

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

Wednesday, December 8, 2021
10:00 a.m.

2800 N. Lincoln Blvd.
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of October 28, 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
 - OMES Fleet Management (AVL Services) - \$114,558
 - Purchase three 2022 F150 Super Cab 4WD bed - \$86,616
 - FY22 four laptops - \$14,000
 - FY22 - \$9,500 tree seedling containers for FRC and FTIC
 - FY22 – USDAS Specialty Crop Block Grants - \$601,281.19
 - FY22 – Oklahoma Grown Farmers Market bags - \$14,000
 - FY22 – Tulsa Home and Garden Show booth space - \$10,000

8. Consideration and Proposed Action on Cases Resolved by Stipulations

Agricultural Environmental Management Services

Brian Cox, 2139 Union Grove Road, Haworth, Oklahoma
Terry J. Hendren, 29701 S. 660 Road, Grove, Oklahoma
Navada Jeffries, P. O. Box 143, Jay, Oklahoma
Jerry Londagin, 51501 S. 690 Road, Colcord, Oklahoma

Consumer Protection Services

Mark McPhail, P. O. Box 209, Snyder, Oklahoma
Signature Landscape, LLC, 9600 N. Eastern Ave., Oklahoma City, Oklahoma
Wilkins Lawn and Landscape, 44 Westgate Drive, Sulphur, Oklahoma,
Lin Yongxin, 22150 CR 290, Morrison, Oklahoma

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

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

Consumer Protection Services

Superior Termite and Pest, 205 S. 85th E. Ave., Tulsa, Oklahoma

10. Next Board meeting scheduled for Wednesday, January 26, 2022 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

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

Oklahoma City, Oklahoma
October 28, 2021

The Oklahoma State Board of Agriculture met in regular session at 1:00 p.m., October 28, 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
Nocona Cook

Members Absent: Clay Burtrum

Others Present: Kandi Batts, Executive Secretary
JanLee Rowlett, Deputy Commissioner
Dan Ridings, Director, Administrative Services
Wade Krivanek, Interim Director, Laboratory 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
Teena Gunter, Director, Agricultural Environmental
Management Services & Office of General Counsel
Scott Yates, Director, Food Safety Services
Morgan Vance, Communications
Jamie Deans, Governor's Office
Hannah Blankinship, Ag Youth Council

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. Cook, to approve the minutes of the regular meeting of September 15, 2021, as presented.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Cook	Aye

The motion carried.

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

Mr. Naylor, the Director of Consumer Protection Services division, introduced Mr. Gary Smith who runs the weights and measures program. The purpose of the weights and measures program is to protect the consumers and businesses by ensuring that commercial weighing and measuring devices are service properly and perform within acceptable tolerances.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Farris, 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
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 through 10.

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, 621 W. 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

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	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. Farris, seconded by Mr. Cook, to approve the Proposed Action on Cases Resolved by Consent Order as submitted and contained on pages 8 through 10.

Consumer Protection Services

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

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Cook	Aye

The motion carried.

There is no Old business presented for the Board to take action upon. Mr. Bolen moved, Mr. Farris seconded, that the meeting be adjourned at 2:25 p.m.

By _____
President

ATTEST: _____
Executive Secretary

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.

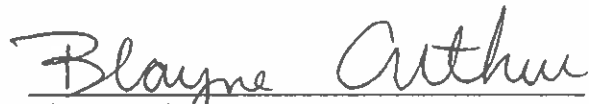
**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

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 & Forestry

December 8, 2021, Board Report

Administrative Services

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES OCTOBER 2021



INVESTIGATIONS	OCTOBER	YTD	FYTD
LIVESTOCK	4	34	13
FIRE	1	13	6
PROPERTY	1	24	12
TIMBER	0	5	3
AGENCY ASSISTS ODAFF	0	3	0
AGENCY ASSISTS EXTERNAL	0	8	1
OTHER	1	7	4
TOTAL INVESTIGATIONS OPENED	7	94	39
CLOSED PENDING ADDITIONAL INFORMATION	2	19	11
NO CRIME	2	18	9
NO PROSECUTION	0	2	0
CLOSED - ASSIST CASE	0	8	3
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	0	10	0
REFERRED FOR ADMINISTRATIVE ACTION	0	0	0
TOTAL INVESTIGATIONS COMPLETED	4	57	23
COUNTS FILED	0	23	1
VALUE OF LOSSES - ALL CRIMES	\$32,000	\$1,255,950	\$932,850
RECOVERED LOSSES - ALL CRIMES	\$10,000	\$266,500	\$183,000
NUMBER OF CATTLE REPORTED STOLEN	11	272	85
NUMBER OF CATTLE RECOVERED	6	151	75

Administrative Services



- Human Resources
 - HR Assistant/HR Management Specialist position listed to fill vacancy
 - New employee classification rules to be implemented January 1, 2022
 - Eliminates Classified/Unclassified job classes
 - Creates a new job class “State Employee”
 - HR is waiting for the new rules to be released

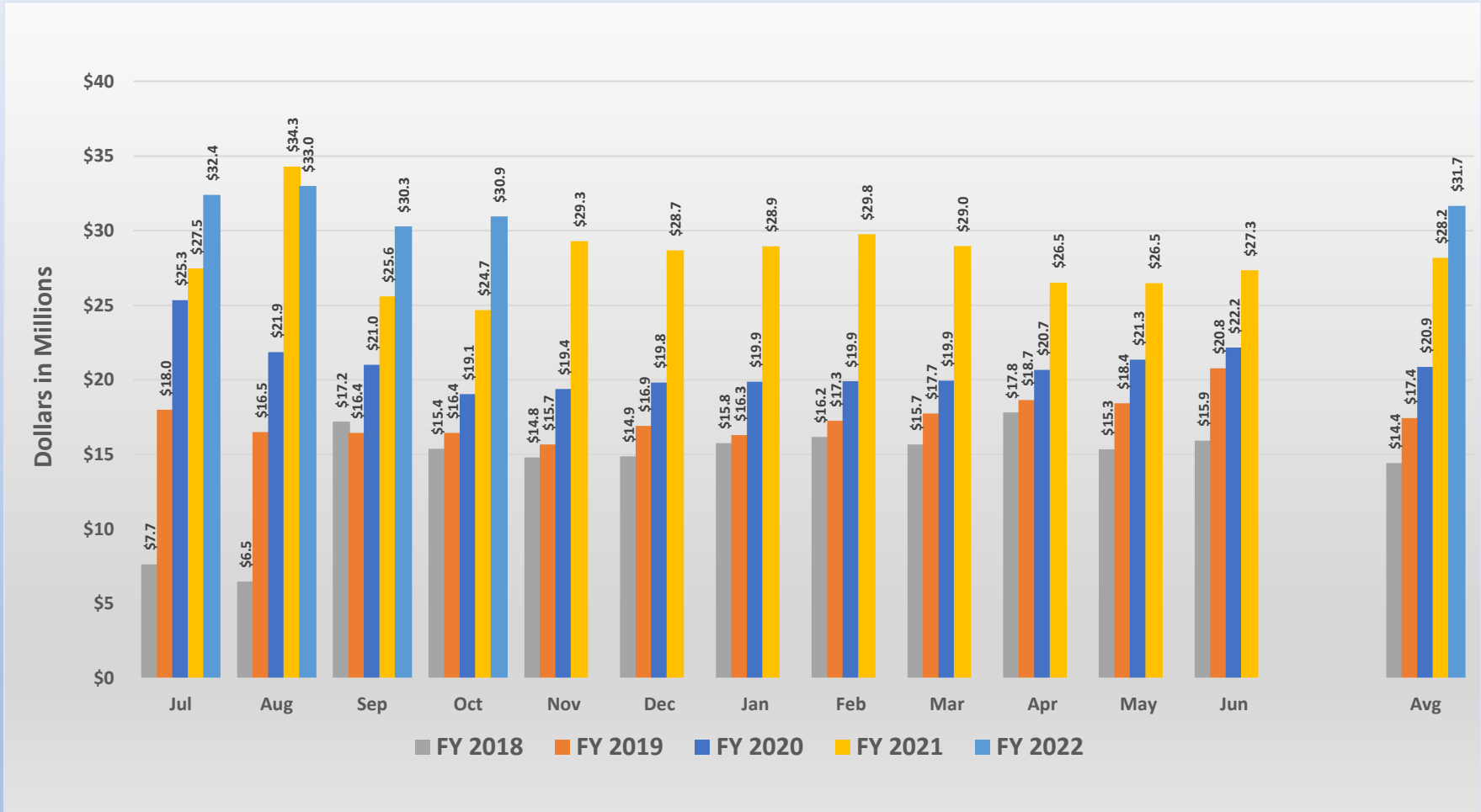
Administrative Services



- Finance & Accounting
 - GASB 87 – New reporting standard for leases
 - Implemented by the state for fiscal year 2022
 - All leases to be reported to OMES
 - Ends the categorization of leases as operating or capital.
 - Leases that are long term and that provide non-financial benefit will be capitalized.
 - Accountant III position listed to fill vacancy

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

Months Ending: July 2017 – October 2021



Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,127,755 as of 10/31/2021.

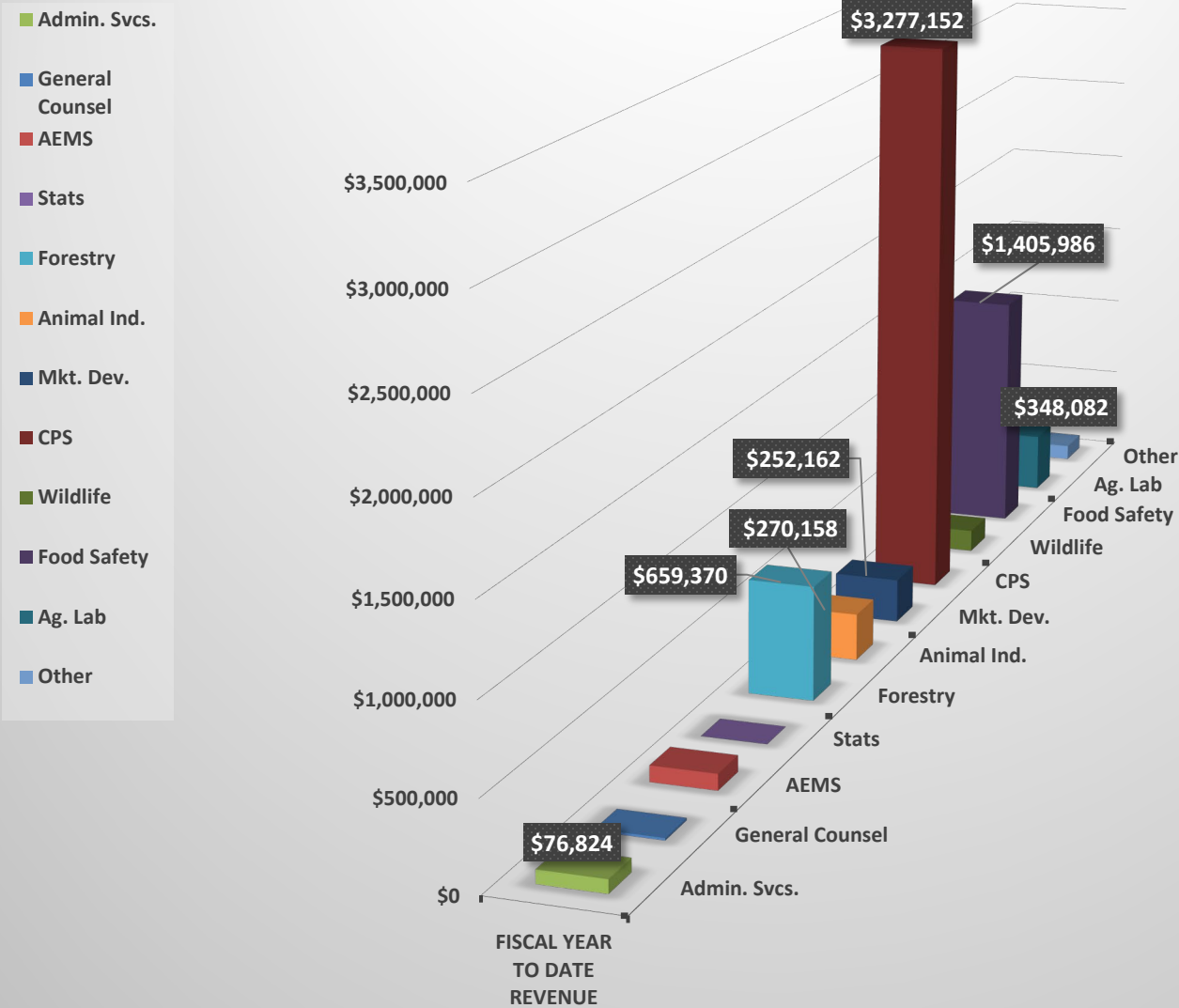
Administrative Services - Finance

- Cash balance as of 10/31/2021 was \$30.9 million compared to \$24.7 million as of 10/31/2020.
- This is an increase of \$6.2 million from the prior year and is primarily attributed to the following:
 - Frugal spending in anticipation of a possible revenue failure.
 - Vacant positions we are trying to fill
 - Timing of federal payments

Administrative Services - Finance

- Increase in Legislative directed spending's/pass thru payments to OSU
 - Annual amount increased from \$2.88 million in FY 21 to \$6 million in FY 22
 - Payments were made monthly in FY 21
 - Payment are scheduled to be made quarterly for FY 22.
- Covid Pandemic

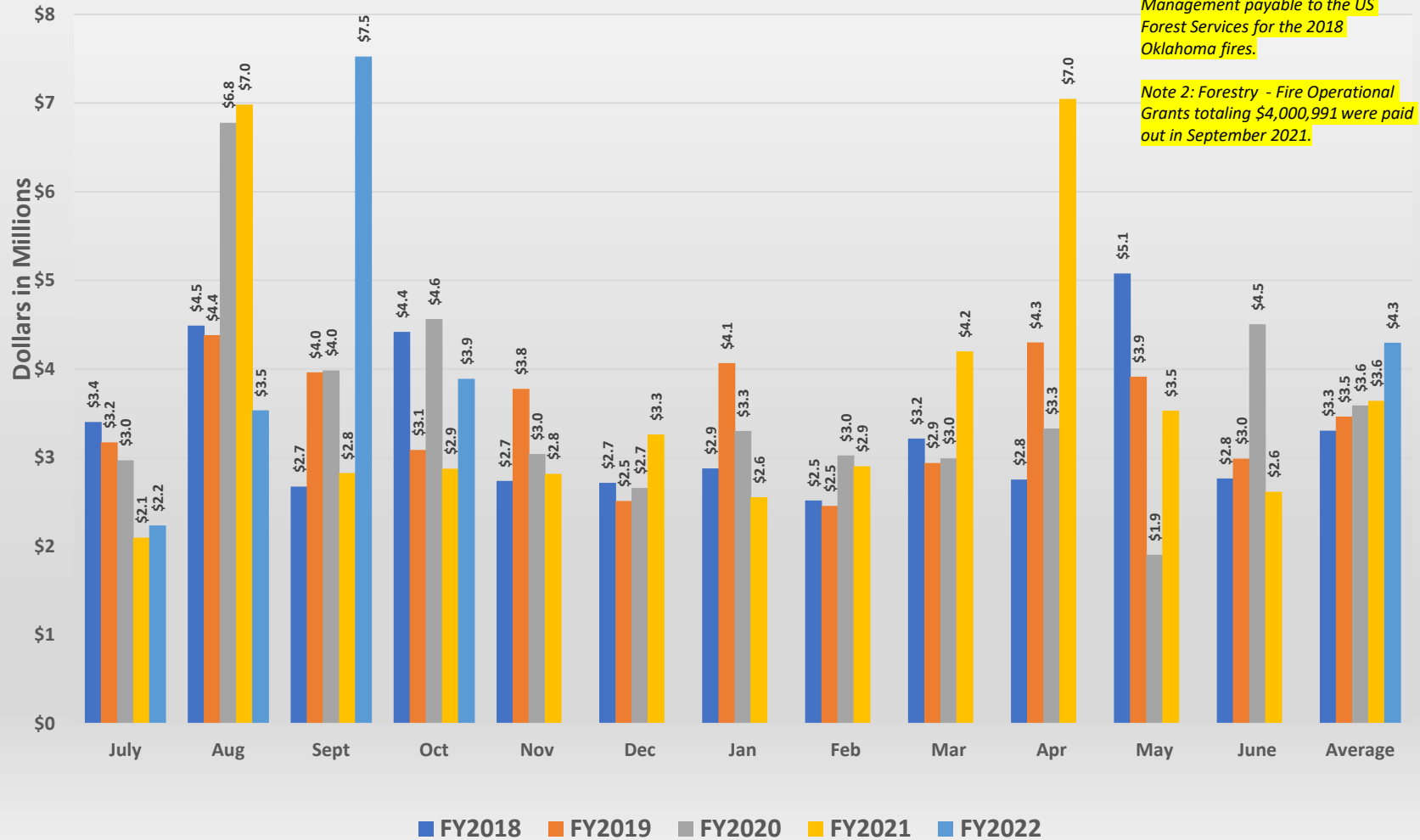
Revenue By Division – July – October 2021



Administrative Services - Finance

- Revenues (excluding appropriations) for July 2021 thru October 2021 totaled \$6.6 million.
- This is an increase of \$157,000 from the prior year and is primarily attributed to increases in the following revenues:
 - Federal reimbursements
 - Sales of surplus property
 - Cooperative projects

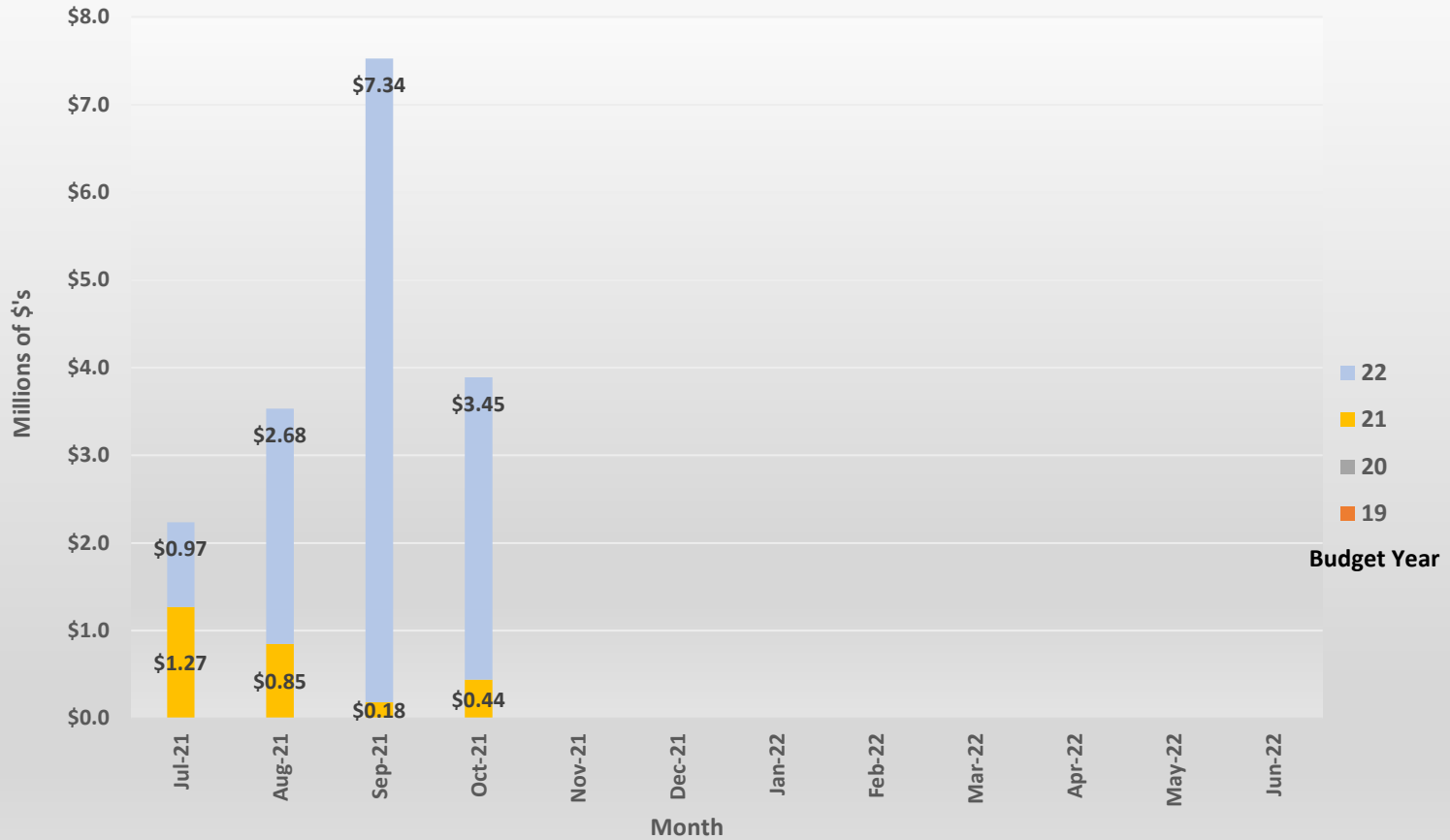
Total Expenses by Month July 2017 –October 2021



Note 1 : Forestry - April 2020 includes a \$4.2 million pass thru payment from Oklahoma Emergency Management payable to the US Forest Services for the 2018 Oklahoma fires.

