Oklahoma Department of Agriculture, Food & Forestry, Organic Section is an accredited certifying agency through the United States Department of Agriculture, National Organic Program. The Organic Section provides organic certification to industry for crops, livestock and processing facilities, along with on-site inspection, exit interview, and sample results. The industry requesting this service must pay a fee for this service. Organic inspectors also perform retail, wholesale and farmers market surveillance inspections and sampling is conducted to ensure USDA National Organic Program standards are met.

This audit is required to ensure The Oklahoma Organic program is in compliance with the National Organic Program and Oklahoma Organic Products Act.

Training for Organic Inspector Dee Raper – Farmington, Minnesota - \$8,000.00

The ODAFF Organic Program an accredited certifying agency of the USDA National Organic Program, must use inspectors which are trained by an organization that provided expertise in organic production. The International Organic Inspectors Association provides trainings that comply with the requirements in the National Organic Program regulations for training organic inspectors.

Window tint for Food Safety field staff vehicles - 30 vehicles - \$6,000.00

Food Safety has field staff that work out of their vehicles conducting inspections and investigations for the agency. Heat from the sun in the summer months while conducting inspections and investigations are exceptionally hard on electronics, sampling equipment, and the samples collected. The heat and direct sunlight can and has created problems for the computers used in the field. There have been times when excessive heat has caused computers to shut down or not work properly. Often during these times the inspectors are collecting samples of different types including soils, water, and perishable foods. These samples must be preserved at a reasonable temperature. Storing a sample in a vehicle where temperature can get excessively high could potentially compromise the sample effectively rendering it useless and impacting the outcome of the inspection and/or investigation. Samples are stored in coolers but at times it is still difficult to maintain temperature integrity in a cooler in a hot vehicle in the summer months. Being able to tint the windows will greatly help reduce the temperature in the vehicle as well as reduce the direct sunlight on electronics and other equipment. In addition to protecting electronic equipment and sample integrity from heat, these inspectors are required to complete electronic reports in the field. Completing task on the computer can be difficult without the tint due to glare on the screen from direct sunlight. An additional benefit would be deterring theft of computers, badges, and other equipment by making it less visible from outside the vehicle.

Forestry Services

FY22 - \$150,000

Purchase and repair of mobile/handheld radios and supplies for OFS personnel. These radios will be used for fire suppression activities, emergency response and fuels mitigation projects across the entire state. All these activities are critical in preparing Oklahoma communities for potential impacts from wildfire and providing enhanced public safety. Funding for these purchases will come from the US Forest Service Community Protection Program Grant (\$20,000) and the OFS 245 – Emergency Fund (\$130,000).

Laboratory Services

Request approval for the purchase of Lacti-check Milk Analyzer Kit. Total cost not to exceed \$5,427.38. (To be purchased with the Food Safety Grant).

Request approval for the purchase of Steam Scrubber Glassware Washer. Total cost not to exceed \$6,723.82. (To be purchased with the Food Safety Grant).

Request approval for the purchase a Petrifilm Plate Reader. Total cost not to exceed \$8,500.00. (To be purchased with the Food Safety Grant).

Request approval for the pickup and disposal of laboratory hazardous waste. Total cost not to exceed \$8,385.50.

Purchase of an Autoclave - \$85,000.00

Purchase of an autoclave for the Dairy and Food Safety Section is necessary to sterilize in-house made media by heat and pressure in order to kill all bacteria present before use to ensure all results are correct. Per FDA guidelines the autoclave must reach pressure and temperature within 15 minutes of the start of the cycle. The current countertop model does not meet this guideline and the FDA could remove the Section's certification. The Section currently tests for Listeria, Salmonella and E.coli, without an autoclave pre-made media would need to be purchased at an additional higher cost.

Request approval for the purchase of a GC/MS (Gas Chromatograph equipped with a Mass Spectrometer). Total cost not to exceed \$110,000.00. (To be purchased by Consumer Protection Services). Purchase of a GC-MS is necessary for the qualification screening of the following residue scans in the Pesticide Section: Orange Scan, Red Scan, OC/OP/ON Scan, SAAM Scan, and Bump Scan. The current GC-MS used for residues was purchased in 2008. The costs of repairing and maintaining continue to rise, and the current software is out of date. This new purchase will replace the residue 2008 GC-MS, and will also replace the formulations 2001 GC-MS instrument used for Contaminant Screens.

Request approval for the purchase of a service maintenance contract renewal for the HPLC Triple Quad System (High Performance Liquid Chromatography). Effective 11/01/21 - 10/31/21. Total cost not to exceed \$27,693.00. (To be purchased by Consumer Protection Services). Purchase of Preventative Maintenance Agreement for the HPLC-MSMS Triplequad in the Pesticide Section ensures continuous and consistent operation of the instrument and improves overall quality of the data being reported.

Request approval for the purchase of a service maintenance contract for two HPLC's. Total cost not to exceed \$13,117.20. (To be purchased by Consumer Protection Services). Purchase of a Preventive Maintenance Agreement for the dual HPLCs (one for Formulations testing, one for Hemp testing) is necessary to keep the two pieces of equipment up and running, avoiding significant downtime. Without an agreement, there would be significant out of pocket costs and delayed response times.

Request approval for the purchase of a service maintenance contract for the LECO Sulphur Analyzer and the LECO Nitrogen Analyzer. Total cost not to exceed \$6,440.00. (To be purchased by Consumer Protection Services).

Request approval for the purchase of a service maintenance contract for the ICP (Inductively Coupled Plasma-Optical Emission Spectrometry Unit). Total cost not to exceed \$8,726.40.

Wildlife Services

\$29,040 - ODAFF Wildlife Services is requesting approval for the OKC Landfill Agreement regarding the removal of nuisance birds. Not approving this purchase would result in a human health and safety hazard for the public.

\$3,310 - ODAFF Wildlife Services is requesting approval for the General Services Administration Agreement regarding the removal of feral pigeons. Not approving this purchase would result in a human health and safety hazard for the public.

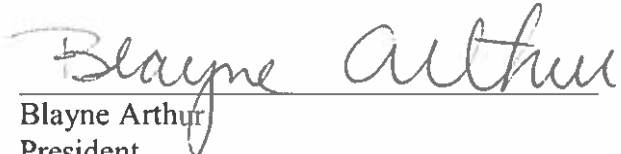
**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

APPROVAL OF CASES

ON THIS 15th day of September 2021 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 15th day of September 2021.



Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
September 15, 2021

Cases Resolved by Stipulation

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
7-Eleven	OGC-21-171	CPS	\$225.00
D's Metal Recycling	OGC-21-316	CPS	\$200.00
Eckles Aircraft, LLC	OGC-20-756	CPS	\$1,000.00
Farmers Cooperative Assoc.	OGC-20-850	CPS	\$250.00
Mid America Feed, Inc.	OGC-20-612	CPS	\$3,500.00
Sayre Grain	OGC-21-110	CPS	\$250.00

2022 BOARD MEETING DATES

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, JANUARY 26, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, MARCH 9, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, APRIL 27, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, JUNE 15, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, JULY 27, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

THURSDAY, SEPTEMBER 15, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

TUESDAY, OCTOBER 18, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, DECEMBER 7, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

Oklahoma Department of Agriculture, Food & Forestry

October 28, 2021, Board Report

Administrative Services

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES AUGUST 2021



INVESTIGATIONS	AUGUST	YTD	FYTD
LIVESTOCK	6	28	7
FIRE	1	10	3
PROPERTY	5	22	10
TIMBER	1	3	1
AGENCY ASSISTS ODAFF	0	3	0
AGENCY ASSISTS EXTERNAL	0	7	0
OTHER	2	6	3
TOTAL INVESTIGATIONS OPENED	15	79	24
CLOSED PENDING ADDITIONAL INFORMATION	3	13	5
NO CRIME	6	15	6
NO PROSECUTION	0	2	0
CLOSED - ASSIST CASE	1	7	2
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	0	10	0
REFERRED FOR ADMINISTRATIVE ACTION	0	0	0
TOTAL INVESTIGATIONS COMPLETED	10	47	13
COUNTS FILED	0	23	1
VALUE OF LOSSES - ALL CRIMES	\$802,250	\$1,208,650	\$885,550
RECOVERED LOSSES - ALL CRIMES	\$106,000	\$201,500	\$118,000
NUMBER OF CATTLE REPORTED STOLEN	60	252	65
NUMBER OF CATTLE RECOVERED	49	125	49

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES SEPTEMBER 2021



INVESTIGATIONS	SEPTEMBER	YTD	FYTD
LIVESTOCK	2	30	9
FIRE	2	12	5
PROPERTY	1	23	11
TIMBER	2	5	3
AGENCY ASSISTS ODAFF	0	3	0
AGENCY ASSISTS EXTERNAL	1	8	1
OTHER	0	6	3
TOTAL INVESTIGATIONS OPENED	8	87	32
CLOSED PENDING ADDITIONAL INFORMATION	4	17	9
NO CRIME	1	16	7
NO PROSECUTION	0	2	0
CLOSED - ASSIST CASE	1	8	3
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	0	10	0
REFERRED FOR ADMINISTRATIVE ACTION	0	0	0
TOTAL INVESTIGATIONS COMPLETED	6	53	19
COUNTS FILED	0	23	1
VALUE OF LOSSES - ALL CRIMES	\$15,300	\$1,223,950	\$900,850
RECOVERED LOSSES - ALL CRIMES	\$55,000	\$256,500	\$173,000
NUMBER OF CATTLE REPORTED STOLEN	9	261	74
NUMBER OF CATTLE RECOVERED	20	145	69

Administrative Services



- Human Resources
 - 2022 Calendar year benefit enrollment was in October
 - Benefit allowances increased by 2%
 - Continued working with the BrightPath project team on implementing the Workday HR system
 - Implementation scheduled for April 2022

Administrative Services

- Finance & Accounting
 - Paid out \$4,000,991 in operational fire grants to over 800 fire stations all over Oklahoma
 - Financial Reports recently submitted:
 - FY 2023 Preliminary Budget
 - FY 2021 Cost Performance Assessment
 - FY 2022 Natural Resources Sub-Committee Report
 - FY 2021 GAAP Report

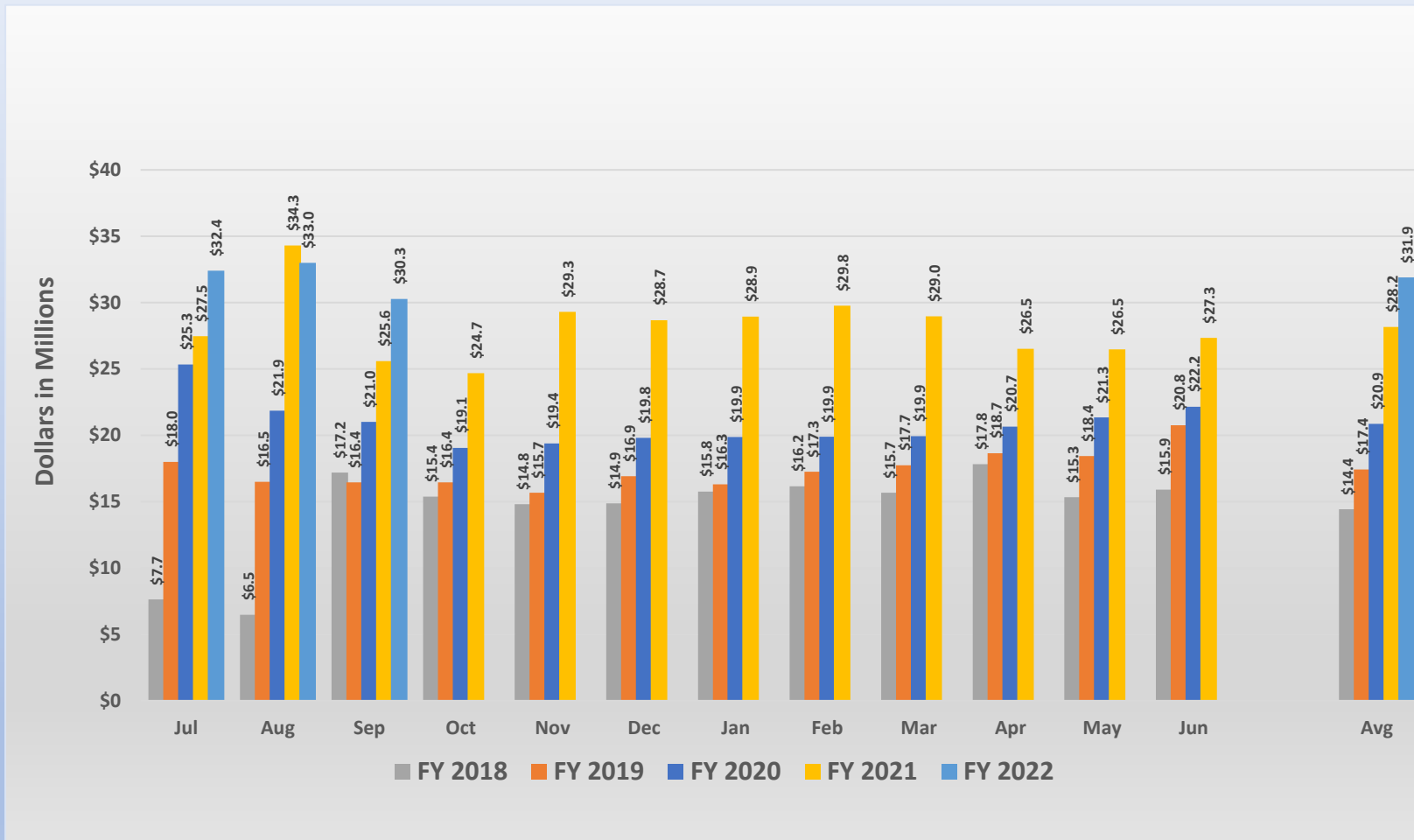


Administrative Services

- New Chief of Investigative Services started on October 25th
- Auto Vehicle Locators (AVL) to be installed
 - Was delayed due to the COVID-19 Pandemic
 - OMES presented the AVL software at a recent directors meeting

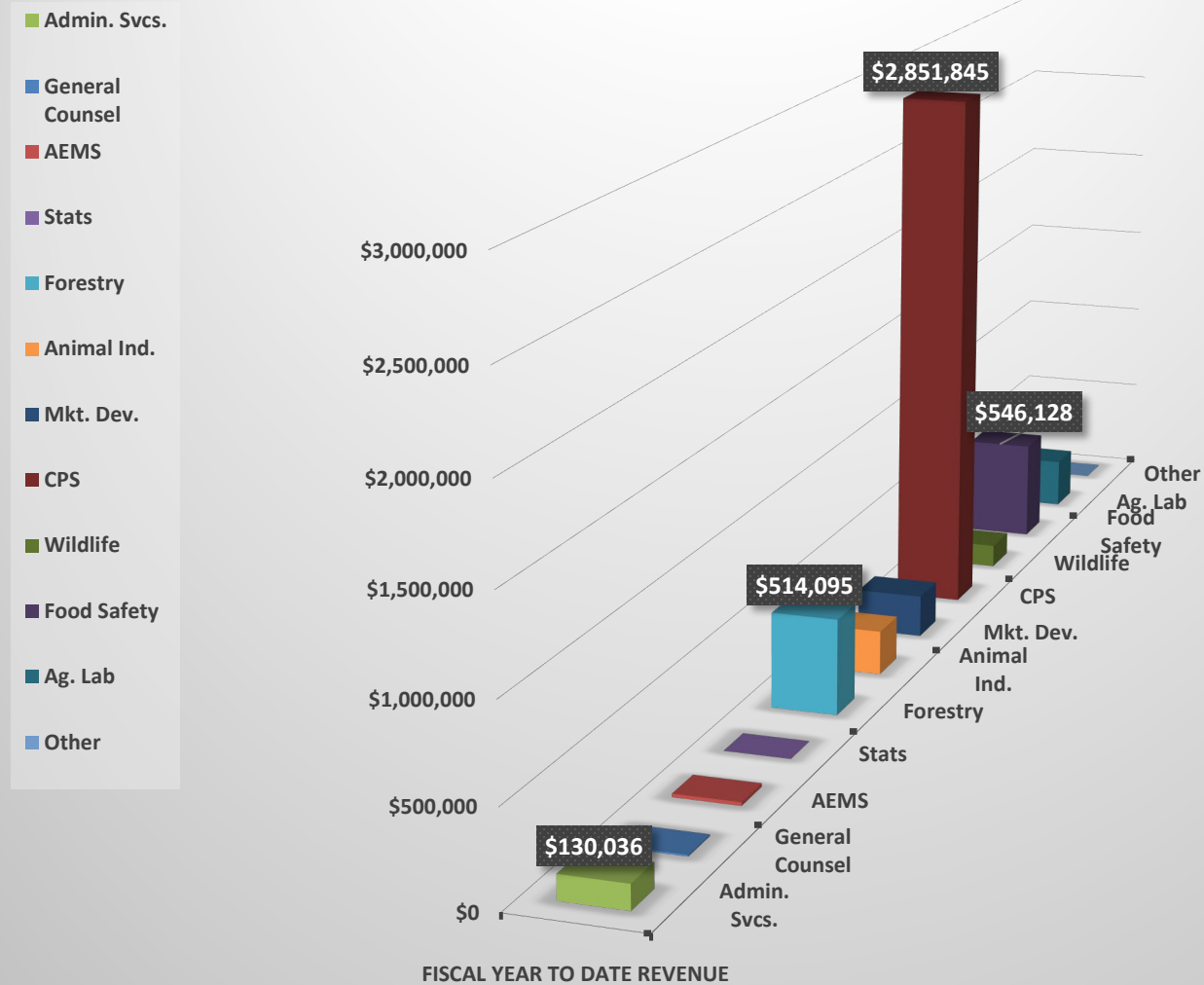
Available Cash at Month End per Allotment Budget & Available Cash Report

Months Ending: July 2017 – September 2021



Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,118,057 as of 9/30/2021.

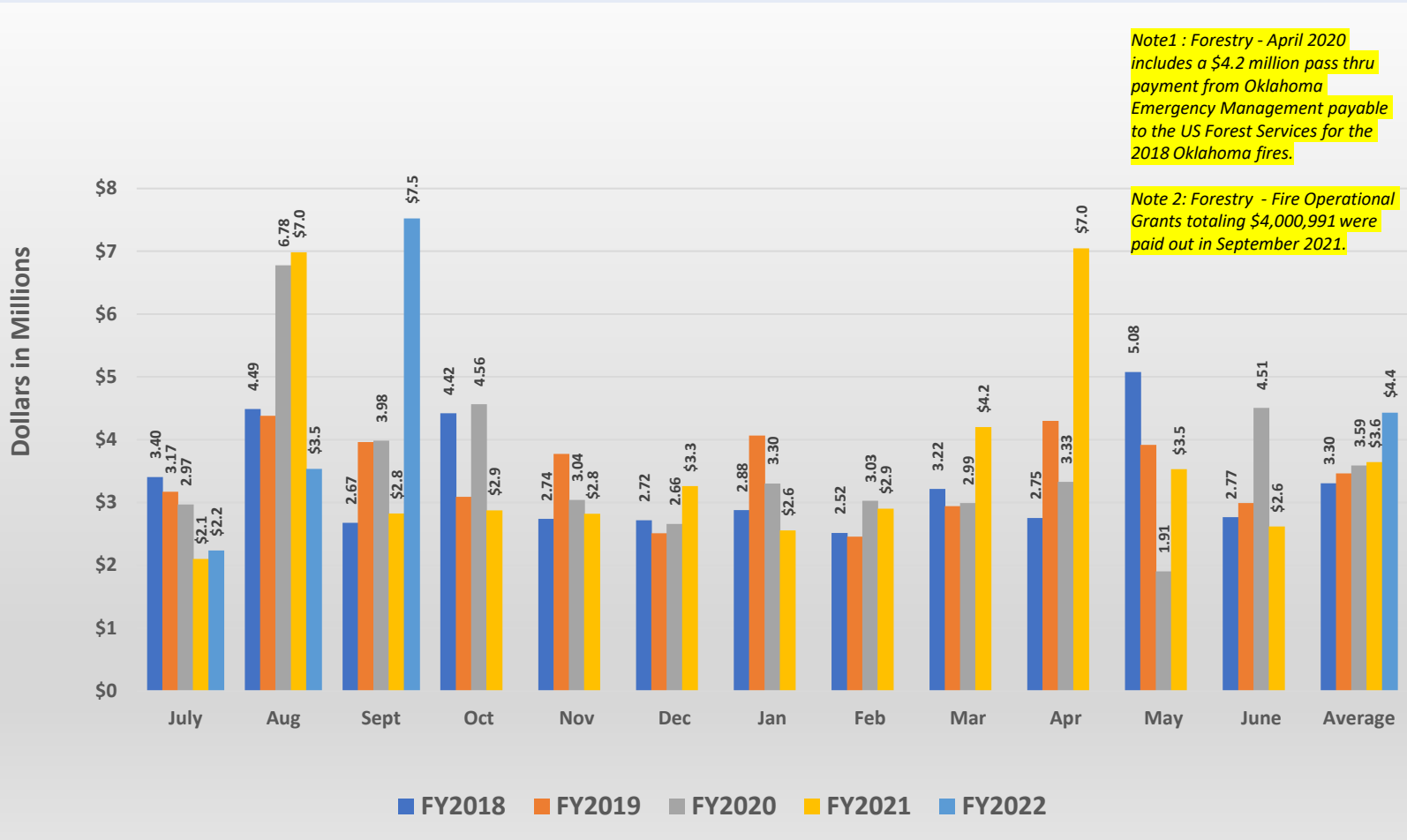
Revenue By Division – July - September 2021



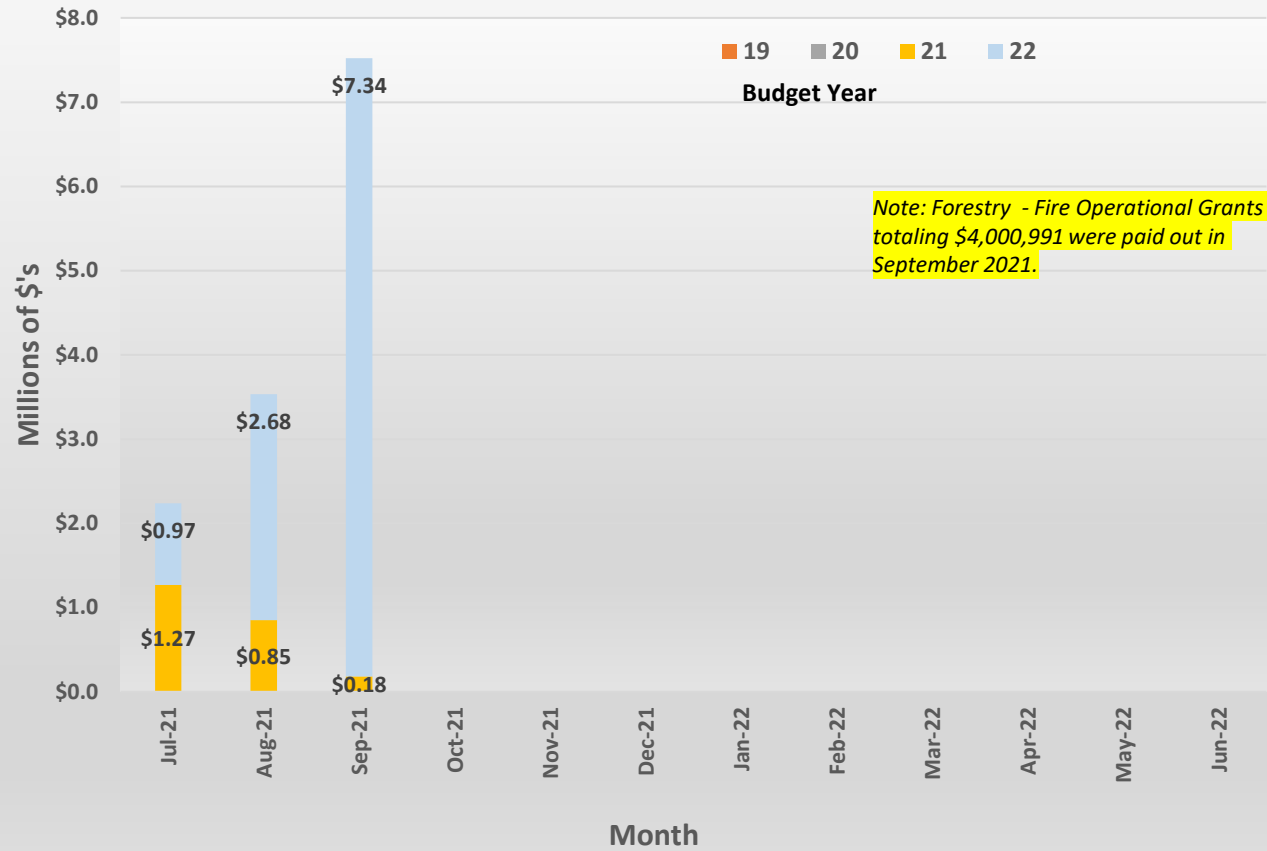
Administrative Services - Finance

- Revenues (excluding appropriations) for July thru September 2021 totaled \$5 million.
 - This is a decrease of approximately \$900,000 from July – September 2020.
 - Primarily due to a decrease in federal reimbursements due to timing differences

Total Expenses by Month July 2017 –September 2021



FY 2022 Total Expenses by Month with Budget Year



Administrative Services - Finance

- July - September 2021 expenses were \$13.3 million
 - Budget Year 2022 expenses of \$11 million
 - Budget Year 2021 expenses of \$2.3 million
 - Total expenses for the same period last year were \$21.7 million.
 - Current fiscal year expenses are down \$8.4 million
 - Primarily attributed to meat processing grants paid out via CARES Act funds during the same period in fiscal year 2021

Appropriations Transfers FY 2018 - thru September 2021



Employee FTE Totals

Fiscal Year FY 2006 – FY 2022



Note: FTE listed for fiscal year 22 was based on the FTE as of 10/15/21.

Administrative Services – Commodity Storage Indemnity

Commodity Storage Indemnity			
Investment Report			
As of September 30, 2021			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,118,056.91
<u>FY-2022 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest		\$10,466.19	\$32,163.97
Reinsurance		-	-
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	\$10,466.19	\$32,163.97
		=====	=====

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2022
As of September 30, 2021

Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru September 30, 2021

Object Code	Account Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 9/30/2021	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	18,440,202	3,847,099	22,604,970	(8,011,867)
512	Insur.Prem-Hlth-Life,etc	5,936,767	1,004,076	227,032	4,705,659
513	FICA-Retirement Contributions	4,557,555	906,301	-	3,651,254
515	Professional Services	2,865,945	400,463	1,330,901	1,134,581
519	Inter/Intra Agy Pmt-Pers Svcs	109,950	7,984	22,221	79,745
521	Travel - Reimbursements	324,545	16,723	-	307,822
522	Travel - Agency Direct Pmts	342,620	21,322	-	321,298
531	Misc. Administrative Expenses	861,791	148,106	239,493	474,192
532	Rent Expense	592,040	30,008	441,788	120,244
533	Maintenance & Repair Expense	1,130,554	40,987	472,158	617,409
534	Specialized Sup & Mat.Expense	1,221,855	6,005	969,756	246,094
535	Production,Safety,Security Exp	294,156	28,150	-	266,006
536	General Operating Expenses	184,403	20,335	-	164,068
537	Shop Expense	506,681	48,233	108,439	350,009
541	Office Furniture & Equipment	2,218,372	93,676	239,465	1,885,231
542	Library Equipment-Resources	600	-	-	600
543	Lease Purchases	1,750,868	421,057	1,178,943	150,868
546	Buildings-Purch.,Constr,Renov.	-	-	7,900	(7,900)
554	Program Reimb,Litigation Costs	7,076,598	4,029,025	1,181,116	1,866,456
555	Pmts-Local Gov't,Non-Profits	7,233,950	600	131,860	7,101,490
559	Assistance Pymts to Agencies	150,000	-	-	150,000
564	Merchandise For Resale	120,000	-	-	120,000
601	AFP Encumbrances	-	-	1,861,566	(1,861,566)
810	Req Only	-	-	1,635,175	(1,635,175)
	Operating Totals	55,919,452	11,070,150	32,652,783	12,196,520

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2022
As of September 30, 2021
Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru September 30, 2021

Class Funding	Class Fund Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 9/30/2021	Encumbrances & Pre Encumbrances	Available Budget
19011	Carryover	1,428,800	621,124	388,531	419,145
19201	GRF - Duties	27,423,346	2,971,502	16,335,858	8,115,986
20500	Rural Fire Defense Eqp Rev Fd	236,500	-	40,500	196,000
21000	Agriculture Revolving Fund	19,384,941	3,148,810	14,443,016	1,793,115
22500	Enhancement & Diversificatn Fnd	150,000	1,661	-	148,339
23000	Okla Pet Overpopulation Fund	12,000	5,000	5,000	2,000
23500	Animal Friendly Revolving Fund	12,000	5,000	5,000	2,000
25600	Ok Viticulture Enology Revl Fd	350,000	1,683	195,791	152,526
26200	Poultry Grading Revolving Fund	1,291,463	237,708	701,369	352,387
28500	Milk & Milk Prod Inspec Rev Fd	300,000	58,477	229,397	12,126
28700	Healthy Food Financing Revl Fd	150,000	6,667	17,600	125,733
42000	Specialty Crop Federal Funds	575,851	11,526	290,721	273,603
43000	Farm and Ranch Stress Alliance	500,000	-	-	500,000
57602	Duties	4,104,550	4,000,991	-	103,559
	Total	55,919,451	11,070,150	32,652,783	12,196,519

**OCTOBER 2021 BOARD REPORT
 AGRICULTURE LABORATORY SERVICES
 (August 2021 Activities)**

QUALITY MANAGEMENT SECTION: (Taryn Hurley, Quality Assurance Manager)

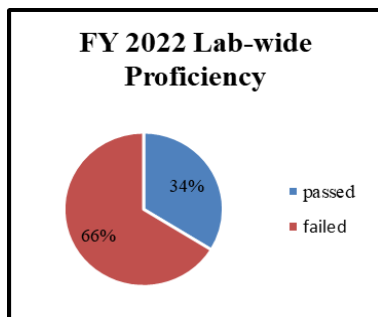
The routine distribution of quality control samples to respective sections of the Laboratory continued. Collection and submission of data to the respective study groups for statistical analysis was conducted.