Note 2: Forestry - Fire Operational Grants totaling \$4,000,991 were paid out in September 2021.

FY 2022 Total Expenses by Month with Budget Year



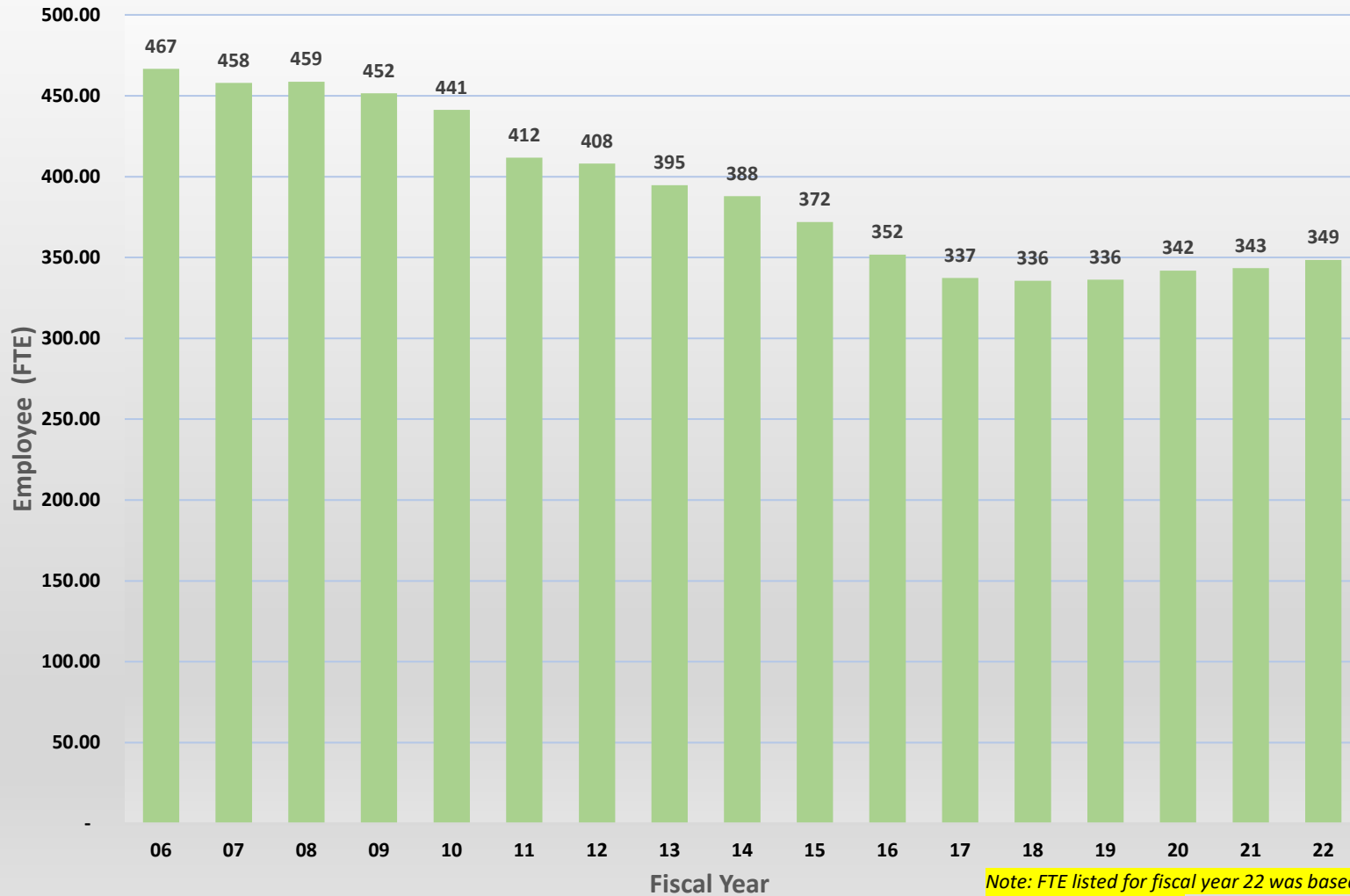
Administrative Services - Finance

- July 2021 – October 2021 expenses were \$17.2 million
 - Total expenses for the same period last fiscal year were \$24.8 million and included \$10 million in meat processing plant grants that were funded via CARES Act funds.
 - Backing off this \$10 million results in an increase of \$2.4 million for July 2021 – October 2021 and was due to the following:
 - Timing of payments
 - Additional software costs
 - Increased payroll and benefit expenses
 - Increased employed FTE
 - Staff raises

Appropriations Transfers FY 2018 - thru October 2021



Employee FTE Totals Fiscal Year FY 2006 – FY 2022



Note: FTE listed for fiscal year 22 was based on the FTE as of 11/17/21.

Administrative Services – Commodity Storage Indemnity

Commodity Storage Indemnity			
Investment Report			
As of October 31, 2021			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,127,755.21
<u>FY-2022 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest		\$9,698.30	\$41,862.27
Reinsurance		-	-
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	\$9,698.30	\$41,862.27
		=====	=====

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2022
As of October 31, 2021

Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru October 31, 2021

Object Code	Account Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 10/31/2021	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	18,489,183	5,116,714	20,539,786	(7,167,317)
512	Insur.Prem-Hlth-Life,etc	5,949,013	1,353,777	227,032	4,368,203
513	FICA-Retirement Contributions	4,569,311	1,203,953	-	3,365,358
515	Professional Services	2,865,945	573,353	1,831,380	461,212
519	Inter/Intra Agy Pmt-Pers Svcs	109,950	10,664	19,336	79,950
521	Travel - Reimbursements	324,545	29,633	-	294,912
522	Travel - Agency Direct Pmts	342,620	37,276	-	305,344
531	Misc. Administrative Expenses	861,791	245,883	187,305	428,603
532	Rent Expense	592,040	176,409	293,741	121,889
533	Maintenance & Repair Expense	1,130,554	189,422	358,026	583,106
534	Specialized Sup & Mat.Expense	1,221,855	171,557	798,218	252,080
535	Production,Safety,Security Exp	294,156	29,716	-	264,440
536	General Operating Expenses	184,403	23,218	-	161,185
537	Shop Expense	506,681	94,389	103,662	308,630
541	Office Furniture & Equipment	2,218,372	182,389	155,377	1,880,606
542	Library Equipment-Resources	600	-	-	600
543	Lease Purchases	1,750,868	562,703	1,037,297	150,868
546	Buildings-Purch.,Constr,Renov.	-	-	7,900	(7,900)
554	Program Reimb,Litigation Costs	7,171,951	4,159,622	1,285,775	1,726,554
555	Pmts-Local Gov't,Non-Profits	7,233,950	248,857	141,860	6,843,233
559	Assistance Pymts to Agencies	150,000	-	-	150,000
564	Merchandise For Resale	120,000	-	118,800	1,200
601	AFP Encumbrances	-	-	1,777,258	(1,777,258)
810	Req Only	-	-	687,947	(687,947)
	Operating Totals	56,087,788	14,409,536	29,570,700	12,107,552

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2022
As of October 31, 2021
Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru October 31, 2021

Class Funding	Class Fund Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 10/31/2021	Encumbrances & Pre Encumbrances	Available Budget
19011	Carryover	1,428,800	1,271,291	45,165	112,344
19111	Carryover	168,336	-	83,303	85,033
19201	GRF - Duties	27,423,346	4,600,306	14,438,533	8,384,507
20500	Rural Fire Defense Eqp Rev Fd	236,500	-	159,300	77,200
21000	Agriculture Revolving Fund	19,384,941	4,032,944	13,342,266	2,009,731
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	16,683	181,313	152,004
26200	Poultry Grading Revolving Fund	1,291,463	321,408	620,814	349,240
28500	Milk & Milk Prod Inspec Rev Fd	300,000	90,499	197,510	11,992
28700	Healthy Food Financing Revl Fd	150,000	6,667	17,600	125,733
42000	Specialty Crop Federal Funds	575,851	61,849	474,895	39,107
43000	Farm and Ranch Stress Alliance	500,000	-	-	500,000
57602	Duties	4,104,550	3,996,228	-	108,322
	Total	56,087,787	14,409,536	29,570,700	12,107,551

**DECEMBER 2021 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(September and October 2021 Activities)**

QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager; Eli Klimek, Technical 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.

In September,

- ❖ The QA Manager left the Agriculture Department to accept a position at DEQ.
- ❖ Technical Manager Eli Klimek is covering the QA duties until a new QA Manager is hired.
- ❖ The annual internal audit of the General Chemistry Section was completed.
- ❖ Procedural updates continued to better accommodate customer and accreditation needs in the Inorganic Lab.

Performance Test Logs for September 2021:

General Chemistry	
PT Samples Received	2
Number of Analytes	2
PT Samples Reported	3
Number of Analytes Reported	21
Completed PT Reports	4
Number of Analytes Passed	21
Number of Analytes Failed	0

Food and Dairy	
PT Samples Received	0
Number of Analytes	0
PT Samples Reported	0
Number of Analytes Reported	0
Completed PT Reports	0
Number of Analytes Passed	0
Number of Analytes Failed	0

Pesticides	
PT Samples Received	2
Number of Analytes	6
PT Samples Reported	0
Number of Analytes Reported	13
Completed PT Reports	1
Number of Analytes Passed	16
Number of Analytes Failed	4

Inorganic	
PT Samples Received	2
Number of Analytes	18
PT Samples Reported	1
Number of Analytes Reported	6
Completed PT Reports	0
Number of Analytes Passed	0
Number of Analytes Failed	0

In October:

- ❖ Daniel Tripp accepted the position as the new QA Manager.
- ❖ Customer Service Surveys were developed to be sent out in November for General Chemistry, Pesticide, Dairy/Food Safety, and Inorganic Labs.
- ❖ Received referee laboratory results for three General Chemistry analytes that failed guarantees; two were confirmed failures, one was found passing.
- ❖ Technical standards were requested from three pesticide manufacturers after the Pesticide Section had failing formulation guarantees. Two standards were received and both formulations subsequently passed.

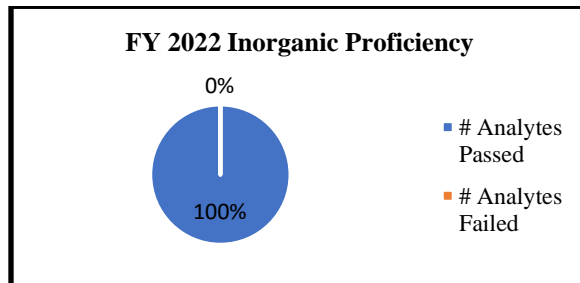
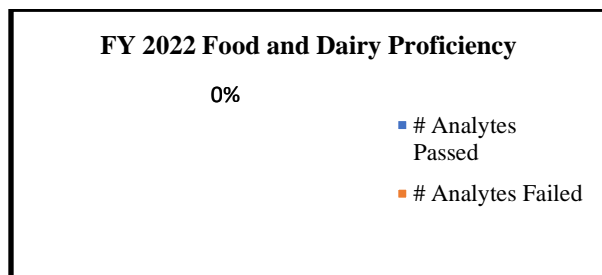
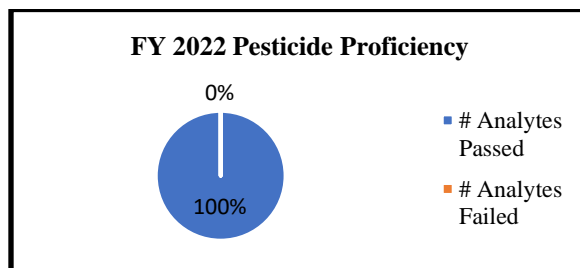
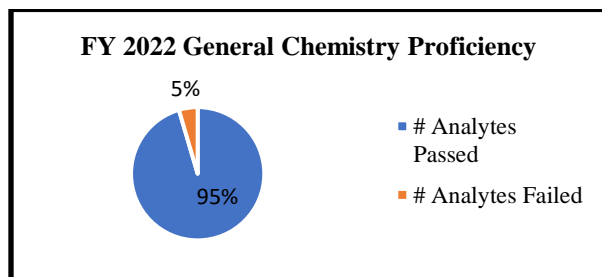
PT Results for October 2021:

General Chemistry	
# Analyte Results Received	22
# Analytes Passed	21
# Analytes Failed	1

Pesticides	
Number of Analytes Reported	7
Number of Analytes Passed	7
Number of Analytes Failed	0

Food and Dairy	
Number of Analytes Reported	0
Number of Analytes Passed	0
Number of Analytes Failed	0

Inorganic	
Number of Analytes Reported	6
Number of Analytes Passed	6
Number of Analytes Failed	0



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

September 2021 Inorganic Breakdown

Customer	Samples	Determinations
OCC	116	1102
LMFO	15	90
Pollution	4	16
Total	135	1208

October 2021 Inorganic Breakdown

Customer	Samples	Determinations
OCC	120	1288
LMFO	29	174
PT	7	60
Pollution	20	14
Total	176	1536

Many samples are showing unusually high nitrate amounts in both LMFO and OCC samples.

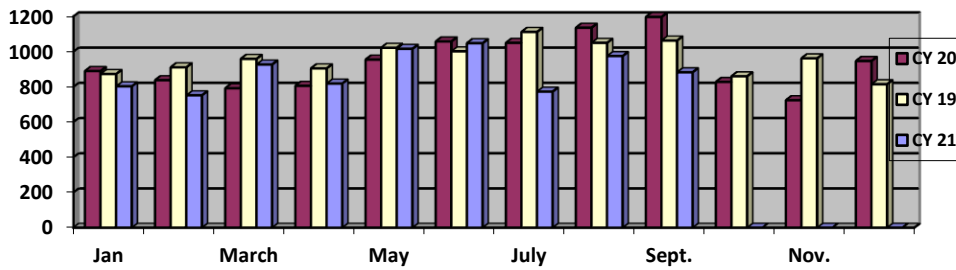
Despite limited staff for analysis and validations average turnaround time was 29 days.

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

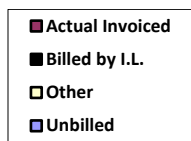
The month of September was an usual testing month. One additional dairy went out of business which brings a total of twelve for the year. Five dairies were not tested.

The next piece of equipment that the Section will need to replace is the somatic cell counter with an estimated cost of \$95,000.

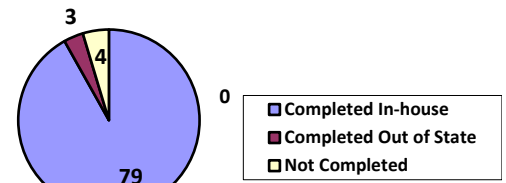
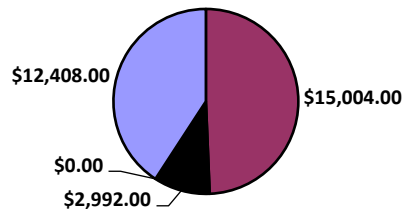
Total Determinations



Dairy Farms



Revenue Breakdown

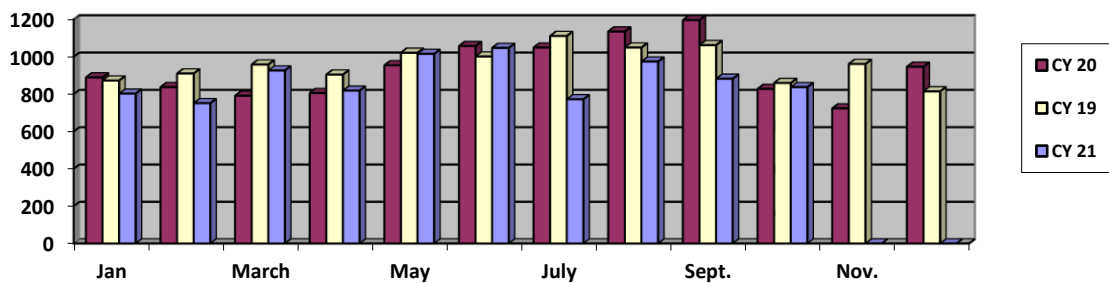


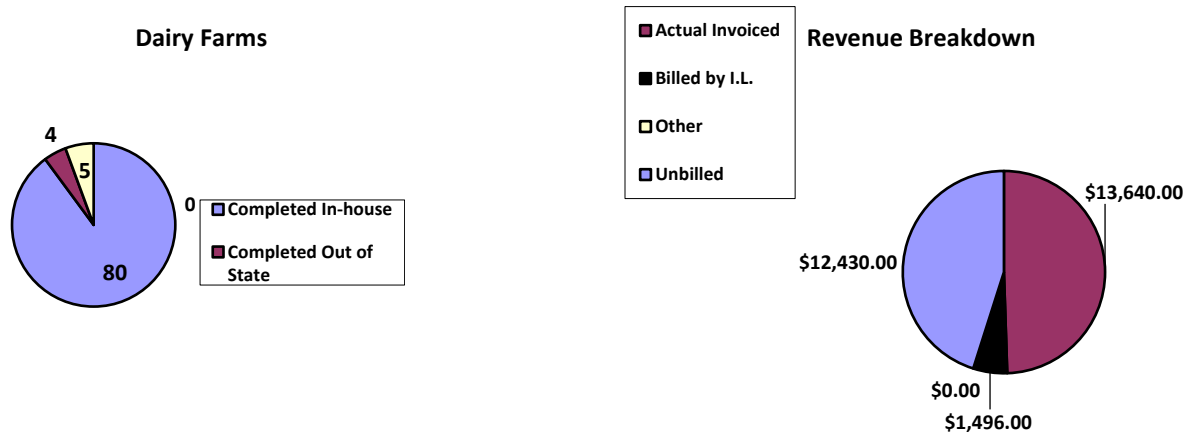
In October two additional dairies went out of business which brings a total of fourteen for the year. Five dairies were not tested. There are currently 87 dairies that the Section is testing.

The Section is currently performing weekly routine testing for *Listeria monocytogens* in the raw milk from a dairy that had positive samples.

The Section has seen an increase in the number of meat samples. For 2020, 140 samples were tested. Year to date, 155 samples have been tested.

Total Determinations





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

Sample records indicate that a total of 221 seed samples were received in September. Crops tested consisted primarily of wheat, rye, barley, canola, and fall season grass.

Germination testing on this year’s small grains is showing decent quality with most results in the mid to high nineties. Purity testing conducted on official samples resulted in several Seed Law violations being discovered. Three and a half tons of oats and 200 pounds of annual ryegrass were placed under stop sale following the discovery of noxious weeds in excess of the allowed tolerances.

Total sample numbers in the Section were on average when compared to last year during October with records indicating the laboratory received 173 seed samples. Seventy-two percent of the samples were generated from official regulatory work sent in by CPS inspectors. Crops tested were primarily wheat and other small grains, annual ryegrass and turf blends. There was also a slight increase in service testing of native grasses.

Reports from certified wheat officials indicate that most wheat acres have been planted with much of the crop already emerged and looking satisfactory. Growers are reporting that sales of certified wheat seed have increased compared to last year with many grower inventories now sold out.

SEROLOGY SECTION: (Pete Bourns, Laboratory Scientist IV)

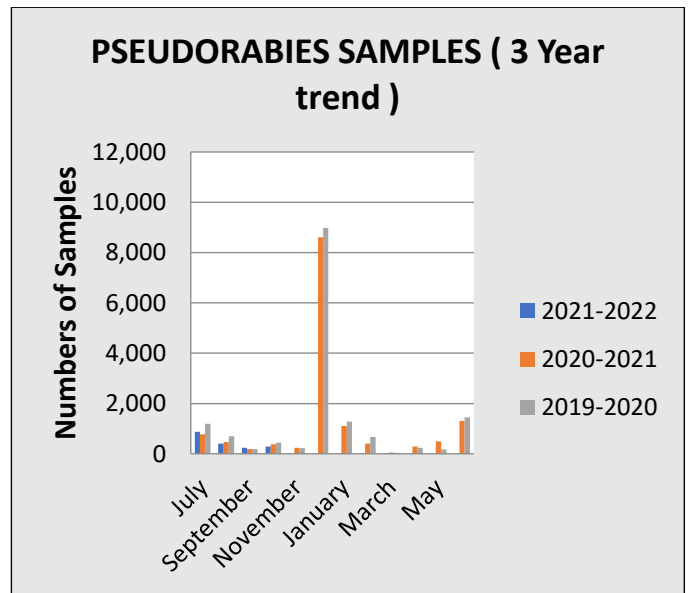
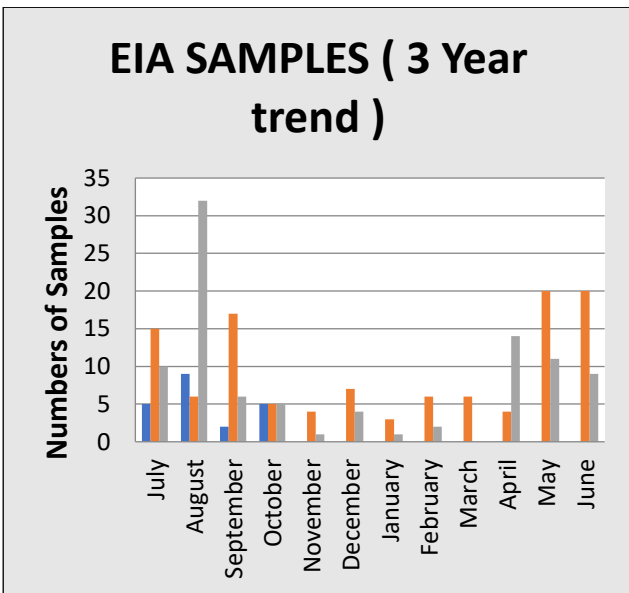
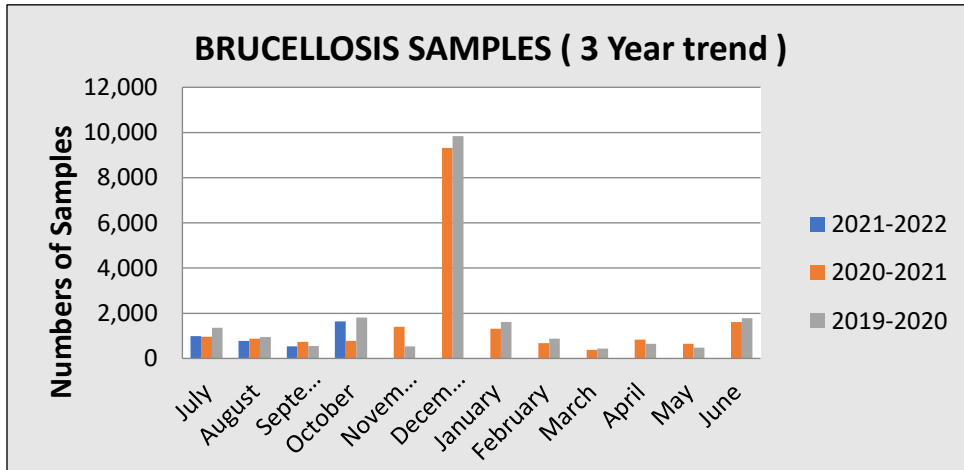
The Brucellosis testing changed as of March 2020. The Section is no longer running the RAP test to screen for Brucellosis due to inability to obtain the antigen required. The screen method for Brucellosis being used now is the BAPA test for swine and the BAPA and/or Card test for all other animals including cattle.

September

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2021	539	244	2
2020	738	182	17
2019	543	183	6

October

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2021	1646	291	5
2020	778	380	5
2019	1807	443	5



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

	Feed	Fertilizer	Lime	Total
Samples Received	168	72	11	251
Samples Completed	249	62	15	326
Determinations	1073	158	92	1323
Violations	123	32	1	156
Violation %	11.46%	20.25%	1.09%	11.79%

John Holden, Lab Technician has accepted a position as a Chemist in the Inorganic Section. We are fortunate that he will be able to continue to help out until a replacement has been hired.

The Sulfur analyzer will be running by November. We have completed the required quality checks and are finalizing paperwork. We are excited to start using this new instrument and create a safer work environment for our employees.

Overview of Section numbers for the month:

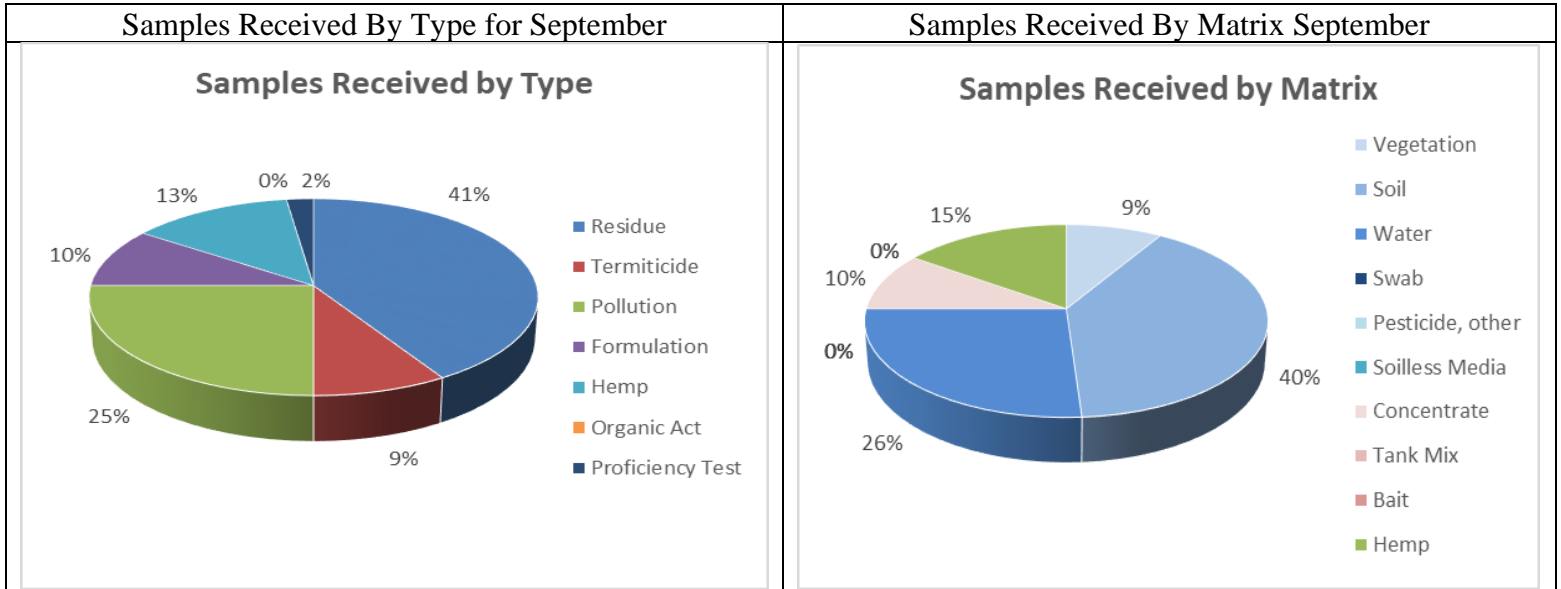
	Feed	Fertilizer	Lime	Total
Samples Received	186	43	10	239
Samples Completed	165	48	13	226
Determinations	624	123	78	825
Violations	46	17	9	72
Violation %	7.37%	13.82%	11.54%	8.73%

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

The Section Supervisor remains on family leave. Eli Klimek continues to serve as interim Pesticide Supervisor during her leave.

Pesticide Section by the numbers:

Results Completed by Category					
Type	Samples	Tests	Determinations	Avg TAT (days)	
Residue Vegetation	10	18	100	80	Residue Avg TAT: 53 days
Residue Soil	28	34	76	45	
Residue Water	2	5	23	45	
Residue Swab	2	6	22	15	Formulations Avg TAT: N/A
Pesticide, Other	-	-	-	-	
IFA Soiless	-	-	-	-	
Organic Act	2	2	2	74	Hemp Avg TAT: 11 days
Concentrate	-	-	-	-	
Tank Mix	-	-	-	-	
Bait	-	-	-	-	
Hemp	13	13	13	11	
Proficiency Test	2	2	2	22	
TOTALS	59	80	238	43	



The Section supervisor has returned from family leave. Eli Klimek did a great job as interim supervisor during this period. The new chemist started working independently with formulation and hemp samples.

Pesticide Section samples completed:

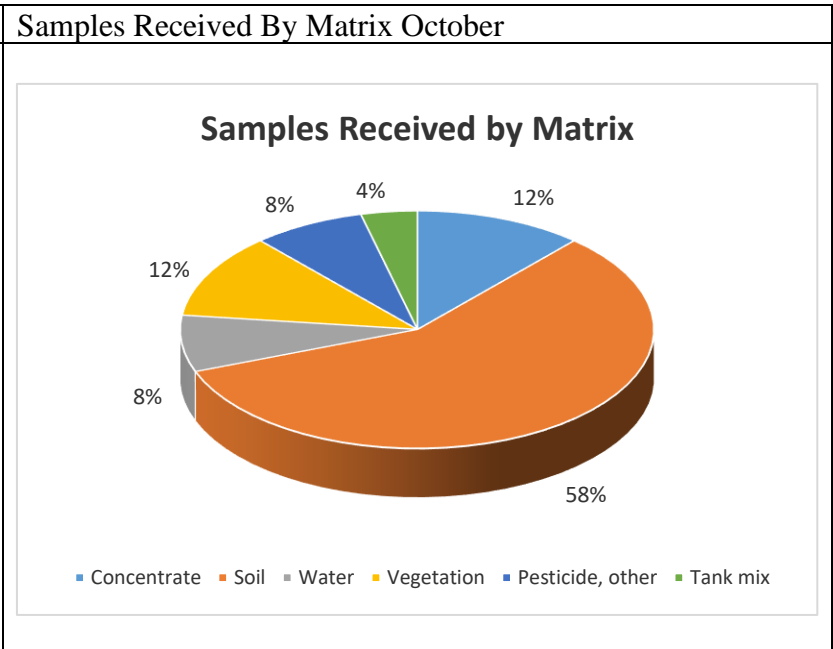
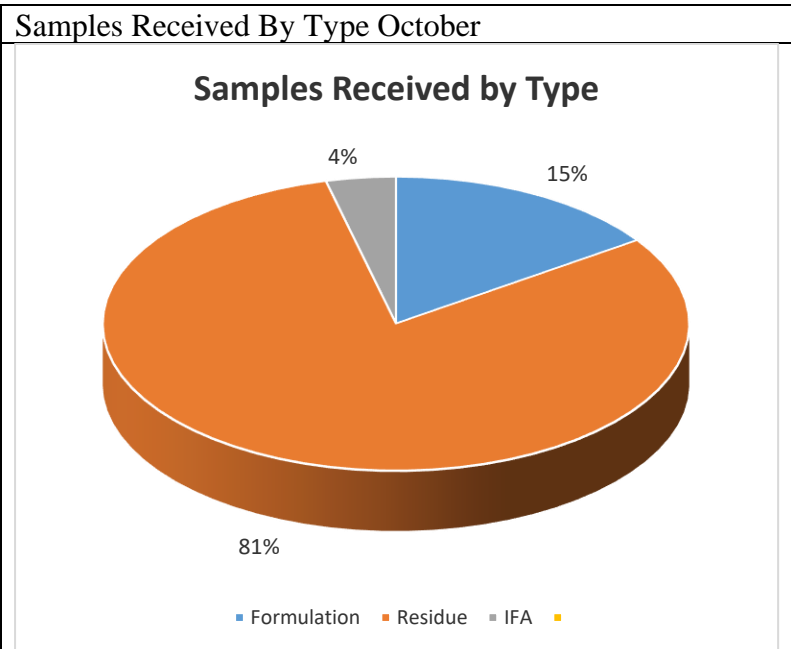
	Number	Test	Det	Average TAT (days)
Hemp	5	5	5	12
Residue Vegetation	46	71	639	99
Residue Soil	30	31	42	38
Organic Act	5	5	5	59
Residue Swab	2	2	6	90
Concentrate	11	19	26	52
Residue Water	4	7	32	90
Residue Soilless	2	2	12	63
Pesticide, other	1	1	1	94
Proficiency Test	1	1	7	44
Termiticide Soil	8	8	8	20

Average Residue Turnaround Time: 69days

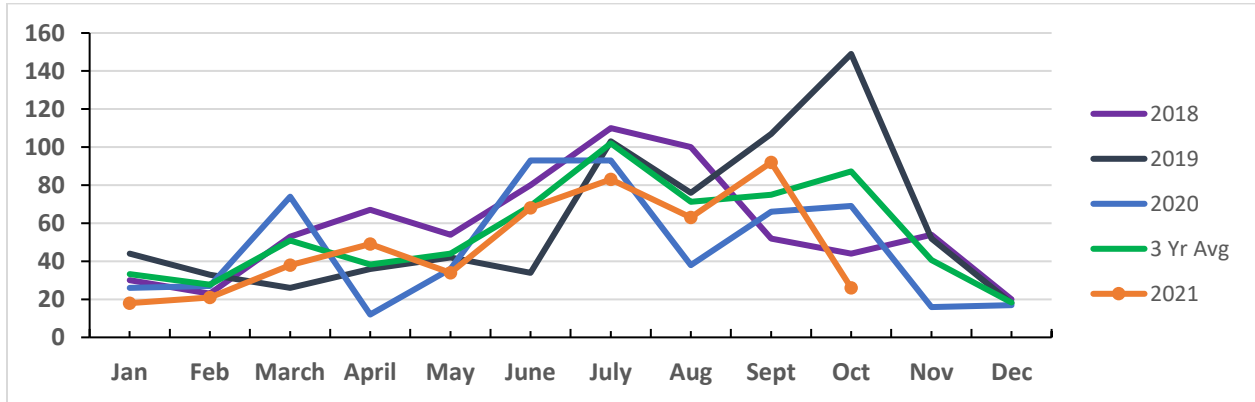
Average Hemp Turnaround Time: 12 days

Average Formulation Turnaround Time: 52 days

Totals		
# of Samples	# of Tests	# of Determinations
115	152	773

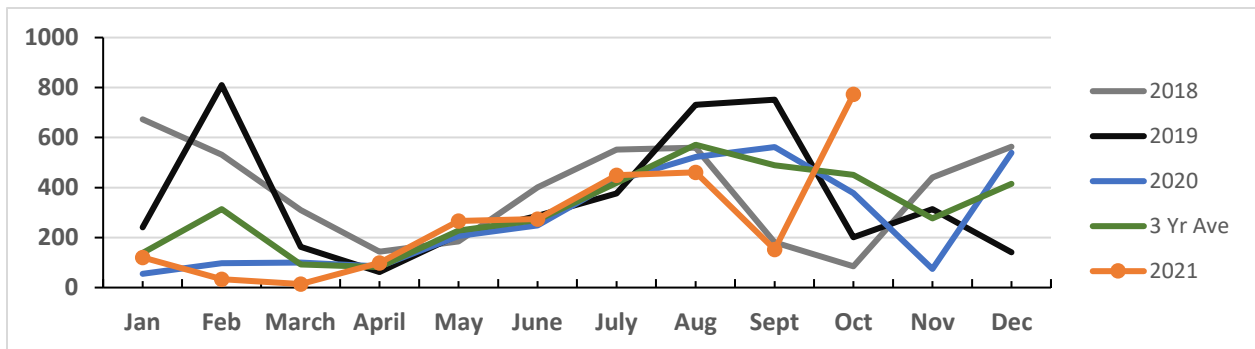


Samples the Section received by month:



The Section received the lowest number of samples compared to the samples received for the last eight years in this month.

Determinations the Section completed by month:



This month, the Section completed the highest determinations since February 2019. The majority of determinations were for the residue vegetation samples (83%).

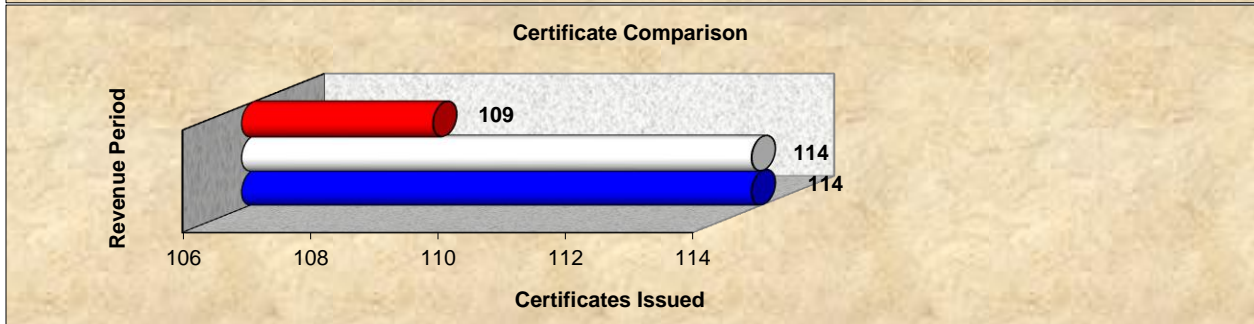
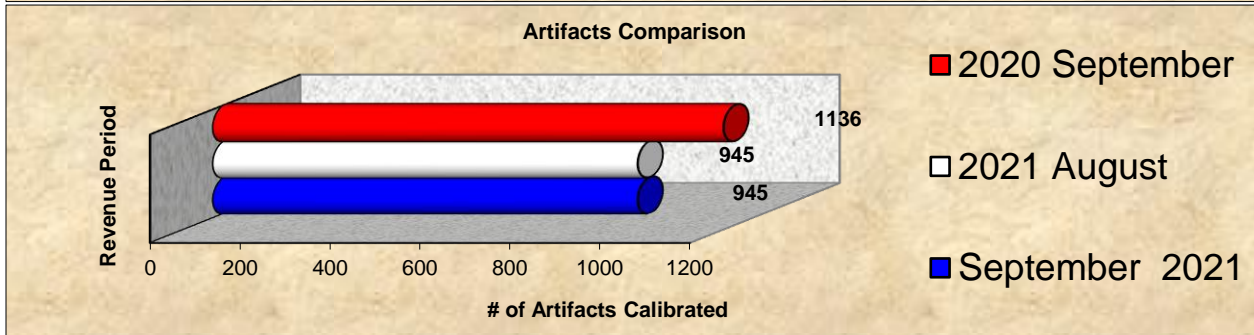
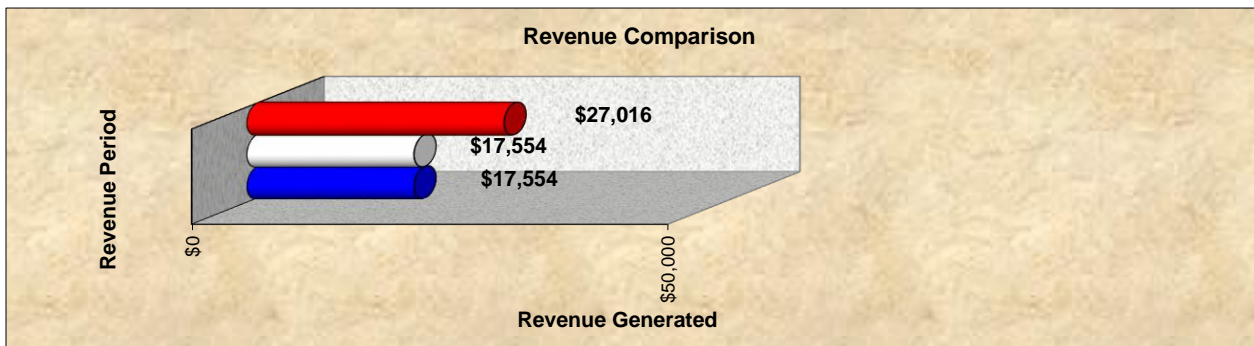
OKLAHOMA BUREAU OF STANDARDS: (Jeremy Nading, State Metrologist)

The following is a workload summary for the Bureau of Standards from September 1st through 30th.