Performance Test Logs for August 2021:

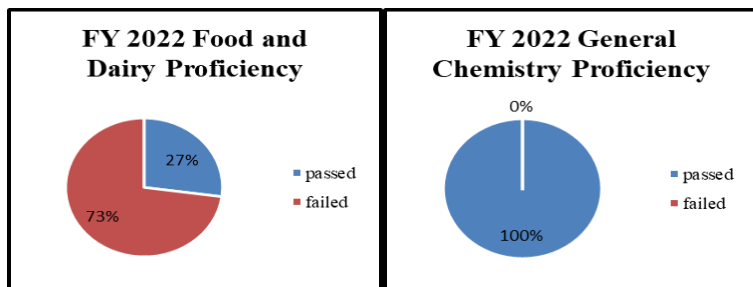
General Chemistry	
PT Samples Received	1
Number of Analytes	5
PT Samples Reported	4
Number of Analytes Reported	21
Completed PT Reports	2
Number of Analytes Passed	13
Number of Analytes Failed	0

Pesticides	
PT Samples Received	1
Number of Analytes	7
PT Samples Reported	1
Number of Analytes Reported	20
Completed PT Reports	0
Number of Analytes Passed	0
Number of Analytes Failed	0

Lab Wide PT Performance to Date in FY2022:



Individual Lab Performance to Date in FY2022:



In August,

- ❖ The annual internal audit of the General Chemistry Section was continued.
- ❖ Assisted with managerial tasks of the Pesticide Section including monthly USDA reports and data approval.
- ❖ The USDA MPI desk-audit continued.
- ❖ The QA Manager attended the Laboratory Issues Course provided by the Pesticide Regulatory Education Program (PREP).
- ❖ Initiated procedural updates to better accommodate customer and accreditation needs in the Inorganic Lab.

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

In August of 2021 the Section completed 229 samples consisting of 2041 determinations, with the following breakdown:

August 2021 Inorganic Breakdown

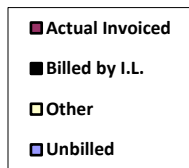
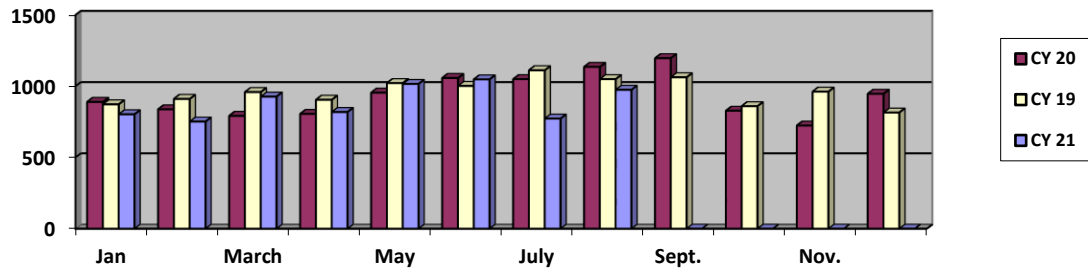
Customer	Samples	Determinations
OCC	212	1981
LMFO	6	36
Service	9	18
Pollution	2	6
Total	229	2041

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

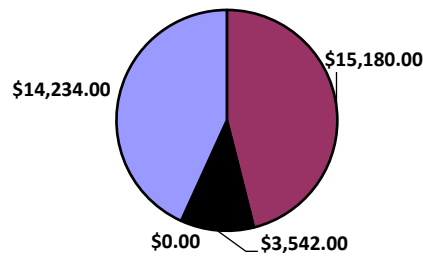
The month of August was an usual testing month. One more dairy went out of business this month which brings a total of twelve for the year. Four dairies were not tested. The Section was able to resume testing on meat samples after receiving PCR reagents and twenty meat samples were tested. Testing continued for *Listeria monocytogenes* in milk with thirteen surveillance samples.

The Section was informed that funding has been approved to purchase a new autoclave that will meet FDA guidelines. The Section will work with Facilities Management to remove the old non-functioning unit, and keep disruption to testing at a minimum.

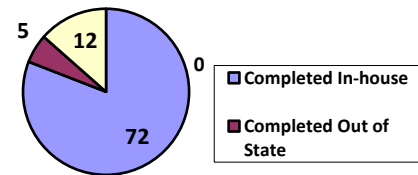
Total Determinations



Revenue Breakdown



Dairy Farms



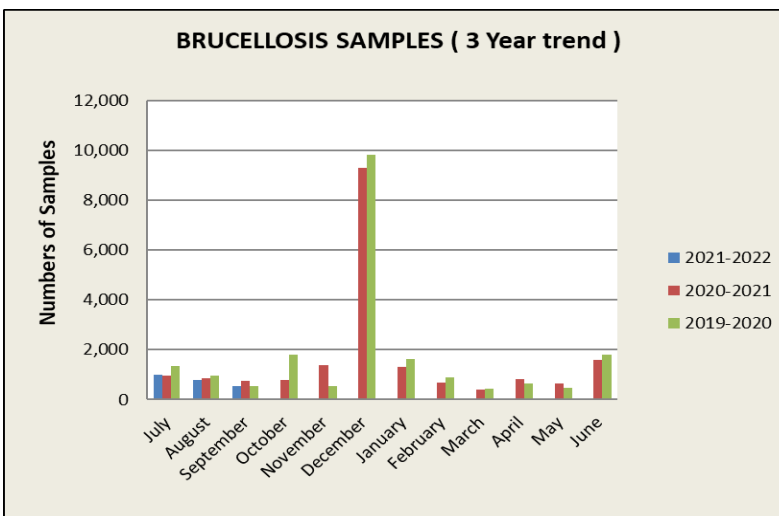
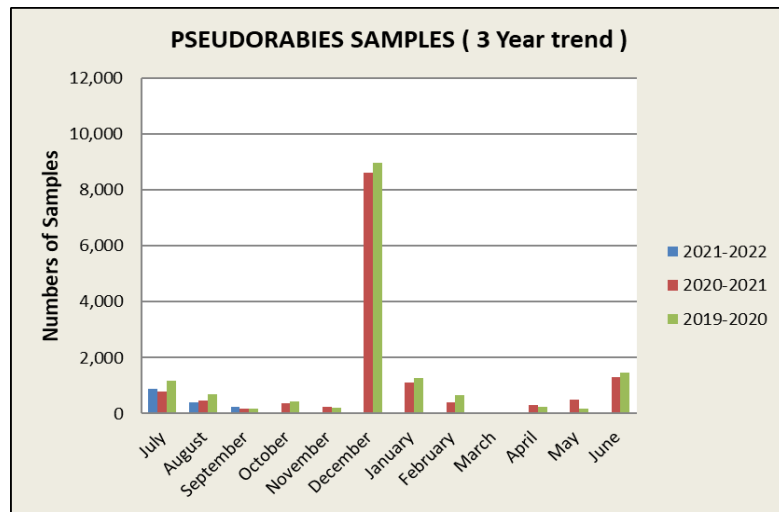
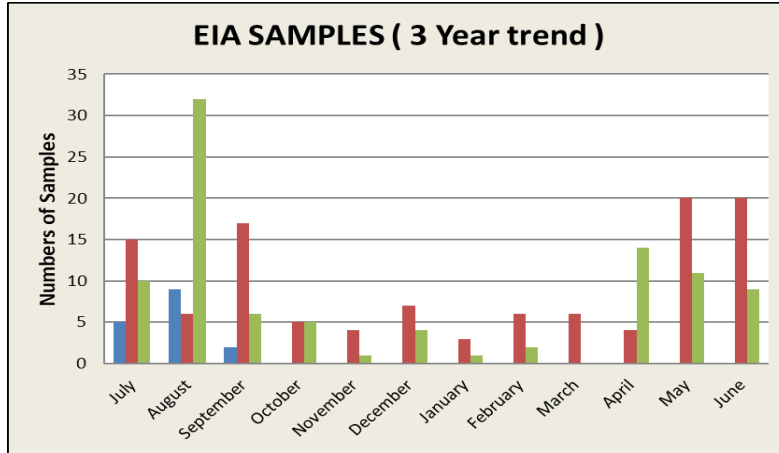
SEED SECTION: (Wade Krivanek, State Seed Program Administrator)

The Board of Directors of the Oklahoma Crop Improvement Association, along with Oklahoma Genetics Incorporated, held their quarterly meetings on August 19th, at the Department’s Laboratory conference room. Reports provided by the Directors indicate that yield results for the states certified wheat crop were favorable in most areas. Getting the crop harvested was a challenge for some due to heavy rainfall during much of the harvest season. The late combining of the crop raises the chance there could be problems with prohibited weeds during seed testing. In general, early test results on farmer saved wheat and other small grains have shown an above normal presence of field bindweed.

SEROLOGY SECTION: (Pete Bourns, Laboratory Scientist IV)

August

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2021	780	408	9
2020	871	468	6
2019	945	702	32



GENERAL CHEMISTRY SECTION: (Jennifer Busey, Environmental/Chemical Laboratory Scientist IV)

	Feed	Fertilizer	Lime	Total
Samples Received	317	60	11	388
Samples Completed	266	42	7	317*
Determinations	966	109	42	1121*
Violations	87	7	0	94
Violation %	9.01%	9.17%	0.00%	8.39%

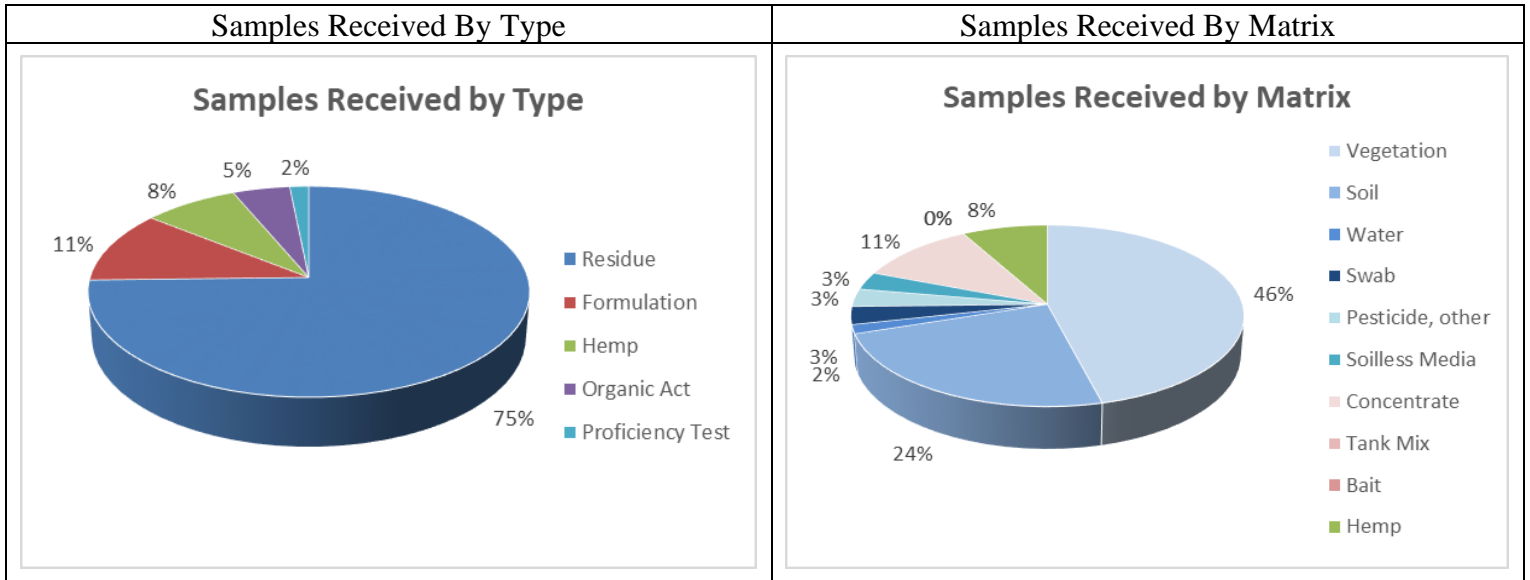
*Includes 2 samples for Pesticide

PESTICIDE SECTION: (Eli Klimek, Environmental/Chemical Laboratory Scientist IV)

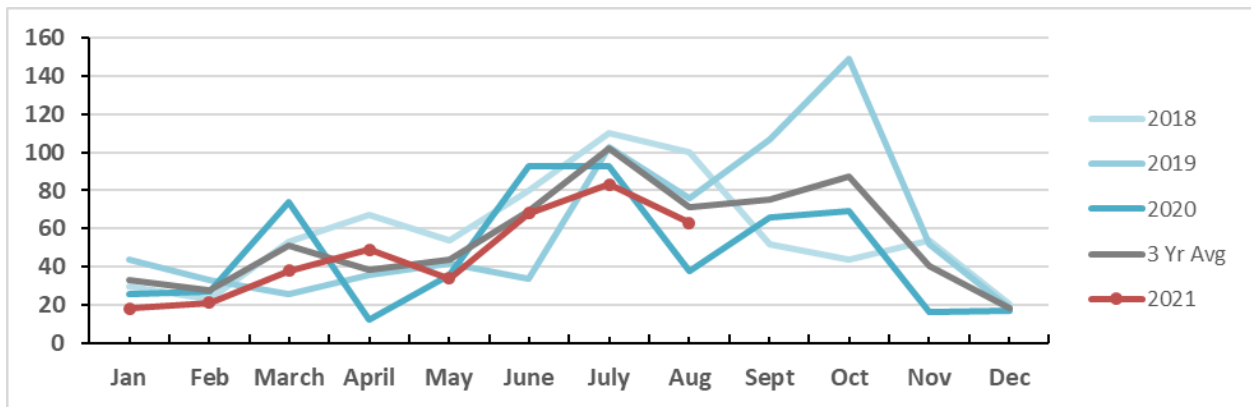
New analyst Jim Voss started August 2nd, completed his first month and is doing very well. The Section supervisor, Usha Pandey Kadel is currently on leave and Eli Klimek is serving as interim Supervisor while she is out.

Pesticide Section by the numbers:

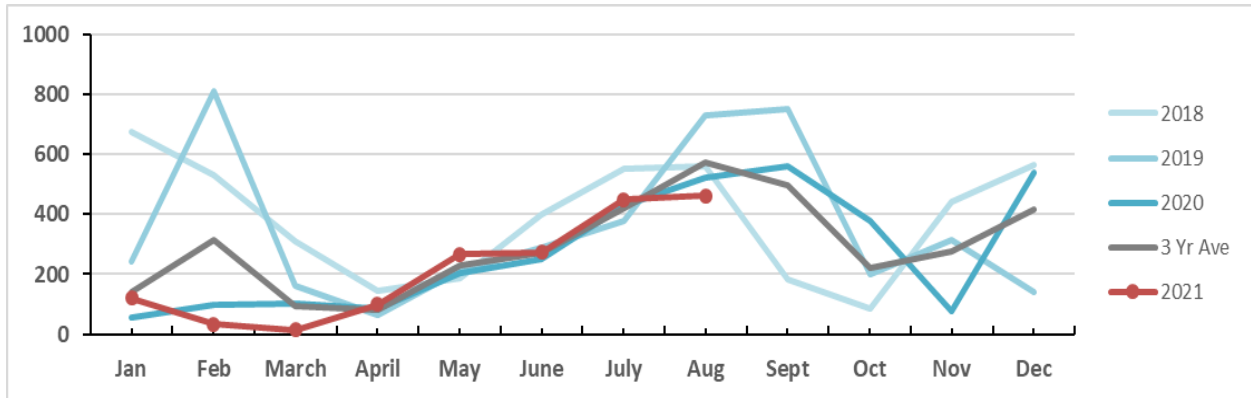
Type	Results Completed by Category				
	Samples	Tests	Determinations	Avg TAT (days)	
Residue Vegetation	38	69	455	45	Residue Avg TAT: 45 days
Residue Soil	1	2	20	43	
Residue Water	1	2	20	43	
Residue Swab	-	-	-	-	Formulations Avg TAT: 77 days
Pesticide, Other	-	-	-	-	
IFA Soilless	-	-	-	-	
Organic Act	-	-	-	-	Hemp Avg TAT: 6 days
Concentrate	3	6	7	77	
Tank Mix	-	-	-	-	
Bait	-	-	-	-	
Hemp	2	2	2	6	
Proficiency Test	1	1	20	32	
TOTALS	46	82	524	45	



Samples the Section received by month:



Determinations the Section completed by month:



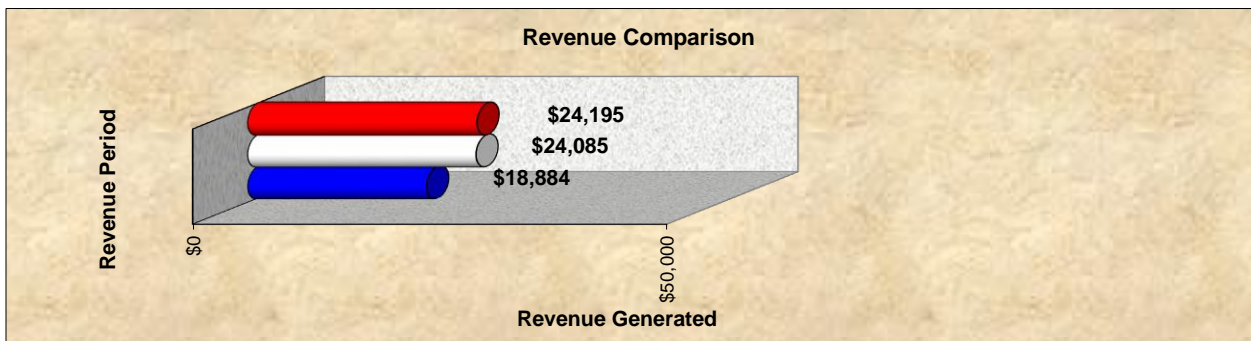
OKLAHOMA BUREAU OF STANDARDS: (Jeremy Nading, State Metrologist)

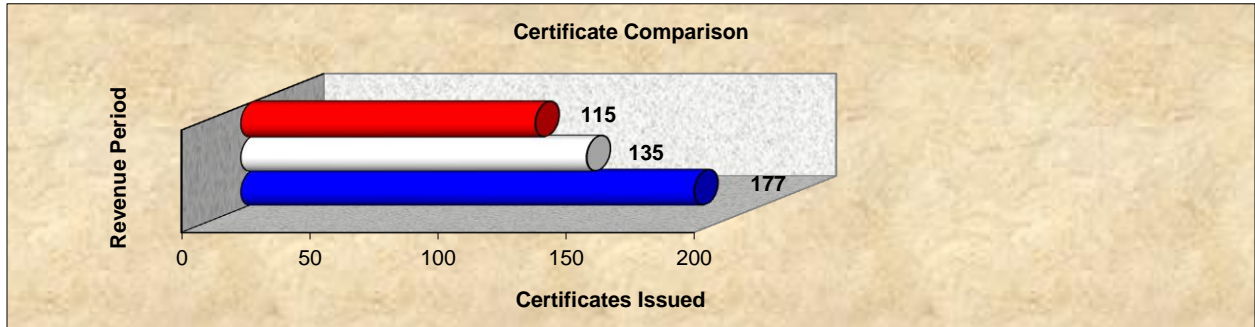
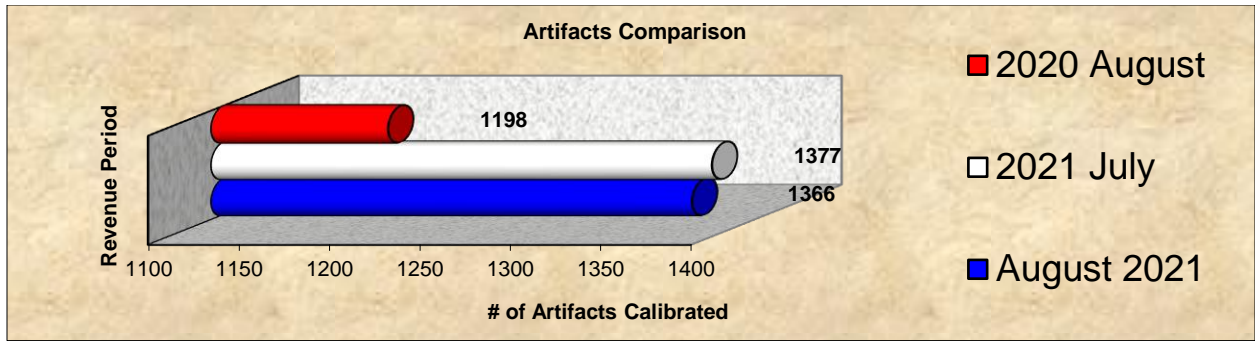
The following is a workload summary for the Oklahoma Bureau of Standards from August 1st through 31st.

The Bureau performed calibrations for the ODAFF General Chemistry and Inorganics Laboratories. The Bureau’s environment has been maintaining operating specifications very well.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	2	\$1,200.00	94 %	7	1 %
In-State Customers	23	\$17,684.00	6 %	1191	99 %
Totals	25	\$18,884.00	100%	1198	100%

Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
\$1,016.00	Mass I / II 7
Fees not Charged ODAFF CPS	Mass III 5
\$0.00	Volume 5





Respectfully Submitted,

Wade Krivanek
 Interim Laboratory Director
 Laboratory Services Division

**BOARD REPORT
 AGRICULTURAL LABORATORY SERVICES
 AUGUST 2021 ACTIVITIES**

FEED SAMPLES	317
FEED DETERMINATIONS	966
POSSIBLE VIOLATIONS	87
FERTILIZER SAMPLES	60
FERTILIZER DETERMINATIONS	109
POSSIBLE VIOLATIONS	7
LIME SAMPLES	11
LIME DETERMINATIONS	42
POSSIBLE VIOLATIONS	0
PESTICIDE SAMPLES	46
PESTICIDE DETERMINATIONS	524
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	229
DETERMINATIONS	2041
STATE-FEDERAL VET. LAB. SAMPLES	1197
STATE-FEDERAL VET. LAB. DETERMINATIONS	1487
NUMBER POSITIVES	0
SEED SAMPLES	185
SEED DETERMINATIONS	218
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	77
NUMBER OF STANDARDS CALIBRATED	1366
FEE CHARGES	\$18,884.00
DAIRY SAMPLES	498
DAIRY DETERMINATIONS	975
POSSIBLE VIOLATIONS	37
TOTAL SAMPLES	2620
TOTAL DETERMINATIONS	7728
TOTAL POSSIBLE VIOLATIONS	131



OKLAHOMA FORESTRY SERVICES BOARD REPORT

Division Activities from September 1 – September 31

Serving people by conserving, enhancing, and protecting our lands and forest resources

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

SEPTEMBER HIGHLIGHTS

Western Fire Mobilization

Oklahoma Forestry Services had 34 people working in various capacities, and 17 firefighting vehicles deployed to wildfire details in Montana, Idaho, California, Washington, Utah, Arizona, Colorado, Alaska, Minnesota, Arkansas, and Oregon over the past three months. Most of the 34 OFS personnel were dispatched to two or more assignments.

OFS Personnel served in many types of ICS positions including firefighters, initial attack dozer operators, engine bosses, incident commander, operations section chief, public information officer, status check-in, personnel time recorder, ground support unit leader, task force leader, safety officer and operations branch director. Multiple employees achieved new qualifications while on out-of-state assignments. Personnel and equipment travelling out-of-state are funded through cooperative agreements with the federal government, allowing the benefit of training and gaining experience at no cost to the State of Oklahoma.

RESILIENT LANDSCAPES

URBAN AND COMMUNITY FORESTRY

Oklahoma City National Memorial - On September 2nd Community Forester Mark Bays appeared on a webinar hosted by the Mississippi Daughters of American Revolution where he told the story of the history of the Survivor Tree. This was conducted via zoom from his remote office at home.

Homeowners Association - Service Forester Riley Coy and Mark Bays met with members of the Saint James Point Homeowners Association of Moore on September 15th to discuss forest restoration and health issues on the common grounds in their greenbelt and around a community pond. Reestablishing the forest cover that was removed because of the new turnpike to the north of their property is one of their priorities.



Oklahoma City Beautification - Mark Bays, ODOT District 4 Engineer Trenton January, and concerned individuals met with Oklahoma City Mayor David Holt September 16th to discuss tree placement and maintenance at the junction of I-40 and I-44. Trees planted in the 1990's are in various stages of health and their maintenance needs were discussed. This interchange is scheduled for widening and other improvements beginning as early as CY 2024.

Tree-to-Table - On September 29th Riley Coy led a conference focusing on Urban and Community Wood Utilization. Title: Community Wood Utilization: From Tree-to-Table. There were 70 people in attendance including arborists, sawmill operators, non-profit agencies, and community leaders from across the state.



Heritage Hills Tree Care Workshop - Mark Bays and Chris Martin of OG&E met in Oklahoma City with members of Heritage Hills Neighborhood Association Sunday October 3rd. Mark covered proper tree selection and pruning while Chris discussed OG&E's utility corridor tree management program.



Employee Kudos - Big Kudos goes out to Riley Coy for leading the coordination for the Community Wood Utilization Conference September 29th. Sawmill operators and arborists from around the state attended to begin the process of better utilizing large diameter logs removed from urban areas that have traditionally been discarded.

Upcoming Events

The Oklahoma Community Forestry Council will hold their Annual Conference October 21st in Edmond. Dr. John Ball of North Dakota State University and Dr. Carl Whitcomb, researcher, and author of Know-It-Grow-It are scheduled to be the keynote speakers.

Forest Regeneration Center (FRC) & Forest Tree Improvement Center (FTIC)

Seed Collection Continues

The FRC and FTIC continues to collect seed from across the state. This year nearly 200,000 lbs. of seed is needs collection for the 2022-2023 planting season. Numerous OFS staff from across the state are needed to complete this strenuous and time-consuming task. Pictured below are FRC Groundskeeper Lori Lennon and FRC Nursery Technician Quincy McSpadden collecting seed and finding interesting animals along the way!



FROM THE AREA OFFICES

Northeast Area

- **Forest Protection Highlights**

- From August 27th through October 8th the Northeast Area had 24 fires for 529.5 acres.
- NE Area employees continued with out-of-state fire assignments through September.
- On October 4, Forest Rangers Tony Hadley, Charles Kimble, Kasandra Roberts, & Matt Waldrop presented a Fire Prevention Program featuring Smokey Bear to Braggs School for a total of 150 children ranging from 3 years to 18 years.



Smokey at Braggs School



Kimble teaching Fire Prevention at Braggs School

- On September 28th, Forest Ranger Doug Duncan received Firefighter of the Year Award from the Oklahoma Forestry Association's Annual Banquet held at the Museum of the Red River in Idabel.



Scott Huff presenting Doug Duncan with Firefighter of the Year 2021

Forest Management/Program Highlights

- **Evan Long**, Service Forester in Tahlequah, has written two Forest Stewardship Plans. He has met with six landowners regarding tree health, diseases, and stewardship plans. Long responded to six phone calls regarding tree health, identification, and other management concerns. On September 20th, Forester Rudolph and Long made a presentation to Boy Scouts to explain what it means to be a Forester for Oklahoma Forestry Services. Following the presentation they took the Scouts to a local park to demonstrate how to identify various tree

species. On September 28th, Foresters Riley Coy, Mark Bays, Dieter Rudolph, & Evan Long attended the Community Wood Utilization conference. The conference was hosted by OFS and allowed the foresters to network with approximately 50 different individuals with professions ranging from arborists, sawmills, & waste management. The conference discussed the utilization of wood in an urban setting, & what different industries looked for regarding urban timber.

- **Josh Isaac**, Service Forester in Sallisaw, has consulted with six different landowners regarding management plans and tree health assessments. Isaac completed one management plan for Turkey Mountain Urban Wilderness Area in Tulsa. Isaac helped organize the Boy Scout presentation with Foresters Long & Coy, as well as helping landowners via email with tree purchasing.
- **Connie Robinson**, Service Forester in Jay, has assisted two landowners interested in prescribed burning their property in Delaware County. She has also visited properties to help with forest inventory and assisted one landowner interested in possibly harvesting Black Walnut trees. Robinson has visited landowners in Delaware County for Forest Stewardship monitoring and has completed two Forest Stewardship plans for landowners in Delaware County. In September, Robinson attended Monarchs on the Mountain event in Tulsa County and assisted with the Forestry booth.
- Several employees in the N.E. Area received career progressions this past month:
 - o Cole Hix, from Forest Ranger II to Forest Ranger III
 - o Doug Duncan, from Forest Ranger II to Forest Ranger III
 - o Evan Long, from Forester I to Forester II
 - o Kaley Helton, from Administrative Assistant II to Administrative Programs Officer I

Administration

Kaley Helton completed several webinars in the months of September & October for her Certified Procurement Officer training. Topics covered included:

- Performance Information Procurement System- A Deeper Dive
- Ethical Procurement Values & Behaviors
- Continuing Education, CEU's, & Provisions in a Pandemic

Kaley has completed a total of 24 continuing education credits towards her Certified Procurement Officer certification on October 5th for the year of 2021.

East Central Area

- **Forest Management Highlights**

Eight new forest stewardship plans have been completed since last report on a total of 2,021 acres. The properties are in Le Flore, Latimer, Haskell, and Pittsburg counties.

- **Information / Education Highlights**

Two fire prevention programs were held at McAlester Schools with the McAlester Fire Department, reaching approximately 250 students.