The Bureau calibrated standards for the Wisconsin Metrology Laboratory. The Bureau also performed calibration on all of the internal volume standards and updated all of the associated processes.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	8	\$25,277.00	37 %	121	13 %
In-State Customers	19	\$11,084.00	63 %	824	87 %
Totals	27	\$17,554.00	100%	945	100%

Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
\$1,850.00	Mass I / II
Fees not Charged ODAFF CPS	Mass III
\$0.00	Volume

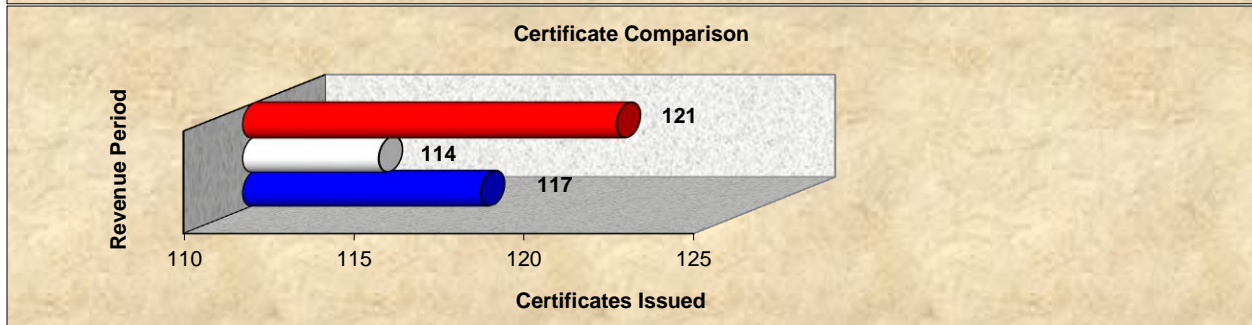
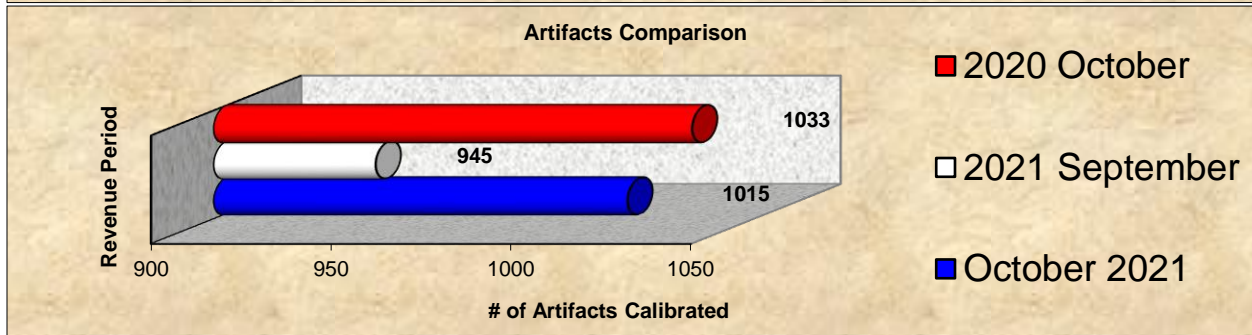
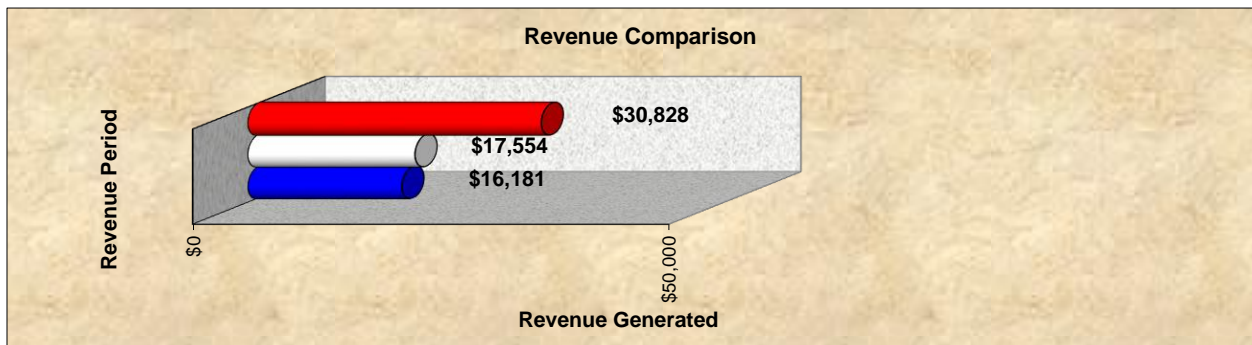


The following is a workload summary for the Bureau of Standards from October 1st through 31st.

The Bureau calibrated standards for the Nebraska Metrology Laboratory. The Bureau staff also performed verifications on all of the internal temperature standards.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$950.00	1 %	28	6 %
In-State Customers	11	\$15,231.00	99 %	987	94 %
Totals	12	\$16,181.00	100%	1015	100 %

Total Fees not Charged	# Working Days	Lead Time to Next Available Date for Calibration
\$0.00	Mass I / II	24
Fees not Charged ODAFF CPS	Mass III	18
\$0.00	Volume	18



Respectfully Submitted,

A handwritten signature in blue ink that reads "Wade Krivanek". The signature is fluid and cursive, with the first name "Wade" and last name "Krivanek" clearly legible.

Wade Krivanek
Laboratory Director
Laboratory Services Division

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

FEED SAMPLES	168
FEED DETERMINATIONS	1073
POSSIBLE VIOLATIONS	123
FERTILIZER SAMPLES	72
FERTILIZER DETERMINATIONS	158
POSSIBLE VIOLATIONS	32
LIME SAMPLES	11
LIME DETERMINATIONS	92
POSSIBLE VIOLATIONS	1
PESTICIDE SAMPLES	59
PESTICIDE DETERMINATIONS	238
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	135
DETERMINATIONS	1208
STATE-FEDERAL VET. LAB. SAMPLES	785
STATE-FEDERAL VET. LAB. DETERMINATIONS	1236
NUMBER POSITIVES	0
SEED SAMPLES	187
SEED DETERMINATIONS	0
POSSIBLE VIOLATIONS	1
BUREAU OF STANDARDS CERTIFICATES	114
NUMBER OF STANDARDS CALIBRATED	945
FEE CHARGES	\$17,554.00
DAIRY SAMPLES	439
DAIRY DETERMINATIONS	883
POSSIBLE VIOLATIONS	21
TOTAL SAMPLES	1970
TOTAL DETERMINATIONS	5833
TOTAL POSSIBLE VIOLATIONS	178

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

FEED SAMPLES	186
FEED DETERMINATIONS	624
POSSIBLE VIOLATIONS	46
FERTILIZER SAMPLES	43
FERTILIZER DETERMINATIONS	123
POSSIBLE VIOLATIONS	17
LIME SAMPLES	10
LIME DETERMINATIONS	78
POSSIBLE VIOLATIONS	9
PESTICIDE SAMPLES	115
PESTICIDE DETERMINATIONS	773
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	176
DETERMINATIONS	1536
STATE-FEDERAL VET. LAB. SAMPLES	1942
STATE-FEDERAL VET. LAB. DETERMINATIONS	2218
NUMBER POSITIVES	0
SEED SAMPLES	173
SEED DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	117
NUMBER OF STANDARDS CALIBRATED	1015
FEE CHARGES	\$16,181.00
DAIRY SAMPLES	389
DAIRY DETERMINATIONS	838
POSSIBLE VIOLATIONS	7
TOTAL SAMPLES	3151
TOTAL DETERMINATIONS	7205
TOTAL POSSIBLE VIOLATIONS	79



OKLAHOMA FORESTRY SERVICES BOARD REPORT

Division Activities from October 1st – November 12th

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.

RESILIENT LANDSCAPES

URBAN AND COMMUNITY FORESTRY PROGRAM HIGHLIGHTS

Urban & Community Forestry Conference

On October 22nd OFS co-hosted the Annual Urban & Community Forestry Conference with the Oklahoma Urban & Community Forestry Council. Nearly 70 people attended the event at the Hilton Garden Inn in Edmond. Dr. John Ball from South Dakota State University and Dr. Carl Whitcomb from Stillwater were the keynote speakers. Attendees learned about techniques for helping trees recover from severe Oklahoma storms. Mark Goeller was on-hand to present the welcome address and numerous OFS employees attended.

Macomb Peace Garden

Community Forester Mark Bays participated in the final planting of the Macomb Elementary Peace Garden on October 25th. Using ideas from the students Mark assisted Jeff Oakley of Oakley's Landscaping with developing the Garden's plan. An offspring from the Oklahoma City Survivor Tree was planted in the center of the Garden. The project was funded through donations, volunteer efforts and a grant through the Oklahoma City National Memorial secured.



Oklahoma Gardening

Mark Bays was interviewed by Oklahoma Gardening on October 27th near the OSU Oklahoma City Extension office. Mark provided guidance on the next steps to take to help trees recover from this past winter's ice storm and record cold. The segment will air later in November or early December.



Pine Tree Concerns

Forester's Riley Coy and Mark Bays met with Carol and Mark Aldridge on November 1st at their 40 acre property in Oklahoma City to discuss tree health on their numerous Loblolly and Bosnian pine trees. Several trees were in a state of decline that in part could be a result of the February record cold. A couple of the trees showed obvious insect damage and samples were sent to the OSU Plant Disease Diagnostic Lab to see if pine wilt nematode could be part of the problem as well. Additionally, seeds from a 'Cooke's Peak' Arizona cypress were collected to continue to study the trees adaptability to the Oklahoma climate.



Employee Kudos

Upcoming Events

Riley Coy will be traveling to Louisville, KY November 15th – 19th to attend the National Arbor Day Annual Partners Conference and attend the national state/federal U&CF Coordinators meeting.

Ongoing Issues

Division in the News

Mark Bays was interviewed on KFOR-4 television speaking about forest production, environmental services provided by forests, and the Oklahoma City Metropolitan Tree Canopy Assessment.

On October 14th Riley Coy met with members of the Oklahoma City Parks and Planning Department at the Lone Oak (NW 150th and N. Portland Ave.) to discuss plans and options for a new park that will feature the Lone Oak as a prominent tourism attraction. The area lies in a flood way which limits potential infrastructure construction by local and federal statutes. More discussion is required.

FOREST REGENERATION CENTER (FRC) & FOREST TREE IMPROVEMENT CENTER (FTIC)

Seed Collection Continues

FRC and FTIC staff as well as staff from eastern area District Offices continue to collect seed from across the state for the 2022-2023 planting season. This year nearly 200,000 pounds of seed needs to be collected. This is a very strenuous and time-consuming task. Pictured below are FRC staff collecting Bur Oak acorns at the Lone Oak in OKC.



FRC Fumigation

FRC fumigated 14 acres in October for the 2022-2023 seedling crop. Fumigation is vital practice to protect seedlings from soil diseases and weed pressure.

PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

NORTHEAST AREA

Forest Protection Highlights

From October 7th through November 12th the Northeast Area had four fires for 12.7 acres.

On October 18th, Andy James, Tom Murray, Jennifer Carrel, Craig Longshore, Wes Hayes, & Kaley Helton reviewed the new Dispatch Plan to be implemented in CY 2022.

On October 12th, Forester Joshua Isaac, Rangers Billy Riggs, & Cliff Eppler presented a Fire Prevention Program featuring Smokey Bear to the Sallisaw Head Start. On October 22nd, Forester Joshua Isaac, Rangers Billy Riggs & Dave Jones also presented a two-part Fire Prevention Program to Zion School.



Roger Wilhite presenting Fire Prevention Program



Students take photos with Smokey Bear

Forest Management/Program Highlights

Evan Long, Tahlequah Forester, met with eight landowners regarding issues such as tree health, diseases, and proposed stewardship plans. Long has also responded to phone calls and emails regarding tree identification, tree health and other management concerns. Currently, two Forest Stewardship Plans are in development by Long for landowners in Cherokee county.



Long pointing out an invasive plant species, Sericea Lespedeza, for a landowner in Cherokee county



Scenic rock outcropping nestled within a property in Cherokee County where a Stewardship Plan is under development by Evan Long, Tahlequah Forester

Josh Isaac, Sallisaw Forester, has met with five landowners in Sequoyah county to discuss forest management planning and has conducted three tree health assessments. Isaac has completed a total of three plans for landowners and is currently working on four additional management plans.

Connie Robinson, Jay Forester, participated in an insect detection flight with Water Quality Specialist, Jason Whaley, on October 7th. Robinson has been busy assisting Oklahoman landowners by completing a Forest Stewardship Plan for 946 acres in Delaware and Adair counties, as well as assisting with forest health concerns and planting in Washington and Rogers counties. Robinson has assisted landowners with timber harvesting, identifying and assessing the quality of timber in Lincoln county, as well as aiding a landowner in Craig county that had trees illegally cut on her property.

All NE Area Service Foresters attended the Annual Community Forestry Conference in Edmond on October 21st. This conference dealt with the topic of “Surviving Oklahoma’s Storms.”

All NE Area Rangers and Foresters have assisted in collecting Black Walnut, Bur Oak, & Shumard Oak seed for the Forest Regeneration Center.



Cliff Eppler picking up Black Walnut seeds

Administration

Area Forester, Craig Longshore completed a supervisor webinar covering how to “Discover the Leader in You” on October 26th

Connie Robinson & Evan Long completed their First Aid recertification on October 27th in Tahlequah with Forestry Services’ Safety Officer Rick O’Daniel.

Ongoing Issues and Upcoming Events

Jay Forest Ranger I position opened for application on Nov. 4th.

EAST CENTRAL AREA

Forest Protection Highlights

Since the last report on October 8th, EC has suppressed 14 fires for a total of 307 acres.

EC personnel were trained on the updated Dispatch Plan which will be implemented beginning in CY 2022.

Forest Management Highlights

Two forest stewardship plans for a total of 1,000 acres have been completed since last report. The properties which are now under active management are located in Latimer and Pittsburg counties.

Eight prescribed burn plans have been prepared for properties in Le Flore, Latimer, Haskell, and Pittsburg counties.

EC personnel have been picking up Walnuts and Bur Oak acorns for the Forest Regeneration Center.

Information / Education Highlight

Wilburton District personnel helped set up and man a booth at the Robber’s Cave State Park Fall Festival. Loblolly pine seedlings were handed out to 2,500 of the tens of thousands of folks attending.

Craig Marquardt made the trip to Weatherford to attend Southwestern Oklahoma State University’s career fair which included wildfire management students. Approximately 100 students passed by the booth, fewer than five were wildfire management minors.

Eddie Woods, Stacy Lovell, Clayton Hurst, Kale Haney, and Craig Marquardt lead 29 firefighters from Lincoln County through the OFS Basic Wildland Firefighting Course. The three-day event culminates with the students completing a substantial section of fire-line through oak timber and cedars, giving the students and instructors time to discuss the concepts learned during the previous days classroom training.

Personnel update

One vacancy announcement recently closed for the Forest Ranger I position in the Four Corners Unit in southern Pittsburg County. Interviews for successful applicants will be scheduled soon.

Intern Forester Update

The recruitment process for next year’s interns has begun. Riley Coy and Craig Marquardt made a trip to Stillwater in early October to talk to OSU forestry majors about the internship and the wide variety of assignments OFS foresters engage in. While there are currently fewer applicants than past years, the students have until the end of November to get their application materials submitted.

Safety / Training Highlights

All EC personnel requiring recertification completed CPR/First Aid training last week.

The East Central Area held an Area-wide meeting on October 19th at Lake Eufaula Dam overlook. The meeting agenda included personnel time management, after action review of the year’s wildfire activity, legal outdoor burning procedures in Oklahoma, and Service Awards were handed out.



Upcoming Events for October and November

January 3-7, 2022 – OFS personnel will conduct the following wildland firefighting training for OSU Natural Resource Ecology Management (NREM) 4741: S-130 Basic Wildland Firefighting, S-190 Introduction to Wildland Fire Behavior, and L-180 Human Factors in the Wildland Fire Service

SOUTHEAST AREA

Forest Protection Highlights

The Southeast Area had 31 fires for 1,225 acres in the month of October.

Jared Burgett passed the Pack Test. Burgett was recently hired to fill a Forest Ranger I vacancy.

The SE Area's Forest Fire Control Officer position is open. The vacancy announcement closes on December 3rd.

Forest Management/Programs Highlights

Brock Hill made nine landowner assists for the current period.

Will Phifer had a total of twelve landowner assists for current time period as well as completing two forest stewardship plans on 321 acres.

Will Phifer, Don Cook, Mickey Tunnell along with Aaron Williams met with Don Herron and Pete Herron on Herron property to discuss fire mitigation around the town of Haworth.

Ranger Adam Burlison and Smokey Bear attended the annual Stringtown Fire Department Fall Festival. Many pictures with Smokey Bear were taken and lots of candy handed out to area children.

Safety/Training Highlights

Rick O'Daniel provided 1st Aid/CPR classes for SE employees this month. He also provided Defensive Driving classes for employees that needed recertification.

Employee Recognition/Other

Bryden Walker participated in the filming of a commercial through McCurtain County Tourism Authority. He was at the Forest Heritage Center and assisted with the planting of a tree.

Ongoing Issues

Slow internet service continues to be an issue at Antlers office. The FirstNet wifi hot spot is working well. WiFi USB antennas for the two desktop computers at Antlers have been ordered. This may be the final step in the process, allowing us to disconnect the internet service with AT&T.

Upcoming Events/Activities

JD Morris, Pat Wayman, and Tama Lester, members of the OFS Incident Management Team will attend the Foreign Animal Disease Exercise in OKC November 16th – 18th.

Don Cook presented to the Ouachita Society of American Foresters – Hochatown Project.

WILDFIRE RESPONSE

Wildfire Outlook Executive Summary

OFS Wildfire Response remained at above-normal levels in both number of fires and acres burned during the October. Wildfire activity is expected to wane early in November with a warmer/drier than normal latter half leading to a gradual increase in activity. Thankfully, there are no strong signals that favor high severity outbreaks; instead, new wildfires are expected to be contained during initial attack. Moving deeper into the dormant season, early indicators point toward the potential for a much busier season compared to those experienced 2019-2021.

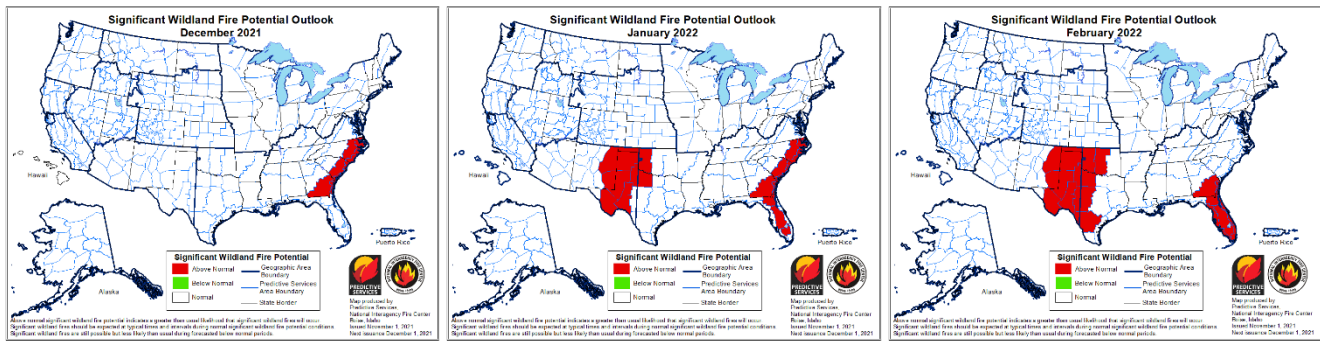
October 2021 Fire Response	Fires	Acres
2021 Wildfires Year-to-Date	736	57,221.8
OFS Protection Area - Month	49	1,515
5-Year Average	29	434
10-Year Average	40	855
Protection Area YTD	668	34,427.7
OFS Response Outside Protection Area	1	36
OFS Response Outside Protection Area YTD	21	17,264
Fire Department Reports	0	0
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 November. 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. Some of the indicators that point toward the potential for a troublesome dormant fire season are:

- *Growing Season Rains* YES
 - Early in the growing season, ample rainfall prompted a robust herbaceous response. Growth tapered off during late-summer during a period of hot/dry, but early fall precipitation invigorated herbaceous response prior to freeze-induced dormancy.
- *Effective Herbaceous Growth* YES
 - Herbaceous growth piled on tons/acre in early summer slowing down during the hot/dry September. Un-grazed and un managed rangelands are generally considered to exhibit normal to well-above normal fuel loading.
- *Onset of La Nina* YES
 - Current ENSO Discussion indicates an 87% probability of La Nina conditions December-February. Unfortunately, this leads to the expectation of warmer and drier conditions overall with a statistical link to above normal fire occurrence and severity.
- *Drought Transition* YES
 - Drought indices have persisted in Oklahoma for over a year in much of the Oklahoma Panhandle and northwestern Oklahoma. Drought indices have ebbed and flowed recently following some timely rainfall, although the trend is that drought has been both expanding and intensifying.

The indicators above somewhat set the stage for periods of increased wildfire activity. OFS will be monitoring for periods of accelerated drying of fuels, increasing wildfire trends, and predicted fire-effective weather systems that support increased wildfire activity.

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



COMMUNITY OUTREACH AND COMMUNICATIONS

Forest Heritage Center

Forest Heritage Center Visitation History							
Month/Year	2021	2020	2019	2018	2017	2016	2015
January	2717	5441	3965	4241	4592	0	
February	1608	5221	3643	3735	4013	2821	
March	10,572	8450	13,504	13,086	12,855	12,065	
April	8272	87	8320	6371	7551	7327	
May	10,724	3269	7942	8464	8364	8874	
June	13,994	10,539	15,068	15,435	14,418	14106	7126
July	16,510	10,967	16,733	17,048	17,916	17,073	16,906
August	7148	6945	11,258	9534	9618	10,061	12,008
September	7300	7192	7346	11,275	11,046	10,343	9369
October	11,246	9955	9399	14,821	11,608	10,241	11,128
November		5664	13,692	26,237	28,071	27,609	25,930
December		4978	5608	4962	5005	4954	3194
YEARLY TOTAL	90,091	78,708	116,478	135,209	135,057	125,474	85,661

Two tours were conducted during the month of October with 5 adults.

Country music artist Neal McCoy visited the Forest Heritage Center as part of an anniversary celebration with his wife Melinda. The couple and friends toured the museum and asked questions about history of the forest industry in Southeast Oklahoma.

Laramie Cochran with Senator Lankford’s office visited on October 26th to “touch base” and asked to be notified of events that she may attend on behalf of the Senator.



McCurtain County Tourism Authority shot some advertisement footage on Thursday, October 27th. Bryden Walker participated by planting a tree with a father and daughter. The crew filmed with the Toth sculpture (totem) in the courtyard, Echinata gallery, and People of the Forest gallery.



Brianna Teel was welcomed to the Forest Heritage Center team on October 11th when she started her job as an Administrative Assistant. The Durant native has a BS in History from Southeastern Oklahoma State University and her teaching certification.

Former Traveling Timber Towns resident Tom Balisle passed away on September 28, 2021. The 2017 trip to the FHC and the resulting oral history by the Choctaw Nation were highlighted in his obituary. To view the oral history that was collected from Balisle with the help of the Choctaw Nation of Oklahoma go to: <https://youtu.be/U17HaYhgRgM>.

A final draft of the Oklahoma Historical Society Preservation Grant has been submitted. The grant will help pay for a museum assessment of the Forest Heritage Center, which will aid in setting 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, with grant recipients announced in January. The assessment will be performed by Rebecca Elder Cultural Heritage Preservation in April. Chad Williams (OHS Research Dept. Director) and Jan Davis (Administrative Archivist for the Oklahoma Dept. of Libraries) intend to do a walk-through to add their perspectives and help prepare us for the assessment.



FHC board member Brian McClain arranged a tour of the Choctaw Cultural Center in Durant, OK. During the tour, FHC board members and OFS staff learned about exhibit styles, intentional interpretation, and heard some accounts of the project's journey from concept to completion. Following the tour, the group had a question-and-answer session with Senior Director Stacy Halfmoon. In attendance were Scott Huff, Ron Engel-Wilson, Carolyn Engel-Wilson, Marva Heinemann, Bob Heinemann, Dennis Wilson, Brian McClain, Stacey Ebert, Brianna Teel, and Calista Stephens.

A cross training event was held on Monday, November 8, with Brianna Teel and Calista Stephens from the Forest Heritage Center, Tama Lester from the Broken Bow OFS office, Patti Turpin and Kelly Donaldson from USFS, Beaver's Bend State Park Assistant Manager Haley Harris, and Beaver's Bend State Park reception desk staff. The purpose of the event was to facilitate a better understanding of the roles of USFS and OFS for residents and tourists and to provide a basic understanding of the forest industry.

STATE FORESTER ACTIVITIES from October 12th thru November 17th

- Participated in the State Supplier's Expo by helping staff the Agriculture Cabinet Booth
- Delivered the welcome address for the Annual Community Forestry Council Conference in Edmond
- Attended three weekly ODAFF Director's Meetings
- Participated in a meeting with the ODAFF Division Directors to discuss Long Term Compensation Reform Plan
- Participated in one virtual meeting of the NWCG Medical and Public Health Advisory Team
- Participated in the October National Association of State Forester's Monthly Policy Conference Call
- Attended two weekly OSDH COVID Coordination & Project Management MS Teams Meetings
- Attended the October Board of Agriculture Meeting
- Attended a special meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Committee

- Participated in three conference calls with Steering Committee for the S-520 Advanced Incident Management course. The course is scheduled to be held November 30th thru December 6th in Tucson, AZ
- Participated in the OSDH Senior Advisory Committee meeting
- Met with OSDH Preparedness Staff to discuss the update of the OSDH Pandemic Strategic Plans
- Assisted with interviewing applicants for the KEDDO Rural Fire Coordinator
- Participated in the OFS "First Tuesday" meeting
- Virtually attended portions of the Northern Rockies Coordinating Group Fall Meeting
- Attended a planning meeting for the November Foreign Animal Disease exercise
- Conducted one MS-Teams meeting with the Northern Rockies Incident Management Team #1 to discuss the Team's current status and future in light of a recent Northern Rockies Coordinating Group Executive Board decision
- Attended the Southern Group of State Foresters' Winter Meeting in Covington, LA

Respectfully Submitted,

Mark Goeller
Director/State Forester



CONSUMER PROTECTION SERVICES DIVISION

DECEMBER 8, 2021 BOARD MEETING REPORT FOR OCTOBER/NOVEMBER 2021

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for August 1st to November 12th in 2021 are presented in the following chart. A total of 5647 products were registered, of the products registered 5100 were renewals and 547 were new. There were 293 products cancelled.



Pesticide Samples and Inspections

Pesticide samples taken September-October 2021 are presented in the following chart. A total of 62 Residue, 12 Concentrate, 43 Pollution, 1 Tank mix, and 8 Documentary samples were taken.

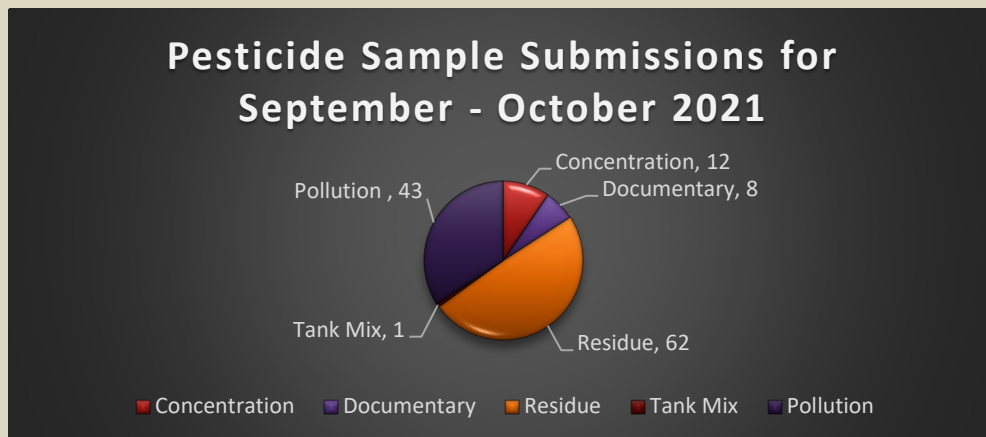


Table 1. Inspection Count for September - October 2021*

Inspection Type	Number of Inspections		
	September	October	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	27	38	65
Pesticide Applicator Facility	39	32	71
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	10	11	21
Container Containment Inspection	1	0	1
Producer Establishment	0	0	0
Use	130	92	222
Termite	0	0	0
Wood	0	0	0
Pre-treat	8	2	10
Drift Investigation	0	0	0
Pesticide Label	1407	3518	4925
Worker Protection	6	0	6
Total	1628	3693	5321

* 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 54 nonagricultural use samples, 68 agricultural use samples and 4 market samples for a total of 126 samples.

Unwanted Pesticide Disposal

ODAFF held two unwanted pesticide disposals one on October 12, 2021 in Blackwell at the Kay County Fairgrounds, the other was held October 14, 2021 in Guymon at the Texas County fairgrounds. The collection was scheduled from 8:00am until 1:00pm. The Blackwell event collected 30,419 lbs. and the Guymon event collected 15,665 lbs. for a total of 46,084 lbs. ODAFF started the Unwanted Pesticide Disposal Program in 2006, since the start of the program ODAFF has collected 1,112,686 lbs. of unwanted pesticides. ODAFF works with our hazardous waste contractor, CleanEarth to dispose of these pesticides.

Pesticide Testing & Updates

Licensing & Certification:

Categories 11A, 11B, 12A, 12B, & 13 are expiring at the end of 2021. Renewal letters for Certified Applicators were mailed out at the end of October.

Pesticide Applicator License renewals were emailed on November 2nd to approximately 2300 licensees. Those without an email on file (around 100) were mailed a renewal letter last week.

Oklahoma Ag Expo:

The 2021 Oklahoma Ag Expo had around 200 participants this year.

The participants have a badge with a barcode that contains their applicator information, and the Department uses our own scanners for CEU sign-in.

We may use our own QR code next year like we did for the OKVMA meeting in hopes of being more efficient in collecting participating certified applicators.

Private Applicators:

Megan Parker, Certification and Training Program Administrator, did a presentation in Caddo County for 80 private applicators. At the meeting private applicators expressed frustration that they cannot check their CEUs the way certified applicators can on our website. We have been compiling all the CEUs submitted to us on a spreadsheet for tracking, but it has not been available on the website. The plan is to post the spreadsheet on the ODAFF website so private applicators may check to see if what we have matches with the courses they have taken.

Pesticide Complaint

PESTICIDE COMPLAINTS	October 8, 2021 – November 15, 2021			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED	4	13	5	13
MUSK THISTLE	0			
CASES REFERRED TO OGC:	5			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Federal

Federal phytosanitary certificates Issued from October 1, 2021 – October 31, 2021

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

5 Federal phytosanitary certificates issued @ \$106.00 each

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

3 Federal phytosanitary Certificates issued @ \$61.00 each

Federal Phytosanitary Certificates (October 1, 2021 - October 31, 2021)			
Country	Product	Quantity	Phytos Issued
Denmark	Barrelclover Seed	1 Gram	1
Hong Kong	Barrelclover Seed	1 Gram	1
Mexico	Sesame Seed	210,000 lbs	5
United Kingdom	Barrelclover Seed	1 Gram	1

Companies applying for federal phytosanitary certificates:

Sesaco: 5

OSU Biosciences: 3

State

State phytosanitary certificates Issued from October 1, 2021 – October 31, 2021

116 phytosanitary certificates for 4,468 plants



2022 Compliance Agreements

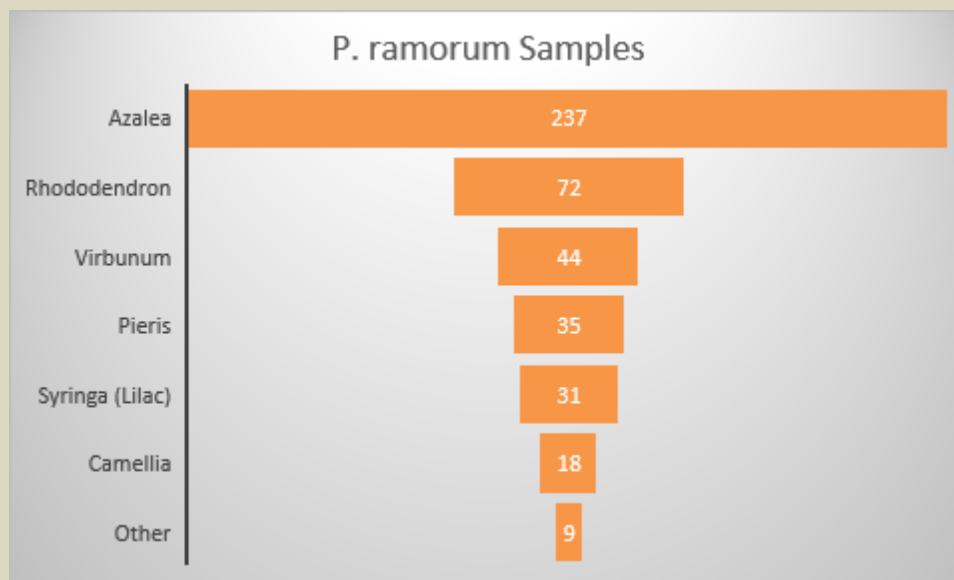
There are currently 33 companies that sign compliance agreements for out-of-state shipping. Below is an update on where we are in this process:

Compliance agreements sent out to licensees:	26/33	79%
Left to do:		
2 licensees that have not renewed their license		
3 agreements for Cotton Boll Weevil		
2 agreements for Sweet Potato Weevil		
Compliance agreements returned with signatures:	16/33	48%
Certificates issued after agreements are completed (shipping certificate, annual inspection certificate, etc.)	0/33	0%

Phytophthora ramorum (SOD) Survey

We are still seeing occasional shipments coming into the state from Means Nursery in Oregon, where *P. ramorum* has been found recently.

As of November 15, there have been 451 inspections and 49 samples taken across the state.



Boxwood Blight

Over the last few months, we have had 2 issues with other states reporting plants with Boxwood blight that have potentially come from Oklahoma nurseries. To be diligent in our inspections for Boxwood Blight, we are beginning to develop a Clean Boxwood Program. Large suppliers of Boxwood in the state will be regularly inspected and sampled for Boxwood Blight and audited on their adherence to the Boxwood Blight compliance agreements. Clean nurseries will be issued a Clean Boxwood certificate.

Sweet Potato Weevil Survey



Figure 1: Sweet Potato Field



Figure 2: Sweet potato weevil trap

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. Traps were removed in late October/early November. No Sweet Potato Weevils were found.

Guava Root-Knot Nematode Survey

ODAFF also ran a survey for Guava Root-Knot Nematode at the same time as the sweet potato weevil. The survey concluded in early November. No Guava Root-Knot Nematode were found.

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. Pivot	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
202102859	Bob Ramming	61	35.407406	98.4492	11/01/2021	absent	n/a	Caddo

Industrial Hemp and Apiary Program

Hemp

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

We also have 18 licensed hemp processors/handlers.

Hemp is well into harvest season, but we have had many growers crops fail due to lack of water/resources.

Apiary

Training was conducted for three CPS inspectors on how to winterize bees, check for pests/disease. Caroline Nelson, Apiary Program Administrator, worked with the Oklahoma State Beekeepers Association to set this training up. CPS received good feedback from the inspectors and the beekeeper about the training.

Restricted Use Pesticide

Caroline Nelson, Program Administrator, has taken over the RUP Program and is issuing renewals for 2022.

AGRICULTURE RESOURCE SECTION

Weights & Measures Program

During October the large capacity scale technicians tested 270 Vehicle scales and 38 of the Vehicle scales were rejected for repairs.

CPS inspectors checked a total of 834 small scales and 50 platform scales, 21 of the scales were rejected. There were 30 random pack inspections and 87 standard pack inspections conducted that resulted in 10 companies receiving letters of warning and 1 company receiving a Stop Sale. Additionally, 172 price verification inspections were conducted at various retailers that resulted in 13 companies receiving letters of warning. A total of 14 scale companies received a letter of warning for not properly servicing scales.

Feed Program

During this reporting period there were a total of 160 official feed samples analyzed, with 624 feed determinations made from these samples. These determinations resulted in the issuance of 10 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violations include Calcium, Salt, Vitamin A, and Potassium. Eight stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Two stop sales were issued for products deficient in Vitamin A. One stop sale was issued for a product deficient in Crude Protein. Two stop sales were issued for products deficient in Calcium. Two stop sales were issued for products deficient in Salt. One stop sale was issued for a product deficient in Phosphorus.

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

Table 1. Feed Notice of Label Violation Summary September 2021 – October 2021

Nutritional Guarantee	Number of Label Violations		
	October ¹	September ²	Two Month Total
Crude Protein	6	21	27
Non-protein Nitrogen	0	0	0
Crude Fat	0	7	7
Crude Fiber	0	1	1
Calcium	1	3	4
Phosphorus	0	3	3
Salt	1	2	3
Magnesium	0	2	2
Potassium	1	0	1
Copper	0	2	2
Iron	0	0	0
Zinc	0	4	4
Vitamin A	1	4	5
Medicated Feed	0	0	0
Total	10	49	59

¹ 160 feed samples analyzed with 624 determinations; ² 240 feed samples analyzed with 1017 determinations

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

Nutritional Guarantee	Number of Stop Sales		
	October ¹	September ²	Two Month Total
Crude Protein	1	5	6
Non-protein Nitrogen	0	0	0
Crude Fat	0	2	2
Crude Fiber	0	0	0
Calcium	2	3	5
Phosphorus	1	2	3
Salt	2	4	6
Manganese	0	0	0
Potassium	0	0	0
Copper	0	2	2
Zinc	0	2	2
Vitamin A	2	16	18
Medicated Feed	0	0	0
Total	8	36	44

¹ 160 feed samples analyzed with 624 determinations; ² 240 feed samples analyzed with 1017 determinations

Fertilizer Program

All companies with an Oklahoma fertilizer license were sent their first notices for renewing their licenses: 102 license renewals were mailed and 1825 were emailed. Ag lime companies were also sent their first notices for renewing their ag lime vendor licenses: 13 license renewals were

mailed and 71 were emailed. Two-hundred and twelve companies with registered soil amendment products were sent their first notices for renewing their registrations as well.

Below you will find the performance numbers for the fertilizer, agricultural lime, and soil amendment programs.

Type of Sample	Number
Fertilizer	34
Lime	6

Sample Deficiency Penalties	Notice of Deficiency/ Stop Sales
5	1

Type of Investigation	Number
Dry Fertilizer Facility	41
Liquid Fertilizer Facility	26

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
December 8, 2021
Activities October 9 – November 12, 2021

Animal Disease Traceability:

Due to the FADSAFE exercise, National Priority Traces were rescheduled and will now take place December 2-3. We will receive all 8 traces within the 2-day timeframe to complete our cooperative agreement tracing obligation.

We continue to distribute the free RFID tags to interested veterinarians and producers. We also have a limited number of RFID tag readers that are available for loan.

Aquaculture:

No activity of note during this time frame.

Biologics:

No activity of note during this time frame.

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:

Almost all AIS field employees, as well as Drs. Gorczyca-Southerland and Ruby, and APHIS VS employees who were able to travel spent the week of October 31- November 6 performing the yearly test on the TB exposed dairy in Cimarron County. The confirmatory testing of all suspects was negative with the exception of one sample that was invalid and will have to have a new sample submitted.

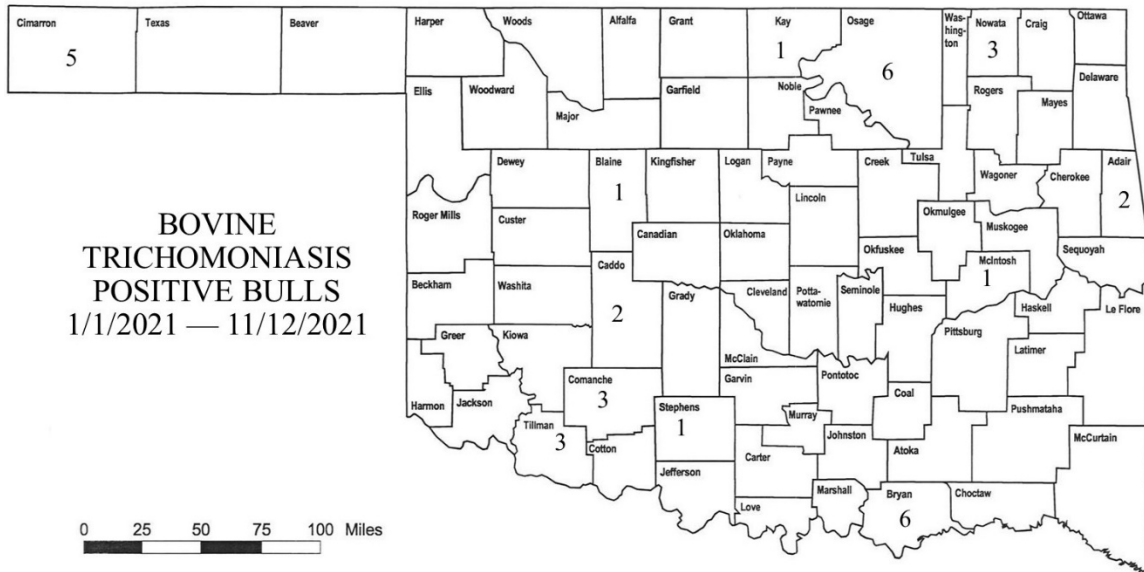
Testing in trace out herds that had purchased animals exposed to the positive bull in Osage County continues.

On October 25 Dr. Stone joined USDA Epidemiologist Dr. Jill Duel at OSU College of Veterinary Medicine in teaching Dr. Dawson's food animal class covering Scrapie and Bovine Spongiform diseases, Tuberculosis, Johne's Disease, and threats to our country

from foreign animal diseases such as Foot and Mouth disease and African Swine Fever. On October 26 and 29 the class was given demonstrations and hands on training for successful tuberculosis testing.

Trichomoniasis:

During this period 1161 Oklahoma bulls were tested, and four 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.



13,147 bulls tested / 34 positive = 0.26% positive

Our current statistics compare to 2.1% positive bulls in 2011, 1.4% in 2012, 1.3% in 2013, 1.4% in 2014, 1.1% in 2015, 1.1% in 2016, 0.5% in 2017, 0.32% in 2018, 0.42% in 2019, and 0.35% in 2020.

Johne’s Disease:

In 2021 for this reporting period, we have received 10 positive reports, 4 from new premises. Year to date we’ve had 81 positive reports with 56 new premises.

For this reporting period in 2020 we had 19 positive reports with 8 from new premises. The year to date had 102 positive reports with 63 new premises.

The average year to date reports for the last seven years are 102 positive reports from 66 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:

On October 22 Drs. Gorczyca-Southerland, Ruby, and I met with the Director and Regional Response Coordinator from Oklahoma Department of Emergency Management and Homeland Security to discuss the maintenance and repair of emergency response equipment that we purchased with Homeland Security grants.

During this timeframe, we have finalized planning efforts for ODAFF to participate in FADSAFE. Ultimately, the exercise was not postponed, and will be conducted on the days previous scheduled. Dr. Gorczyca-Southerland worked with Dr. Leslie Cole to ensure our FMD response plan was up to date and ready to be utilized for the exercise. Dr. G met several times with the OK Forestry Services Incident Management Team to ensure they were also prepared to manage the “incident” within the exercise. On November 9, Dr. Gorczyca met with the exercise evaluators, Tracey Bender, ODEMHS and Mark Schultz, OSDH to go over the Exercise Evaluations Guides.

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

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.

We have one premises under quarantine after one horse tested positive for EIA. The exposed and contact equine will be retested on November 18th (60 days after the last exposure to the positive horse) and if all test results are negative, the quarantine will be released. We have not found any additional positive equine associated with this case.