- **Intern Forester Update**

The summer internship program has finished for the year. The focus now shifts to next year's interns. Riley Coy and Craig Marquardt made a trip to Stillwater in early October to talk to OSU forestry majors about the internship and about the wide variety of assignments OFS foresters engage in.

- **Safety / Training Highlights**

Monthly safety meetings have been held the past several months with a constant eye toward keeping our personnel from congregating in small, enclosed areas. Videos and printed materials on important safety issues have been available for review on more of an individual basis.

- **Upcoming Events for October and November**

October 11th – new Dispatch Procedures rollout at Wilburton

October 14th – 17th – Robber's Cave State Park Fall Festival

November 5th – 7th – Basic Wildland Firefighting Course at Lincoln County Fairgrounds in Chandler

Southeast Area

Forest Protection Highlights

- Multiple resources and equipment have been dispatched to fight fire in western US. Recently returned are Bryden Walker from California, Bradley Walker from Montana, and Steve Painter from California. All SE resources and equipment are home.

Forest Management/Programs Highlights

- Brock Hill made ten landowner contacts.
- Will Phifer conducted thirteen landowner assists.
- Logan Robertson, Service Forester, resigned his position and has returned to Canada to work in the Construction industry.
- Will Phifer facilitated the aerial spraying of 614 acres: 389 acres for site prep and 225 acres woody release.

Upcoming Events/Activities:

- Defensive Driving and CPR classes for SE Area employees
- Pack Test for Jared Burgett
- OFS Annual Meeting
- Fall site prep, ripping and spraying

WILDFIRE RESPONSE

Fire Staff Board Report – 10/07/21

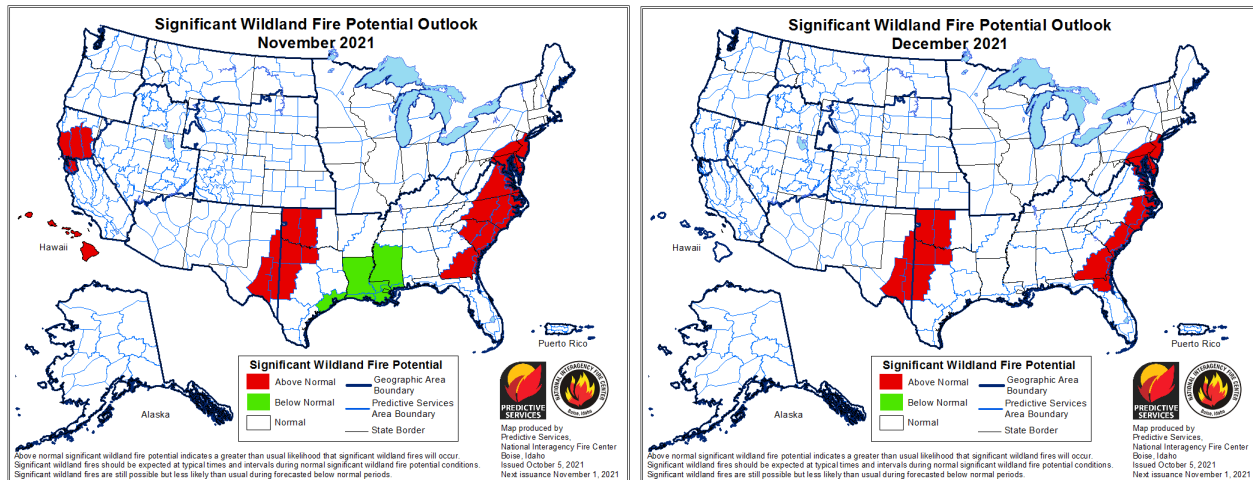
Wildfire Outlook Executive Summary:

On the heels of vigorous growing conditions early in the summer, the latter half of August and the month of September were exceedingly hot and dry. September 2021 was the 17th driest September statewide. During the month OFS responded to 88 fires burning 1,687.5 acres. In comparison to our 10-Year Average, OFS responded to 183% of normal incidents burning 202% of normal acres. Additionally, OFS assisted the Bureau of Indian Affairs with one large fire that burned 836 acres in Seminole County that is not reported in the statistics to the right.

September 2021 Fire Response	Fires	Acres
2021 Wildfires Year-to-Date	686	55,670.0
OFS Protection Area - Month	88	1,687.5
5-Year Average	44	1,183.4
10-Year Average	48	836
Protection Area YTD	619	32,911.5
OFS Response Outside Protection Area	0	0
OFS Response Outside Protection Area YTD	20	17,232
Fire Department Reports	7	2,916
Fire Department Reports YTD	47	5,530.1
Prescribed Burns - SE	0	0
Prescribed Burns - EC	0	0
Prescribed Burns - NE	0	0
Prescribed Burns - OKOKS	0	0
Prescribed Burns - YTD	54	15,026.5

Operational Indicators/Implications and Associated Response Actions with Oklahoma Forestry Services Wildfire Preparedness Levels are expected to remain at Preparedness Level 1 (PL1) through October. Progressing deeper into fall and then winter, there is potential for Preparedness Level to increase. The dormant season is the time of the year when both fire occurrence and acres burned are greatest typically peaking in the month of March. Developing a reliable outlook during October is complicated due to seasonal change, continued potential for tropical moisture and varying wildland fuel availability. However, several notable factors are on the radar that have potential to contribute to increased wildfire activity during the 2021-2022 dormant season. Those factors include: 1) Areas of above-normal fuel loading, 2) Onset of La Nina (typically a warmer drier pattern overall), 3) Persistence and expansion/intensification of drought indices, and 4) Elevated Energy Release Component values. Again, it is too early to provide a comprehensive dormant season outlook, but these notable contributors lean toward favoring above-normal fire occurrence and acres burned.

The current National Significant Wildfire Potential Outlook generated through the National Interagency Fire Center corroborates the initial dormant season assessment in the following graphics:



OFS Fire Reporting Innovation

Over the summer, OFS fire staff have developed a new fire reporting system for use within Oklahoma Forestry Services that is poised to streamline reporting of OFS wildfire and prescribed fire activity. The new reporting system will maximize software already available within the Microsoft Teams platform where dispatchers and fire managers will have the ability to report fires in near-real time that is available for all personnel with dispatch privileges to view maintaining the most up-to-date, accurate information while also improving current situation awareness. This process will replace outdated fire books and duplication of effort in entering and recording data ensuring standardization across the agency.

COMMUNITY OUTREACH AND COMMUNICATIONS

Forest Heritage Center

Three guided tours were conducted with 120 students and 31 adults. Museum visitation was 10,724 for the month of May and 13,994 for the month of June. Museum visitation, tracked since June 2015, has shown a rebound in visitation with the following spreadsheet.

Museum Visits	2021	2020	2019	2018	2017	2016	2015
January	2,717	5,441	3,965	4,241	4,592	0	
February	1,608	5,221	3,643	3,735	4,013	2,821	
March	10,572	8,450	13,504	13,086	12,855	12,065	
April	8,272	87	8,320	6,371	7,551	7,327	
May	10,724	3,269	7,942	8,464	8,364	8,874	
June	13,994	10,539	15,068	15,435	14,418	14,106	7,126
July	16,510	10,967	16,733	17,048	17,916	17,073	16,906
August	7,148	6,945	11,258	9,534	9,618	10,061	12,008
September	7,300	7,192	7,346	11,275	11,046	10,343	9,369
October		9,955	9,399	14,821	11,608	10,241	11,128
November		5,664	13,692	26,237	28,071	27,609	25,930
December		4,978	5,608	4,962	5,005	4,954	3,194
	78,845	78,708	116,478	135,209	135,057	125,474	85,661

On August 31st, State representative Eddy Dempsey and Tom Coors from Lt. Gov. Matt Pinnell’s office visited the Forest Heritage Center. They were introduced to Tourism staff and taken on a brief tour of the Forest Heritage Center.

On September 8th, Calista Stephens spoke to the Broken Bow Lion's Club about the Forest Heritage Center's mission of sustaining the heritage of the forest through history, education, and wood art. In addition, the partnership between Oklahoma Tourism & Recreation Department, Oklahoma Forestry Services, and the Forest Heritage Center Board of Directors was discussed. The efforts to reach out to potential young foresters and the importance of the forest industry in Oklahoma were discussed during the question-and-answer period.

The Owa-Chito Festival of the Forest was September 24th and 25th. This event was scaled-back to combination of several events. This year artists demonstrated different disciplines of wood art at the Forest Heritage Center, and they have been invited back to do demonstrations intermittently throughout the year.

The Forest Heritage Center is in search of ideas for a conservation-themed program to replace the annual September woodturning competition.

Calista Stephens attended the Oklahoma Museum Association conference in Shawnee on September 15th – 17th. The conference provided opportunities to network with other museum professionals and to learn about businesses that provide museum-specific services. Attendees visited the Citizen Potawatomie Cultural Center and the Mabee-Kerr museum.

A draft of the Oklahoma Historical Society Preservation Grant has been submitted. The grant will help pay for a museum assessment for the Forest Heritage Center, which will help us set priorities to care for the facility and develop content that effectively tells the story of sustainable forestry. The final draft of the grant is due on November 1st and the grant recipients will be announced in January.

Brianna Teel will start on October 11, 2021 as the new Forest Heritage Center Administrative Assistant. Brianna has a bachelor's degree in history and has worked in education and museums.

STATE FORESTER ACTIVITIES from September 1st thru October 11th

- Served as Deputy Incident Commander on the Rough Patch Complex of wildfires on the Umpqua National Forest near Glide, OR from 26 August thru 9 September
- Attended three weekly ODAFF Director's Meetings
- Participated in one virtual meeting of the NWCG Medical and Public Health Advisory Team
- Made a presentation to the Seminole State College Agriculture class on Forestry Services roles and responsibilities in Oklahoma.
- Attended a meeting with Secretary Arthur and Chief Operating Officer Steve Harpe to discuss Forestry Services' roles, responsibilities, and issues.
- Attended a special meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Committee.
- Participated in two conference calls with Steering Committee for the S-520 Advanced Incident Management course.
- Participated in the McCloud Middle School's Career Day

Respectfully Submitted,

Mark Goeller
Director/State Forester



CONSUMER PROTECTION SERVICES DIVISION

OCTOBER 28, 2021 BOARD MEETING REPORT FOR AUGUST/SEPTEMBER 2021

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for July 1st to October 8th, 2021 are presented in the following chart. A total of 5240 products were registered, of the products registered 4739 were renewals and 501 were new. There were 275 products cancelled.



Pesticide Samples

Pesticide samples taken August-September 2021 are presented in the following chart. A total of 84 Residue, 15 Concentrate, 58 Pollution, and 3 Documentary samples were taken.

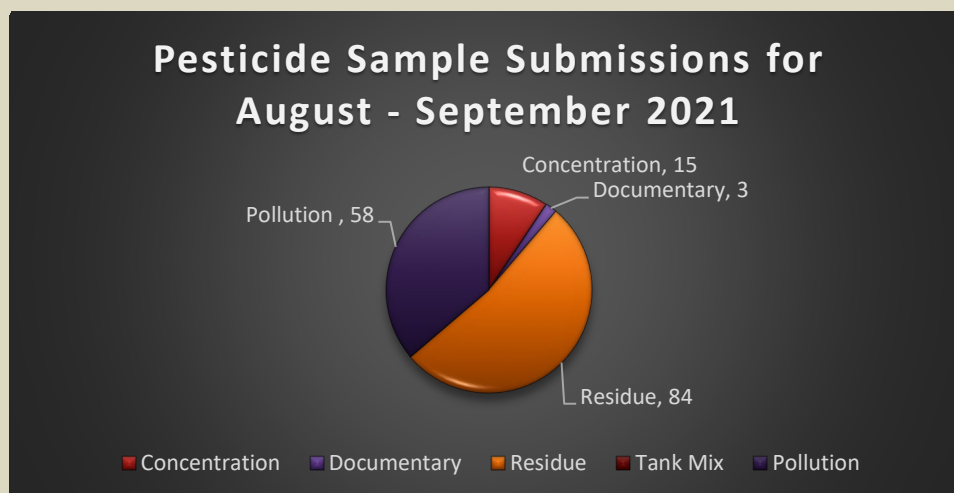


Table 1. Inspection Count for August - September 2021*

Inspection Type	Number of Inspections		
	August	September	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	19	27	46
Pesticide Applicator Facility	26	39	65
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	8	10	18
Container Containment Inspection	0	1	1
Producer Establishment	0	0	0
Use	87	130	217
Termite	0	0	0
Wood	0	0	0
Pre-treat	4	8	12
Drift Investigation	0	0	0
Pesticide Label	1332	1407	2739
Worker Protection	3	6	9
Total	1479	1628	3107

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

Along with the above inspections CPS inspectors also took 72 non agricultural use samples and 84 agricultural use samples and 4 market samples for a total of 160 samples.

Pesticide Testing & Updates

Expiring Categories

Categories 11A, 11B, 12A, 12B, & 13 are expiring at the end of 2021. A little over 200 CEU letters were mailed out to those that still can collect CEUs or need to retest.

OKVMA

The OKVMA Fall Conference 2021 had over 400 attendees this year. The conference was split into two days to space out attendees.

OKVMA was the first time we tested using QR codes to sign-in for CEUs.

- The URL collects first & last name, CA number or private applicator number, and phone number.
- Data is collected and exported to a csv file with time stamps for each response.
- The data can be sorted for matched values.

Licensing

The first reminder for company license renewals will go out the first week of November.

Pesticide Complaints

PESTICIDE COMPLAINTS	August 31, 2021 – October 8, 2021			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED	12	6	9	6
MUSK THISTLE	0			
CASES REFERRED TO OGC:	9			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Federal phytosanitary certificates Issued from September 1, 2021 – September 30, 2021

Commercial value of shipment \$1,250 or more:
 10 Federal phytosanitary certificates issued @ \$106.00 each
 Commercial value of shipment less than \$1,250:
 2 Federal phytosanitary Certificates issued @ \$61.00 each

Federal Phytosanitary Certificates (September 1, 2021 - September 30, 2021)			
Country	Product	Quantity	Phytos Issued
France	Barrelclover Seed	5 Grams	1
Republic of Korea	Logs	183 Logs	4
Mexico	Sesame Seed	210,000 lbs	5
Spain	Barrelclover Seed	1 Gram	1
Vietnam	Logs	87	1

Companies applying for federal phytosanitary certificates:

Sesaco:	5
Ace Logistics:	4
OSU Biosciences:	2
TMX Shipping:	1

State phytosanitary certificates Issued from September 1, 2021 – September 30, 2021
128 phytosanitary certificates for 8,603 plants issued @ \$20 each



Growing Season Inspections

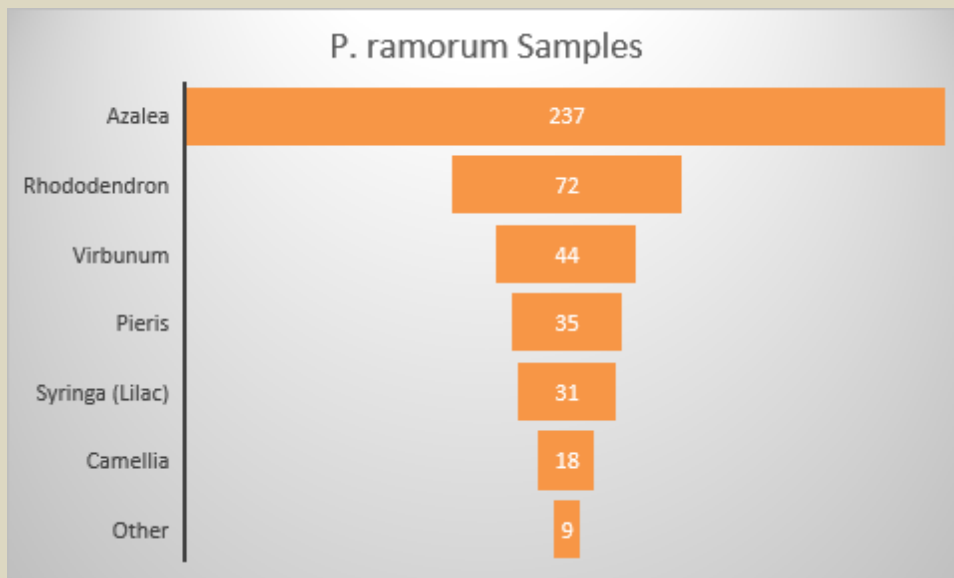
We have had 2 growing season inspections in the last month. The following certificates have been issued:

Date: 9/3/2021 In Progress	To: Equinom Crop Guard Research	Crop: Sesame Cowpea
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P. ramorum (SOD) Survey

As plant shipments into the state increase for the Fall nursery season, inspectors are keeping an eye out for *P. ramorum* symptoms on host-associated plants (HAP) around the state. In the last 6 weeks, we have begun to see shipments from Means Nursery in Oregon, where *P. ramorum* has been found recently, arriving at Lowe's stores around the state.

As of October 8, there have been 444 inspections and 49 samples taken across the state.



Japanese Beetle Trapping and Survey

CPS began setting out traps for the Japanese Beetle survey in mid-May. There are 5 inspectors included in this survey. We set a total of 48 traps across 9 counties and 11 nursery operations.

Each trapped was checked twice in June, twice in July, once in August, and once in September. This month, we will check the traps one last time and remove the traps, concluding the survey.

As of October 8, we have found 19 beetles in Canadian County in a total of 6 traps across 2 nursery operations. According to the Japanese Beetle Harmonization Plan, Canadian County will now be declared positive for Japanese Beetle.

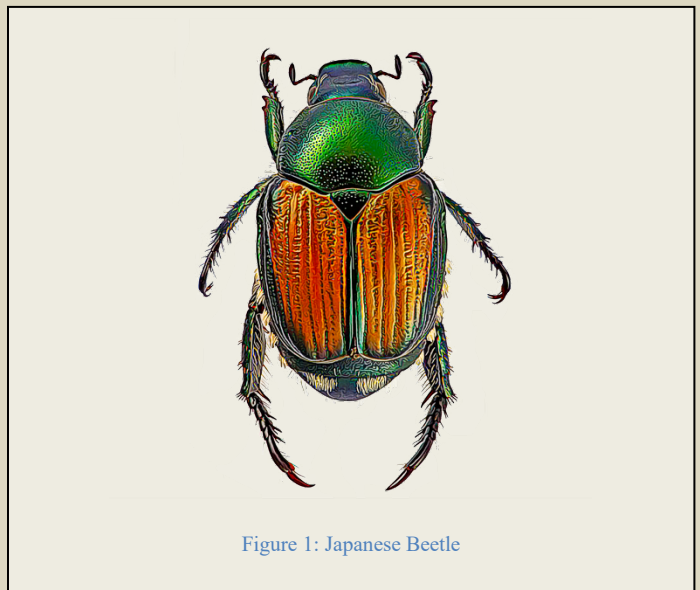


Figure 1: Japanese Beetle

<https://www.gardentech.com/insects/japanese-beetles>

Sweet Potato Weevil Survey

In late August, Richard Folsom, CPS Nursery Inspector, began setting traps for Sweet Potato Weevil at 2 farms located in Western Oklahoma. The purpose of this survey is to provide data to issue a phytosanitary certificate/compliance agreement for shipping sweet potatoes to other states.

5 traps were set at Acadian Farms and 57 traps were set at Triple S Farms in Caddo, Blaine, and Custer counties. No Sweet Potato Weevil have been found as of October 8. Traps will be removed in late October/early November.



Figure 2: Sweet Potato Field



Figure 3: Sweet potato weevil trap

Guava Root-Knot Nematode Survey

While at the sweet potato farms, we are also surveying for Guava Root-Knot Nematode (GRKN). This survey will run at the same time and location and sample at the time and location as the sweet potato survey. As of October 8, no Guava Root-Knot Nematode have been found.



Figure 4: CPS Inspector pulling GRKN soil sample

<u>Guava Root-Knot Nematode Sampling (October 8,2021)</u>								
PDIS number	Farmer	Field Acreage	GPS LAT	GPS LONG	Date tested	Meloidogyne	Species	County
202102007	Acadian Family Farm	20	35.225637	98.425226	08/25/2021	Present	M. incognita	Caddo
202102013	Triple S. Farms, Johnny N. Pivo	66	35.645772	98.645548	08/25/2021	absent	n/a	Custer
202102014	Triple S. Farms, Shop East 40	40	35.62762	98.609886	08/25/2021	absent	n/a	Blaine
202102499	Triple S Jones	64	35.613057	98.631705	09/27/2021	absent	n/a	Blaine
202102500	Triple S Wells	63	35.591234	98.61409	9/27/2021	absent	n/a	Blaine
202102501	Triple S Bethel	61	35.489453	98.465454	9/27/2021	absent	n/a	Caddo
202102635	Triple S - Pitzer south	60	35.627598	98.659202	10/06/2021	absent	n/a	Custer
202102631	Triple S - HALSEY	47	35.404968	98.457927	10/06/2021	absent	n/a	Caddo
202102634	Triple S - Pitzer north	60	35.634905	98.663151	10/06/2021	absent	n/a	Custer

Industrial Hemp and Apiary Program

Hemp

Hemp Growers	Hemp Acres	Hemp Sq. Ft
57	3322	38,762

We have 18 licensed hemp processors/handlers.

Online applications should be available soon for hemp licenses. The link to the online applications will be sent to all current growers and posted on the ODAFF website. Harvest season is slow but ongoing. Inspections have been conducted and most of our results are passing.

Apiary

It's that time of year for bees to begin settling down into homes and garages looking for winter shelter. ODAFF has been receiving a lot of calls about bees recently. Many people are beginning to keep bees, so we are getting calls/emails about how to begin that process and how to register their hive/s. Additionally, Caroline Nelson, Apiary program manager, will be speaking to the Oklahoma State Beekeepers Association on October 23rd.

AGRICULTURE RESOURCE SECTION

Feed Program

During this reporting period there were a total of 240 official feed samples analyzed, with 1017 feed determinations made from these samples. These determinations resulted in the issuance of 49 violations for feed or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violations include Crude Fat, Crude Fiber, Calcium, Salt, Phosphorus, Copper, Magnesium, Vitamin A, and Zinc. Thirty-six stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Sixteen stop sales were issued for products deficient in Vitamin A. Five stop sales were issued for products deficient in Crude Protein. Three stop sales were issued for products deficient in Calcium. Two stop sales were issued for products deficient in Crude Fat. Four stop sales were issued for products deficient in Salt. Two stop sales were issued for products deficient in Copper. Two stop sales were issued for products deficient in Phosphorus. Two stop sales were issued for products deficient in Zinc.

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 August 2021 – September 2021

Nutritional Guarantee	Number of Label Violations		
	September ¹	August ²	Two Month Total
Crude Protein	21	25	46
Non-protein Nitrogen	0	0	0
Crude Fat	7	7	14
Crude Fiber	1	4	5
Calcium	3	4	7
Phosphorus	3	5	8
Salt	2	0	2
Magnesium	2	1	3
Potassium	0	0	0
Copper	2	3	5
Iron	0	1	1
Zinc	4	3	7
Vitamin A	4	3	7
Medicated Feed	0	0	0
Total	49	56	105

¹ 240 feed samples analyzed with 1017 determinations; ² 266 feed samples analyzed with 946 determinations

Table 2. Feed Stop Sale Summary August 2021 – September 2021

Nutritional Guarantee	Number of Stop Sales		
	September ¹	August ²	Two Month Total
Crude Protein	5	5	10
Non-protein Nitrogen	0	0	0
Crude Fat	2	2	4
Crude Fiber	0	1	1
Calcium	3	0	3
Phosphorus	2	0	2
Salt	4	1	5
Manganese	0	0	0
Potassium	0	0	0
Copper	2	8	10
Zinc	2	1	3
Vitamin A	16	10	26
Medicated Feed	0	0	0
Total	36	28	64

¹ 240 feed samples analyzed with 1017 determinations; ² 266 feed samples analyzed with 946 determinations

Weights & Measures Program

During this period the large capacity scale technicians tested 285 Vehicle scales with 43 of the Vehicle scales being rejected for repairs.

CPS inspectors checked a total of 1054 small scales and 60 platform scales, 23 of the scales were rejected. There were 42 random pack inspections and 70 standard pack inspections conducted that resulted in 11 companies receiving letters of warning and 1 company receiving a Stop Sale. Additionally, 154 price verification inspections were conducted at various retailers that resulted in 6 companies receiving letters of warning. A total of 11 scale companies received a letter of

warning for not properly servicing scales. One company received a letter of warning for label violations on a food product.

Fertilizer Program

During this time-period, stop sale orders were sent out to 12 ag lime and 79 fertilizer companies for unreported tonnage for the reporting period of January – June 2021.

Also, CPS Field Inspectors have been contacting companies with expired fertilizer licenses to confirm if they are out of business.

The tables below represent the performance numbers for the fertilizer, agricultural lime, and soil amendment programs for August and September.

Type of Sample	Number
Fertilizer	80
Lime	11

Letters of Warning	Sample Deficiency Penalties	Notice of Deficiency/ Stop Sales
5	9	2

Type of Investigation	Number
Dry Fertilizer Facility	40
Liquid Fertilizer Facility	32
Pre-Site Facility	2
Anhydrous Ammonia Storage Tanks	2 (3 Total Tanks)
Anhydrous Ammonia Nurse Tanks	1 (14 Total Tanks)

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 28, 2021
Activities August 28 – October 8, 2021

Animal Disease Traceability:

During this timeframe, we received our annual USAHerds upgrade. This version allows us to incorporate additional eCVIs into USAHerds. We are also eagerly waiting to have access to Vet CVI. This is the free eCVI that will be available as a mobile application that will be very similar to the mCVI platform that was developed several years ago. We anticipate veterinarians that stopped using mCVI when it became a paid product will go back to submitting CVIs electronically instead of using paper CVIs thus giving us the opportunity to discontinue issuing paper CVIs.

National Priority Traces are scheduled to take place Nov 8-9. We will receive all 8 traces within the 2-day timeframe to complete our cooperative agreement tracing obligation.

I have been chairman of the United States Animal Health Association's Cattle ID subcommittee for five years with assistance from Dr. Gorczyca-Southerland. We chaired the subcommittee meeting virtually on October 6. I will give the subcommittee report to the in-person parent Cattle and Bison Committee meeting in Denver on October 26.

Aquaculture:

Two new aquaculture facilities were licensed during this time.

Biologics:

During this period, we approved the use of a RHDV-2 vaccine for domestic rabbits. Medgene Labs, in Brookings, SD, has developed an inactivated recombinant subunit vaccine for Rabbit Hemorrhagic Disease. While Oklahoma has not had any cases of RHDV2, approval of this vaccine will serve as a tool for prevention of introduction of the disease in the domestic rabbit population in Oklahoma. The vaccine is currently only experimentally licensed by the Center for Veterinary Biologics. Therefore, it is restricted for use by veterinarians only at this time. It is anticipated that this vaccine will be fully licensed by early 2022. As part of the approval process, we have requested quarterly sales reports from Medgene, as well as requiring veterinarians to record vaccine information as part of their normal recordkeeping processes.

Cattle Programs:

Brucellosis:

We have no active bovine Brucellosis cases currently.

The only remaining reservoir of *B abortus* in the U.S. is in elk and bison in the Greater Yellowstone Park area. Those states have Designated Surveillance Areas, where the disease in wildlife occasionally spills over into domestic cattle and bison.

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) which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. *B suis* can, and does, infect cattle. I fear this could lead to an increase in the number of human cases of *B suis*.

Tuberculosis:

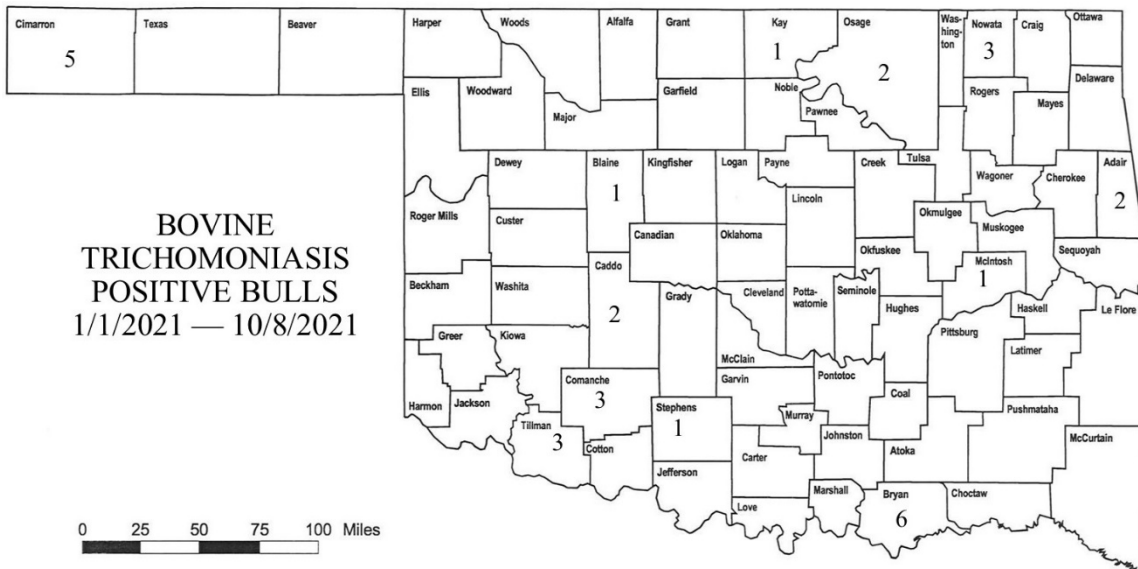
We are in the process of conducting the Assurance Test on the beef herd in Cimarron County and plan to finish it, except for the bulls, by mid-October. The Assurance Test on the Cimarron County dairy herd is scheduled for the first week in November.

The second herd test on the herd in Osage County related to the bull that was found to be infected with TB was conducted in late September and this population has been released from quarantine. Five animals that were exposed to the positive bull were slaughtered in a custom slaughter facility that does not have USDA inspection. Dr. Stone and Clay Jack were on hand to inspect the carcasses and take samples. Early test results are negative. Testing in other herds that had purchased animals exposed to the positive bull continues.