There were 4 confirmed cases of West Nile Virus (WNV) in horses in Oklahoma in the month of October. All reported cases are alive and recovering from their clinical symptoms. Oklahoma has had a total of 9 cases of WNV in equine species in 2021.

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:

On October 12 we received a complaint from Delaware County of feral hogs escaping a previously licensed feral hog facility. The facility license was dropped in 2015. The property was then sold. Apparently, some of the feral hogs remained on the property and continued to reproduce. The new owners have English communication challenges and did not understand the rules for feral swine. Dr. Stone and our LSI Rob Pinkston contacted the owner and investigated. The owner has no interest in keeping hogs but hates to waste the meat. We are working with the owner to eliminate the hogs by slaughtering them on farm and will periodically check in on the progress of the elimination.

For the original complaint of feral hogs escaping from the facility, our inspection of the fence found no evidence of pig's ingress or egress. Feral hogs are in the area and are attracted to the facility by the pigs within the facility.

Foreign Animal Disease:

ODAFF and APHIS personnel performed one FAD investigation during this time frame. It was on a horse in Kay County that had symptoms compatible with Vesicular Stomatitis. 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:

During this period, there were no new market licenses applied for. Two individuals inquired about the laws and the market process and both were sent packets with those details. Neither have followed up since that time. The month did allow for a new market orientation as well as several market custodial account audits. No violations were discovered during those audits.

Livestock Auction Market Activities

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

Outreach:

On October 13 and 15 I had discussions with Senator Inhofe's staff and members of the Intertribal Bison Committee to address concerns of a proposed law that would make it easier to move bison from the Yellowstone National Park area to Native American tribes.

On October 15 I talked to Representative Mickey Dollens regarding a complaint he received that alleged that an Animal Shelter in his district was not euthanizing animals humanly. I sent him a copy of the American Veterinary Medical Association's Humane Euthanasia Guidelines.

October 19-22 our field staff and Dr. Gorczyca-Southerland checked in swine at the NSR Fall Classic show pig show and sale in Duncan. This is the largest show pig sale in the world and brings in swine from all over the United States.

On October 19 I assisted in ODAFF's booth at the State Suppliers Expo at the Oklahoma City Convention Center.

On October 20 I gave a virtual presentation to OSU College of Veterinary Medicine's Veterinary Emergency Response and Disaster Management elective about the role of the State Veterinarian in disaster response.

On October 26 Dr. Gorczyca-Southerland and I met virtually with USDA APHIS' leadership team to give them feedback on our relationship with APHIS Veterinary Services' team, issues that we are dealing with in Oklahoma, and issues we would appreciate assistance from APHIS on.

On October 28 I was shadowed by Hannah Blankinship, a high school senior from the Stillwater area and a member of the Oklahoma Youth Council.

Drs. Gorczyca-Southerland, Stone, Ruby, and I participated in virtual United States Animal Health Association subcommittee and committee meetings from October 4 – 15. Drs. Gorczyca-Southerland, Ruby, and I traveled to Denver to attend the in person USAHA meetings from October 22-26.

Poultry Programs:

There were 12 birds submitted under the sick/dead bird program and none were found to have reportable diseases. To date, there have been 86 total cases submitted for 2021.

Rabies in Livestock:

There were no reports of livestock rabies during this period.

Sheep and Goat Programs:

On November 3 I met with three APHIS VS personnel to draft a response to requests from the APHIS VS Small Ruminant Staff regarding the Scrapie Consistent State Review we had in August.

Swine Programs:

On November 10 Dr. Gorczyca-Southerland and I attended a virtual meeting of US Swine Health Improvement Program Official State Agencies.

Miscellaneous:

On November 8 we completed and submitted our seven shortage area nominations for the Veterinary Medical Loan Repayment Program.

On Oct 28 We received a call from a producer in Pottawatomie County who had several cows die over a relatively short period of time. He had recently moved to the area and hadn't developed a relationship with a veterinarian and was not able to get an appointment with one of the area veterinarians on short notice. I asked Dr. Stone to go assess the situation to determine if there was any suspicion of a Foreign Animal Disease. Dr. Stone's investigation revealed that the deaths had probably occurred over a longer period of time than the owner believed and did not appear to be any reportable disease. The owner was concerned about Anthrax so Dr. Stone submitted blood to OADDL for Anthrax testing which was negative. We do our best to not get involved in situations like

this, as typically we rely on reports from veterinarians that we are needed to investigate suspicious cases.

Respectfully,

A handwritten signature in black ink that reads "Rod Hall DVM". The signature is written in a cursive style with a large, sweeping initial "R".

Rod Hall, DVM

**Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for October 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 432 properties with an estimated 766,207 acres of land under agreement. Additionally, WS helped 4,546 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 \$425,541 during this period. Beaver damages accounted for losses totaling \$121,612. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$11,418. Feral swine damages accounted for losses totaling \$288,574, while other species of wildlife were responsible for \$3,937 in damages to property, agriculture, and livestock. Last Fiscal Year (FY) 21, WS verified wildlife damages of \$11,192,373 to properties, natural resources, health and safety, and agriculture as well as helped with technical assistance to 2,397 persons and entities.

Providing Wildlife Services

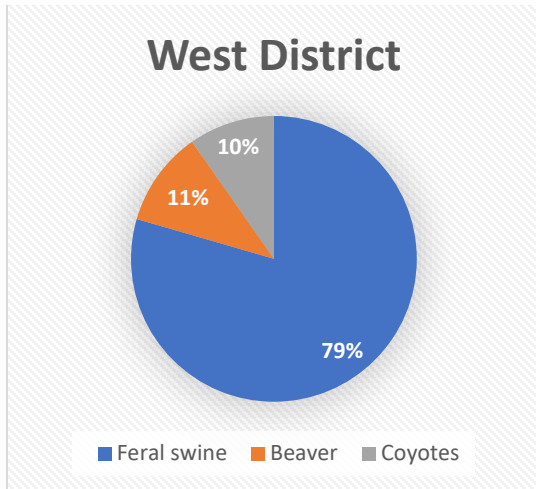


Figure 1: Species Removed in West District by percentage during October 2021

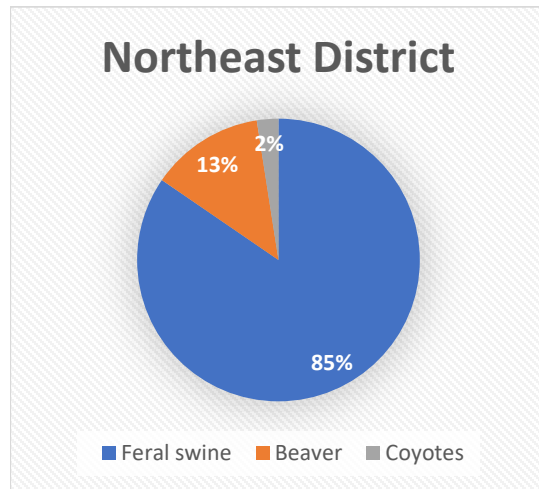


Figure 2: Species Removed in the Northeast District by percentage during October 2021

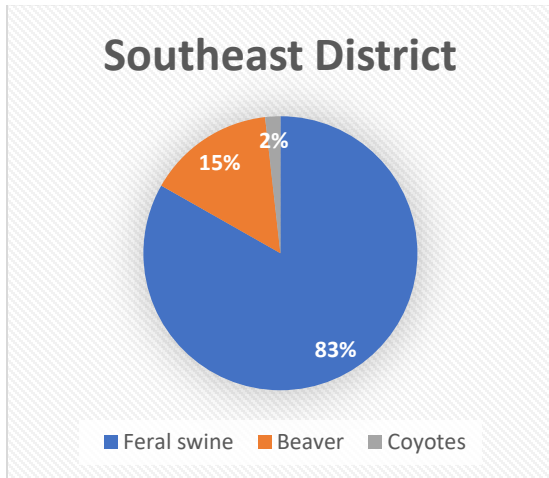


Figure 3: Species Removed in the Southeast District by percentage during October 2021

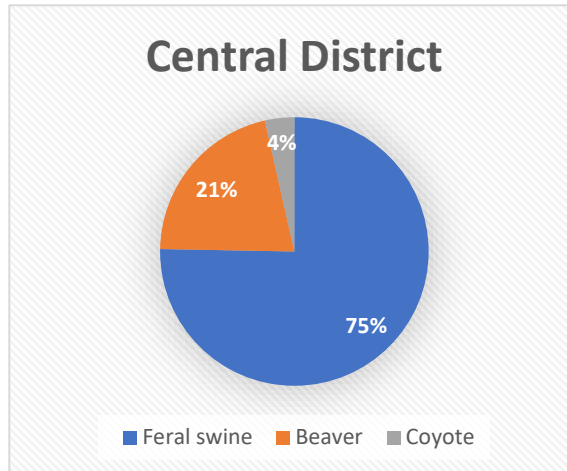


Figure 4: Species Removed in the Central District by percentage during October 2021

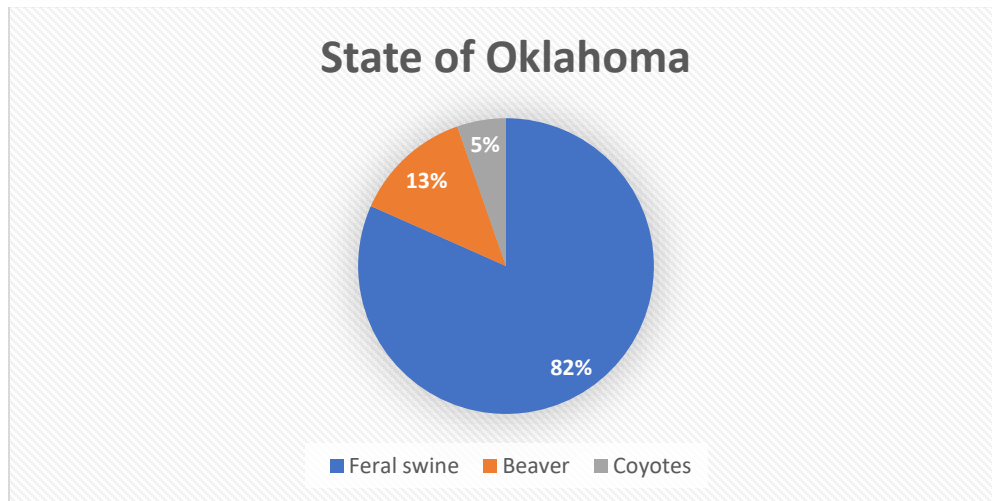


Figure 5: Species Removed in the State by percentage during October 2021

Coyote Damage Management

Stephens County landowner requested assistance with coyotes depredating on White-tailed deer in his enclosed structure. The producer reported that coyotes had killed two deer valued at \$3,000. The Wildlife Specialist assigned to Stephens County examined one carcass and verified that coyotes were responsible for the loss. Damage management efforts were successful in removing six coyotes from the enclosure. Control efforts continue to prevent additional losses.

Greer County livestock producer requested assistance with coyotes depredating on his sheep. The producer reported that coyotes killed two adult sheep valued at \$800 dollars and ten lambs valued at \$2,000. The Wildlife Specialist assigned to Greer County quickly responded to the request and examined one of the carcasses and confirming that coyotes were responsible for the loss of the sheep. The producer already has been using guarding dogs however the Specialist recommended several additional methods to help prevent future damages, including carcass/carrion removal, night penning, and shed lambing. Control efforts have removed three coyotes and are continuing at this time to further reduce predation losses to coyotes for the producer.

Beaver County livestock producer requested assistance with coyotes depredating on his sheep. The producer reported that coyotes had killed eleven sheep valued at \$2,750. The Wildlife Specialist assigned to Beaver County quickly responded to the request and examined one of the carcasses and confirming 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 foot-hold traps and calling/shooting to remove seven coyotes. Control efforts continue to prevent additional losses.

Carter County rancher called WS for assistance when they lost a young llama. Coyotes were identified by the Specialist as the predator responsible for the loss of the llama valued at \$1,500.00. Foot-hold traps were placed and three male coyotes were removed to stop the predation losses.

Feral Swine Damage Management

Major County landowner contacted WS needing assistance with feral swine damaging his stored haybales. The landowner estimated the damage to the haybales was \$1,800. The Wildlife Specialist assigned to Major County quickly responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove 35 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.

Figure 6: Damage from feral swine to hay bales in Major



Beckham County farmer requested assistance with feral swine causing damage in his peanut fields. The farmer reported since he has rolled his peanuts for harvest, feral swine are responsible for \$4,000 in damages to the crop. The Wildlife Specialist assigned to Beckham County responded to the request and his field inspection verified feral swine were responsible for the damages to the crop. The Specialist utilized a live trap to remove 30 feral swine from the property. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

Greer County landowner requested assistance with feral swine causing damage in his wheat fields and pastures. The Wildlife Specialist for Greer County responded to the request and verified feral swine were rooting up the wheat field and pasture resulting in damages valued at \$6,300. The Wildlife Specialist utilized a live trap and shooting methods to remove 52 feral swine from the landowner's property. Activity on the property continues to be monitored to determine if further management is needed.

Roger Mills County landowner contacted WS needing assistance with feral swine rooting in his pastures. The landowner estimated that feral swine have caused \$1,000 in damages to his pasture. The Wildlife Specialist assigned to Roger Mills County quickly responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove 23 feral swine from the property. No additional damage has occurred, and population in the area are being monitored to determine if additional management is needed.

Hughes County farmer called WS for assistance with feral swine. The damage was verified and estimated at \$1,000.00 to wheat, \$4,000.00 to hayfields, and \$3,000.00 to his pastures. A remote camera trap was set and 26 feral swine were removed to alleviate the damages to the property.

WS received a feral swine request from a **Pushmataha County** rancher. The damage was verified and estimated to be \$7,000.00. A remote camera trap was set on and 16 feral swine were removed from the property. This project is still being monitored.

Pontotoc County rancher called WS for assistance when he found his 25-acre winter wheat field rooted up by feral swine. Damage was verified and estimated at \$2,000.00. A remote camera trap was placed at the property and 39 feral swine have been removed to date. This project is still active.

WS answered a request for an **Okfuskee County** farmer asking for assistance with feral swine rooting his grazing pasture. WS verified feral swine responsible for rooting damages estimated at \$2,500. WS utilized baiting and trapping to remove 34 feral swine from the area. Work is complete at this time and the landowner was instructed on fencing methods and environmental changes that can be utilized to help prevent future problems.

WS was contacted by a **Pawnee County** landowner. The landowner reported feral swine sightings and damages to a pasture. A WS Specialist responded to the call and verified the damage to the property. A live feral swine trap was placed on the property and 12 feral swine have been removed from the property. At this time work is ongoing. The landowner was advised of environmental changes that could help prevent future damages caused by feral swine.

WS received a call from an **Okmulgee County** landowner with a complaint that feral swine were rooting up his pasture. After investigating the property abundant damage was verified. Utilizing a live feral swine trap WS removed 16 feral swine from the property. Work is ongoing at this time and the landowner was instructed on fencing methods and environmental changes that can be utilized to help prevent future problems.

Oklahoma County property owner requested assistance from WS with feral swine damage in her yard and concerns of safety because the swine were coming onto her driveway and porch.

The property owner had invited several of her neighbors who were experiencing the same issues and all agreed to sign up as new cooperators, with a total area of approximately 55 acres. Estimated loss to residential yards, a horse pasture, and a cow pasture is \$11,000. A feral swine trap was set, resulting in the capture of 27 feral swine. Work is ongoing and efforts are being made to sign more cooperators in the area to increase chances of a more complete and timely resolution to the problem of feral swine damage in this area.

Aerial Operations

Aerial operations were conducted in ***Greer, Harmon, and Kiowa Counties*** to help reduce feral swine populations in areas within these counties. During the month of September, the Wildlife Specialist assigned to these counties verified \$7,500 in damages to milo fields, hayfields, and pastures in the areas flown. A helicopter was utilized for 5.2 flight hours to remove 98 feral swine to relieve any additional damage in these areas.

Beaver Damage Management

Custer County Commissioner contacted WS with beaver damage concerns. The Commissioner reported that beavers were responsible for \$1,000 to the road and bridge structure. The Wildlife Specialist assigned to Custer County responded to the request and verified that beavers were responsible for the damage reported. The Specialist utilized conibear traps to remove four beavers from the adjacent creek. Control efforts are completed.

Caddo 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 \$5,000. The Specialist for Caddo County quickly responded and verified beaver were responsible for 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.

Pontotoc County property owner called WS for assistance with beavers. The beaver damage was verified and damages were estimated at \$3,000.00 to multiple pond dams on the property. Conibear traps were placed and 11 beavers were removed to conclude this project.

Carter County farmer, that had already replaced his pond dam due to beaver damage, called WS for assistance when he saw that the beavers were back in his pond. Damage to his new pond dam was verified and is estimated at \$500.00. Conibear traps were set and five beavers have been removed to date. This project is still active.

Wagoner County landowner contacted WS about beaver damage to his pond. A WS Specialist responded to the call and determined that the damage was caused by beavers. Devices were set to remove four beavers. Repairs to pond dam are approximately \$1,500. Work is ongoing at this time. The landowner was instructed on environmental changes and fencing methods that can be utilized to help prevent future problems.

WS was contacted by a **Rogers County** landowner with beaver damage concerns. The landowner reported that beaver was flooding approximately \$4500 worth of pasture ground. The beavers had burrowed large holes into his pond's dam valued at \$3500 and had girdled \$3000 worth of mixed standing trees. A WS Specialist responded to the request and verified that beavers were responsible for the damage reported. The Specialist is currently utilizing spotlighting/shooting and neck snares methods to remove the beaver. Two beaver have been removed to date and work is continuing at this time. The landowner was instructed on beaver dam removal methods, environmental changes, and structural repairs that can be made to prevent future damages.

Craig County Commissioner contacted WS with beaver damage concerns. The Commissioner reported that beaver had flooded a county roadway valued at \$3,500. A WS Specialist responded to the request and verified that beaver were responsible for the damage reported. The Specialist was able to utilize spotlighting\shooting to remove three beavers. Work is complete at this time. The Commissioner was instructed on environmental changes, beaver dam removal, and fencing methods that can be utilized to prevent future damages.

Cleveland County property owner in Southern made contact with WS and explained that beavers were chewing trees causing damage to his bridge. Damage was estimated at \$10,000.00 and was confirmed by WS to the bridge from the trees being chewed down on the bridge. Body grip traps were utilized and five beavers have been removed to date. Work is still ongoing currently.

Canadian County District 3 contacted WS about needing assistance with beaver damage that flooded a county road within the district. WS responded to the location and confirmed that beavers had dammed up a tinhorn. The damage had caused water to flood the county road which cost an estimated \$2000.00 to repair. WS used night shooting to remove four beavers and no further damage has been reported.