Our State and Federal Field Veterinarians follow up on suspect screening tests by private veterinarians by conducting confirmatory tests.

Trichomoniasis:

During this period 1123 Oklahoma bulls were tested, and no positive bulls were discovered. Dr. Proctor contacts the owners of positive bulls and their veterinarians to follow up and offer advice about control and eradication of the disease, and to answer questions about the disease and our regulations.



11,986 bulls tested / 30 positive = 0.25% positive

Our current statistics compare to 2.1% positive bulls in 2011, 14% 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, and 0.35% in 2020.

Johne's Disease:

In 2021 for this reporting period, we have received 12 positive reports, eight from new premises. Year to date we've had 68 positive reports with 50 new premises.

For this reporting period in 2020 we had 10 positive reports with six from new premises. The year to date had 85 positive reports with 59 new premises.

The average year to date reports for the last seven years are 75 positive reports from 49 new premises.

Dr. Stone continues to receive calls for assistance with testing strategy from veterinarians and producers. The test strategy does change as they work forward from control to elimination of the disease. Producers that make the most rapid advancement economically have the most complete records.

Emergency Management:

Dr. Gorczyca participated in a FAD SAFE (FMD Functional Exercise) planning call on September 14 and September 20. There are concerns that the exercise may be postponed, or the exercise format may change from a functional to a tabletop due to unknown availability of USDA APHIS VS partners to travel to participating states. We will continue to exercise despite these travel restrictions, and we have replaced individuals that needed to travel to Oklahoma with local personnel to fill their role.

On August 30, Dr. Gorczyca spoke to Leader Pfeiffer, PPT Treat, and others of the Ag committee about the discovery of ASF in the Dominican Republic. She provided an overview of the impact ASF would have on Oklahoma swine producers should the disease be confirmed in the United States.

On August 30, the Secure Beef Supply permit drill after action review was conducted.

We continue to participate in weekly ASF Slaughter Plant Working Group discussions to help prepare the packing industry to respond during an ASF outbreak.

On September 15, Dr. Gorczyca was a guest lecturer for the OSU CVM Disaster and Emergency Management elective class for veterinarian students.

Equine Programs:

There are no new cases of EIA in Oklahoma.

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

There are no new Piroplasmosis cases or tracebacks for Oklahoma.

Since the last board report, we have had one confirmed positive case of EIA in a horse in Beaver County. The horse was kept on a private farm with two other equines who have both tested negative on initial testing. The positive horse has been euthanized and the two exposed equines will remain under quarantine. The quarantine will be released after a second negative test a minimum of 60 days after the removal of the positive horse. Testing of all horses within 200 yards of the affected premises is under way and the investigation is ongoing to determine the source of the infection and any other potential exposures.

There have been three additional confirmed cases of West Nile Virus (WNV) in horses in Oklahoma since the last board report for a total of six cases since the first of August. All three horses are responding to treatment and recovering. Historically, Oklahoma averages 10 cases of equine WNV a year so this is not an unusually high rate of infection.

Farmed Cervidae Programs:

We continue to closely monitor requests to import deer from Pennsylvania and Wisconsin due to the increasing incidence of CWD in those States.

Feral Swine:

There were no activities of note in the Feral Swine program during this time.

Foreign Animal Disease:

ODAFF and APHIS personnel performed two FAD investigations during this time frame. One was a cow from Delaware County that presented to a veterinarian in Arkansas for a vesicular lesion in the mouth. The other was a rabbit from Canadian County that was suspected of having Rabbit Hemorrhagic Disease. Thankfully no FADs were diagnosed.

We continue to be part of three separate working groups that are planning to respond to African Swine Fever in case the disease makes it to the USA.

Livestock Market Audits:

Two new livestock market licenses were approved during this period. Tony Holly of Leflore received a license for Hollys Farm and Ranch. Mr. Holly planned to host a weekly goat, sheep, and chicken sale at the fairgrounds in Antlers, but unfortunately plans were altered when the fair board changed their mind the day before the first sale and canceled his contract to use their facility to host sales. Mr. Holly asked to keep the license active while he searches for another facility.

In addition to Hollys Farm and Ranch, the Joe Simons family was granted a license for their new market, Tulsa Horse Sales. The Simons plan to have a monthly horse sale at the Tulsa Stockyards on the first Thursday of each month. During this period, several livestock market custodial account audits were performed with no violations discovered.

Livestock Auction Market Activities

Auction market licenses issued	2
Auction market licenses pending	0
Market custodial audits completed	8
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

Outreach:

On August 30, Dr. Gorczyca spoke to the Cattlemen’s Leadership Academy about AIS mission and our role at ODAFF.

Due to the findings of Anthrax in Hardeman County, TX, and Jackson County, OK approximately 30 samples from dead livestock have been submitted to OADDL with no additional positive results. It appears that our 2021 Anthrax “outbreak” has ended.

The State Fair Birthing Center is a perennial fair favorite and a wonderful opportunity to let the urban population see and ask questions about the source of their food. Covid cancelled the Oklahoma State Fair in 2020. Veterinarians and RVT’s from around the state work with and mentor vet students, RVT students and pre-vet students. Dr. Stone and Dr. Ruby worked several shifts providing information as to why we have the cheapest, safest, and most abundant food in the world.

Dr. Stone was interviewed by Caryn Ross with Channel 9 News about the State Fair Birthing Center and American Agriculture.

Dr. Stone was also interviewed by Ron Hays with Oklahoma Farm Report regarding proper animal identification, traceability, and American Agriculture.

From August 29 – September 1 I attended the Western States Livestock Health Association meeting in Boise, ID. It was good to be in person with colleagues from other States and to meet new Animal Health Officials from several Western States. We discussed issues related to the risks of importing Mexican feeder and rodeo cattle with TB, disease traceability, and many others.

September 13-17 APHIS Veterinary Services hosted outreach titled African Swine Fever Action Week. The intent was to provide information about the finding of ASF in the Dominican Republic, the risks to the USA, and actions that are being taken to prevent its introduction into the USA.

The nomination period for the Veterinary Medical Loan Repayment Program has opened. Oklahoma is allotted seven nominations. We are working to identify seven areas that we believe have a good chance of being awarded grants. The grants pay up to \$25,000 per year for three years for student loans to practitioners who qualify and submit a successful application. Last year three Oklahoma veterinarians were awarded the grants.

ODAFF veterinarians and livestock inspectors manned the gates at the Oklahoma State Fair and the Tulsa State Fair to ensure the livestock had appropriate tests, identification, and documentation to participate in the events. While important, it is a significant investment in time and funds. I believe our people do a great job and try to help entrants as well as educate them when mistakes are made.

On September 27 our Field Staff was in for a quarterly meeting where we update computers and update information from us to them and from them to us.

Poultry Programs:

There were 14 birds submitted under the sick/dead bird program and none were found to have reportable diseases. To date, there have been 77 total cases submitted for 2021.

Rabies in Livestock:

There were no reports of livestock rabies during this period. The official rabies testing laboratory has moved from Oklahoma State Department of Health to OADDL. We believe this is a good thing since we have better communications with OADDL, and this will facilitate us getting more and better samples from cattle for Bovine Spongiform Encephalopathy to prove our freedom from that disease.

Sheep and Goat Programs:

Brucella ovis is a reproductive disease of sheep. This disease is spread among male sheep. Females generally clear the disease naturally with no lingering effects. Earlier this year we were notified of two producers that purchased rams from an infected flock in Missouri. Of the two flocks, one is still having issues with spread among the rams. We continue to work with the private practitioner and producer on test strategies to eliminate the disease.

Swine Programs:

There were no significant changes in this program during this period.

Miscellaneous:

During this time, AIS staff worked to prepare preliminary verbiage for potential rule and statute changes.

Respectfully,



Rod Hall, DVM

**Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for September 2021 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 498 properties with an estimated 2,045,141 acres of land under agreement. Additionally, WS helped 117 persons and entities with technical assistance which involved providing information to cooperators so they can resolve problems themselves. Cooperators reported and WS Specialists verified wildlife damage of \$374,942 during this period. Beaver damages accounted for losses totaling \$90,726. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$44,592. Feral swine damages accounted for losses totaling \$217,361, while other species of wildlife were responsible for \$22,263 in damages to property, agriculture, and livestock. Last Fiscal Year (FY) 21, WS verified wildlife damages of \$11,228,330 to properties, natural resources, health and safety, and agriculture as well as helped with technical assistance to 2,380 persons and entities.

Providing Wildlife Services

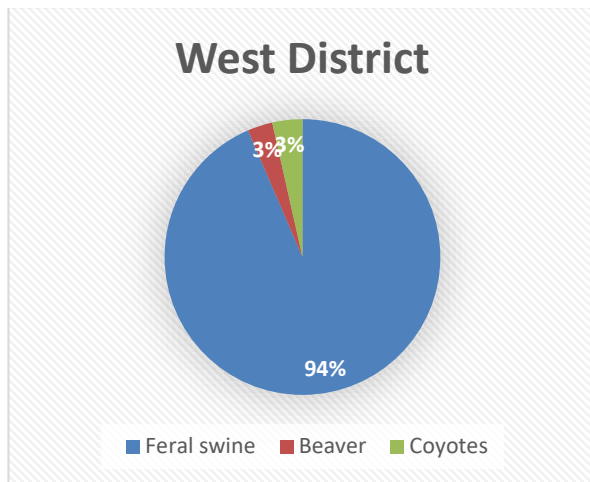


Figure 1: Species Removed in West District by percentage during September 2021

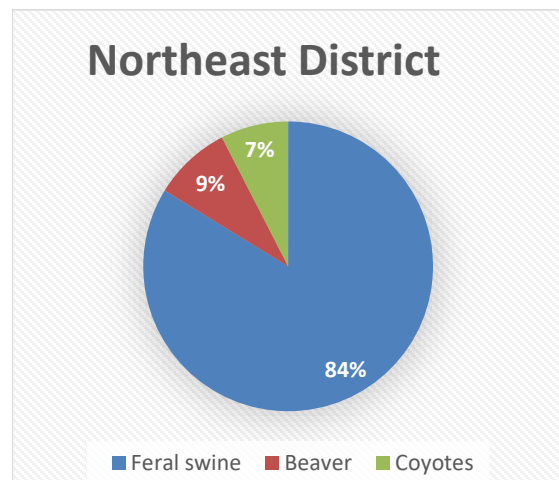


Figure 2: Species Removed in the Northeast District by percentage during September 2021

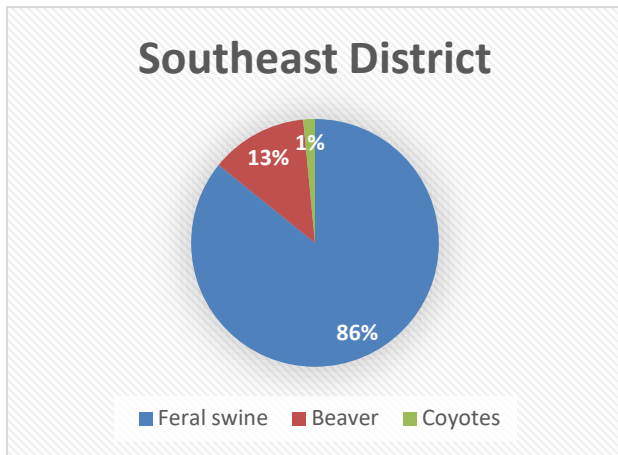


Figure 3: Species Removed in the Southeast District by percentage during September 2021

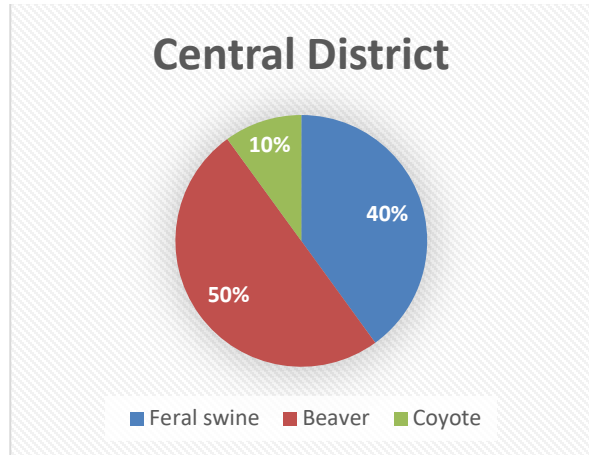


Figure 4: Species Removed in the Central District by percentage during September 2021

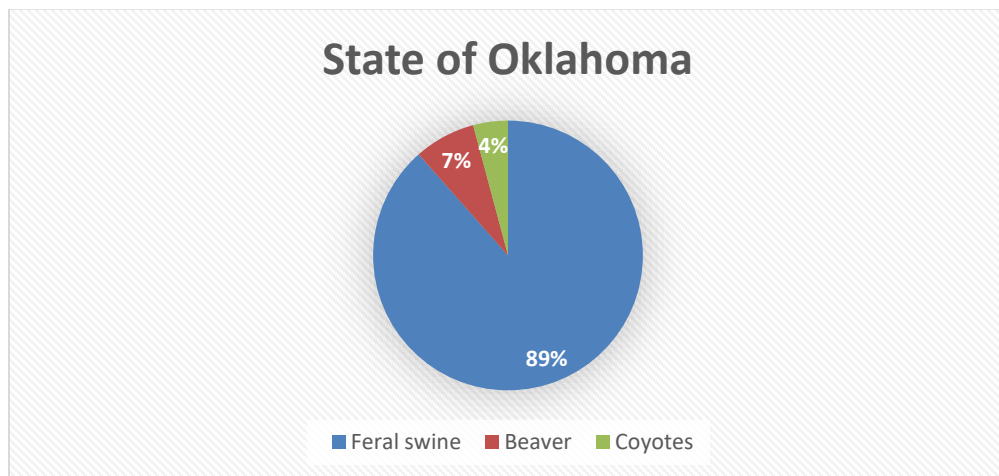


Figure 5: Species Removed in the State by percentage during September 2021

Coyote Damage Management

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

Logan County livestock producer requested assistance with coyotes depredating on his sheep. The producer reported that coyotes had killed three sheep valued at \$3,000. The Wildlife Specialist assigned to Logan County quickly responded to the request and examined one of the carcasses and confirmed that coyotes were responsible for the loss of the sheep. The Specialist recommended several methods to help prevent future damages, including carcass/carrion removal, night penning, and guarding animals. The Specialist used leg hold traps and snares to remove five coyotes. Monitoring of coyote activity on this property continues.

Cimarron County manager of a feedlot involving coyotes spreading disease at their cattle feeding facility. The manager reported that the facility had two slaughter cows rejected at the processing facility because they have tested positive for Eosinophilic Myositis, a disease that wild canines are a known definitive host for and is spread to cattle by contact with coyote fecal matter. The Wildlife Specialist quickly responded to the request and control efforts have removed 12 coyotes from the property. Work is ongoing to further reduce the interaction between coyotes and livestock at the facility.

Feral Swine Damage Management

Seminole County landowner contacted WS for assistance with feral swine damage. The landowner reported feral swine had caused an estimated \$2,000 in rooting damage to his pasture. The Wildlife Specialist for Seminole County responded to the request and confirmed feral swine were responsible for the damage. Cage trap methods were utilized to remove 26 feral swine from the immediate area. No further losses have been reported to date.



Figure 6: Damage from feral swine in a cemetery in the Southeast District

Carter County landowner contacted WS for assistance with feral swine. The landowner reported feral swine had caused an estimated \$2,500 in rooting damages to a hay field. The Wildlife Specialist for Carter County responded to the request and confirmed feral swine were responsible for the damage. Management efforts were successful in removing 44 feral swine from area. No further losses have been reported to date.

A representative for a small rural cemetery in **Pushmataha County** contacted WS for assistance with feral swine damage. The representative reported feral swine were responsible for rooting up sod in the cemetery and damaging numerous head stones. The District Supervisor for Pushmataha County responded to the request and verified the damage estimated at \$2,500. Management efforts were successful in quickly removing 10 feral swine from the area. The Wildlife Specialist for the County was called back later in the month and another 21 feral swine were removed. No further damages have been reported to date.

Muskogee County farmer contacted WS regarding feral swine. The farmer reported feral swine had recently showed up on his property and begun rooting in a soybean field. The WS Troubleshooter visited the location and verified the damage for over \$400 to the soybean field. An electronic-controlled corral type trap was used to quickly remove 29 feral swine from the property and work is ongoing to ensure that no additional swine are present.

Craig County landowner reported feral swine were responsible for rooting approximately one acre of a hay meadow. A WS Specialist responded to the request and verified the damage reported was by feral swine. The Specialist was able to utilize a live trap to remove 15 feral swine. Work is continuing at this time and the landowner was instructed on environmental changes and exclusion methods that can be utilized to help prevent future problems.

Osage County landowner contacted WS requesting assistance with a feral swine. The landowner reported that he had seen a large sounder of feral swine on a cut wheat field that bordered his property. When he went out to his pasture to investigate, he found the feral swine had been crossing over to his property to water and wallow in his pond. The feral swine had done damage to his fence by pushing under it and stretching it to the point of needing repair. They had also muddied the water in the pond so that the livestock water was out of the pond and created several wallows outside of the pond and more rooting damage was confirmed throughout the pasture as well. WS responded to the request and verified all the damages on the property were from feral swine. A trap was set up on the property and the Specialist was able to capture some of the feral swine the 2nd night after setting up the trap. There are still more feral swine remaining on the property therefore trapping efforts will continue at this time.

Greer County landowner requested assistance with feral swine causing damage in his native pastures. The Wildlife Specialist for Greer County responded to the request and verified the damage of rooting up the pasture valued at \$1,000. The Wildlife Specialist utilized live traps to remove 43 feral swine from the pasture. Activity on the property continues to be monitored to determine if further management is needed.

Logan County landowner contacted WS needing assistance with feral swine rooting in his pastures. The landowner estimated the damage at \$3,500 to his pasture. The Wildlife Specialist assigned to Logan County quickly responded to the request and verified the damage. A live trap was utilized to remove 22 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 to his hayfields and pastures. The Wildlife Specialist assigned to Kiowa County responded to the request and verified the damage at \$2,000 on the property. The Specialist utilized a live trap to remove 36 feral swine from the property. The area continues to be monitored for any activity to determine if additional management efforts are needed to further reduce damage.

Oklahoma County landowner contacted WS with assistance with feral swine to their landscaping. WS verified the loss at \$5000 and work is ongoing at this time.

Aerial Operations

Aerial operations were conducted in Sandy Sanders Wildlife Management Area (WMA) in **Greer, Beckham, and Harmon Counties** to reduce damage caused by feral swine to wildlife habitat. Removal of feral swine from Sandy Sander WMA also is beneficial to surrounding private landowners that experience significant agricultural losses from feral swine that stay on the WMA. A helicopter was utilized for 9.6 flight hours to remove 78 feral swine from the WMA.

Aerial operations were conducted in **Dewey and Custer Counties** to help reduce feral swine populations in certain areas within these counties. During the month of September, the Wildlife Specialist assigned to these counties verified \$15,580 in damages to milo fields, hayfields, and pastures in the areas flown. A helicopter was utilized for 14.1 flight hours to remove 212 feral swine to reduce damages in these counties.

Beaver Damage Management

Garvin County landowner contacted WS for assistance with beaver damages. The landowner reported beaver were responsible for cutting down numerous trees around a pond on the property. A Wildlife Specialist responded to the request and verified the damages to be estimated around \$2,500. Conibear traps were successful in quickly removing the beaver from the area.

Love County landowner contacted WS for assistance with beaver damage. The landowner reported beaver were responsible for cutting down trees, damaging dikes and causing flood damage around a small lake. A Wildlife Specialist responded to the request and verified the damage estimated at \$4,000. Conibear traps were successful in removing the beaver from the area. Management efforts are complete at this time.

Seminole County landowner contacted WS for assistance with beaver damage. The landowner reported beaver were burrowing holes into a pond dam on his property. A Wildlife Specialist responded to the request and confirmed beaver were responsible for an estimated \$1,000 in damages to the area. Management efforts were successful in removing the beaver from the area.

Rogers County landowner requested WS to assist with beaver damage that had flooded a pecan grove valued at \$4,500. A WS Specialist responded to the request and verified that beaver was responsible for the damage reported. The Specialist was able to remove the beaver dam in conjunction with the landowner. The Specialist is currently utilizing neck snares to remove the beaver. Work is just beginning at this time. The landowner was instructed on several environmental changes and fencing methods that can be utilized to help prevent future problems.

Lincoln County landowner contacted WS to help with beaver damage to their trees around his pond. A Wildlife Specialist responded to the request and verified the damage was caused by beavers. Traps were set with the use of thermal imaging scope to remove four beavers. Work is ongoing at this time.

Pawnee County landowner called WS with concerns about beavers in his farm pond. WS responded to the call and determined that the damage was caused by beavers. Traps were set and six beavers have been removed from the property. Work is ongoing at this time. The landowner was

instructed on several environmental changes and exclusion methods that can be utilized to help prevent future problems.

Stephens County Commissioner contacted WS with beaver damage concerns. The Commissioner reported that beavers were responsible for flooding approximately \$2,000 worth of a county roadway. The Wildlife Specialist assigned to Stephens County responded to the request and verified the damage reported. The Specialist utilized conibear traps to remove four beavers and work is continuing at this time.

Garfield County landowner requested assistance with beavers flooding his pasture next to a creek. The landowner reported beavers were responsible for flooding three acres of his pasture valued at \$1,000. The Specialist for Garfield County responded to the request and verified the damage. Conibears were utilized to remove the beavers from the creek and no further damage has occurred, and work is concluded.

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

Pottawattomie County landowner requested assistance with damage from beavers. WS verified the damage from the beaver dam which flooded a hayfield and pecan grove valued at \$3500. Body grip traps and night shooting were utilized to remove three beavers from the property. Dam removal was recommended to the cooperator using an excavator and work has concluded at this property.

Table 1: Beaver, Coyote, and Feral Swine removal in Oklahoma by WS September 2021

County	Beaver	Coyote	Feral swine	District
Adair				NE
Alfalfa	1			W
Atoka	2		79	SE
Beaver	1	1		W
Beckham			36	W
Blaine	1			W
Bryan	11		68	SE
Caddo	2		89	W
Canadian				C
Carter			44	SE
Cherokee	1		1	NE
Choctaw	11		11	SE
Cimarron		15		W
Cleveland	4			C

Coal		2	9	SE
Comanche				W
Cotton			166	W
Craig	5	11	11	NE
Creek			38	NE
Custer	3		172	W
Delaware				NE
Dewey	1		182	W
Ellis	2		52	W
Garfield	1			W
Garvin	1	5	1	SE
Grady			48	W
Grant				W
Greer			84	W
Harmon			54	W
Harper				W
Haskell				NE
Hughes	9			SE
Jackson	1		32	W
Jefferson				SE
Johnston	1		58	SE
Kay	5			NE
Kingfisher				W
Kiowa			77	W
Latimer	7		14	SE
Leflore			64	SE
Lincoln	15	2	48	NE
Logan		8	16	W
Love	5			SE
Major		4		W
Marshall	3		6	SE
Mayes			18	SE
McClain	6			SE
McCurtain	3		16	SE
McIntosh		1	7	NE
Murray	2	1	4	SE
Muskogee	11		41	NE
Noble			44	NE
Nowata	2	6		NE
Okfuskee	2		27	NE
Oklahoma	6	2	8	C

Okmulgee	3		78	NE
Osage		33	117	NE
Ottawa				NE
Pawnee			165	NE
Payne	10			NE
Pittsburg	2		20	SE
Pontotoc	6		28	SE
Pottawatomie				C
Pushmataha	14	2	66	SE
Roger Mills	1	3		W
Rogers	1			NE
Seminole			57	SE
Sequoyah	1			NE
Stephens	15	1		W
Texas		9		W
Tillman			107	W
Tulsa	3			NE
Wagoner	2		11	NE
Washington				NE
Washita		1		W
Woods				W
Woodward	6			W
TOTAL	189	107	2274	

*NE –Northeast, SE –Southeast, W – West, C - Central Districts

Wildlife Disease Sampling for FY 2021

Feral swine samples collected are opportunistically taken during Direct Control projects where feral swine are being removed to alleviate property damage. Each feral swine is sampled for Classical Swine Fever, Pseudo-rabies, Swine Brucellosis and a Genetic sample is collected. If available, extra serum vials are archived for future testing.

High Priority Counties are established by the National Feral Swine program. These counties have been placed as a “High Priority” due to a culmination of factors such as Commercial Pork production, Dairy Farms, Cattle production, Landfills, etc. At least 50% of Fiscal Year (FY)21 samples came from the following High Priority Counties. (Adair, Atoka, Bryan, Choctaw, Coal, Comanche, Haskell, Johnston, Le Flore, Logan, Love, Major, McCurtain, Muskogee, Payne, Pittsburg, Pontotoc, Pushmataha, and Sequoyah).

Statewide Totals:

- 370 Feral Swine Sampled
- 20 Counties

- 44 locations
- 213 Female (180 Adult, 33 sub-Adult)
- 157 Male (120 Adult, 37 sub-Adult)

Classical Swine Fever (CSF) = 370 tested, 0 positive

Swine Brucellosis (SB) = 370 tested, 104 positives (28.1%)

Pseudorabies (PRV) = 370 tested, 92 positives (24.8%)

County Results: (only positive results shown)

County	Sample #	SB+	PRV+
Atoka	46	31	19
Beckham	15	0	4
Bryan	40	24	22
Carter	10	0	2
Choctaw	6	0	0
Coal	7	5	2
Creek	29	0	0
Greer	4	0	1
Johnston	23	8	9
Le Flore	3	1	0
Logan	7	0	0
Marshall	23	2	2
McCurtain	5	1	2
Murray	38	0	10
Muskogee	28	5	5
Pittsburg	5	1	1
Pontotoc	18	5	2
Pushmataha	24	14	9
Seminole	2	0	0
Sequoyah	37	7	2
Total	370 tested	104+	92+

FY 22 Feral Swine Sampling

- 368 samples needed
- Serum (blood) and genetic samples only
- Ticks if available

HIGH Priority Counties: (20 samples/county)

Adair, Canadian, Carter, Cherokee, Cleveland, Creek, Delaware, Garvin, Haskell, Jackson, Lincoln, Logan, Mayes, McClain, Muskogee, Oklahoma, Okmulgee, Payne, Pittsburg, Pottawatomie, Rogers, Seminole, Tillman, Tulsa, Wagoner and Washington

MEDIUM Priority Counties: (10 samples/county)

Atoka, Bryan, Caddo, Choctaw, Coal, Comanche, Craig, Custer, Grady, Greer, Hughes, Kay, Latimer, Le Flore, Love, Major, Marshall, McIntosh, Osage, Ottawa, Pawnee, Pontotoc, Pushmataha, Sequoyah and Stephens.

LOW Priority Counties: (5 samples/county)

Alfalfa, Beaver, Beckham, Blaine, Cimarron, Cotton, Dewey, Ellis, Garfield, Harmon, Harper, Jefferson, Johnston, Kingfisher, Kiowa, McCurtain, Murray, Noble, Nowata, Okfuskee, Roger Mills, Texas, Washita, Woods and Woodward.

African Swine Fever (ASF)

An outbreak of ASF in this country would have a severe negative impact to the Pork Industry. Wildlife Services and Veterinary Services have implemented a national ASF surveillance plan to detect the virus in feral swine. WS Specialist/Biologist are asked to report any morbidity/mortality event (unexplained sick or dead feral swine) to their supervisor or disease biologist. A sampling/reporting protocol has been established to ensure correct procedures are followed. Feral swine are playing an active role in spreading and sustaining ASF in other countries around the world.

Foot and Mouth Disease (FMD)

Wildlife Services and Veterinary Services have also implemented a national surveillance plan for FMD. The plan is focused on detecting clinical signs of FMD in routinely trapped/sampled feral swine. WS Specialist/Biologist are to report any feral swine that have lesions (fluid-filled, thin-walled blisters) that are most often found on the tip of the snout, tongue, the upper most part of the hoof (coronary band) and the area between the hooves. Blisters may or may not have ruptured. This is observational surveillance. If no clinical signs are found, no FMD samples will be collected.

Respectfully submitted,

Scott Alls
Division Director
Wildlife Services Division

**September 2021 Activity Report
for
October 2021 Board Meeting
Agricultural Statistics Division**

General: Rainfall totals in Oklahoma the **first week of September** averaged 0.43 of an inch, with the East Central district recording the highest total at 1.07 inches. According to the August 31st US Drought Monitor Report, drought conditions were rated 18 percent abnormally dry to exceptional drought, up 6 points from the previous week. Additionally, 7 percent of the state was in the moderate drought to exceptional drought category, up 2 points from the previous week. Statewide, temperatures averaged in the low 80's. Topsoil and subsoil moisture conditions were rated mostly adequate to short. T

Rainfall totals in Oklahoma the **second week of September** averaged 0.08 of an inch, with the Southeast district recording the highest total at 0.43 of an inch. According to the September 7th US Drought Monitor Report, drought conditions were rated 28 percent abnormally dry to exceptional drought, up 10 points from the previous week. Additionally, 6 percent of the state was in the moderate drought to exceptional drought category, down 1 point from the previous week. Statewide, temperatures averaged in the high 70's. Topsoil and subsoil moisture conditions were rated mostly short to adequate.

Rainfall totals in Oklahoma the **third week of September** averaged 0.19 of an inch, with the Panhandle district recording the highest total at 0.51 of an inch. According to the September 14th US Drought Monitor Report, drought conditions were rated 55 percent abnormally dry to exceptional drought, up 27 points from the previous week. Additionally, 11 percent of the state was in the moderate drought to exceptional drought category, up 5 points from the previous week. Statewide, temperatures averaged in the high 70's. Topsoil and subsoil moisture conditions were rated short to adequate.