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

County	Beaver	Coyote	Feral swine	District
Adair			3	NE
Alfalfa		1		W
Atoka			19	SE
Beaver	2	16		W
Beckham			30	W
Blaine				W
Bryan			13	SE
Caddo	7		35	W
Canadian				C
Carter		1		SE
Cherokee				NE
Choctaw	5			SE
Cimarron	19			W

Cleveland	1			C
Coal				SE
Comanche			17	W
Cotton				W
Craig			17	NE
Creek			35	NE
Custer	11		14	W
Delaware			12	NE
Dewey			37	W
Ellis	6	6	1	W
Garfield	5	2		W
Garvin	2	1		SE
Grady			18	W
Grant				W
Greer		2	118	W
Harmon			3	W
Harper				W
Haskell				NE
Hughes	2		41	SE
Jackson		2		W
Jefferson				SE
Johnston			2	SE
Kay				NE
Kingfisher	2			W
Kiowa			60	W
Latimer	4		30	SE
Leflore	3		8	SE
Lincoln			10	NE
Logan		4		W
Love				SE
Major		8	48	W
Marshall	2			SE
Mayes				SE
McClain				SE
McCurtain	2		5	SE
McIntosh	8		4	NE
Murray		1	10	SE
Muskogee	3	8	3	NE
Noble			29	NE

Nowata	6			NE
Okfuskee			56	NE
Oklahoma	14	3	46	C
Okmulgee	6		10	NE
Osage	2	1	111	NE
Ottawa	2			NE
Pawnee	2		66	NE
Payne	11			NE
Pittsburg	8		40	SE
Pontotoc	1			SE
Pottawatomie	3		18	C
Pushmataha	13	2	11	SE
Roger Mills		2	11	W
Rogers	7			NE
Seminole			54	SE
Sequoyah		2	2	NE
Stephens	7	4		W
Texas		4		W
Tillman				W
Tulsa				NE
Wagoner	11		20	NE
Washington				NE
Washita		3	50	W
Woods				W
Woodward	1			W
TOTAL	178	73	1117	

*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

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%)

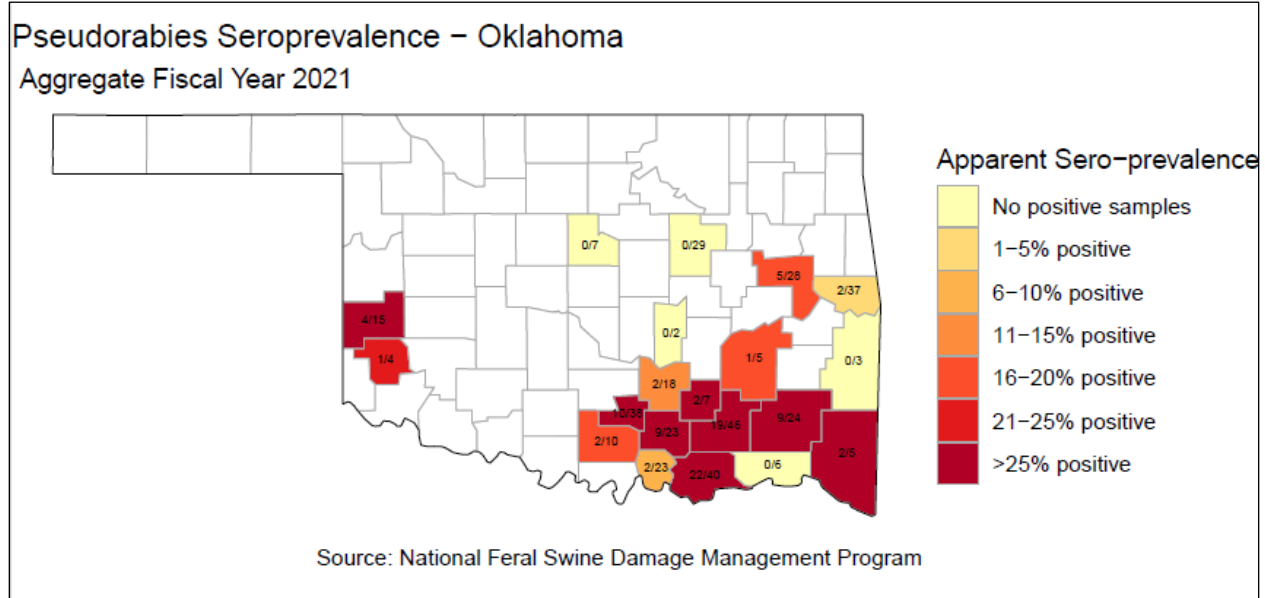


Figure 7: Pseudorabies Seroprevalence in Oklahoma FY 2021

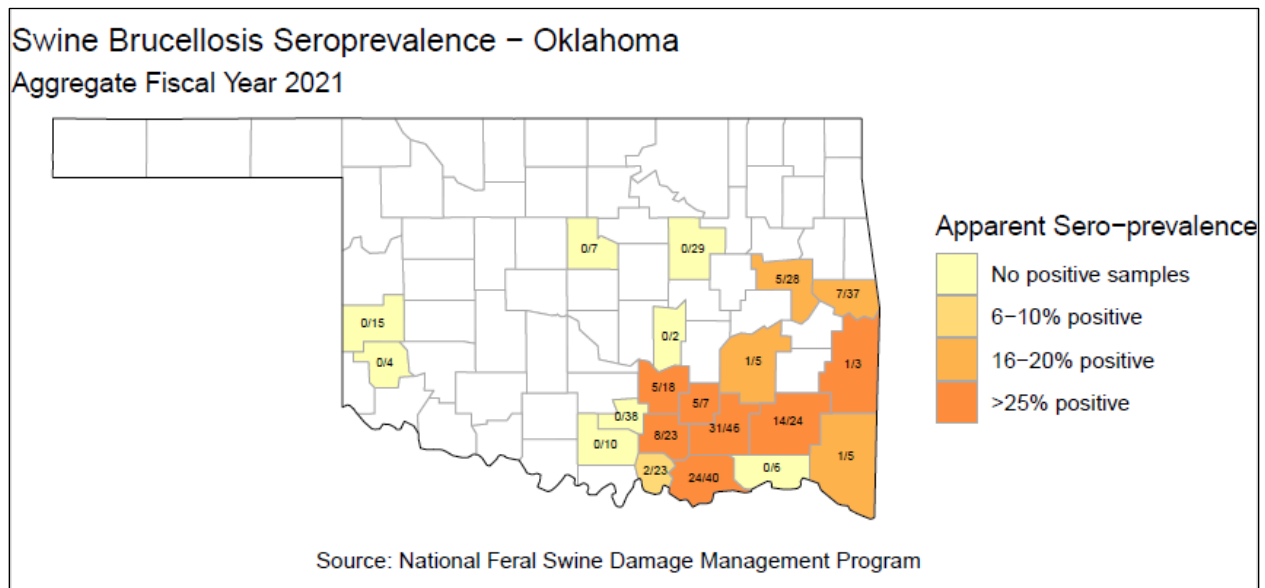


Figure 8: Swine Brucellosis Seroprevalence in Oklahoma FY 2021

Respectfully submitted,

Scott Alls
Division Director
Wildlife Services Division

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

General: Rainfall totals in Oklahoma the **first week of October**, averaged 1.14 inches, with the Central district recording the highest total at 1.48 inches. According to the September 28th US Drought Monitor Report, drought conditions were rated 94 percent abnormally dry to exceptional drought, up 15 points from the previous week. Additionally, 73 percent of the state was in the moderate drought to exceptional drought category, up 34 points from the previous week. Statewide, temperatures averaged in the low 70's. Topsoil moisture conditions were rated mostly adequate to short, while subsoil moisture conditions were rated short to adequate.

Rainfall totals in Oklahoma the **second week of October**, averaged 0.74 of an inch, with the Central district recording the highest total at 1.32 inches. According to the October 5th US Drought Monitor Report, drought conditions were rated 93 percent abnormally dry to exceptional drought, down 1 point from the previous week. Additionally, 69 percent of the state was in the moderate drought to exceptional drought category, down 4 points from the previous week. Statewide, temperatures averaged in the low 70's. Topsoil moisture conditions were rated mostly adequate to short, while subsoil moisture conditions were rated short to adequate.

Rainfall totals in Oklahoma the **third week of October**, averaged 1.59 inches, with the East Central district recording the highest total at 3.17 inches. According to the October 12th US Drought Monitor Report, drought conditions were rated 96 percent abnormally dry to exceptional drought, up 3 points from the previous week. Additionally, 62 percent of the state was in the moderate drought to exceptional drought category, down 7 points from the previous week. Statewide, temperatures averaged in the low 60's. Topsoil and Subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma the **fourth week of October**, averaged 0.05 of an inch, with the East Central district recording the highest total at 0.17 of an inch. According to the October 19th US Drought Monitor Report, drought conditions were rated 94 percent abnormally dry to exceptional drought, down 2 points from the previous week. Additionally, 38 percent of the state was in the moderate drought to exceptional drought category, down 24 points from the previous week. Statewide, temperatures averaged in the low 60's. Topsoil and Subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma the **fifth week of October**, averaged 0.91 of an inch, with the East Central district recording the highest total at 1.86 inches. According to the October 26th US Drought Monitor Report, drought conditions were rated 95 percent abnormally dry to exceptional drought, up 1 point from the previous week. Additionally, 41 percent of the state was in the moderate drought to exceptional drought category, up 3 points from the previous week. Statewide, temperatures averaged in the high 50's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Small Grains: Winter wheat planted reached 85 percent, down 2 points from the previous year and down 1 point from normal. Winter wheat emerged reached 68 percent, down 2 points from the previous year and down 6 points from normal. Canola planted reached 77 percent, down 3 points from the previous year but unchanged from normal. Canola emerged reached 7 percent. Rye planted reached 80 percent, down 9 points from the previous year and down 8 points from normal. Rye emerged reached 39 percent, down 10 points from the previous year and down 18 points from normal. Oats planted reached 40 percent, down 5 points from both the previous year and normal.

Row Crops: Corn harvested reached 92 percent, up 3 points from the previous year and up 4 points from normal. Sorghum harvested reached 64 percent, up 5 points from the previous year but unchanged from normal. Soybeans dropping leaves reached 89 percent, up 5 points from both the previous year and normal. Soybeans harvested reached 48 percent, up 7 points from the previous year and up 4 points from normal. Peanuts mature reached 93 percent, up 1 point from the previous year but unchanged from normal. Peanuts harvested reached 44 percent, down 17 points from the previous year and down 15 points from normal. Cotton harvested reached 32 percent, up 5 points from the previous year and up 1 point from normal.

Hay: The fifth cutting of alfalfa hay reached 42 percent, up 2 points from the previous year and up 11 points from normal. The third cutting of other hay reached 67 percent, up 8 points from the previous year and up 4 points from normal. The fourth cutting of other hay reached 15 percent, up 9 points from the previous year but down 8 points from normal.

Pasture and Livestock: Pasture and range condition was rated at 84 percent fair to good. Livestock condition was rated at 91 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 November 9, 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 46.5 million bushels, up 8 percent from the previous year. Statewide yields averaged 155 bushels per acre, 20.0 bushels higher than 2020. Acres harvested for grain, at 300 thousand, is down 6 percent from last year.

Oklahoma sorghum production is forecast at 23.1 million bushels, up 123 percent from last year. Yield averaged 65.0 bushels per acre, up 20.0 bushels from the previous year. Acres harvested, at 355 thousand acres, is 54 percent higher than 2020.

Oklahoma soybean production is forecast at 13.8 million bushels, down 15 percent from last year. Yield is expected to average 25.0 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 11 percent lower than last year, at 52.5 million pounds. Yield is forecast at 3,500 pounds per acre, down 720 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 23. In addition, our internet home page was hit 29,908 times in 2021, which is up 12 percent from 2020.

Releases for November:

Crop Production
Cattle on Feed
Farm Labor
Agricultural Prices

Relating Dates:

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

Release Dates:

November 9, 2021
November 19, 2021
November 24, 2021
November 30, 2021

Releases for December:

Crop Production
Wheat County Estimates
Cattle on Feed
Hogs and Pigs
Agricultural Prices

Relating Dates:

December 1, 2021
2020-2021 Crop Year
December 1, 2021
December 1, 2021
December 15, 2021

Release Dates:

December 9, 2021
December 9, 2021
December 23, 2021
December 23, 2021
December 30, 2021

Meetings and Events:

NRCS Technical Meeting
OBHRPI Conference
December Surveys NASDA Training
Peanut Commission Meeting

Date:

November 3, 2021
November 12, 2021
November 23, 2021
December 2, 2021

Location:

Virtual
Virtual
Virtual
Stillwater, OK

Respectfully Submitted,



Troy Marshall

MARKET DEVELOPMENT SERVICES

December 8, 2021

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 63
- Total Number of Extension Educators Impacted: 17
- Total Number of Students Directly Impacted by Coordinators: 878
- Total Number of Resources Given: 4,630
- Total Number of Teachers/PreService Teachers Resources Given to: 84
- Total Number of PreK-12th Grade Students Resources Given to: 1,288

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

- The AITC website had 11,871 visits and 10,005 unique pageview visits.
- The AITC monthly email is delivered to 15,536 accounts.
- The AITC Facebook page now has 7,768 followers.
- The AITC Twitter page now has 571 followers.
- Oklahoma AITC Instagram account now has 595 followers.
- Oklahoma AITC Pinterest account now has 206 followers.
- The AITC YouTube channel now has 8,075 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
17 Extension Educators	Zoom	National Ag in the Classroom Matrix; Holiday-relevant resources; Accurate Ag Books and Videos; Ag Career CAMPs and Contest Information; Gardening and health for January activities	Oklahoma Farm to School Cookbooks mailed out
1 SPED teacher - Jet Public Schools	Zoom	Website and AITC resources	Phonological Awareness Around the Farm

Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
125 students PK-5th grade	Gore Elementary School	Spinning Wheel and Trivia Questions	N/A
15 High School Students	Maysville High School FFA Program	Delivered the Bushel of Books won from participating in Read an	Accurate Ag Books

		Accurate Ag Book Week	
230 students - PK-6th grade	Maysville Elementary	Provided the Spinning Wheel and Trivia questions for the FFA students to use at a booth; AITC booth read the book 'How Many Seeds in a Pumpkin?,' felt the inside of a pumpkin and discussed how they grow	Pumpkin seeds and Pumpkin Putty
200 students - PK-12th grade	Anadarko Community Event at Anadarko Airport	Spinning Wheel and Trivia Questions	AITC Coloring Books; Ag on Rt 66 Activity Book; Oklahoma Agriculture Magazine
225 students - 5th grade	Zoom - Washington and Nowata Counties	Jeopardy Game & True/False over Ag Safety	N/A
75 students - 5th grade	North Fork of Red River Conservation District's 2021 Outdoor Classroom	Spinning Wheel and Trivia Questions	AITC Bookmarks and pencils
4 students - 11-12 grade; 4 High School teachers/counselors/Extension	Northeast Technology Center - Claremore, OK	Real Colors, Social Media Etiquette, Professional Dress / Interviewing skills / Resumes, Tour Moore's Fish Farm Tour, Port of Catoosa Tour	Students: Find your Future in Agriculture Reader and card Teachers: 50 Find your Future in Agriculture Readers, 100 Find your Future in Agriculture cards; 25 Oklahoma Agriculture Magazines
4 Students - 11-12th grade 3 High School Teachers/Extension Agent	Western Technology Center - Hobart, OK	Real Colors, Professional Dress/Interviewing Skills, Resumes, Social Media Etiquette, Western Equipment Tour, Duff Cattle Company Tour	Students: Find your Future in Agriculture Reader and card Teachers: 50 Find your Future in Agriculture Readers, 100 Find your Future in Agriculture cards; 25 Oklahoma Agriculture Magazines

Ag in the Classroom- Resources Mailed or Delivered

Number Of Resources	Location Resources Were Mailed Or Delivered	Resources Mailed
50	Ponca City High School	Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th), Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History), Cotton MS/HS Student Activity Sheets (set of 25) (7th-12th grade)
125	Tahlequah High School	Does Chocolate Milk Come From Brown Cows? Student Activity Sheets (set of 25) (3rd-12th), Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th), Engineering Process Upper Level student worksheets (set of 25) (3rd-12th), Oklahoma Ag Magazine student magazine (3rd-12th), Alpaca MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Beef Cattle MS/HS Student Activity Sheets (set

		of 25) (7th-12th grade), Chickens MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Corn MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Cotton MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Dairy Cattle MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Goats MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Green Beans MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Peanuts MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Soybeans MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Strawberry MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Swine MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Tomato MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Watermelon MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Wheat MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Oklahoma Commodity Map student maps, Oklahoma Agriculture Fun Facts Bookmarks (Set of 25)
1	Tahlequah High School	Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade), Elementary Financial Literacy Cards (K-5th, but mostly 3rd-5th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade)
30	Robin Hill School - Norman	Oklahoma Ag Magazine student magazine (3rd-12th); Beef Cattle Elementary Student Activity Sheets (set of 25) (3rd-6th); Think in Pictures Student Readers (set of 25) (3rd-6th grade); Chickens Elementary Student Activity Sheets (set of 25) (3rd-6th); Goats Elementary Student Activity Sheets (set of 25) (3rd-6th); Dairy Cattle Elementary Student Activity Sheets (set of 25) (3rd-6th); Sheep Elementary Student Activity Sheets (set of 25) (3rd-6th); Swine Elementary Student Activity Sheets (set of 25) (3rd-6th); Peanuts Elementary Student Activity Sheets (set of 25) (3rd-6th); Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th)
1	Stillwater Junior High	Soil, Plants, and Animals, Oh My! (all grades)
1	YMCA Child Development Center	Soil, Plants, and Animals, Oh My! (all grades)
1	Woodward High School	Soil, Plants, and Animals, Oh My! (all grades)
1	Varnum Elementary	Soil, Plants, and Animals, Oh My! (all grades)
25	Varnum Elementary	Chickens MS/HS Student Activity Sheets (set of 25) (7th-12th grade)
25	Stillwater Public Schools	Multiple Resources
75	Anadarko Public Library	Multiple resources
150	Chickasha Elementary	Red Dirt Symbols
150	Frederick Elementary	Red Dirt Symbols
1	South Carolina State Department of Education	Phonological and Phonemic Awareness Around the Farm
1	Stuart Elementary	Phonological and Phonemic Awareness Around the Farm

80	Owasso Elementary	Red Dirt Symbols; Red Dirt Groundbreakers
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Ag in the Classroom- Other Events

Event	Highlights
Feeding teachers at Gore Elementary and Little Axe Elementary	The Farm Bureau Women’s Committee partnered with us to provide lunch to two deserving schools that had the most in attendance at our AITC Summer Conference. We were able to provide lunch at Gore for 40 teachers and at Little Axe Elementary for 75 teachers.
Farm Bureau Conference	Annie and Melody served as judges at the FB Discussion Meet; AITC also had a booth with Oklahoma Agriculture Magazines and Bookmarks

AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Old Silo Winery	Tishomingo	Winery	Dropped off maps and stickers, new app discussion
Brown Hay Maze	Ardmore	Mazes	Took Ag Youth Council member for job shadowing
Minyard Farms	Lebanon	Farm-to-Table	Took Ag Youth Council member for job shadowing, last season open to public
Cedar & Stone B&B	Tishamingo	Country Stay	Took Ag Youth Council member for job shadowing

Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
Dakota Star Ranch	Checotah	Fiber	Site visit – added new farm
Chickasaw Cultural Center	Sulphur	Horticulture, Farm and Ranch Attraction	Site visit - discussed joining program
Akecheta Christmas Tree Farm	Hitchita	Christmas Tree	Consultation-Discussed joining program, will revisit

Agritourism – Web and Social Traffic

Facebook: 20,238 follows

Instagram: 2,013 followers

Agritourism - Other Activities










- Christmas Tree Guides sent to print and TravelOK
- Phone consultation with OK Heritage Farm – accident during pumpkin patch season – talked through liability law
- U Can U Pick website page updates
- Zoom meeting with Harvest Hosts about partnership opportunities
- Oklahoma Local Ag Summit (OKLAS) Planning meeting
- Attended Craft Beer Golf Tournament and setup booth
- Zoom meeting about Double Up Oklahoma and working with local producers to add products in grocery stores
- Attend TravelOK Oklahoma Road Show at the Strata Tower in Oklahoma City

- Spoke to Stillwater, OK PEO group
- Took Oklahoma Ag Youth Council member on a day long job shadow
- Shared Flickr account info to OSU Wine and Beverage specialist for videos on hospitality training in wineries
- Talk to two OSU tourism classes, Food & Drink, International Travel & Tourism
- Meeting with West Virginia Dept of Ag, discussing ODAFF market development and how all the programs function
- Spoke to three OSU Ag Communications classes about their class projects featuring Agritourism venues
- Attended National Extension and Tourism Conference in Savannah, GA
 - Attended multiple workshops about agritourism around the country and creating partnerships with groups like extension can be helpful reaching outside agritourism producers

ECONOMIC DEVELOPMENT

Activity	Action
Oklahoma Healthy Food Financing Program	The selection committee for the Oklahoma Healthy Food Financing grant met on November 12 th to consider applications for funding. The committee selected 2 proposals to be recommend for funning. (Restore OKC & Healthy Oklahomans Nutrition Alliance)
Agriculture Enhancement & Diversification Program	The selection committee for the Ag Enhancement & Diversification Program met on November 9 th to consider applications for loans and grants. The committee is recommending 1 Farm Diversification grant be funded.
SCBG H.R. 133 Grant	Oklahoma has begun the review process for the 15 applications that were submitted for the \$797,812.77 in funding ODAFF has available. These funds are provided by USDA to assist specialty crop producer's deal with issues caused by COVID-19 that are impacting their industry.
Perkins Cattle Grading Contest	The Perkins cattle grading contest that was originally scheduled to take place July 2021 but was canceled due to COVID-19 outbreaks was rescheduled for November 2 nd . This year's participation of 4-H & FFA members was down with only 146 individuals competing but 48 1 st year ag teachers who were in Stillwater for training participated in the event and gained knowledge of how to grade feeder & slaughter cattle.
Oasis Fresh Market	Aaron Johnson owner and operator of Oasis Fresh Market met with representatives from ODAFF as they toured the grocery store located in the food desert area of North Tulsa. ODAFF officials proposed several collaborative efforts to help the store source local products for their store.

FARM TO SCHOOL

ACTIVITY	ACTION
<p>Specialty Crop Grant 2020</p>	<p>Let's Get Growing with a School Garden School Gardens are all up including our newest site! Just delivered soil and then training for the teaching staff is Nov. 22</p> <div style="display: flex; flex-wrap: wrap; justify-content: space-around;">          </div>

Farm to School Month

Farm to School Month Ideas & Preparations

October was National Farm to School Month! We did a social media campaign during the entire month with content including Tasteful Harvest Tidbit videos featuring Chef Bill Harris! We posted the Tasteful Harvest Recipe Cards, website information for resources etc. Our visit to the OSU Child Development Lab with Sec. Arthur featured live videos and a milk mustache Monday activity.