Rainfall totals in Oklahoma the **fourth week of September** averaged 0.07 of an inch, with the Northeast district recording the highest total at 0.44 of an inch. According to the September 21st US Drought Monitor Report, drought conditions were rated 79 percent abnormally dry to exceptional drought, up 24 points from the previous week. Additionally, 39 percent of the state was in the moderate drought to exceptional drought category, up 28 points from the previous week. Statewide, temperatures averaged in the low 70's. Topsoil moisture conditions were rated mostly short to very short, while subsoil moisture conditions were rated short to adequate.

Winter wheat planted reached 28 percent, up 3 points from the previous year but unchanged from normal. Winter wheat emerged reached 5 percent, down 1 point from the previous year but up 2 points from normal. Row Crops: Corn mature reached 79 percent, up 5 points from the previous year and up 7 points from normal. Corn harvested reached 30 percent, up 1 point from the previous year but down 9 points from normal. Sorghum coloring reached 94 percent, up 5 points from the previous year and up 4 points from normal. Sorghum mature reached 60 percent, up 11 points from the previous year and up 7 points from normal. Sorghum harvested reached 10 percent, down 9 points from the previous year and down 14 points from normal. Soybeans

setting pods reached 88 percent, down 4 points from the previous year and down 3 points from normal. Soybeans dropping leaves reached 34 percent, up 2 points from the previous year and up 7 points from normal. Peanuts mature reached 50 percent, unchanged from the previous year but up 6 points from normal. Cotton bolls opening reached 68 percent, up 14 points from the previous year and up 11 points from normal.

The fourth cutting of alfalfa hay reached 78 percent, down 8 points from the previous year but up 1 point from normal. The fifth cutting of alfalfa hay reached 12 percent, up 3 points from the previous year and up 9 points from normal. The third cutting of other hay reached 45 percent, up 6 points from the previous year and up 5 points from normal.

Pasture and range condition was rated at 78 percent fair to good. Livestock condition was rated at 90 percent good to fair.

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

Survey	Enumerated by:	Survey Dates
Calling Suspended on 3/18/2020 due to COVID-19		
Calling has rolled over to field enumerators from home. Laptops have been issued to call center enumerators and are currently being used to collect data as well.		

Statistics: On October 12, 2021, the October Crop Production Report was published. Highlights include:

Oklahoma Upland Cotton production is forecast at 760 thousand bales, 19 percent higher than 2020. Yield averaged 879 pounds per acre, compared with 702 pounds last year. Acreage harvested, at 415 thousand acres, is down 5 percent from last year.

Oklahoma corn production is forecast at 45.0 million bushels, up 4 percent from the previous year. Statewide yields averaged 150 bushels per acre, 15.0 bushels higher than 2020. Acres harvested for grain, at 300 thousand, is down 6 percent from last year.

Oklahoma sorghum production is forecast at 22.0 million bushels, up 113 percent from last year. Yield averaged 62.0 bushels per acre, up 17.0 bushels from the previous year. Acres harvested, at 355 thousand acres, is 54 percent higher than 2020.

Oklahoma soybean production is forecast at 15.4 million bushels, down 5 percent from last year. Yield is expected to average 28.0 bushels per acre, compared with 30.0 bushels in 2020. Harvested acreage, at 550 thousand acres, is 2 percent higher than last year.

Oklahoma peanut production is 2 percent higher than last year, at 60.0 million pounds. Yield is forecast at 4,000 pounds per acre, down 220 pounds from 2020. Harvested acres are up 7 percent from last year to 15.0 thousand acres.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 16. In addition, our internet home page was hit 27,482 times in 2021, which is up 14 percent from 2020.

Releases for September:

Crop Production
 Cattle on Feed
 Hogs and Pigs
 Small Grains Summary
 Quarterly Grain Stocks
 Agricultural Prices

Relating Dates:

September 1, 2021
 September 1, 2021
 September 1, 2021
 September 1, 2021
 September 1, 2021
 September 15, 2021

Release Dates:

September 10, 2021
 September 24, 2021
 September 24, 2021
 September 30, 2021
 September 30, 2021
 September 30, 2021

Releases for October:

Crop Production
 Cattle on Feed
 Agricultural Prices

Relating Dates:

October 1, 2021
 October 1, 2021
 October 15, 2021

Release Dates:

October 12, 2021
 October 22, 2021
 October 30, 2021

Meetings and Events:

Wheat Commission Meeting
 TECO Meeting
 OSU Virtual Career Fair
 SPR NASDA Training
 SEB/FAC Meeting
 SPR OSU Custom Rates Training
 Wheat Commission Meeting

Date:

September 3, 2021
 September 21, 2021
 September 29, 2021
 September 5-7, 2021
 October 6, 2021
 October 7, 2021
 October 29, 2021

Location:

Virtual
 Virtual
 Virtual
 Virtual
 Virtual
 Virtual
 Virtual

Respectfully Submitted,

Troy Marshall

MARKET DEVELOPMENT SERVICES

October 28, 2021

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 210
- Total Number of Pre-service Teachers Impacted: 14
- Total Number of Extension Educators Impacted: 17
- Total Number of Students Directly Impacted by Coordinators: 1,942
- Total Number of Resources Given: 17,488
- Total Number of Teachers/PreService Teachers Resources Given to: 404
- Total Number of PreK-12th Grade Students Resources Given to: 2,186

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

- The AITC website had 17,705 visits and 14,531 unique page view visits.
- The AITC monthly email is delivered to 15,413 accounts.
- The AITC Facebook page now has 7,704 followers.
- The AITC Twitter page now has 571 followers.
- Oklahoma AITC Instagram account now has 594 followers.
- Oklahoma AITC Pinterest account now has 206 followers.
- The AITC YouTube channel now has 7,988 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
14 Northwestern OSU Pre-Service Teachers	Northwestern OSU in Alva	Grady's In the Silo; Strawberry Tear Sheets; Protect the Pringle; Did you Know Posters Relay	Barns, Financial Literacy, Bookmarks, Pens, All EC Specialty Crop Tear Sheets, Red Dirt Symbols, ABC's of Agriculture, Oklahoma Ag Mag, Upper Specialty Crop, Red Dirt Ground Breakers, Cotton and Wool, Chocolate Milk, Careeropoly Games
32 Early Childhood Teachers from across Oklahoma	Oklahoma Department of Agriculture and ZOOM	Phonological and Phonemic Awareness Around the Farm	Phonological and Phonemic Awareness Around the Farm resource
17 Extension	Zoom	Pumpkins lessons, Pumpkin Pie in a	Steve Beck, with

Educators/FA CS & 4-H		bag, Pumpkin Putty; New Soil, Plants, and Animals Oh My resource	Oklahoma 4-H, provided \$50 worth of accurate Ag Book for each educator that attended; AITC sent out Soil, Plants, and Animals Oh My book
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Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
36 classes throughout Oklahoma logged on	Zoom	<p>Oklahoma Ag in the Classroom Read an Accurate Ag Book Day #1 (Sept 7) Readers over Zoom:</p> <p>Representative Dell Kerbs <i>Book: Grady's in the Silo</i></p> <p>Oklahoma Miss United States Agriculture Cambrey Jo Hull <i>Book: The Good Egg</i></p> <p>State 4-H President Elizabeth Chambers <i>Book: Blazer's Taxi</i></p>	N/A
26 classes throughout Oklahoma logged on	Zoom	<p>Oklahoma Ag in the Classroom Read an Accurate Ag Book Day #2 (Sept 8) Readers over Zoom:</p> <p>Oklahoma Central District Ag-Ed Program Specialist Rose Bonjour <i>Book: In the Garden with Dr. Carver</i></p> <p>Program Director of Collegiate Beef Advocacy Program, Kristi Sproul <i>Book: All about that Beef</i></p> <p>Director of the Oklahoma Ag Leadership Program Edmond Bonjour <i>Book: How Many Seeds in a Pumpkin?</i></p>	N/A
35 classes throughout Oklahoma logged on	Zoom	<p>Oklahoma Ag in the Classroom Read an Accurate Ag Book Day #3 (Sept 9) Readers over Zoom:</p> <p>Collegiate Beef Advocacy team member at OSU Carli Eubank <i>Book: Levi's Lost Calf</i></p> <p>Representative Dick Lowe</p>	N/A

		<p><i>Book: John Deere, That's Who</i></p> <p>State FFA Central Area Vice President, Kade McGowen</p> <p><i>Book: Pistol the Horse and Rosie the Pig</i></p>	
29 classes throughout Oklahoma logged on	Zoom	<p>Oklahoma Ag in the Classroom Read an Accurate Ag Book Day #4 (Sept 10)</p> <p>Readers over Zoom:</p> <p>Representative Kenton Patzkowsky</p> <p><i>Book: Baby Black</i></p> <p>State Farm Bureau Women's Chair Mignon Bolay</p> <p><i>Book: Blazer's Taxi</i></p> <p>Former AITC State Coordinator Dana Bessinger</p> <p><i>Book: The Cow in Patrick O'Shanhan's Kitchen</i></p>	N/A
Over 14,000 students were read to during AITC Read an Accurate Ag Book Week - 10 4-H Clubs, 85 FFA Chapters, and 210 Educators registered to participate.	Oklahoma classrooms	<p>Oklahoma Ag in the Classroom Read an Accurate Ag Book Week (Sept 7-10th)</p>	<p>Four bushels of books were awarded to a participating 4-H Club, FFA Chapter, and two educators.</p> <p>4-H Club: Lomega 4-H</p> <p>FFA Chapter: Maysville FFA</p> <p>Educator: Ashley Collier - 3rd grade teacher at Oklahoma Union</p> <p>Educator: Stacy Walling - Kindergarten teacher at Stuart</p>
102 3rd through 5th grade students from Calumet Elementary, Mountain View-Gotebo Schools, and a home school	Oklahoma State Fair Academy	<p>Welcomed students to the Oklahoma State Fair - shared with students why the fair started, ties to agriculture, and told them items to look for at the fair, such as the giant pumpkin.</p>	<p>Red Dirt Symbols, AITC Bookmarks, Swine Elementary Tear Sheets; Bees and Honey Elementary Tear Sheets</p>
75 3rd - 5th grade students from Canton Elementary	Oklahoma State Fair Academy	<p>Welcomed students to the Oklahoma State Fair - shared with students why the fair started, ties to agriculture, and told them items to look for at the fair,</p>	<p>Red Dirt Symbols, AITC Bookmarks, Swine Elementary Tear Sheets; Bees and Honey</p>

		such as the giant pumpkin.	Elementary Tear Sheets
115 3rd - 5th grade students from Justice Elementary, Alex Elementary, Epic Charter Schools, and a home school	Oklahoma State Fair Academy	Welcomed students to the Oklahoma State Fair - shared with students why the fair started, ties to agriculture, and told them items to look for at the fair, such as the giant pumpkin.	Red Dirt Symbols, AITC Bookmarks, Swine Elementary Tear Sheets; Bees and Honey Elementary Tear Sheets
600 students - grades K-5th	Union Public Schools - McAuliffe Elementary Tulsa OK	Betsy the dairy cow	300 Does Chocolate Milk come from Cows? Tear sheets, 100 Beef or Dairy Readers, 100 It's a Farm Animal Reader, 200 AITC bookmarks
50 Oklahoma students ranging from PK-7th grade	Scissortail Farmer's Market	Educational Booth with the Agriculture trivia wheel	Samples of pumpkin putty (recipe found in Fruits, Nuts, and Veggies Oh My), ABC Agriculture Coloring Book, Ag on Route 66 Activity book, Red Dirt Symbols

Ag in the Classroom- Resources Mailed or Delivered

Number Of Resources	Location Resources Were Mailed Or Delivered	Resources Mailed
10	Amber-Pocasset Elementary	Multiple resources
20	Morrison Elementary	Multiple resources
1	YMCA Child development Center - OKC	Multiple resources
90	Gore Elementary School	Multiple resources
90	Woodrow Wilson Elementary	Multiple resources
1	Keys Schools	Harvest of the Month set of 12 posters
25	Thomas Jefferson Elementary	Multiple resources
30	Mark Twain Elementary - Duncan	Multiple resources
95	Ranch Heights Elementary - Bartlesville	Multiple resources
40	Strother Elementary	Multiple resources
22	Grove Elementary	Multiple resources
30	Wellston Elementary	Multiple resources
50	Lake Park Elementary	Multiple resources

15	Comanche High School	Multiple resources
100	Creekwood Elementary - Broken Arrow	Multiple resources
20	Yukon High School	Multiple resources
20	Central High Elementary	Multiple resources
100	Sand Springs Public Schools - after school program	Multiple resources
20	Minco Elementary	Multiple resources
42	Morrison Elementary	Multiple resources
23	Bridge Creek Elementary	Multiple resources
28	Seiling Public Schools	Multiple resources
125	Longfellow Middle School - Norman	Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th)
25	Kansas Public Schools	It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade)
25	Kansas Elementary School	Oklahoma Ag on Rt 66 student magazine (PreK-3rd)
30	Northern Hills Elementary	Multiple resources
50	Coalgate	Multiple resources
28	Woodland Public Schools	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
50	Wynnewood Central Elementary School	Multiple resources
25	Britton Elementary School	Oklahoma Agriculture Fun Facts Bookmarks (Set of 25)
15	East Cross Early childhood center	Honey Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade)
21	Waynoka Public School	It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade)
50	Orvis Risenhoover Elementary	Engineering Process Early Childhood/Lower Elementary student worksheets (set of 25) (PreK-3rd)
360	Oklahoma State Career Tech - Agricultural Education (one for each Ag Teacher for COLT Conference)	Oklahoma Ag Magazine
20	Duncan Public Schools	Multiple resources
65	Sapulpa High School	Oklahoma Ag Magazine
60	Wayne High School	Oklahoma Ag Magazine
125	Muskogee County Extension	Ag on Rt 66 Activity Book
125	Growing Paynes	Ag on Rt 66 Activity Book; ABC Coloring Book; AITC Bookmarks

Ag in the Classroom- Other Events

Event	Highlights
Assist Oklahoma State 4-H in judging Oklahoma State Fair Entries	Annie and Emily judged Educational displays and Woodworking 4-H exhibits at the Oklahoma State Fair
NAITCO National Conference Planning Committee Meeting	Oklahoma and Florida are being considered as hosts for the 2023 National Ag in the Classroom Conference. The Zoom meeting discussed hotel and conference accommodations available in Oklahoma City. There will be another meeting in mid-October.
2022 AITC Contest has been announced	The 2022 contest theme is “Find your Future in Agriculture.” Although agricultural producers are critical in providing food and fiber for all of us, many other careers support food getting onto our plates. Let’s introduce students to the vast opportunities and careers in the agricultural industry! Photography contest has been added for high school students.

Ag in the Classroom- New Lessons; Website Additions; Resources

Type	Website URL
Lesson update - <u>Save Our Soil- Exploring Agricultural Land Use</u> Grades 6-12	https://cdn.agclassroom.org/ok/lessons/soil/savesoil.pdf
Lesson update - <u>Mud in the Water</u> Grades 6-12	https://cdn.agclassroom.org/ok/lessons/soil/mudwater.pdf
Lesson update - <u>Melon Meiosis</u> Grades 6-12	https://cdn.agclassroom.org/ok/lessons/watermelon/meiosis.pdf
Lesson update - <u>Hot off the Grill</u> Grades 6-12	https://cdn.agclassroom.org/ok/lessons/beef/grill.pdf
Lesson update - <u>They Don’t Just Eat Grass</u> Grades 6-8	https://cdn.agclassroom.org/ok/lessons/beef/grass.pdf
Lesson update - <u>A Market for Goats</u> Grades 6-8	https://cdn.agclassroom.org/ok/lessons/lessons/goat.pdf
Lesson update - <u>Bubbles in the Cabbage Juice</u> Grades 6-8	https://cdn.agclassroom.org/ok/lessons/upper/cabbage.pdf
2022 AITC Contest information and 2022 AITC Teacher of the Year Application has been added to website	https://oklahoma.agclassroom.org/contest/

AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Native Spirits Winery	Norman	Winery	Delivered Travel OK stickers and brochures
Sampson Family Farms	Byars	Loklahoma	Delivered OK Grown bags
Okmulgee FM	Okmulgee	Farmers Market	Delivered OK Grown bags

Growing Paynes	Mustang	U-pick	Delivered pumpkin tear sheets
Parkhurst Ranch	Arcadia	Pumpkin Picking	Delivered pumpkin tear sheets
Cross Timbers Christmas Tree Farm	Harrah	Pumpkin Picking and Christmas Tree Farm	Delivered pumpkin and Christmas Tree tear sheets
Wells Christmas Tree Farm	Norman	Christmas Tree Farm	Set up booth at their Christmas Market event and passed out brochures
Downstream Crafted Brewing Company at Downstream Casino & Resort	Quapaw	Brewery	Delivered Oklahoma Craft Beer Trail brochures
Scissortail Brewing Company	Dewey	Brewery	Delivered Oklahoma Craft Beer Trail brochures
Dollhouse Road Brewing	Pawhuska	Brewery	Delivered Oklahoma Craft Beer Trail brochures
Vortex Alley Brewing	Ponca City	Brewery	Delivered Oklahoma Craft Beer Trail brochures
Cooper and Mill Brewing Company	Bartlesville	Brewery	Delivered Oklahoma Craft Beer Trail brochures
Iron Monk Brewing Co.	Stillwater	Brewery	Delivered Oklahoma Craft Beer Trail brochures
Jahn's Pumpkin Hill	Cyril	Pumpkin Picking	Delivered pumpkin tear sheets
Kenny Farms	Woodward	Pumpkin Picking	Delivered pumpkin tear sheets
Bradt's Menagerie	Alva	Pumpkin Picking	Delivered pumpkin tear sheets
Rustic Roots Events & More	Lamont	Pumpkin Picking	Delivered pumpkin tear sheets
Rustic Acres	Okemah	Pumpkin Picking	Delivered pumpkin tear sheets
Sunshine Shelly's Pumpkin Patch	Shawnee	Pumpkin Picking	Delivered pumpkin tear sheets
The Barn at Country Club	Newcastle	Pumpkin Picking	Delivered pumpkin tear sheets
3j Farms OK	Blanchard	Pumpkin Picking	Delivered pumpkin tear sheets
Dark Water Ranch	Ninnekah	Pumpkin Picking	Delivered pumpkin tear sheets
Hillbilly Haven	Oklahoma City	Pumpkin Picking	Delivered pumpkin tear sheets
Pleasant Valley Farms	Sand Springs	Pumpkin Picking	Delivered pumpkin tear sheets
Oklahoma Heritage Farm Store & Annual Fall Festival	Ramona	Pumpkin Picking	Delivered pumpkin tear sheets
Chester Party Barn & Farm	Piedmont	Pumpkin Picking	Delivered pumpkin tear sheets

Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
Walnut Woods	Edmond	Pumpkins	Site visit, Added to program
Wonderland Farms	Harrah	Christmas Trees	Site visit, Added to program
Garrett Pumpkin Patch	Ralston	Pumpkins	Site visit, Added to program

Agritourism – Web and Social Traffic

Facebook: 18,786 page likes

Instagram: 1,983 followers

Loklahoma

Facebook: 3,098 page likes

Agritourism - Other Activities

- Created 2022 Oklahoma Travel Guide advertisement
- Created 2022 Oklahoma Outdoor Guide advertisement
- Zoom meeting with Apollo Woods with OKC Black Eats and new NE OKC Farmers Market
- Toured Eastside Market and Restore OKC
- Rotary Club/brewery panel planning meeting with Sec. Arthur, and attend Rotary meeting with Sec. Arthur.
- Attended Pruett’s Food event at Uptown Grocery featuring 30 Oklahoma vendors sampling and selling their products
- Podcast interview with Oklahoma Radio Network about fall agritourism experiences
- Created recipe cards for Farm to School, one for each product: asparagus, broccoli, carrot, cucumber, peach, pepper, radish, squash, strawberry, sweet potato, tomato, and watermelon
- Attend American Farm Bureau Amplify Agriculture webinar
- Guest speaker at OSU Agricultural Communications writing class online
- Attend Travel OK quarterly tourism meeting
- Deliver OK Craft Beer Trail brochures at the Oklahoma Zoo Brew event

ECONOMIC DEVELOPMENT

Activity	Action
Oklahoma Healthy Food Financing Program	October 1 st was the deadline for applications to be considered by the selection committee for the 4 th quarter of 2021. Five (5) applications were submitted and will be reviewed on November 4 th .
Agriculture Enhancement & Diversification Program	Four Farm Diversification grants and One Agriculture Event grant was submitted for review at the upcoming meeting of the Ag Enhancement selection committee on November 9 th .
2021 SCBG application	USDA-AMS contacted ODAFF that the State Plan that was submitted for 2021 Specialty Crop Block Grant was approved for funding. The total award was for \$601,281.19 and will be used to fund 6 projects to promote the specialty crop industry in Oklahoma.
SCBG H.R. 133 Grant	The USDA has allocated special funding to State’s Departments of Agriculture to address issues withing their specialty crop industries for projects that focus on response to issues caused by COVID-19. Oklahoma will receive \$797,812.77 to fund these projects. Applications were due on September 24 th and a total of twelve (12) external projects were received with a request of over 1,400,000.00.

FARM TO SCHOOL

ACTIVITY	ACTION
Specialty Crop Grant 2020	Let’s Get Growing with a School Garden

	School Gardens are all in place with the exception of one school. Putnam City, Rollingwood Elementary has returned their items and let go of their contract. Southwood Academy in OKC will replace that school in our program.
Farm to School Month	Farm to School Month Ideas & Preparations October is National Farm to School Month! Watch Facebook for exciting things happening all month.

MADE IN OKLAHOMA PROGRAM

Events	Date	Location	Details
Tulsa Home and Outdoor Market	Aug. 27-29	Riverspirit Expo, Tulsa State Fairgrounds	12 companies participated in this show, we were able to cost-share their booth space and received positive feedback from them. One company even chose to participate in the Tulsa State Fair due to their success at this event.
Oklahoma State Fair	Sept. 16-26	Bennett Event Center, Oklahoma State Fairgrounds	We had record setting sales from the MIO Store this year! More details and year to year comparison below.
Tulsa State Fair – Vendor Area	Sept. 30-Oct. 10	Exchange Building, Tulsa State Fairgrounds	We contracted out 48 booths to companies of the Made in Oklahoma Program. Changes relating to COVID and restructuring were challenging.
Tulsa State Fair, Made in OK Cafe		Lower Ford Truck Arena, Tulsa State Fairgrounds	This was the second year of the Made in OK Café, which has proven to be a huge success! Daily duties included cooking/preparing food, serving, managing cash registers, coordinating volunteers and more. We are brainstorming about products to add and ways to grow the café for 2022.
Stockyards Stampede	Oct. 16	Stockyards (OKC)	12 companies are planned to participate in Made in Oklahoma Market at Stockyards Stampede

New Producers:

- Box Owls, LLC
- Black Lotus Homestead

Retailers:

- The Rose Buud Shoppe
- The Painted Stone

- Sugar Bling
- MyWingbone Turkey Calls
- Trek Coffee Co.
- Junk Justified Crafty Creations
- Fagile Fabrications
- The Velvet Leopard, LLC
- Stone River Gardens
- L&L Manufacturing
- ShakeUrGreen
- Casual Smokers
- ZD Farms Beef Co.
- Handcrafted by Jenn Nicole
- Robinson Ranch
- Bachman Family Farms
- ibleedheART
- Fatback Farms
- Scrummy Munch
- Bigheart Soap Co.
- Cypress Hollow Designs
- Tribes Gallery
- Wasp Nest
- Vada Trading Co.
- The Market

Other Made in Oklahoma Activities:

- Managed payments on MIO Store through PayPal, automated feature is not working correctly so waiting on this issue to get resolved and, in the meantime, manually paying producers through MIO PayPal account.
- Updated delivery information for products ordered on e-commerce page, so customers could see tracking info and orders could be marked as complete, upon delivery
- Planned, created and published content for Facebook and Instagram
- Sent out various marketing materials and retailer signage
- Created and sent invoices for stickers, boxes of bags, retailer signage
- Added new companies to website, edited profiles, downloaded and uploaded photos
- Updated producer profile pages on website
- Updated Producer database of new Made in Oklahoma companies
- Calls with prospective producers, retailers, various interested parties or those with questions

Year-to-year comparison for overall store sales at Oklahoma State Fair:

<u>2021</u>	<u>2019</u>	<u>Variance</u>
\$124,744.60	\$117,216.15	\$7,528.45

MIO COALITION

Made in Oklahoma Coalition – Advertising, Web and Social Traffic

Type	\$ Spent	Highlights
MIO Featured Monthly Recipes in Tulsa World and Oklahoman	\$500/month each	Featured press release and 1-2 showcased recipes in food section

Marketing, Consulting and Graphics Retainer with Krush	\$5,500	Social media posts, digital presence, analytics, management of content and creation of digital footprint, recipe file management.
MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 & 9 in OKC	OKC – 13 appearances Tulsa – 4 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
Restaurants of the Month	Presentation and luncheon with FS Committee	September – Lucille’s Roadhouse, Weatherford, OK October – Taylor’s Restaurant, OSU Campus, Stillwater, OK
Social Media Stats	Krush Retainer	Twitter: 5,489+ Instagram: 3,770+ Facebook: 17,515+
Recipes of the Month	5 recipes were developed: 2 for September and 3 for October 10 total members were featured	September: Nacho Table Honey Nut Kettle Corn October: Creamed Corn Casserole Peanut Butter Pretzel Chocolate Fudge

Made in Oklahoma Coalition – Other Activities

Activity	Information
MIO Retail Partnership Presentation to Oklahoma Grocers Association Board of Directors <ul style="list-style-type: none"> August 31st 	Staff and MIO President Courtney Talbot presented a comprehensive retail partnership program to the OGA board of directors. The presentation was very well received and we had multiple grocers sign up to be featured in our retailer of the month program.
MIO Food and Beverage Expo <ul style="list-style-type: none"> September 1st 	MIO had over 60 companies participate in our 5 th annual MIO Expo and had a great showing of attendees at the event. In the event survey sent out after the show, members reported having made connections that positively impacted their business.
MIO Recipe Photoshoot for October-December Recipes	Staff, MIO food stylist and MIO food photographer shot 8 fall MIO recipes that will go out in October, November and December. These recipes will be featured online, on social media, and in print publications.
MIO Meetings <ul style="list-style-type: none"> September 10th October 8th 	Staff led the monthly membership meetings in September and October. This September meeting was held remotely and the October meeting was held in person at the Oklahoma Department of Agriculture. We had 35-45 members attend each meeting.
MIO Sponsored Dinner with State Board of Agriculture <ul style="list-style-type: none"> September 15th 	MIO Staff and Board of Directors sponsored dinner at McClintock’s for the Oklahoma Board of Agriculture. We were able to talk about MIO and our mission and thank them for their continued support.
Meeting with Pruetts Foods/Uptown Grocery <ul style="list-style-type: none"> September 16th 	Staff and MIO Retail advocate met with the owners of Pruetts Foods and Uptown Grocery about October retail promotions. Based on the conversation we had, MIO produced signage for the store, organized a local vendor fair, and had company aisle blades installed in the store.
MIO Military Deli/Bakery Information Session Meeting	Patty Watson with the Military Deli Bakeries requested to have a meeting with MIO members about bringing more local products into the

	commissaries on Military bases in Oklahoma. This was an informational meeting for interested members.
Session 2: Oklahoma Agriculture Youth Council <ul style="list-style-type: none"> September 24th 	Staff led session 2 of the OK Agriculture Youth Council. This session was held at the Oklahoma State Fair in the MIO Store. The council stocked shelves, greeted customers and helped out however was needed.
Oklahoma State Fair Store and Made in OK Café at Tulsa State Fair <ul style="list-style-type: none"> September 16th – October 10th 	Staff worked at the Made in OK Café at the Tulsa State Fair.
Jumbo Foods Executive Meeting <ul style="list-style-type: none"> September 28th 	Staff and MIO Retail advocate visited Jumbo Foods in Enid and met with the store owner and his son to plan November retail promotions. We are putting up in store signage, doing shopper sweepstakes and a number of other promotions with Jumbo in November.
Uptown Grocery Local Products Fair <ul style="list-style-type: none"> October 7th 	Over 10 MIO companies participated in the Uptown Grocery Local Vendor Fair. This was a hugely successful event that was well attended by area shoppers. Ray Pruett, owner of the store was thrilled with the event and wants to hold one per quarter moving forward.
Military Deli/Bakery Meeting with MIO Members <ul style="list-style-type: none"> October 8th 	Staff coordinated meetings between the Director for the Military Deli/Bakeries and companies interested in getting their products into the commissaries on military bases. These meetings were held in person at ODAFF and we had 17 companies participate in 20 minute meetings.

MARKET NEWS SERVICES

September 13, 2021-October 14, 2021

- **Grain Report:**

	September 13, 2021	October 14, 2021	DIFFERENCE
WHEAT: (bu)	\$6.31-\$6.90	\$6.80-\$7.39	\$0.49 to \$0.49 higher
MILO: (bu)	\$4.77-\$5.32	\$4.82-\$5.42	\$0.05 to \$0.10 higher
SOYBEANS: (bu)	\$11.84-\$12.22	\$10.98-\$11.41	\$0.86 to \$0.81 lower
CORN: (bu)	\$5.02-\$5.62	\$5.07-\$5.67	\$0.05 to \$0.05 Higher
COTTON: (lb)	90.71 cents	103.85 cents	13.14 cents Higher

- **OKC NATIONAL STOCKYARDS (OKC) STEER CALVES AND YEARLINGS:**

Medium & Large Frame No. 1 Muscle Thickness (500-600 lb) Calves

- (09-21-21) \$150.00-173.00 Wtd. Avg. \$161.50
- (10-12-21) \$150.00-176.00 Wtd. Avg. \$163.00

Medium & Large Frame No. 1 Muscle Thickness (600-700 lbs) Yearlings

- (09-21-21) \$147.25-\$161.00 Wtd. Avg. \$154.37
- (10-14-21) \$150.00-\$162.50 Wtd. Avg. \$156.25

- **Weekly Report:**

Six weekly Oklahoma Market Reports were sent to 8,633 subscribers in September and October 2021 (up from 8,313 subscribers last report).

- **Voice Messaging System:**

The market news voice messaging system during

- September 13th to September 30th, 2021- Accessed 3,607 Times
- October 1st to October 14th- Accessed 1,943 Times
- Monthly Total: September 13th to October 14th, 2021- Accessed 5,180 Times
- Compared to last year 3,204 September 13th to October 14th, 2020-Is UP by 1,976 Times

- **USDA Hay Report:**

09/16/21-10/14/21: Hay remains steady for much of the state with good demand, but movement continues to remain slow. With the feed cost continuing to rise, hay becomes the main feed resource for the producer. If this continues, we should see an increase of trade in the near future. With low milk prices, dairies have continued to move to cheaper feed rations. We have received much needed rainfall in parts of our state, but according to the Mesonet we are still mainly in a moderate to severe drought in most of the

state.

Alfalfa.

- Central Oklahoma:
 - Good to Supreme large squares \$150.00-\$190.00 Per Ton Avg.\$170.00
 - Good large rounds \$85.00-165.00 Per Bale Avg. \$97.50
 - Good Alfalfa grass mix large round \$30.00 Per Bale Steady
 - Grinded Hay \$120.00-\$140.00 Per Ton Avg. \$130.00
- Eastern Oklahoma:
 - Premium Large Squares \$160.00 Per Ton Steady
- Western Oklahoma:
 - Premium to Supreme Large Round \$180.00 Per Ton Steady
- Good Large Round \$150.00 Per Ton Steady
 - Fair to Good Grinding Hay \$130.00 Per Ton Steady

Grass Hay

- Central Oklahoma:
 - Premium to Supreme Large Ton \$55.00-\$110.00 Avg. \$82.50
 - Premium to Supreme Large Round \$45.00-\$65.00 Per Bale Avg. \$55.00
 - Fair to good Large Round \$45.00-\$75.00 Per Bale Avg. \$60.00
 - Premium to Supreme Small Squares \$6.00-\$9.00 per bale. Avg. \$7.50
- Western Oklahoma: No trades reported.
- Eastern Oklahoma: No trades reported.

Wheat Hay

- Central Oklahoma: No trades reported.
- Western Oklahoma: No trades reported.
- Eastern Oklahoma: No trades reported.



**Oklahoma Department of Agriculture,
Food, and Forestry
October, 2021 Board Report for the
Agricultural Environmental Management Services
Division - Activities from
Aug. 30, 2021 thru Oct. 4, 2021**

AEMS Division Monthly Activities

- A representative from the AEMS division participated in a conference call with OSU, USDA APHIS, and ODAFF to discuss the Swine Research Project.
- Representatives from the AEMS division participated in an Illinois River Watershed working group call.
- A representative from the AEMS division participated in the 2021 Water Sustainability Conference presented by Oka’ the Water Institute at East Central University.
- Representatives from the AEMS Division attended the Arkansas-Oklahoma Arkansas River Compact Commission Annual Meeting.

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

Complaints and Inspections

A summary of the complaints received and investigated plus all the inspections and technical assistance conducted by the ODAFF AEMS Staff for this reporting period:

10	Complaints received and investigated this reporting period.
10	Complaints closed this reporting period
Complaints Received - Breakdown	
Cattle - 0 Swine – 0 Poultry- 12 Misc. Animal 1 Other – 1 Animal Shelter 1 Pet Breeder 5	
32	Year to date complaints received in FY 20/FY 21
47	Year to date complaints closed in FY 20/FY 21
59	LMFO/CAFO inspections, plus technical assistance
155	Poultry inspections and technical assistance
18	Pet Breeders -Shelters inspections and technical assistance
23	Breeders Pre annual inspections and technical assistance

CAFO and LMFO Activities - Month and Fiscal Year 2022

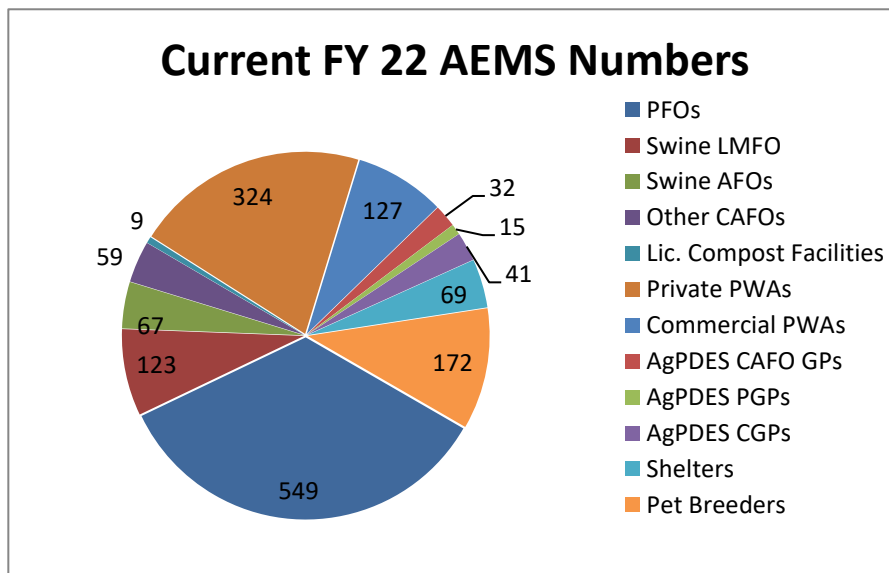
	Aug. 30 – Sept 26, 2021	FY 22 Total
Complaint or Compliance Follow-ups	25	69
Annual Inspections	49	209
Carcass Disposal Inspections	16	73
Technical Assistance with Contacts	10	46
Site Visit/Review – No contact made	5	27

Poultry Activities – Month and Fiscal Year 2022

	Aug. 30-Sept. 26, 2021	FY 22 Total
Complaint or Compliance Follow-ups	6	14
Annual Poultry Inspections	3	3
Poultry Technical Assistance	152	470
Soil Samples Collected	6	22
Site Visit/Review – No contact made	84	297
Construction Stormwater Inspection	0	0
Eucha-Spavinaw CNMP Written	10	35
New PFO License Pre-Site Inspections	0	0

Pet Breeders Activities – Month and Fiscal Year 2021

	Aug. 30-Sept. 26, 2021	FY 22 Total
Complaint or Compliance Follow-ups	14	29
Shelter Annual Inspections	3	23
Shelter Technical Assistance provided w/owner/operator	15	30
Site Visit/Review – No contact made	8	12
Shelter Close out	0	18
Breeder Annual Inspections	6	22
Breeder Technical Assistance	17	34
Site Visit/Review – No contact made	1	5
Breeder Close out	0	0



Respectively

Teena G. Gunter
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**OCTOBER 2021 BOARD REPORT
REGARDING AUGUST 28, 2021 THROUGH OCTOBER 10, 2021 ACTIVITIES
OF THE
OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (Beginning May 31, 2021)	Amount of Fines for this Board Meeting
\$11,425.00	\$12,450.00

CONTRACTS REVIEWED OR DRAFTED (16):

Forestry - 4
Market Development - 7
CPS - 2
Admin - 3

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 156
Total Number of New Cases: 140
Total Number of Cases Closed: 59
NOVs Sent: 28

OTHER ACTIONS AND PROCEEDINGS:

<i>Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF</i> , McCurtain County Case No. CV-2018-069. Petition for Declaratory Relief, etc. (Filed but not served on ODAFF as of 11/15/2020).
<i>W.L. Hardesty, et al., v. ODAFF and Cesar Cervantes</i> , Okmulgee County District Court Case No. CJ-2019-040: Petition served. Answer filed. Motion to Dismiss heard and denied September 4, 2019. Pending scheduling order.
<i>Kirk Marshall v. ODAFF</i> , Oklahoma County District Court Case No. CJ-2020-1347: Petition served. Time period tolled by Supreme Court Order until May 15, 2020. Answer drafted and prepared for filing. Application for Injunction Denied. Answer filed. Hearing held. Amended Petition filed by Plaintiff. Answer to Amended Petition filed. Awaiting decision by Court of Civil Appeals.

<i>Sam Withiam v. OK State Dept of Agriculture</i> , Lincoln County District Court, Case No. CJ-20-73: Lawsuit involved tort claim stating ODAFF damaged concrete during elk depopulation. The Attorney General's Office is handling this claim. An Answer was filed. Discovery is ongoing.
<i>Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry</i> , Pittsburg County District Court, Case No. CJ-2020-111: Lawsuit involves vehicle accident between plaintiff and ODAFF employee. Attorney General's Office is handling this claim.
<i>Upton's Naturals Co v. Stitt and Arthur</i> , District Court, W.D. Oklahoma, Case No. 5:20-cv-00938: Lawsuit against Governor Stitt and Secretary Arthur in their professional capacities. Upton's Naturals challenges a state law that prohibits food manufacturers from using terms like "hot dogs," "burgers," or "bacon" on labeling for meat-free products. The Attorney General's Office is handling this claim.
<i>William Grossman v. Lori Howard et al.</i> , Cherokee County District Court, Case No. CJ-2020-111: Lawsuit filed on the agency and Forestry Services for requesting damages for a car wreck that occurred during a prescribed burn. The prescribed burn was not performed by ODAFF and the agency had no involvement with the circumstances. The Attorney General's Office is handling this claim.
<i>Spring Creek Coalition v. ODAFF and Trong</i> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<i>Spring Creek Coalition v. ODAFF and Phan, et al.</i> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed.
<i>Kirk Marshall v. State of Oklahoma ex rel. Oklahoma Department of Agriculture</i> , Oklahoma Supreme Court Case No. 119,629: Petition in Error filed seeking reversal of District Court's denial of injunction. Response to Petition filed. Briefing cycle completed. Assigned to Court of Civil Appeals. Awaiting scheduling.

MEETINGS:

Date	Activity
August 31, 2021	Directors Meeting
September 2, 2021	GovQA Open Records Software
September 7, 2021	Legislative Interim Study Fence Law
September 7, 2021	USAO
September 8, 2021	HISA/USADA implementation
September 9, 2021	Advancing Oklahoma
September 10, 2021	MPC Mediation
September 14, 2021	GovQA Open Records Software
September 14, 2021	Legislative Interim Study Noxious Weeds
September 14, 2021	Director's Meeting
September 15, 2021	GovQA Open Records Software
September 15, 2021	Board of Agriculture
September 16, 2021	GovQA Open Records Software
September 16, 2021	Illinois River Workgroup
September 22, 2021	AR-OK Arkansas River Compact Commission

September 22, 2021	AALA Symposium Planning Committee
September 23, 2021	AR-OK Arkansas River Compact Commission
September 28, 2021	Director's Meeting
September 28, 2021	OMMA
September 30, 2021	OGC Staff
October 1, 2021	OBA Women in the Law CLE
October 5, 2021	Director's Meeting
October 10, 2021	MPC Mediation
October 11, 2021	McAfee & Taft

RULE ACTIVITIES:

Chapter 2. Fees (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.

Chapter 3. Fine Matrices (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.

Chapter 10. Agricultural Products (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.

Chapter 13. Fuel Alcohol (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.

Chapter 15. Animal Industry (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.

Chapter 17. Water Quality (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.

Chapter 18. Carcass Disposal (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.

Chapter 20. Forestry (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.

<p>Chapter 25 Laboratories (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 30. Consumer Protection (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 37. Food Safety (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 40. Market Development (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 44. AgPDES (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>OHRC</p>
<p>Chapter 1. Commission Powers and Jurisdiction (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 15. Licensing (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 20. Racing Officials and Racing Personnel (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 35. General Conduct (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>

<p>Chapter 60. Running the Race (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 65. Pari-Mutuel Wagering (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 70. Objections and Protests; Hearings and Appeals (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 75. Oklahoma-Bred Program (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>
<p>Chapter 85. Gaming Machine Specifications and Use and Operation Requirements (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules became effective on September 11, 2021.</p>

OPEN RECORDS REQUESTS (29):

AEMS: 10
AIS: 3
CPS: 16

OKLAHOMA HORSE RACING COMMISSION

<p>Litigation: Alfredo Gomez and Cruz Villafranco v. OHRC, Oklahoma County District Court Case No. CV-2020-430: Petition served. Response filed. Petitioners’ Motion for Partial Summary Judgment responded to. Pending hearing.</p>
<p>Litigation: Oscar Nunez v. OHRC, Oklahoma County Case No. CV-2020-449: Petition filed and served. Answer filed. Reversed and remanded. Rehearing held. Motion to Modify District Court’s Order of November 10, 2020 pending.</p>
<p>Litigation: Josue Ponce v. OHRC, Oklahoma County District Court Case No. CV-2020-815: Petition for Review of Final Agency Order filed. Response filed.</p>
<p>Litigation: Miguel Pena v. OHRC, Oklahoma County District Court Case No. CV-2019-179: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held October 11, 2019. TRO entered. Amended Petition for TRO heard May 15, 2020. TRO denied. Permanent injunction denied. Further action pending.</p>

Litigation: Jose Sanchez III, et al. V. Global Gaming, Heritage Place and OHRC, Oklahoma County District Court Case No. CJ-2020-2395: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held May 26, 2020. TRO denied. Further action pending.
Litigation: Carlos Ruiz v. OHRC, Tulsa County District Court Case No. CV-2020-627: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held June 8, 2020. TRO denied. Dismissed by the Court.
Litigation: Sammy Howard v. OHRC, Oklahoma County District Court Case No. CV-2020-1921. Petition served. Response filed. Briefs filed. Oral arguments held. Remanded for further proceedings.
LITIGATION: Rogelio Marquez, Jr. V. OHRC, Oklahoma County District Court Case No. CJ-2021-3393. Petition filed. Injunction sought. Hearing held, Injunction denied. Pending further proceedings.
Prepare cases for presentation at Stewards Hearings
Prepare cases for presentation in District Courts
Provide discovery to opposing counsel and Respondents regarding various hearings
Stewards Hearings at Remington Park
Stewards Hearings at Will Rogers Downs
Hearings in District Courts
Prepare and file Response to Petition for Temporary Restraining Order and Injunction
Prepare and file Motion to Dismiss
Argue appeals at regular session of the Oklahoma Horse Racing Commission
Discuss possible rule revisions/amendments with Executive Director
Draft proposed rule revisions
Advise Executive Director on extent of delegated authority
Discuss certain policy issues with Executive Director
Review communication from Respondents' counsel in various cases
OHRC regular meeting
Supervise and direct OHRC legal intern
Attend Saratoga Gaming and Racing Seminar
Attend ARCI Rules Committee meeting
Consult with OHRC regarding gaming issues

OTHER ACTIVITIES:

Phone calls or emails with the public: 23
Assistance to AEMS: 3
Assistance to CPS: 9
Assistance to Wildlife Services: 1
Assistance to Forestry: 5
Assistance to AIS: 1
Assistance to Admin: 2
Assistance to Market Development: 5
Assistance to other state or federal agencies: 15

Assistance to Food Safety: 3
Assistance to NASS: 0
Assistance to Executive Office: 12
Assistance to Lab: 1
Assistance to Investigative Services: 1

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY REPORT SEPTEMBER 2021

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 869,919 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA Shell Egg grading on 38,482 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors also provided USDA poultry grading services on poultry products being shipped from OK Foods in Muldrow & Heavener. Also; routine egg quality inspections under the Oklahoma egg law were conducted.

Organic Foods Section

Organic inspectors completed compliance and certification inspections at:

- Ten organic crop producers
- One organic livestock producer
- Four organic processors
- Collected three organic samples
- Eight retail organic inspections
- The organic section had requests for 2,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States. The organic section had 4 requests for organic crop applications, 1 request for an organic processing application and 1 request for an organic livestock application.

Produce Safety Section

- Contacting and visiting farms to determine coverage/exemption under the Produce Safety Rule
- Visited 17 farmers markets providing outreach and education to producers and to collect farm inventory
- Completed a produce farm inspection for the Produce Safety Rule
- Shared information about the Produce Safety Rule at an information table at an OSU Horticulture class and the Oklahoma Peanut Growers Association Board meeting
- MCAFDO board meeting
- Regular conference calls with TX, LA, AR, NM, MO, MS
- FDA/NASDA Inspection Scenarios Workshop

Oklahoma Meat Inspection Services Investigations and Compliance Activities

Planned Compliance Reviews	12
Random Compliance Reviews	110
Person-to-Person Contacts	35
Special Investigations and/or Projects	05
Reports of Apparent Violations	00
Detentions	00
Consumer Complaints	04
Verbal Warnings Issued	03
Letters of Warning Issued	00
Samples Submitted to Lab for Analysis	00
Accident Investigations	00
Administrative Procedures Act	01 (OK-1-835)

See details below:

ACCIDENT LOCATION	ANIMAL/PRODUCT	DISPOSITION
NONE		

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/Poultry Inspection Act and/or State Statutes.

Meat Inspection

Meat Sample Activity:	
Samples Submitted for Analysis	25
Samples Not Analyzed	0
Samples Analyzed	25
Samples Non-Compliant	0
Samples Negative results	25

Sept. 9

We interviewed and hired Karina Reelfs for Enid area & McKenzie Owen for the Council Hill area. Effective start date of 09/27/2021

Sept. 10

We interviewed and hired Ronald Higgins for the Pryor area. Effective start date of 10/11/2021.

Sept. 24

We interviewed and hired Jaynann Wilson for the Edmond area. Effective start date of 10/11/2021.

MEAT INSPECTION

Number of Cattle	982
Total Beef Condemned	26,132 lbs
Number of Swine	298
Total Pork Condemned	1,325 lbs
Number of Sheep and Goats	93
Total Condemned	0 lbs
Number of Rabbits	0
Total Condemnations	0 lbs
Number of Exotic Deer	0
Total Condemnations	0 lbs
TOTAL MEAT INSPECTED	603,531 lbs

PROCESSED MEAT INSPECTED

Processed Red Meat	1,059,321 lbs.
Condemned on Reinspection	0 lbs
Poultry (Portions)	125,678 lbs
Condemned on Reinspection	0 lbs
Rabbit Meat	0
Condemned on Reinspection	0 lbs
Exotic Deer Meat	0
Condemned on Reinspection	0 lbs
TOTAL PROCESSED MEAT INSPECTED	1,184,999 lbs

DAIRY SECTION

Dairy Services Director, Pete Echelle, returned from medical leave on October 11, 2021. We are all happy for his return and recovery! Pete spent countless hours on the phone throughout his leave directing the program. We are grateful for his experience and dedication to the dairy program.

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

Dairy staff approved new PMO Mix Proof Double Seat Valves at the Braum's Ice cream and dairy plant in September. Braum's is the first dairy plant in the state to install and utilize this new technology. Dairy staff will be working with Braum's with additional PMO valve installations. PMO valves allow the plant to clean circuits and tanks more efficiently while simultaneously processing milk.

Dairy Services conducted two farm surveys: Dairy Farmers of America Central Council 23 (40-023) and Central Equity Coop 69 (40-069). Both received passing scores. Information regarding these surveys can be found on FDA's Interstate Milk Shippers List website.

A second recall was issued for Swan Bros. Dairy Inc. in Claremore for Listeria. Recall was announced October 12, 2021.

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive style with a horizontal line underlining the name.

Scott Yates
Director of Food Safety

Communications Board Report September – October 2021

Heal the Harvester | Oklahoma State launched their newest ECHO, Heal the Harvester and the next meeting is Monday, October 18th from 2:00 - 3:00. Heal the Harvester provides a platform to improve the availability of mental health resources to farmers and ranchers, thus, encouraging help-seeking behaviors among those struggling with mental illness. To register, visit <https://okstate.forms-db.com/view.php?id=268015>



Hunger Action Month | This week, we teamed up with our friends at [Oklahoma Pork Council](#) and [Oklahoma Department of Human Services](#) to fight hunger across our state during the last week of [#HungerActionMonth21!](#) [Oklahoma Pork Council](#) and Darren Wheeler of [Wheeler's Meat Market](#) donated 750 pounds of ham to the [Regional Food Bank of Oklahoma](#) to assist Oklahoman's in need! Those 750 lbs. of ham donated equate to 3,000 servings of fresh protein to those with inconsistent access to healthy food.

“Oklahoma agriculture is proud to play a big part in feeding the world, but we recognize access to that food isn’t always a reality for everyone,” said [Blayne Arthur](#), Oklahoma Secretary of Agriculture. “I am incredibly proud of the Oklahoma Pork Council for stepping up to fight against food insecurity in such a substantial way and providing communities with a critical protein source during their most vulnerable times. Hat’s off to you, okPork!”

Additionally, ODAFF's leadership team partnered up with Oklahoma DHS and raised over \$600 for the [Regional Food Bank of Oklahoma](#)! A big thanks to Sec. Justin Brown and his team for their part in helping us send 2,672 meals across Oklahoma!

Ag Doesn't Stop Tour | In Oklahoma, [#AgDoesntStop!](#) We recently paid a visit to Northeast Oklahoma on the third leg of our tour around the state to see just a few examples of how producers and agriculturalist are making an impact in their communities. Our first stop was in Afton, Okla. [Miller Pecan Company](#). is a family-owned pecan company proving Oklahoma-grown pecans to homes, restaurants, gourmet candy-



makers and specialty bakeries across the United States. The Miller family operates one of the only facilities in the nation that handles their pecans from planting, grafting and harvesting to cleaning, shelling and marketing!



Next, we visited with Carolyn Piguet, Vinita's former ag teacher, founder of the FFA's catering company and owner of [Piguets Prime Time](#) restaurant. Vinita FFA's catering employees the students in the chapter, providing them with the opportunities to develop life skills and finesse their cooking abilities. The business has been met with so much success Carolyn now works with other ag instructors in the area to duplicate the model in their own chapters.

Last, but not least, we made a stop at [Faithful Family Farms LLC - Pumpkin Patch & Fun Farm](#), owned and operated by Dustin and Whitney Wilson. Located in Adair, Faithful

Family Farms hosts many families and school groups visit year after year to enjoy the pumpkin patch, combine slide, animal barnyard, games, corn maze, and more!

Unwanted Pesticide Disposal | We are funding a program to help collect and properly dispose of unwanted pesticides that homeowners, farmers, ranchers, commercial applicators, or dealers may have. On Oct. 12, the event will be held from 8:00 a.m. to 1:00 p.m. at the Blackwell Fairgrounds and Event Center (800 S. Main Blackwell, OK 7463).

On Oct. 14, the event will be held from 8:00 a.m. to 1:00 p.m. at the Texas County Fairgrounds (402 N Sunset Lane, Guymon OK 73942).

For more information, visit <https://ag.ok.gov/events/> or contact Ryan Williams at 405.522.5993 or ryan.williams@ag.ok.gov



Ag Youth Council at the Oklahoma State Fair | The 2021-2022 Agriculture Youth Council has been hard at work in the Made in Oklahoma Booth at the Oklahoma State Fair the past few weeks. Yesterday, the AYC facilitated taste testing for special visitors from **Not Your Average Joe**, an inclusive employer with "acceptional" employees of all abilities. Be sure to stop the booth this weekend to grab your own sampling of awesome Made in Oklahoma goodies to try before they are gone!



Sec. Arthur Presented to the Joint Committee on Pandemic Relief Funding | Sec. Arthur presented to the Joint Committee on Pandemic Relief Funding Transportation, Infrastructure, and Rural Development Working Group about the impacts of the COVID-19 pandemic on ODAFF and Oklahoma producers.



During the height of the pandemic, ODAFF declared agriculture as an essential business; established a beef processing task force; launched Loklahoma, a tool for consumers to connect with producers in their local area; delivered Ag in the Classroom materials to be sent home with meals for students across the state; provided print documents for producers and agriculture businesses in multiple languages; and delivered PPE and testing supplies across the state, among countless other resources for the agriculture industry.

Feature Story on Trece Incorporated | Trécé, a small, Adair-based company that is currently the leading manufacturer and supplier of insect monitoring systems for agriculture in the United States is continuing to grow its worldwide footprint by working to develop a market and export its products to Azerbaijan. Trécé currently sells products already in all 50 U.S. states and 51 other countries around the world.

“Trécé introduces solutions for Azerbaijani farmers to fight insects in host crops through pest management approach,” said Natig Bakhishov, United States-Azerbaijan Chamber of Commerce Executive Director. “Trécé’s mating disruption technology which is widely utilized in over 50

countries globally reduces reliance on pesticides and helps to save beneficial insects and the environment. Lesser pesticides in crops mean safer and healthier food on our plates.”

This partnership was cultivated after the 2019 Oklahoma-Azerbaijan Agriculture Forum, held in Oklahoma City. Trécé’s most recent trip followed a July trade mission to Azerbaijan by Governor Kevin Stitt, Secretary of Agriculture Blayne Arthur, Secretary of Commerce Scott Mueller and other members of the Governor’s staff.



“I am pleased to see Trécé leading the way in expanding our partnership with Azerbaijan,” said Gov. Stitt. “Trécé is an example of how Oklahoma companies have the products and expertise to improve the lives of people in Azerbaijan and all over the world.”

Bill Lingren, founder and CEO of Trécé, said their mission in Azerbaijan is to produce long-term economic and political benefits to their company, their state and their nation by aiding the Azeri agriculturists in adopting our solutions for Integrated Pest Management programs in certain of their key crops.

“Our overall main goal is to introduce the technologies that Trécé currently offers for pest-management world-wide, but has not been introduced to Azerbaijan yet,” said Danielle Kirkpatrick, Global Technical Support Coordinator for Trécé. “From my last visit, local growers were asking me how quickly we can get this product from Oklahoma to them. Azerbaijani producers are excited to get these products as quickly as they can.”

NASDA Conference | At the National Association of State Departments of Agriculture Annual Meeting this week, NASDA members elected a new slate of officers for the coming year.

Oklahoma's own Secretary of Agriculture, Blayne Arthur was elected to serve on NASDA's 2021-2022 Board of Directors and will continue to chair the Animal Agriculture Committee.

Sec. Arthur and JanLee Rowlett, ODAPP Deputy Commissioner, traveled to Louisville this week, where they met with leadership from all 50 states, heard from U.S. Secretary of Agriculture, Tom Vilsack, adopted new policy amendments for NASDA and enjoyed learning about Kentucky agriculture!



Visit to The Market at EastPoint | Sec. [Blayne Arthur](#), Senator Young, the Oklahoma Board of Agriculture, and ODAFF staff toured [The Market at EastPoint](#) and Restore OKC.



The 6,800-square-foot market at 1708 NE 23rd street is more than just a grocery store. It's a symbol of hope for many. Before the market was in its planning stages, Restore OKC, a non-profit focused on bringing together resources on the northeast side, began operation of an organic farm and micro-grocer located nearby at their 5-acre urban farm at 2222 NE 27th. With the success of Restore Farms, an idea to build a full grocery store was set in motion. Less than a year later, the Market at Eastpoint opened its doors with shelves stocked with organic produce from the farm, among a large selection of products sourced by Homeland Stores.

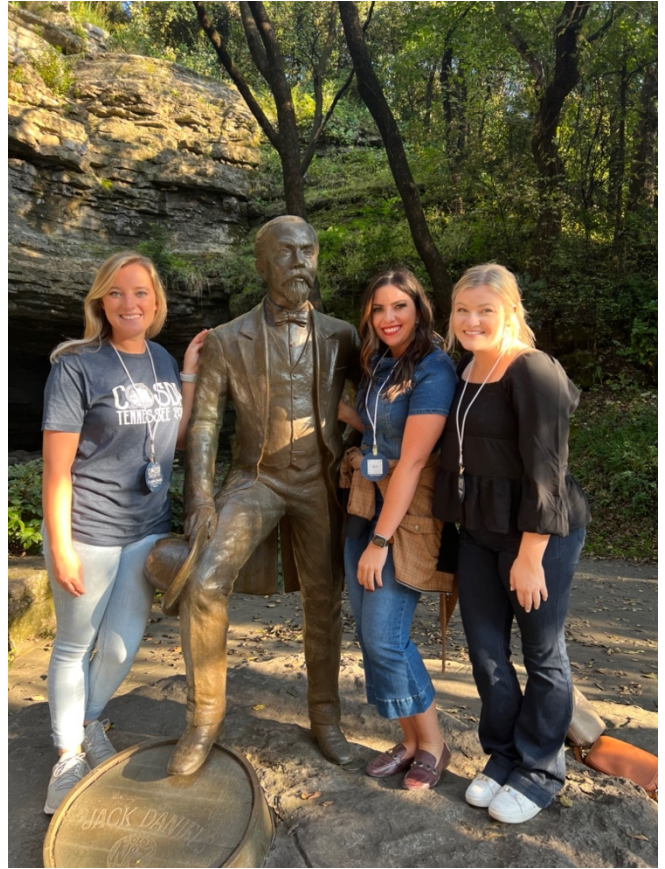


There are 37 employees all from the local community. Thirteen of those employees work at the eatery inside the market, Eastside Eatery. Job trainees have more than tripled their starting income and more than half now have a plan to continue their educational journey.

"These opportunities are one of the best things to happen to this community," said Senator George Young. "It is easily accessible, it is investing in the next generation, and it really making a huge impact for this community."

COSDA Conference | Morgan Vance traveled to Nashville, TN to the Communications Officers of the State Department of Agriculture Annual Meeting. The annual COSDA meeting offers an opportunity for members to meet face-to-face to discuss timely issues and receive powerful professional development. In recent years, members have received training in homeland security communication, biosecurity issues, social media, message mapping, video production, crisis communications and other job-specific skills.

During her time in Nashville, Morgan got to tour the RFD-TV headquarters, check out a Asian Giant Hornet in person, visit with some of the nation's largest producers in forestry, poinsettias and tobacco, tour the Jack Daniel's plant and share documents and ideas with communications officers for 30 other states.



OCTOBER 28, 2021 BOARD MEETING

PURCHASES/CONTRACTS

Administrative Services

Oklahoma Governor's Office - \$37,500 - The purpose of this MOU is to ensure efficiency in state government by allowing for an allocation of state resources that is most beneficial while also being responsible stewards of taxpayer funds. This MOU will provide shared office space, furniture, and salaries for OG staff for its office in Washington D.C. with the support of funds provided by ODAFF. ODAFF will receive access and use of the facilities, subject to availability, and support from the staff in Washington D.C.

Oklahoma State University - \$2,000,000 – Legislative directed expenditure to Oklahoma State University (OSU-DASNR) to provide Agriculture Research and Education Extension program support. This funding is pursuant to Section 2 of House Bill 2906.

Consumer Protection Services

OSU Plant Disease and Insect Diagnostic Lab (PDIDL) --\$ 47,991.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.
This is for payment to the PDIDL lab for processing the *Phytophthora ramorum* (Sudden Oak Death) plant and water samples from the positive nursery in Eastern Oklahoma. This is fully funded by an USDA APHIS grant.
2. Consequence(s) and cost (if any) if the proposed expense is not approved.
The nursery will be unable to ship any plants or ODAFF will have to pay the costs of sample analysis.

Forestry Services

FY22 \$18,000.00

River Parks Authority Invasive Species Project, \$18,000. This project aims to utilize federal funding, to be reimbursed by the United States Forest Service, in order to create an invasive species demonstration area primarily focusing on privet management as well other invasive species including eastern redcedar. Without this project we will be unable to demonstrate the importance of active land management as well as the danger of invasive species onto our ecosystems and the importance of invasive species control.

FY 22 \$9,500

A strapping machine is used at The Forest Regeneration Center in Goldsby to bundle bare root conservation seedlings for landowners. The strapping machine currently used is more than 5 years old and after significant use, it is no longer functioning properly. The tension cannot be adjusted. The motor works intermittently. Parts are no longer available for it. Without this purchase, we cannot keep accurate inventory of the seedlings and we are unable to prepare the conservation seedlings for landowners to ensure their orders are complete.

FY 22 - \$50,000

Sub-awards will be given for the development of Community Wildfire Preparedness Plans (CWPP) for eligible Oklahoma communities. Funding limits have been established according to community population and type of plan. Communities with a population of 5,000 or less are eligible to receive \$2,500 for new plans and \$1,250 for revisions of existing plans; for populations greater than 10,000 communities are eligible to receive \$5,000 for new plans and \$2,500 for a revision of existing plans. County-wide CWPPs are eligible for up to \$10,000 in funding for plan development. Applications will be reviewed and approved by OFS Hazardous Mitigation Coordinator and Fire Staff. CWPP's identify critical Wildland Urban Interface (WUI) areas within a community needing mitigation work to protect homes and infrastructure from wildfire. Without these plans being developed by communities, the probability of significant impacts from wildfires will only continue to increase if hazardous fuels are not addressed. Funding for development of the CWPPs will come from the 2018 US Forest Service, State Fire Assistance - Mitigation Grant.

FY22 – Additional \$125,000 to original request approved on 2/3/21 of \$200,000 to a total of \$325,000. New total was not giving until after 8/12/21.

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

FY22, Transport - \$182,000 (SFA-Response)

Purchase of a Class 8 Tractor with custom dove-tail bed that will be used to carry a Type 3 firefighting bulldozer. This is a mission critical piece of equipment that will respond to wildfires and all-hazard situations throughout the entire state. With a new transport in service, OFS will be able to provide timely and reliable responses limiting the threat to life and property. The transport will be replacing a 3 Ton truck that is undersized, has excessive mileage and requires frequent repairs as a result. Funding for this entire purchase will come the US Forest Service, State Fire Assistance - Response Grant from FFY19.

FY22, Skid Steer - \$118,000 (SFA-Mitigation)

Purchase of a tracked, high-flow skid steer with mulching head that will be used for mitigating hazardous wildland fuels. This is a mission critical piece of equipment that will remove surface and aerial fuels around designated Communities At Risk throughout all of Oklahoma. By eliminating these fuels, responders will have a much safer work environment and have conditions in place that will enhance suppression operations limiting impacts to communities, structures and infrastructure. Funding for this entire purchase will come the US Forest Service, State Fire Assistance - Mitigation Grant from FFY19.

FY22, Drones - \$24,000 (LSR)

Purchase of three (3) UAS platforms including cameras and software that will be used to support wildfire suppression efforts as well as prescribed burning. The use of these drones will allow OFS personnel to remotely monitor fireline conditions limiting unnecessary exposure and number of resources required to support the event. These drones will also provide improved intelligence to fireline personnel and incident responders effectively providing a common operating picture. Funding for this entire purchase will come the US Forest Service – Landscape Scale Restoration Grant from FFY20.

FY22, Handheld Radios: \$115,000 (245 Fund)

Purchase fifty (50) BKR5000 handheld radios including batteries, chargers and antennae. These radios will be replacing handhelds that are no longer being manufactured or supported by the vendor. The radios will be used by our Fire Management program to support wildfire/emergency response, fuels mitigation projects and coordination/communication with federal, state and local cooperators. These radios will be P25 compliant and purchased from the NASPO contract. Funding for this purchase will come from our 245 funds as a result of revenue generated through prescribed fire services and out of state emergency response.

Market Development Services

USDA-AMS Feeder Prices Grant - \$94,000.00

This project is entirely funded by USDA Agricultural Marketing Service (AMS) with ODAFF receiving 6% indirect costs of the project. AMS plans to engage Oklahoma State University research team of agricultural economists to conduct a study on certain aspects of feeder cattle auction market reporting. The study will examine difference in values or prices received for feeder cattle based on numerous attributes beyond the quality grade and condition of the animals, such as documented health program, reputation of seller and genetics, lot size, hide color, gender, weaned status, weather conditions, or as well as production/marketing program – NHTC, organic, all natural, etc. 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 helping farmers and ranchers, but also runs the risk of not being awarded money from USDA-AMS in the future.

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

APPROVAL OF CASES

ON THIS 28th day of October 2021 the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture those certain cases summarized on Exhibit A hereto which cases have been resolved by stipulation or consent order. The attached Exhibit A summarizes each action by case name, case number, case type and amount received as a stipulated administrative penalty or by consent order.

ACCORDINGLY, IT IS THEREFORE ORDERED by the State Board of Agriculture that the resolution of each of the cases summarized on Exhibit A hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for each such case; and that the penalty imposed by each such stipulation or consent order is hereby adopted and incorporated herein by reference to Exhibit A hereto.

WITNESS My Hand and Official Seal this 28th day of October 2021.

Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
October 28, 2021

Cases Resolved by Stipulation

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Ernest Fisher	OGC-21-367	AEMS	\$300.00
Jeffrey Brian Harrison	OGC-21-381	AEMS	\$300.00
Elvis Poor	OGC-21-341	AEMS	\$200.00
Trang Farms	OGC-21-099	AEMS	\$1,000.000
Nghi Uy Truong	OGC-20-357	AEMS	\$200.00
Jeff Vinson	OGC-19-834	AEMS	\$2,5000.00
Vang Cheng Yang	OGC-21-323	AEMS	\$200.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Chemical Weed Control, Inc.	OGC-20-844	CPS	\$250.00
Annie Chin	OGC-21-284	CPS	\$500.00
Ronald J. Cline	OGC-21-199	CPS	\$500.00
Lawn Guard	OGC-21-236	CPS	\$250.00
Farmers Cooperative	OGC-20-849	CPS	\$750.00
Partners Lawncare, Inc.	OGC-20-827	CPS	\$500.00

Cases Resolved by Consent Order

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Sooner Scale, Inc.	OGC-20-699	CPS	\$5,000.00
	OGC-20-809		
	OGC-20-838		
	OGC-21-890		
	OGC-21-891		
	OGC-21-892		

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. ERNEST FISHER
Case File No: OGC-21-367**

**ERNEST FISHER
29335 S. 257TH W AVE
BRISTOW, OK 74010**

Summary of Facts: Respondent applied litter without a current soil analysis and in excess of an acceptable limit.

Statute or Rule Violation: 2 O.S. 10-9.19

Proposed Administrative Penalty: The penalty was assessed at \$300. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
SEP 23 2021
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

ERNEST FISHER)
29335 S. 257TH W AVE)
BRISTOW, OK 74010)

RESPONDENT.)

Case No: OGC-21-367

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on December 9, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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5. Upon request of either party, Prehearing Conferences shall be on the record.
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7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

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

16. Pursuant to 2 O.S. § 10-9.20, ODAFF has authority to regulate persons who are poultry waste applicators.

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 September 1, 2020, the Agricultural Environmental Management Services Division of the Department received Respondent's 2019-2020 Annual Litter Report.

19. Respondent applied poultry litter without having a current soil analysis.

20. Respondent applied litter in excess of an acceptable limit.

21. On or about April 7, 2021, ODAFF sent Respondent a Letter of Warning.

22. To this date, Respondent has failed to provide the missing information.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, violated 2 O.S. § 10-9.19(1) and 2 O.S. § 10-9.19(2) by failing to submit a completed Annual Litter Report, by failing to provide a current soil analysis, and by applying litter in excess of acceptable amounts.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

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 Three Hundred Dollars (\$300.00).

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 13 day of September, 2021.

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

Wendi Morse

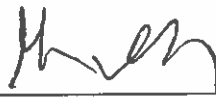
Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Turner, OBA # 34010
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 23 day of Sept, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

ERNEST FISHER
29335 S 257TH W AVE
BRISTOW, OK 74010



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.)
)
ERNEST FISHER)
29335 S. 257TH W AVE)
BRISTOW, OK 74010)
)
 RESPONDENT.)

Case No: OGC-21-367

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. JEFFREY BRIAN HARRISON
Case File No: OGC-21-381

JEFFERY BRIAN HARRISON
695 COUNTY ROAD 1013 NW
MT. VERNON, TX 75457

Summary of Facts: Respondent applied litter without a current soil analysis and failed to submit Annual Litter Report on time.

Statute or Rule Violation: 2 O.S. 10-9.19, 2 O.S. 10-9.18

Proposed Administrative Penalty: The penalty was assessed at \$300. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

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

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

COMPLAINANT,)

v.)

**JEFFREY BRIAN HARRISON)
695 COUNTY ROAD 1013 NW)
MT. VERNON, TX 75457)**

RESPONDENT.)

FILED
SEP 23 2021
STATE BOARD OF AGRICULTURE

Case No: OGC-21-381

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on December 9, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

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

16. Pursuant to 2 O.S. § 10-9.20, ODAFF has authority to regulate persons who are poultry waste applicators.

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 November 9, 2020, the Agricultural Environmental Management Services Division of the Department received Respondent's 2019-2020 Annual Litter Report which was due on September 1, 2020.

19. Respondent applied poultry litter without having a current soil analysis.

20. On or about April 7, 2021, ODAFF sent Respondent a Letter of Warning.

21. To this date, Respondent has failed to provide missing information.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, violated 2 O.S. § 10-9.18(A) and 2 O.S. § 10-9.19(1) by failing to submit a completed and timely Annual Litter Report and by failing to provide a current soil analysis.

ATTORNEY CONFERENCES

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

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

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ENFORCEMENT PROCEEDINGS

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ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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DATED THIS 13 day of September, 2021.

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

Wendi Morse

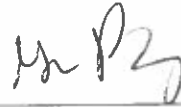
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695 COUNTY ROAD 1013 NW
MT. VERNON, TX 75457



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.)
)
JEFFREY BRIAN HARRISON)
695 COUNTY ROAD 1013 NW)
MT. VERNON, TX 75457)
)
 RESPONDENT.)**

Case No: OGC-21-381

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. ELVIS POOR
Case File No: OGC-21-341**

**ELVIS POOR
14062 LIBERTY HILL RD
CAMERON, OK 74932**

Summary of Facts: Respondent applied litter without a current soil analysis.

Statute or Rule Violation: 2 O.S. 10-9.19

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

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
ELVIS POOR)
14062 LIBERTY HILL RD)
CAMERON, OK 74932)
)
RESPONDENT.)

Case No: OGC-21-341

STIPULATION

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

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RESPONDENT:


Signature


Printed Name and Title:

Date: 10/5/2021

RECEIVED
OCT 11 2021
OFFICE OF GENERAL COUNSEL
OKLA. DEPT OF AGRICULTURE

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
SEP 23 2021
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

ELVIS POOR)
14062 LIBERTY HILL RD)
CAMERON, OK 74932)

RESPONDENT.)

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ALLEGED CONCLUSIONS OF LAW

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DATED THIS 13 day of September, 2021.

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

Wendi Morse

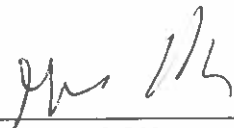
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GINA BLAYLOCK

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THE OKLAHOMA DEPARTMENT OF)
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)
RESPONDENT.)

Case No: OGC-21-341

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. TRANG FARM
Case File No: OGC-21-99**

**TRANG FARM
2401 WYNDERMERE WAY
FORT SMITH, AR 72903**

Summary of Facts: Respondent failed to properly maintain their SWPPP.

Statute or Rule Violation: Parts 2.1.1.4(a) and 2.2.1.1 of AgPDES General Permit

Proposed Administrative Penalty: The penalty was assessed at \$1000. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,)

v.)

Case No: OGC-21-99

TRANG FARM)
2401 WYNDERMERE WAY)
FORT SMITH, AR 72903)

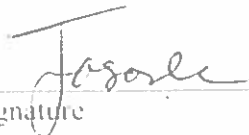
RESPONDENT.)

STIPULATION

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

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

RESPONDENT:


Signature

JASON LE member
Printed Name and Title:

Date: 10-5-2021

RECEIVED

OCT 11 2021

OFFICE OF GENERAL COUNSEL
OKLA DEPT 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.)

**TRANG FARM)
2401 WYNDERMERE WAY)
FORT SMITH, AR 72903)**

RESPONDENT.)

FILED
AUG 05 2021
STATE BOARD OF AGRICULTURE

Case No: OGC-21-99

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on October 14, 2021**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the

Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of owning/operating an AgPDES Concentrated Animal Feeding Operation (CAFO), located in Oklahoma.

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

ALLEGATIONS OF FACT

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

18. On or about September 25, 2020, November 10, 2020, and February 5, 2021, the Agricultural Environmental Management Services Division (AEMS) conducted inspections on Trang Farm, located at 2401 Wyndermere Way, in Fort Smith, Arkansas 72903.

19. The inspection conducted by AEMS on or about September 25, 2020, revealed that there was no SWPPP at the construction site and an absence of structures to prevent sediment from leaving the site.

20. The inspection conducted by AEMS on or about November 10, 2020, revealed that the SWPPP was on site but was implemented improperly due to the sediment control structures not being maintained in accordance with the accepted standards.
21. On or about January 7, 2021, AEMS sent a compliance letter to the facility, Trang Farms, regarding the violations.
22. The inspection conducted by AEMS on or about February 5, 2021, revealed improper installation and maintenance of sediment controls as well as a lack of stabilization being initiated in disturbed areas where construction had been completed.
23. On or about March 16, 2021, a Letter of Warning that detailed the above violations was sent to Trang Farm.

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, Respondent violated Part 2.1.1.4(a) and Part 2.2.1.1 of the AgPDES General Permit OKR140000 by administering improper installation and maintenance of erosion and sediment controls with no stabilization measures designated for completed portions of the construction site.

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 405-522-5997.
26. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
27. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

28. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
29. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
30. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
31. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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

DATED THIS 4 day of August, 2021.

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

Wendi Morse

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

~~X~~Wendi Morse, OBA # 33571

Kambi Maddy, OBA #13873

Shelby Rice, OBA # 34010

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

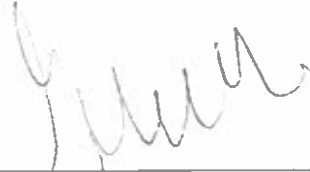
Telephone: (405) 522-5997

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 6 day of Aug., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**TRANG FARM
2401 WYNDERMERE WAY
FORT SMITH, AR 72903**



GINA BLAYLOCK

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. NGHI UY TRUONG
Case File No: OGC-20-357

NGHI UY TRUONG
11520 E 91ST ST
BROKEN ARROW, OK 74012

Summary of Facts: Respondent failed to submit a timely and complete Annual Litter Report.

Statute or Rule Violation: 2 O.S. 10-9.7

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

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,)

v.)

NGHI UY TRUONG)
11520 E 91ST STREET)
BROKEN ARROW, OK 74012)

RESPONDENT.)

RECEIVED

SEP 14 2021

OFFICE OF GENERAL COUNSEL
OKLA. DEPT OF AGRICULTURE

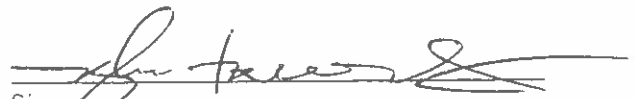
Case No: OGC-20-357

STIPULATION

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

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

RESPONDENT:


Signature

ANIMAL INDUSTRY

SEP 10 2021

NGHI TRUONG - Owner
Printed Name and Title:

Date: 9-7-21

**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.)

**NGHI UY TRUONG)
11520 E 91ST STREET)
BROKEN ARROW, OK 74012)**

RESPONDENT.)

FILED

JUL 14 2020

STATE BOARD OF AGRICULTURE

Case No: OGC-20-357

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on October 1, 2020** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of owning/operating a poultry feeding operation, located in Broken Arrow, Oklahoma.

16. Pursuant to 2 O.S. § 10-2, ODAFF has authority to regulate persons who own or operate poultry feeding operations.

ALLEGATIONS OF FACT

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

18. Pursuant to 2 O.S. § 10-9.7(I), all poultry feeding operations are required to file their annual report by September 1.

19. On or about November 13, 2019, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their missing Annual Litter Report.

20. On or about January 2, 2020, a response was received with missing information.

21. To this date, all required information has still not been received by the AEMS Division.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 10-9.7 by failing to provide all information required in the Annual Litter Report.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

27. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have

the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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

DATED THIS 14 day of July, 2020.

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

~~at~~ Wendi Morse, OBA # 33571

Kambi Maddy, OBA #13873

Shelby Rice, OBA # 34010

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

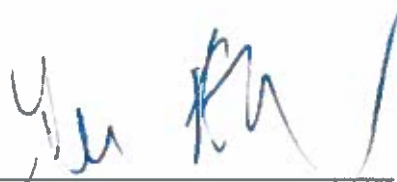
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 14th day of July, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

NGHI UY TRUONG
11520 E 91ST STREET
BROKEN ARROW, OK 74012



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.)
)
NGHI UY TRUONG)
11520 E 91ST STREET)
BROKEN ARROW, OK 74012)
)
RESPONDENT.)

Case No: OGC-20-357

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. JEFF VINSON
Case File No: OGC-19-834**

**JEFF VINSON
621 W. 22ND ST.
ADA, OK 74820**

Summary of Facts: Respondent failed to timely provide ODAFF with transfer papers of CAFO.

Statute or Rule Violation: OAC 35:17-3-10

Proposed Administrative Penalty: The penalty was assessed at \$2,500. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

RECEIVED

SEP 14 2021

OFFICE OF GENERAL COUNSEL
OKLA. DEPT. OF AGRICULTURE

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

COMPLAINANT.)

v.)

Case No: OGC-19-834

JEFF VINSON)
621 W. 22nd ST.)
ADA, OK 74820)

RESPONDENT.)

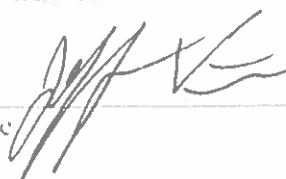
STIPULATION

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:

President

Date:

9-9-2021

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
AUG 05 2021
STATE BOARD OF AGRICULTURE]

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

COMPLAINANT,)

v.)

JEFF VINSON)
621 W. 22nd ST.)
ADA, OK 74820)

RESPONDENT.)

Case No: OGC-19-834

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on September 9, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of owning/operating a concentrated swine feeding operation, located in Milburn, Oklahoma.

16. Pursuant to 2 O.S. § 20-4, ODAFF has authority to regulate persons who own/operation concentrated swine feeding operations.

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 October 15, 2019, the Agricultural Environmental Management Services (AEMS) Division of the Department sent the Respondent a Letter of Warning regarding a transfer from Robinson-Skiles Farm to Vinson Family Farms-Skiles.

19. The AEMS Division approved the transfer on January 11, 2019 and informed the Respondent that they were responsible for providing AEMS with all transfer documentation within thirty (30) days

20. In July 2021, Respondent provided AEMS with all missing documentation.

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, Respondent violated OAC § 35:17-3-10 by failing to provide transfer documentation within thirty (30) days.

ATTORNEY CONFERENCES

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

ENFORCEMENT PROCEEDINGS

25. 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.
26. 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.
27. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

28. 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

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

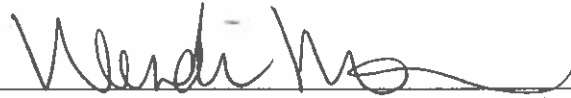
34. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Thousand Five Hundred Dollars (\$2,500.00).

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

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

DATED THIS 4 day of August, 2021.

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

Kambi Maddy, OBA #13873

Shelby Turner, OBA #34010

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 5 day of Aug, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

Jeff Vinson
621 W. 22nd St.
Ada, OK 74820



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 VINSON)
621 W. 22nd ST.)
ADA, OK 74820)
)
RESPONDENT.)

Case No: OGC-19-834

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. VANG CHENG YANG
Case File No: OGC-21-323**

**VANG CHENG YANG
20251 S 550 RD
FAIRLAND, OK 74343**

Summary of Facts: Respondent applied litter without a current soil or litter analysis.

Statute or Rule Violation: 2 O.S. 10-9.19

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

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL.)
)
COMPLAINANT,)
v.)
)
VANG CHENG YANG)
20251 S 550 RD)
FAIRLAND, OK 74343)
)
RESPONDENT.)

Case No: OGC-21-323

STIPULATION

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

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

RESPONDENT:

Vang Cheng Yang
Signature

Vang Cheng Yang Owner
Printed Name and Title:

Date: 9-28-2021

RECEIVED

OCT 04 2021

OFFICE OF GENERAL COUNSEL
OKLA. DEPT OF AGRICULTURE

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FIL

SEP 23 2021

STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

VANG CHENG YANG)
20251 S 550 RD)
FAIRLAND, OK 74343)

RESPONDENT.)

Case No: OGC-21-323

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on December 9, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

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

16. Pursuant to 2 O.S. § 10-9.20, ODAFF has authority to regulate persons who are poultry waste applicators.

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 September 1, 2020, the Agricultural Environmental Management Services Division of the Department received Respondent's 2019-2020 Annual Litter Report.

19. Respondent applied poultry litter without having a current soil or litter analysis.

20. On or about April 7, 2021, ODAFF sent Respondent a Letter of Warning.

21. To this date, Respondent has failed to provide the missing information.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, violated 2 O.S. § 10-9.19(1) and 2 O.S. § 10-9.19(2) by failing to submit a completed Annual Litter Report and by failing to provide a current soil and litter analysis.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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

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

DATED THIS 13 day of September, 2021.

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

Wendi Morse

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Turner, OBA # 34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 23 day of Sept, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

VANG CHENG YANG
20251 S 550 RD
FAIRLAND, OK 74343



GINA BLAYLOCK

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. CHEMICAL WEED CONTROL
Case File No: OGC-20-844**

**CHEMICAL WEED CONTROL
23949 E. 1010 RD.
WEATHERFORD, OK 76087**

Summary of Facts: Respondent applied a pesticide in a manner inconsistent with its label.

Statute or Rule Violation: 2 O.S. 3-86(A)(4)

Proposed Administrative Penalty: The penalty was assessed at \$250. Respondent stipulated and paid the penalty in full.

Deviations:

Other Actions Required: None.

OGC Attorney: Shelby Turner

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.)

Chemical Weed Control)
23949 E. 1010 Rd.)
Weatherford, OK 76087)

RESPONDENT.)

) Case No: OGC-20-844

FILED
AUG 05 2021
[STATE BOARD OF AGRICULTURE]

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 pm on **Thursday, October 14, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides as Chemical Weed Control, located at 23949 E. 1010 Rd. in Weatherford, Oklahoma.

16. Pursuant to 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.

2 O.S. § 3-86(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.

ALLEGATIONS OF FACT

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

18. The Oklahoma Department of Agriculture, Food, and Forestry performed a complaint investigation regarding June 7, 2020 and June 8, 2020 pesticide applications performed by Respondent.

19. As part of this investigation, it was discovered that Respondent performed an application to the Canadian Valley Electric Cooperative power line right of way, near the intersection of East 980 Road and South 3400 Road in Wellston, OK.

20. A creek runs under East 980 Road near this intersection and it was noted that the vegetation in the right of way along the creek banks was sprayed.

21. Respondent's application records indicated that Alligare Triclopyr 3, Alligare Picloram 22K, and Escort XP were applied.

22. Alligare Picloram 22K and Escort XP are not aquatic herbicides and cannot be applied to or near surface water.

23. A Letter of Warning detailing the above violation was sent to Chemical Weed Control.

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. 3-86(A)(4) by applying a pesticide in a manner inconsistent with its labeling.

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 405-522-5997.

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

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

ENFORCEMENT PROCEEDINGS

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

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

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

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

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

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 04 day of August, 2021.

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
Kambi Maddy, OBA #13873
✓Shelby Turner, OBA # 34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this ⁰⁵~~04~~ day of August, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Chemical Weed Control
23949 E. 1010 Rd.
Weatherford, OK76087**



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: <u>OGC-20-844</u>
)	
Chemical Weed Control)	
23949 E. 1010 Rd.)	
Weatherford, OK 76087)	
)	
RESPONDENT.)	

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. ANNIE CHIN
Case File No: OGC-21-284**

**ANNIE CHIN
LONG DRAGON
29225 DUSTIN RD.
HENRYETTA, OK 74437**

Summary of Facts: Respondent used pesticide containers in a manner inconsistent with its labeling and applied pesticides in a manner inconsistent with its labeling.

Statute or Rule Violation: 2 O.S. 3-86(A)(4)

Proposed Administrative Penalty: The penalty was assessed at \$500. Respondent stipulated and paid the penalty in full.

Deviations:

Other Actions Required: None.

OGC Attorney: Shelby Turner

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.)

ANNIE CHIN)
LONG DRAGON)
29225 DUSTIN RD.)
HENRYETTA, OK 74437)

RESPONDENT.)

Case No: OGC-21-284

FILED
OCT 07 2021
STATE BOARD OF AGRICULTURE
STATE BOARD OF AGRICULTURE

RECEIVED
OCT 07 2021
ODAFF FINANCE

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:

Zhi Bin Liu
Signature

Zhi Bin Liu
Printed Name and Title

Date: 09-30-21

**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.)

**ANNIE CHIN)
LONG DRAGON)
29225 DUSTIN RD.)
HENRYETTA, OK 74437)**

RESPONDENT.)

FILED
SEP 20 2021
STATE BOARD OF AGRICULTURE

Case No: OGC-21-284

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, January 13th, 2022 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the

Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application and storage of pesticides in the State of 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.

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.

ALLEGATIONS OF FACT

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

- On or about May 24, 2021, a complaint investigation was performed by the Oklahoma Department of Agriculture, Food, and Forestry.
- During this investigation, it was discovered that multiple empty 300 gallon pesticide containers were being used to store irrigation water.
- The labels on these totes both states that the containers are non-refillable and should not be used to hold any material other than pesticides.
- Additionally, several containers of partially used pesticides were being stored in Respondent's chemical room.
- These products were not labeled to be used in marijuana production.
- On or about June 10, 2021, a Letter of Warning that detailed the above violation was sent to Respondent, Annie Chin.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(a)(4) by using a pesticide in a manner inconsistent with its labeling.

ATTORNEY CONFERENCES

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

20. 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.

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

ENFORCEMENT PROCEEDINGS

22. 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.

23. 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.

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

25. 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

26. 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

27. 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

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. 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

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00)**.
32. 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.

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
Kambi Maddy, OBA #13873
✓ Shelby Turner, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 20 day of Sept., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**ANNIE CHIN
LONG DRAGON
29225 DUSTIN RD.
HENRYETTA, OK 74437**



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-21-284

**ANNIE CHIN)
LONG DRAGON)
29225 DUSTIN RD.)
HENRYETTA, OK 74437)**

RESPONDENT.)

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. CLINE PEST CONTROL
Case File No: OGC-21-199**

**RONALD J. CLINE
CLINE PEST CONTROL
424 13TH AVE NE
MIAMI, OK 74354**

Summary of Facts: Respondent engaged in the application of pesticides without the proper licensing.

Statute or Rule Violation: 2 O.S. 3-82(A) and 2 O.S. 3-86(A)(15) and (16)

Proposed Administrative Penalty: The penalty was assessed at \$500. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Turner

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-21-199

RONALD J. CLINE)
CLINE PEST CONTROL)
424 13TH AVE NE)
MIAMI, OK 74354)

RECEIVED

SFP 04 2021

RESPONDENT.)

ODAFF FINANCE

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:

Ronald Justin Cline
Signature

Ronald Justin Cline Technician
Printed Name and Title

Date: 9-3-2021

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.)

RONALD J. CLINE)
CLINE PEST CONTROL)
414 13TH AVE NE)
MIAMI, OK 74354)

RESPONDENT.)

Case No: OGC-21-199

FILED
JUN 08 2021
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) on **Thursday, July 8, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides in the State of 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.

2 O.S. 2-82(A)(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. 2-86(A)

- 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;

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.

ALLEGATIONS OF FACT

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

- On or about April 21, 2021, a complaint investigation and use inspection was performed by ODAFF.
- As a result of the inspection, it was discovered that Respondent have either made commercial pesticide applications or advertised such services with business cards.
- ODAFF records indicate that Respondent is not licensed as a commercial applicator company.
- On or about May 4, 2021 a Letter of Warning detailing the above violation was sent to Respondent.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(15) and (16) by making commercial pesticide applications without the proper licensing.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
20. 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.
21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. 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.
23. 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.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. 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

26. 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

27. 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

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. 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

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00)**.
32. 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.

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

Kambi Maddy, OBA #13873

✓ Shelby Turner, OBA #34010

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298


Telephone: (405) 522-5997

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 2 day of June, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**RONALD J. CLINE
CLINE PEST CONTROL
414 13TH AVE NE
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.)

Case No: OGC-21-199

**RONALD J. CLINE)
CLINE PEST CONTROL)
414 13TH AVE NE)
MIAMI, OK 74354)**

RESPONDENT.)

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. LAWN GUARD
Case File No: OGC-21-236**

**LAWN GUARD
2660 FLORANCE AVE.
TULSA, OK 74110**

Summary of Facts: Respondent engaged in the application of pesticides without the proper licensing.

Statute or Rule Violation: 2 O.S. 3-82(A) and 2 O.S. 3-86(A)(15) and (16)

Proposed Administrative Penalty: The penalty was assessed at \$500.

Deviations: Respondent was in process of obtaining license when NOV was received. The fine was reduced to \$250 to offset cost of obtaining license.

Other Actions Required: None.

OGC Attorney: Shelby Turner

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

RECEIVED

OCT 13 2021

ODAFF FINANCE

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

COMPLAINANT,)


v.)

LAWN GUARD)
2660 FLORANCE AVE.)
TULSA, OK 74110)

RESPONDENT.)

Case No: OGC-21-236

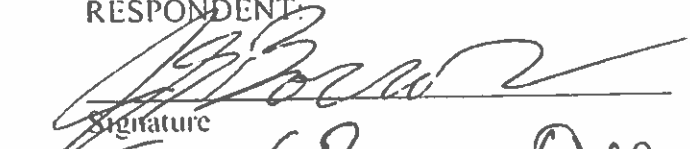
STIPULATION

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.

* Reduced to \$250
per Shelby on
10/7/21 at 10:15 am
JAB

RESPONDENT



Signature

Jeremy S Borror, Office Mgr.
Printed Name and Title

Date: 10/7/21

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
SEP 20 2021
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

LAWN GUARD)
2660 N. FLORANCE AVE.)
TULSA, OK 74110)

RESPONDENT.)

Case No: OGC-21-236

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, December 9th, 2021 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides in the State of 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.

2 O.S. 2-82(A)(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. 2-86(A)

- 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;

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.

ALLEGATIONS OF FACT

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

- On or about May 14, 2021, a pesticide use inspection was performed by ODAFF.
- ODAFF's inspector observed an ornamental and turf application being performed at 525 N. Vine Street in Jenks, OK.
- The application vehicle at the site displayed the name Lawn Guard with company license number C-7194.
- C-7194 is the license number associated with Oklahoma Landscape Inc.
- The applicator on-site informed ODAFF's inspector that Lawn Guard is a division of Oklahoma Landscape Inc.
- According to ODAFF records, Lawn Guard is not on file as a licensed commercial applicator company.

- Lawn Guard cannot operate as a subset of Oklahoma Landscape Inc. without obtaining the proper commercial applicator company licensing.
- On or about May 27, 2021 a Letter of Warning detailing the above violation was sent to Respondent.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(15) and (16) by making commercial pesticide applications without the proper licensing.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
20. 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.
21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. 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.

23. 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.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. 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

26. 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

27. 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

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

30. 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

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00)**.

32. 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.

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
Kambi Maddy, OBA #13873
✓ Shelby Turner, OBA #34010
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 20 day of Sept., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**LAWN GUARD
2660 N. FLORANCE AVE.
TULSA, OK 74110**



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-21-236

**LAWN GUARD)
2660 FLORANCE AVE.)
TULSA, OK 74110)**

RESPONDENT.)

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: _____

91 7199 9991 7031 3273 4453

OGC-21-236

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. FARMERS COOPERATIVE
Case File No: OGC 20-849**

**FARMERS COOPERATIVE
2105 INDUSTRIAL PARK RD
VAN BUREN, AR 72956**

Summary of Facts:

- a) On or about January 16, 2020, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Ranch Supply in Nowata, OK. The inspection revealed that the average was .555 lb. less than the marked net weight. On this date, there were 6 Maximum Allowed Variations. A letter of warning was sent.

- b) On or about August 17, 2020, a second standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Ranch Supply in Nowata, OK. This inspection revealed that the average was .573 lb. less than the marked net weight. On this date, there were 8 Maximum Allowed Variations. A letter of warning was sent.

- c) On or about December 15, 2020, a third standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Ranch Supply in Nowata, OK. It revealed the average was .578 lb. less than the marked net weight. On this date, there were 5 Maximum Allowed Variations. A letter of warning was sent.

Statute or Rule Violation:

Respondent is alleged to have violated 2 O.S. §14-38(B)(1) and OAC 35:10-11-1 of the Oklahoma Standard Weights & Measures Law and Rules by advertising and selling products packaged to be sold by weight which had underweight averages of more than the maximum allowed variation of 0.50 lb. A third violation following any twelve-month period in which no violation has been found will be assessed a penalty of \$150.00 per consumer item which results in an overcharge or potential overcharge. Respondent stipulated to and paid the penalty.

Proposed Administrative Penalty:

The proposed penalty for this case was Seven Hundred Fifty Dollars (\$750.00) (5 counts at \$150.00 per count).

Other Actions Required: None.

OGC Attorney: Kambi Maddy

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
SEP 09 2021
STATE BOARD OF AGRICULTURE
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: 20-849

FARMERS COOPERATIVE)
2105 INDUSTRIAL PARK RD)
VAN BUREN, AR 72956)

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on September 9, 2021, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling weighted bags of feed under the business name of Farmers Cooperative located at 2105 Industrial Park Road in Van Buren, Arkansas.

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

17. Under the provisions of 2 O.S. § 14-38(B)(1)(a), it is unlawful for any person to sell, offer, or expose for sale a quantity less than the quantity represented.

ALLEGATIONS OF FACT

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

19. On or about January 16, 2020, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Ranch Supply in Nowata, OK. The inspection revealed the average was .555 lb. less than the marked net weight. On this date, there were 6 Maximum Allowed Variations. A letter of warning was sent.

20. On or about August 17, 2020, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Ranch Supply in Nowata, OK. The inspection revealed the average was .573 lb. less than the marked net weight. On this date, there were 8 Maximum Allowed Variations. A letter of warning was sent.

21. On or about December 15, 2020, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Ranch Supply in Nowata, OK. This inspection revealed the average was .578 lb. less than the marked net weight. On this date, there were 5 Maximum Allowed Variations. A letter of warning was sent.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. § 14-38(B)(1)(a) by selling, offering, or exposing for sale a quantity less than the quantity represented. A third violation following any twelve-month period in which no violation has been found will be assessed a penalty of One Hundred Fifty Dollars (\$150.00) per consumer item which results in an overcharge or potential overcharge.

ATTORNEY CONFERENCES

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

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

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

ENFORCEMENT PROCEEDINGS

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

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

d.) Civil actions.

27. Pursuant to 2 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.

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

30. The provisions of the Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. § 501 *et seq.*, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Seven Hundred Fifty Dollars (\$750.00) (5 counts at \$150.00 per count).

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

DATED THIS 8th day of July, 2021.

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

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA #14574
Wendi Morse, OBA #33571
Kambi Maddy, OBA #13873 *
Shelby Rice, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 9th day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FARMERS COOPERATIVE
2105 INDUSTRIAL PARK RD
VAN BUREN, AR 72956**



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.)
)
FARMERS COOPERATIVE)
2105 INDUSTRIAL PARK RD)
VAN BUREN, AR 72956)
)
 RESPONDENT.)

Case No: OGC: 20-849

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. PARTNERS LAWCARE, INC.
Case File No: OGC-20-827**

**PARTNERS LAWCARE, INC.
15150 S. 77TH E. AVE.
BIXBY, OK 74008**

Summary of Facts: Respondent engaged in the improper disposal of pesticide containers.

Statute or Rule Violation: OAC 35:30-17-93(B)

Proposed Administrative Penalty: The penalty was assessed at \$1,000.

Deviations: The penalty was reduced to \$500 after discussion with Respondent. Respondent stipulated and paid.

Other Actions Required: None.

OGC Attorney: Shelby Turner

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

RECEIVED

SEP 14 2021

OFFICE OF GENERAL COUNSEL
OKLAHOMA DEPARTMENT OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case No: OGC-20-827

PARTNERS LAWNCARE, INC.)
15150 S 77th E. AVE)
BIXBY, OK 74008)

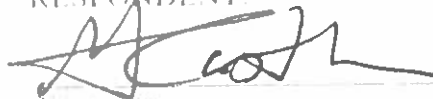
RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollars** (~~51,000.00~~) **500.00 OK'd by Shelby Turner** 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

GREG CASTILLO
Printed Name and Title

Date: **9/8/21**

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 14 2021
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-20-827

PARTNERS LAWCARE, INC.)
15150 S 77th E. AVE)
BIXBY, OK 74008)

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, September 9, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing; witnesses and evidence will not be presented at the Prehearing Conference.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides as Partners Lawncare, Inc., located at 15150 S 77th E. Ave in Bixby, OK 74008.
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.

OAC 35:30-17-93(B)

Upon completion of the triple-rinsing or pressure rinsing procedures, containers shall be disposed of as follows:

- (i) Disposal in any permitted solid waste facility or sanitary landfill so long as all metal and plastic containers are pierced in each end;
- (ii) Return, if possible, to the pesticide sales agent or the pesticide manufacturer pursuant to prior agreement; or
- (iii) Resale to a third party for recycling or reconditioning.

ALLEGATIONS OF FACT

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

- On or about March 23, 2020, ODAFF conducted a routine inspection at a business facility, Partners Lawncare, Inc., located at 15150 S 77th E. Ave in Bixby, OK 74008.
- The inspector found pesticide containers in the dumpster outside the business facility that were not rinsed or punctured.
- Pesticide granules were also found by the inspector in the same dumpster with the pesticide containers.
- On or about April 15, 2020, a Letter of Warning that detailed the above violation was sent to Partners Lawncare, Inc.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated OAC 35:30-17-93(B) by leaving pesticide containers in the dumpster outside their business that were not rinsed or punctured with the detection of pesticide granules in the dumpster.

ATTORNEY CONFERENCES

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

20. 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.

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

ENFORCEMENT PROCEEDINGS

22. 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.
23. 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.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. 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

26. 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

27. 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

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. 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

31. 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)**.
32. 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

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
Kambi Maddy, OBA #13873
✓ Shelby Turner, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 14 day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**PARTNERS LAWCARE, INC.
15150 S 77th E. AVE
BIXBY, OK 74008**



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-20-827

**PARTNERS LAWNCARE, INC.)
15150 S 77th E. AVE)
BIXBY, OK 74008)**

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. SOONER SCALE
Case File No: OGC 20-699; OGC 20-806; OGC 20-838; OGC 21-890;
OGC 21-891; OGC 21-892**

**SOONER SCALE
PO BOX 82386
OKLAHOMA CITY, OK 73148**

Summary of Facts: The Notices of Violation listed herein each allege that on or about a date certain the Respondent placed a commercial scale into service and the scale was subsequently rejected by ODAFF or the Respondent failed to submit a placing in service report to the Board within five (5) days after repair, installation, or removal of a scale.

Statute or Rule Violation: Respondent placed into service weights or measures that failed to meet the requirements for a commercial device as specified in NIST Handbook 44 as stated in the Oklahoma Service Agency Laws and Rules 2 O.S. §14-69(5). Additionally, Respondent failed to submit placing in service reports to the State Board of Agriculture within five (5) calendar days after service is provided as required by 2 O.S. § 14-65(1).

Proposed Administrative Penalty: The agreed penalty for these cases was Five Thousand Dollars (\$5,000.00). Respondent entered into a Consent Order and paid the proposed fine.

Deviations: None

Other Actions Required: None.

OGC Attorney: Kambi Maddy

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

OFFICE OF GENERAL COUNSEL OF)
THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY)
)
 COMPLAINANT,)
)
V.)
)
)
)
SOONER SCALE, INC.)
PO BOX 82386)
OKLAHOMA CITY, OK 73148)
)
 RESPONDENT.)

FILED
SEP 09 2021
STATE BOARD OF AGRICULTURE

CASE NOS:
OGC 20-699; OGC 20-806; ✓
✓OGC 20-838; OGC 21-890; ✓
OGC 21-891; OGC 21-892 ✓

CONSENT ORDER

The parties to this case, the Office of the General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry ("ODAFF") and Sooner Scale ("Respondent") (collectively, the "Parties"), agree to this Consent Order in order to settle the matters set forth herein by mutual consent without the necessity of formal adjudicatory proceedings.

FINDINGS OF FACT

1. The State Board of Agriculture is the proper forum to hear this action, and both 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 Okla. Stat. § 2-4(7). Respondent is based in Oklahoma City, Oklahoma, and is managed by Steve E. McFadden.

2. The Notices of Violation listed herein allege that on or about dates certain Respondent placed commercial scales into service and that the scales were subsequently rejected by ODAFF and that Respondent failed to submit certain placing in service reports.

3. Respondent hereby waives the right to a hearing on the matters resolved by the Consent Order.

CONCLUSIONS OF LAW

4. The ODAFF has regulatory jurisdiction and authority in this matter and the Respondent is subject to the jurisdiction and authority of ODAFF and the State Board of Agriculture under 2 Okla. Stat. § 1-1 *et seq.*

5. The ODAFF alleges the following specific areas where Respondent violated the Agricultural Code, or rules promulgated thereunder, as follows:

Respondent violated 2 O. S. § 14-69(A)(8) by placing into service a weight or measure that does not meet the requirements for a commercial device as specified by Handbook 44 and the required testing procedures for the category of weight an measure.

Respondent violated 2 O. S. § 14-65(1) by failing to submit a placing in service report to the State Board of Agriculture.

6. The ODAFF and Respondent are authorized by 75 Okla. Stat. § 309(E) and O.A.C. § 35:1-9-24 to resolve this matter by agreement.

PROPOSED ORDER

7. The ODAFF is authorized to seek penalties of up to Ten Thousand Dollars (\$10,000.00) per day for each violation of the associated law and/or rules pursuant to 2 Okla. Stat. § 2-18(A).

8. Respondent shall take all reasonably necessary steps to prevent further violations.

9. In settlement of the allegations contained in the above listed Notices of Violation, and all facts and circumstances of this matter, the parties stipulate and consent to a total penalty assessment upon Respondent of Five Thousand Dollars (\$5,000.00) to be paid to ODAFF immediately upon execution of the Consent Order in company check, or certified funds.

10. The undersigned representative of the Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this resolution to the State Board of Agriculture. Respondent understands that the undersigned neither possesses the legal power to bind the State Board of Agriculture nor can the undersigned promise acceptance of this proposed resolution by the Board. Respondent understands it may attend the meeting of the Board at which this agreement will be considered.

11. In the event the State Board of Agriculture accepts this resolution, Respondent will receive a copy of the written order of acceptance. Compliance with this agreement will constitute full and complete settlement.

12. In the event the State Board of Agriculture does not accept this proposed resolution, ODAFF or Respondent may offer a counterproposal for the State Board of Agriculture's consideration, or ODAFF may request in writing a formal administrative

hearing on the above charges. any payment of penalty shall be returned, and the recitations herein will be held for naught and are inadmissible in any future proceedings.

13. The penalty amounts required by this Consent Order shall be delivered upon execution and return of the fully executed Consent Order to: Department of Agriculture, Food, and Forestry 2800 North Lincoln Boulevard Oklahoma City, OK 73105 Attention: Office of General Counsel.

GENERAL PROVISIONS

14. Nothing in this Consent Order limits ODAFF's right to take enforcement action for violations discovered or occurring after the effective date of this Consent Order and unrelated to the allegations contained in the Notices of Violation herein.

15. Nothing in this Consent Order relieves Respondent from its obligation to comply with all applicable state statutes and rules.

16. To the extent allowed by Oklahoma state and federal law, the Parties do hereby, for themselves and their officers, directors, employees, agents, successors and assigns, voluntarily, unconditionally, and mutually release, quit and forever discharge the other, together with each of their respective officers, directors, employees, agents, successors and assigns, from and against any and all claims, proceedings, penalties, damages, obligations, suits, actions or omissions, of any nature whatsoever, relating to or arising from the subject matter of this administrative action, the Notices of Violation, and this Agreement, except as may be necessary to enforce the provisions of this Consent Order.

17. The Parties agree the provisions of this Consent Order are considered severable, and if a court of competent jurisdiction finds any provisions to be unenforceable because they are inconsistent with state or federal law, the remaining provisions will remain in full effect.

18. Except as specifically provided otherwise herein, Respondent reserves all rights.

19. The provisions of this Consent Order are contractual between the Parties and apply to and bind the Parties and their officers, directors, employees, agents, successors and assigns.

20. The Parties agree that the venue of any action in district court for the purposes of interpreting, implementing and enforcing this Consent Order will be Oklahoma County, Oklahoma.

21. The representatives of the Parties signing this Consent Order certify that they are authorized to sign it and to legally bind the Parties represented.

22. The Consent Order is a complete description of the settlement between the Parties and all material representations, understanding and promises of the Parties are contained in the Consent Order. The Consent Order supersedes all prior oral or written communications between the Parties and their respective officers, directors, employees, agents, successors and assigns with respect to the subject matter and terms of the Consent Order.

23. This Consent Order becomes effective on the date of the later of the two (2) signatures below, subject to approval by the State Board of Agriculture.

Signed this 9th day of September, 2021

Signed this ___ day of September, 2021

OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND
FORESTRY.

SOONER SCALE, INC.



Kambi Maddy, OBA # 13873
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

COMPLAINANT



Jeff Todd OBA 17713
McAfee & Taft
211 N. Robinson
Oklahoma City, OK 73102-7103
Telephone: (405) 235-9621

COUNSEL FOR RESPONDENT

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
MAR 10 2021
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)

RESPONDENT.)

Case No: OGC: 20-699

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on May 13, 2021, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

14. Respondent is licensed through the Oklahoma Department of Agriculture, Food and Forestry to repair scales and weighing devices 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 repairing weight and measure devices and placing the devices into service within 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.

2 O. S. § 14-69(A)(5) provides:

The State Board of Agriculture may suspend, cancel, revoke, or refuse reissuance of a license after the person has an opportunity for public hearing pursuant to the Administrative Procedures Act. In addition, the person may be prosecuted for the following violation:

...To test or place in service a weight or measure that does not meet the requirements for a commercial device as specified in Handbook 44 and the required testing procedures for the category of weight and measure;...

ALLEGATIONS OF FACT

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

- a) On or about August 10, 2020, Respondent approved and placed in service Ricelake scale (SN #000036934) at the Okarche Grain & Feed in Okarche, Oklahoma;

- b) On or about August 24, 2020, the Department conducted an inspection on this scale and the scale failed the inspection and was rejected by the Department;
- c) On or about August 26, 2020, the Respondent approved and placed the above mentioned scale in service, again;
- d) On or about October 8, 2020, a Department scale technician performed an inspection on this scale and the scale failed the inspection and was rejected, again; and
- e) A Letter of Warning was sent to the Respondent concerning each failed inspection.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O. S. § 14-69(A)(5) by testing or placing in service a weight or measure that does not meet the requirements for a commercial device as specified in Handbook 44 and the required testing procedures for the category of weight and measure.

ATTORNEY CONFERENCES

19. 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.

20. 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.

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

ENFORCEMENT PROCEEDINGS

22. 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.
23. 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.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. 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

26. 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

27. 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

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

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

30. 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

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Thousand Dollars (\$2,000.00) (Two (2) violations at \$1000.00 a violation).

32. 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 March, 2021.

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

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, OBA # 14574

Wendi Morse, OBA # 33571

Kambi Maddy, OBA # 13873 *

Shelby Rice, OBA # 34010

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997

CERTIFICATE OF MAILING

This is to certify that on this 19 day of March, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**SOONER SCALE
P.O. BOX 82386
OKLAHOMA CITY, OK 73148**



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: 20-699

**SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty of **Two Thousand Dollars (\$2,000.00)** 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: _____

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 09 2021
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)

RESPONDENT.)

Case No: OGC: 20-806

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on September 9, 2021**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

14. Respondent is licensed through the Oklahoma Department of Agriculture, Food and Forestry to repair and place scales and weighing devices into service 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 repairing weight or measure devices and placing the devices into service within 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.

2 O.S. § 14-65(1) and 2 O.S. § 14-65(3) provide:

Licensed service technicians and service agencies shall:

1. Submit a placing in service report to the State Board of Agriculture within five (5) calendar days after service is provided when required by the Board; ...

3. Attach a seal approved by the Board identifying the service agency, signed and dated by the service technician stating that the commercial device has been tested in accordance with the provisions in Handbook 44 and is suitable for use as a commercial device; ...

2 O. S. § 14-69(A)(9) provides:

The State Board of Agriculture may suspend, cancel, revoke, or refuse reissuance of a license after the person has an opportunity for public hearing pursuant to the Administrative Procedures Act. In addition, the person may be prosecuted for the following violation:

Failure to submit a placing-in-service report to the Board within five (5) calendar days after that repair, installation, or removal is performed.

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 November 4, 2020, the Respondent approved and placed in service Ricelake scale SN# 1913300039 at Cassidy Grain Company in Frederick, Oklahoma.
19. Department scale inspections revealed that a placing in service report was not submitted for this scale. Additionally, the required service seal was not attached.
20. A Letter of Warning which addressed these violations was sent to the Respondent.

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O. S. § 14-65(1) by failing to submit a placing in service report to the State Board of Agriculture. Additionally, Respondent has violated 2 O. S. § 14-65(3) by failing to attach a seal approved by the Board identifying the service agency, signed and dated by the service technician stating that the commercial device has been tested in accordance with the provisions in Handbook 44 and is suitable for use as a commercial device.

ATTORNEY CONFERENCES

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

23. 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.

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

ENFORCEMENT PROCEEDINGS

25. 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.

26. 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.

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

28. 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

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

34. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1,000.00)**. (One (1) violation at \$1,000.00 per violation)

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

DATED THIS 8th day of July, 2021.

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

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, OBA #14574

Wendi Morse, OBA #33571

Kambi Maddy, OBA #13873 *

Shelby Rice, OBA # 34010

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298


Telephone: (405) 522-5997

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 9th day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**SOONER SCALE
P.O. BOX 82386
OKLAHOMA CITY, OK 73148**



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.)
)
SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)
)
RESPONDENT.)

Case No: OGC: 20-806

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

Job 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.)
)
SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)
)
RESPONDENT.)

Case No: OGC: 20-838

FILED
JUL 09 2021
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on September 9, 2021, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

14. Respondent is licensed through the Oklahoma Department of Agriculture, Food and Forestry to repair scales and weighing devices 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 repairing weight and measure devices and placing the devices into service within 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.

2 O. S. § 14-69(A)(5) provides:

The State Board of Agriculture may suspend, cancel, revoke, or refuse reissuance of a license after the person has an opportunity for public hearing pursuant to the Administrative Procedures Act. In addition, the person may be prosecuted for the following violation:

...To test or place in service a weight or measure that does not meet the requirements for a commercial device as specified in Handbook 44 and the required testing procedures for the category of weight and measure:...

ALLEGATIONS OF FACT

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

- a) On or about August 3, 2020, Respondent approved and placed in service GSE scale (SN #407881) at Universal Trailer in El Reno, Oklahoma:

- b) On or about September 9, 2020, the Department conducted an inspection on this scale and the scale failed the inspection and was rejected by the Department;
- c) On or about November 9, 2020, the Respondent approved and placed the above mentioned scale in service, again;
- d) On or about December 7, 2020, the Department conducted an inspection on this scale and the scale failed the inspection and was rejected by the Department, again; and
- e) A Letter of Warning was sent to the Respondent concerning each failed inspection.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts. Respondent has violated 2 O. S. § 14-69(A)(5) by testing or placing in service a weight or measure that does not meet the requirements for a commercial device as specified in Handbook 44 and the required testing procedures for the category of weight and measure.

ATTORNEY CONFERENCES

19. 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.

20. 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.

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

ENFORCEMENT PROCEEDINGS

22. 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.

23. 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.

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

25. 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

26. 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

27. 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

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

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

30. 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

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Thousand Dollars (\$2,000.00) (Two (2) violations at \$1000.00 a violation).

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

DATED THIS 8th day of July, 2021.

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

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, OBA # 14574

Wendi Morse, OBA # 33571

Kambi Maddy, OBA # 13873 *

Shelby Rice, OBA # 34010

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

CERTIFICATE OF MAILING

This is to certify that on this 9th day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**SOONER SCALE
P.O. BOX 82386
OKLAHOMA CITY, OK 73148**

A handwritten signature in cursive script, appearing to read 'Gina Blaylock', written over a horizontal line.

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.)
)
 SOONER SCALE)
 P.O. BOX 82386)
 OKLAHOMA CITY, OK 73148)
)
 RESPONDENT.)

Case No: OGC: 20-838

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty of **Two Thousand Dollars (\$2,000.00)** 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: _____

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 09 2021
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)

RESPONDENT.)

Case No: OGC: 21-890

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on September 9, 2021**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

14. Respondent is licensed through the Oklahoma Department of Agriculture, Food and Forestry to repair and place scales and weighing devices into service 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 repairing weight or measure devices and placing the devices into service within 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.

2 O.S. § 14-65(1) provides:

Licensed service technicians and service agencies shall:

1. Submit a placing in service report to the State Board of Agriculture within five (5) calendar days after service is provided when required by the Board: ...

2 O. S. § 14-69(A)(9) provides:

The State Board of Agriculture may suspend, cancel, revoke, or refuse reissuance of a license after the person has an opportunity for public hearing pursuant to the Administrative Procedures Act. In addition, the person may be prosecuted for the following violation:

Failure to submit a placing-in-service report to the Board within five (5) calendar days after that repair, installation, or removal is performed.

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 May 19, 2020, the Respondent approved and placed in service GSE scale SN# 935752 at Eagle Iron and Metal in Marlow, Oklahoma.

19. Department scale inspections revealed that a placing in service report was not submitted for this scale.

20. A Letter of Warning which addressed this violation was sent to the Respondent.

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O. S. § 14-65(1) by failing to submit a placing in service report to the State Board of Agriculture.

ATTORNEY CONFERENCES

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

23. 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.

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

ENFORCEMENT PROCEEDINGS

25. 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.

26. 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.

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

28. 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

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

34. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1,000.00)**. (One (1) violation at \$1,000.00 per violation)

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

DATED THIS 8th day of July, 2021.

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

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, OBA #14574

Wendi Morse, OBA #33571

Kambi Maddy, OBA #13873 *

Shelby Rice, OBA # 34010

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 9th day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**SOONER SCALE
P.O. BOX 82386
OKLAHOMA CITY, OK 73148**



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: 21-890

**SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)**

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name

Job Title

Date

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
SEP 09 2021
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: 21-891

SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)

RESPONDENT.)

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7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
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Failure to submit a placing-in-service report to the Board within five (5) calendar days after that repair, installation, or removal is performed.

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 June 3, 2020, the Respondent approved and placed in service Ricelake scale SN# 1908400097 at Lindsay Ag Supply in Lindsay, Oklahoma.

19. Department scale inspections revealed that a placing in service report was not submitted for this scale.

20. A Letter of Warning which addressed this violation was sent to the Respondent.

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O. S. § 14-65(1) by failing to submit a placing in service report to the State Board of Agriculture.

ATTORNEY CONFERENCES

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

23. 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.

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STIPULATION

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DATED THIS 8th day of July, 2021.

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

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, OBA #14574

Wendi Morse, OBA #33571

Kambi Maddy, OBA #13873 *

Shelby Rice, OBA # 34010

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

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**SOONER SCALE
P.O. BOX 82386
OKLAHOMA CITY, OK 73148**



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: 21-891

**SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)**

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name

Job Title

Date

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 09 2021
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
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)
COMPLAINANT,)
v.)
)
SOONER SCALE)
P.O. BOX 82386)
OKLAHOMA CITY, OK 73148)
)
RESPONDENT.)

Case No: OGC: 21-892

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on September 9, 2021**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

14. Respondent is licensed through the Oklahoma Department of Agriculture, Food and Forestry to repair and place scales and weighing devices into service 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 repairing weight or measure devices and placing the devices into service within 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.

2 O.S. § 14-65(1) provides:

Licensed service technicians and service agencies shall:

1. Submit a placing in service report to the State Board of Agriculture within five (5) calendar days after service is provided when required by the Board: ...

2 O. S. § 14-69(A)(9) provides:

The State Board of Agriculture may suspend, cancel, revoke, or refuse reissuance of a license after the person has an opportunity for public hearing pursuant to the Administrative Procedures Act. In addition, the person may be prosecuted for the following violation:

Failure to submit a placing-in-service report to the Board within five (5) calendar days after that repair, installation, or removal is performed.

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 May 12, 2020, the Respondent approved and placed in service Ricelake scale SN# 1911200045 at Wheeler Brothers Grain Company in Canton, Oklahoma.

19. Department scale inspections revealed that a placing in service report was not submitted for this scale.

20. A Letter of Warning which addressed this violation was sent to the Respondent.

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O. S. § 14-65(1) by failing to submit a placing in service report to the State Board of Agriculture.

ATTORNEY CONFERENCES

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

23. 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.

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

ENFORCEMENT PROCEEDINGS

25. 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.

26. 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.

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

28. 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

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

STIPULATION

34. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1,000.00)**. (One (1) violation at \$1,000.00 per violation)

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

DATED THIS 8th day of July, 2021.

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

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, OBA #14574

Wendi Morse, OBA #33571

Kambi Maddy, OBA #13873 *

Shelby Rice, OBA # 34010

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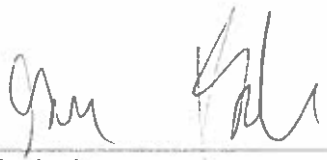
Telephone: (405) 522-5997

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 9th day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**SOONER SCALE
P.O. BOX 82386
OKLAHOMA CITY, OK 73148**



Gina Blaylock