INTERNATIONAL

Activity	Action
Certificate of Free Sale	<ul style="list-style-type: none"> • QSM • BioZ • BarS
Food Export	<ul style="list-style-type: none"> • Currently recruiting for the Private Label Show that has been moved to Jan 29-Feb 1st. This will be the first in person buyers meeting at a domestic show, we are expecting about 8-10 buyers from various countries. • Several recruitment meetings for 2022 shows and buyers missions
USLGE	<ul style="list-style-type: none"> • Cattlemen Congress rep Erin Dorsey to the AgroExpo Show in Bogata Columbia Oct 25-Nov 1st to represent OK at the USLGE booth. • USLGE collected trade leads (231) from 6 countries (Colombia, Brazil, Ecuador, Mexico, Peru and Venezuela)

	<ul style="list-style-type: none"> Met with the other member states in virtual meeting since they will not be hosting an in-person meeting this year. We were able to hear what other states have been doing during Covid times and what is planned for next year. We will most likely partner with TX & KS in a project to target South America in 2022.
ODEC- Oklahoma District Export Council	<ul style="list-style-type: none"> Together with the GIT we hosted the World Trade Conference/ Consular Summit, this year was also a virtual event with several speakers on topics from logistics to cyber security and protecting data internationally. Staff hosted and moderated the agriculture portion with speaker from Peru, Guatemala and the UK. We are continuing talks with the Guatemala office regarding seasonal H2 Visa program.
Misc. Meetings	<ul style="list-style-type: none"> FAS Spotlight series- Brazil Cattlemen's Congress updates IBT Online- started programs for Website assistance with STEP and Food Export funds OKIE viticulture updates

MADE IN OKLAHOMA PROGRAM

Events	Date	Location	Details
Stockyards Stampede	Oct. 16	Stockyards (OKC)	The Made in Oklahoma Market was held in conjunction with Stockyards Stampede. This was the most successful market in the Stockyards to date.
Basic Training	Oct. 21	Stillwater	FAPC holds occasional Basic Training Workshops, teaching people how to turn a food product idea into a business. Gave a presentation during training over benefits of Made in Oklahoma Program.

New Producers:

- Alberts Gourmet BBQ Sauce
- Northern Delight Soap Co.
- Deer Creek Woods
- Seaba Farms LLC
- Pollard's Gentleman Jerky
- Candle Corner Co.
- Texok Fabrication LLC
- GO Farms, LLC
- Volta Biotech/Volta Cannabinoids
- Bellflower Girl LLC
- Willow Mountain Handmade Bijouterie

- SCE LLC
- Simply Stained Shop
- Wild Bergamot
- R&D Meats
- Burr Oak Leather Creations
- Pollen Factory
- The Bridges Mercantile
- Lady M Candles
- Precision Beard Brands
- Dutch Addictions
- ME Designs
- Sabounie LLC
- Work Bench Woods

Other Made in Oklahoma Activities:

- Created Holiday Gift Basket guide (online) – Producers offering a gift basket through the Holiday season can ‘advertise’ it through our website.

MIO COALITION

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
2021 Media Campaign Launch	Animated Display ads: \$2,817.66 Facebook/Instagram ads: \$2,264.72 Pinterest: \$3,704.71	See attached report
Restaurant of the Month	Presentation and luncheon with FS Committee	October – Taylor’s Restaurant, OSU Campus, Stillwater, OK November – The Hammett House – Claremore, OK
Social Media Stats	Krush Retainer	Twitter: 5,489+ Instagram: 3,770+ Facebook: 17,515+
Recipes of the Month	5 recipes were developed: 10 total members were featured	October: Creamed Corn Casserole Peanut Butter Pretzel Chocolate Fudge

		November: Classic Green Bean Casserole Glazed Smoked Turkey Legs Twice Baked Sweet Potatoes
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Made in Oklahoma Coalition – Other Activities

Activity	Information
MIO Presentation to Lt. Governor at Mountain View Meat Company <ul style="list-style-type: none"> • November 1st 	Staff and MIO President Courtney Talbot presented a comprehensive MIO presentation to the Lt. Governor and ODAFF Leadership at Mountain View Meat Company. We are thankful for the support shown to MIO by state leaders.
Social Media Presentation in Claremore <ul style="list-style-type: none"> • November 4th 	Staff was asked by Ag in the Classroom to present to high school students and teachers on the do's and don'ts of social media.
MIO Meeting + New Member interviews <ul style="list-style-type: none"> • November 5th 	Staff led the monthly membership meetings in November and we had a good turnout of over 40 members on the zoom meeting. The MIO board of directors interviewed two new members: Stone Sisters Organics and Deep Fork Foods. Stone Sisters makes a frozen organic spelt pizza crust and Deep Fork is a wholesale manufacturer of condiments and spiced pecans that ships nationwide.
CBAO Beers and Birdies Golf Tournament <ul style="list-style-type: none"> • November 8th 	MIO is an allied member of the CBAO so staff went and set up a booth at the golf tournament to show our support. We had three companies attend with us and we handed out MIO information and hot dogs to the golfers.
MIO Recipe Photoshoot <ul style="list-style-type: none"> • November 9th 	Staff acts as creative director and coordinator for these photo shoots and works alongside the MIO food stylist and food photographer at the recipe shoots. Channel 6 out of Tulsa came and did a six-minute feature segment showing the behind the scenes of our shoot. Staff did an interview about why purchasing local products is so important.
MIO Military Deli/Bakery Product Coordination	Through cooperation with the MIO Coalition, the Military Deli Bakeries in three Oklahoma military bases (Ft. Sill, Altus and Tinker) brought in six MIO companies into the commissaries. Those companies are Bedre Chocolate, OKC Soda Co., Healthy Cravings, Not Your Average Joe, Trucker Treats and Southern Roots Sisters. Staff is working to build out local displays in the commissaries and is coordinating with the nationwide executive director and area manager to get the products in by the first week of December.
MIO + FFA Meeting <ul style="list-style-type: none"> • November 10th 	Staff met with Jacey Fye of the FFA Foundation to discuss ways in which MIO can get more involved with the organization. We discussed participating in their silent auction and having a booth at the convention this year. Next year we will look in to supporting scholarship sponsorship opportunities in Food Science and Technology within the FFA organization.

MARKET NEWS SERVICES

October 14, 2021- November 12, 2021

- **Grain Report:**

	October 14, 2021	November 12, 2021	DIFFERENCE
WHEAT: (bu)	\$6.72-\$7.31	\$7.79-\$8.38	\$1.07 to \$1.07 Higher
MILO: (bu)	\$4.77-\$5.37	\$5.27-\$5.98	\$0.05 to \$0.61 Higher
SOYBEANS: (bu)	\$11.06-\$11.49	\$11.54-\$11.92	\$0.48 to \$0.43 Higher
CORN: (bu)	\$5.02-\$5.62	\$5.62-\$6.28	\$0.60 to \$0.66 Higher
COTTON: (lb)	103.85 cents	112.44 cents	8.59 cents Higher

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

FEEDER STEERS

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

- (10-12-21) \$149.00-\$176.00 Wtd. Avg. \$162.50
- (11-09-21) \$151.00-\$188.00 Wtd. Avg. \$169.50

HEIFERS

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

- (10-12-21) \$132.00-\$154.00 Wtd. Avg. \$143.00
- (11-09-21) \$129.00-\$164.00 Wtd. Avg. \$146.50

- **Weekly Report:**

Five weekly Oklahoma Market Reports were sent to 8,765 subscribers in October 12- November 12, 2021 (up from 132 subscribers last report from last month).

- **Voice Messaging System:**

The market news voice messaging system during

- October 14th – October 31, 2021 Accessed 2,635 Times
- November 1st – November 12, 2021 Accessed 1,968 Times
- Monthly Total: October 14th – November 12, 2021 Accessed **4,603 Times**
- Compared to last year **3,357** October 14th – November 12, 2020-Is **UP by 1,246**

- **Oklahoma Hay Directory**

- In Summary:
 - Oklahoma Hay Directory has recently been updated.

- Made 72 phone calls to hay producers and brokers. 40 have been added to the Oklahoma Hay Directory.
 - The other 32 out of the 72 growers that decided to not be in the directory.
 - 8 of were call backs for next year’s directory due to sold out.
 - 7 decided to hold hay for their cattle.
 - 15 people did not pick up and did not call back.
 - 2 passed away
 - At the end of the Month, we are up by 23 growers from we were last month and year ago.
- **USDA/Oklahoma Hay Report:**
 - Updated the broker, grower, trucker list.
 - We had a total of 6, now we are at 11 totals
 - These brokers, growers, and truckers are people that sell everything by the load, tons.
- **Hay Report**

This Month October 14, 2021- November 12, 2021 Hay Traded 3,995
Last Year October 14, 2020- November 12, 2020 Hay Traded 1,456
UP 2,539 Bales Reported

Monthly Oklahoma Direct Hay Report

October 14, 2021- November 12, 2021: Hay begins to pick up this month compared to last month. Cost is still high, which causes hay to remain the main feed resource for the producer. Milk prices are still low, dairies are continuing to move to cheaper feed rations. We continue to be in dry condition in most of the state according to the Mesonet.

Central

Alfalfa - Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	559	180.00	180.00	Delivered	Clippings

Mixed Grass-Good (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	600	160.00		F.O.B	

North Central

Bermuda Grass - Premium/Supreme (Ask/Per Bale)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Small Square	Ask	9.00		F.O.B.	

Bermuda Grass - Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Large Square 4x4	128	120.00	120.00	F.O.B.		

Bermuda Grass - Good/Premium (Ask/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Large Round	Ask	75.00		F.O.B.		

Bermuda Grass - Good (Ask/Per Bale)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Large Round	Ask	65.00		F.O.B.		

Bermuda Grass - Fair (Ask/Per Bale)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Large Round	Ask	60.00		F.O.B.		

Northeast**Alfalfa - Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Large Round	128	190.00	190.00	Delivered		

Alfalfa - Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Small Square	Ask	5.00		F.O.B.	Picked Up Out of Field	

Alfalfa - Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Small Square		6.00		F.O.B.		

Northwest**Alfalfa - Premium/Supreme (Trade/Per Ton)**

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Large Square 4x4	420	190.00	190.00	F.O.B.		

Alfalfa - Good/Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Large Square 4x4	234	140.00	140.00	F.O.B.		

Alfalfa - Good (Ask/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description	Crop Age
Large Square 4x4	Ask	160.00		F.O.B.		

Grass - Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	1000	130.00	130.00	Delivered	

Oat - Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	400	130.00	130.00	Delivered	

Southwest

Alfalfa/Grass Mix - Good/Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	84	120.00	120.00	F.O.B.	

Bermuda Grass - Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	104	120.00	120.00	Delivered	

Grass - Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	86	90.00	90.00	Delivered	

Hay (Organic)

Grass - Supreme (Ask/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	Ask	210.00	F.O.B.		

West

Grass - Good/Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	158	80.00-85.00	82.50	F.O.B.	

Mixed Grass - Good/Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd	Avg Freight/Use	Description Crop Age
Large Round	94	75.00	75.00	F.O.B.	



**Oklahoma Department of Agriculture,
Food, and Forestry
December 8, 2021 Board Report for the
Agricultural Environmental Management Services
Division - Activities from
Sept. 27, 2021 thru Oct. 31, 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 multiple Illinois River Watershed working group call.

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: 4

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:

19	Complaints received and investigated this reporting period.
16	Complaints closed this reporting period
Complaints Received - Breakdown	
Cattle - 2 Swine – 3 Poultry- 3 Misc. Animal 3 Other – 0 Animal Shelter 2 Pet Breeder 6	
26	Year to date complaints received in FY 20/FY 21
24	Year to date complaints closed in FY 20/FY 21
147	LMFO/CAFO inspections, plus technical assistance
3	Poultry inspections and technical assistance
15	Pet Breeders -Shelters inspections and technical assistance
17	Breeders Pre annual inspections and technical assistance

CAFO and LMFO Activities - Month and Fiscal Year 2022

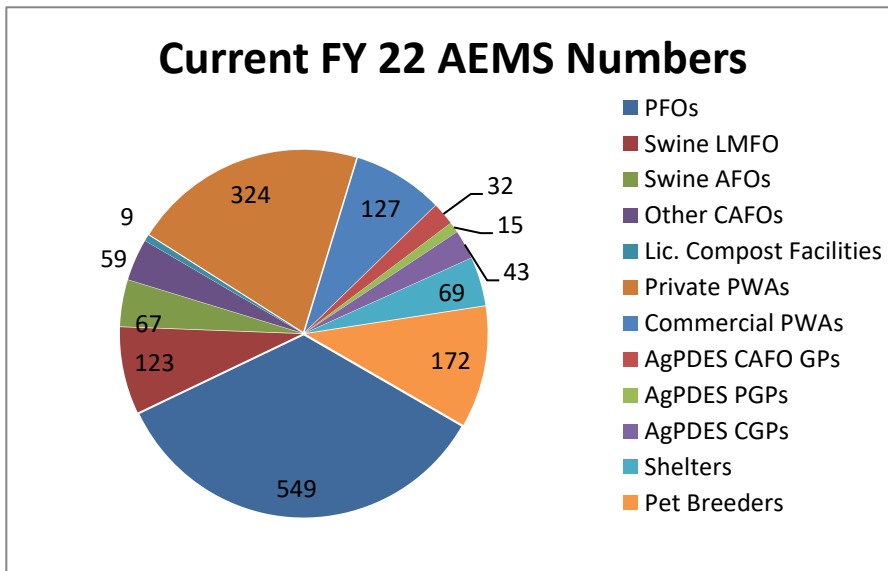
	Sept. 27-Oct. 31, 2021	FY 22 Total
Complaint or Compliance Follow-ups	25	94
Annual Inspections	147	356
Carcass Disposal Inspections	7	7
Technical Assistance with Contacts	7	53
Site Visit/Review – No contact made	8	35

Poultry Activities – Month and Fiscal Year 2022

	Sept. 27-Oct. 31, 2021	FY 22 Total
Complaint or Compliance Follow-ups	6	20
Annual Poultry Inspections	3	6
Poultry Technical Assistance	152	622
Soil Samples Collected	6	28
Site Visit/Review – No contact made	84	381
Construction Stormwater Inspection	0	0
Eucha-Spavinaw CNMP Written	10	45
New PFO License Pre-Site Inspections	0	0

Pet Breeders Activities – Month and Fiscal Year 2021

	Sept. 27-Oct. 31, 2021	FY 22 Total
Complaint or Compliance Follow-ups	1	30
Shelter Annual Inspections	3	26
Shelter Technical Assistance provided w/owner/operator	15	45
Site Visit/Review – No contact made	7	19
Shelter Close out	0	18
Breeder Annual Inspections	6	28
Breeder Technical Assistance	17	51
Site Visit/Review – No contact made	1	6
Breeder Close out	0	0



Respectively

Teena G. Gunter
AEMS Division

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

**DECEMBER 2021 BOARD REPORT
REGARDING OCTOBER 11, 2021 THROUGH NOVEMBER 14, 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
\$23,875.00	\$33,600.00

CONTRACTS REVIEWED OR DRAFTED (39):

Forestry - 26
Market Development - 9
Food Safety- 2
Admin - 2

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 130
Total Number of New Cases: 22
Total Number of Cases Closed: 15
NOVs Sent: 13

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
October 11, 2021	Sovereignty Symposium
October 12, 2021	Sovereignty Symposium
October 12, 2021	State Suppliers Expo Volunteer Circle up
October 14, 2021	Advancing Oklahoma
October 14, 2021	OGC Docket
October 14, 2021	Director's Meeting
October 19, 2021	Director's Meeting
October 19, 2021	State Suppliers Expo
October 19, 2021	GALPS
October 20, 2021	Foreign Ownership of Ag Land: Legal Background and Update
October 21, 2021	AALA: Pesticides 101: Understanding the Pesticide Regulatory Process
October 25, 2021	Speaker at OCU Environmental Law and Ag Association
October 27, 2021	AgPDES
October 28, 2021	OGC Staff

October 28, 2021	State Board of Agriculture
October 29, 2021	OBA ELS Conference
November 2, 2021	Director's Meeting
November 3-7, 2021	American Agricultural Lawyers Association Annual Symposium
November 8, 2021	Director's Meeting
November 9, 2021	RK Black scanning project

RULE ACTIVITIES:

Chapter 1. Administrative Operations (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 10. Agricultural Products (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 13. Fuel Alcohol (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 15. Animal Industry (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 30. Consumer Protection (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 37. Food Safety (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 40. Market Development (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 44. AgPDES (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for

proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
OHRC
Chapter 40. Veterinarian Practices And Restrictions (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 60. Running the Race (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 65. Pari-Mutuel Wagering (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.
Chapter 75. Oklahoma-Bred Program (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules.

OPEN RECORDS REQUESTS (16):

AEMS: 3
AIS: 1
CPS: 11
OHRC: 1

OKLAHOMA HORSE RACING COMMISSION

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.
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.
Litigation: Josue Ponce v. OHRC, Oklahoma County District Court Case No. CV-2020-815: Petition for Review of Final Agency Order filed. Response filed.
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.
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: 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.
Litigation: Carols Ruiz v. OHRC, Oklahoma County District Court Case No. CV-2021-2591. Petition Served. Response pending.
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 ARCI Rules Committee meeting
Consult with OHRC regarding gaming issues

OTHER ACTIVITIES:

Phone calls or emails with the public: 18
Assistance to AEMS: 6
Assistance to CPS: 11
Assistance to Wildlife Services: 0
Assistance to Forestry: 8
Assistance to AIS: 0
Assistance to Admin: 4
Assistance to Market Development: 3
Assistance to other state or federal agencies: 12

Assistance to Food Safety: 5
Assistance to NASS: 0
Assistance to Executive Office: 4
Assistance to Lab: 1
Assistance to Investigative Services: 0

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY REPORT NOVEMBER 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 502,952 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA Shell Egg grading on 43,560 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:

- Twelve organic crop producers
- Two organic livestock producers
- Three organic processors
- Collected five organic samples
- Eight retail organic inspections
- Bryan Buchwald presented on organic certification at the Rotary Club in Lawton
- The organic section had requests for 3,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States. The organic section had 3 requests for organic crop applications, 2 requests for organic processing applications 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 15 farmers markets and pumpkin patches providing outreach and education to producers and to collect farm inventory
- Completed a produce farm inspection for the Produce Safety Rule
- MCAFDO board meeting
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Sent an e-mail newsletter to inform constituents of the latest information

Oklahoma Meat Inspection Services Investigations and Compliance Activities

Planned Compliance Reviews	18
Random Compliance Reviews	132
Person-to-Person Contacts	49
Special Investigations and/or Projects	06
Reports of Apparent Violations	00
Detentions	00
Consumer Complaints	05
Verbal Warnings Issued	05
Letters of Warning Issued	00
Samples Submitted to Lab for Analysis	00
Accident Investigations	01
Administrative Procedures Act	01 (OK-1-835)

See details below:

ACCIDENT LOCATION	ANIMAL/PRODUCT	DISPOSITION
US 70 E Bound near Madill, OK	449 cases (39961 Lbs) 70/30 Ground Beef	All product was sent to Durant Landfill

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	13
Samples Not Analyzed	0
Samples Analyzed	13
Samples Non-Compliant	0
Samples Negative results	13

Oct. 24 – Oct. 27

Scott Yates and I attended the USAHA & AAVLD State Director conference

Oct. 28

Craig Young and Dr, Hardage interviewed and hired Chris Newell for the Sayer area. Effective start date of 11/22/2021.

MEAT INSPECTION

Number of Cattle	1,037
Total Beef Condemned	26,132 lbs
Number of Swine	302
Total Pork Condemned	1,325 lbs
Number of Sheep and Goats	82
Total Condemned	0 lbs
Number of Rabbits	0
Total Condemns	0 lbs
Number of Exotic Deer	0
Total Condemns	0 lbs
TOTAL MEAT INSPECTED	603,531 lbs

PROCESSED MEAT INSPECTED

Processed Red Meat	1,132,058 lbs.
Condemned on Reinspection	0 lbs
Poultry (Portions)	120,378 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	1,252,436 lbs

DAIRY SECTION

Dairy staff conducted routine inspections at dairy plants and farms, conducted dairy plant equipment checks and collected ice cream samples, raw milk and retail milk and milk products samples and container samples for laboratory analysis.

Dairy Services staff recently completed two Plant survey Parker Plastics and O-I Brockway. The surveys resulted in passing scores for sanitation and enforcement compliance. These passing scores are listed on FDA's Interstate Milk Shippers List website and allows for the interstate shipment of single service containers.

Dairy Services staff continues to sample ice cream products at Blue Bell in Broken Arrow related to the *Listeria monocytogenes* product contamination and outbreak in 2015. Since starting back up in September of 2015, all samples collected and analyzed by ODAFF have been negative for *Listeria monocytogenes*.

Swans Dairy was sampled on November 8 for *Listeria*. The samples included Raw Whole milk, 2%, skim, heavy cream. Samples were confirmed positive for *Listeria* on November 12. Swans permit for the sale of raw milk products was suspended on Nov. 12, 2021. ODAFF is planning a meeting with Diane Williamson of Swans Dairy in the next couple of weeks regarding her permit status to sell raw milk and raw milk products.

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
October 15 – November 22

We're Hiring | If you are creative, passionate about Oklahoma agriculture, work well under pressure and want to join a fantastic team at the Oklahoma Dept. of Agriculture, apply for our Public Engagement Specialist position! Link to job description is available here: <https://ag.ok.gov/communications-position-open/>

Have questions? Contact Morgan Vance at Morgan.vance@ag.ok.gov.



Issued a Raw Milk Recall | Raw milk produced by Swan Bros. Dairy, Inc. of Claremore, OK is the subject of a statewide recall due to the confirmed detection of Listeria. Anyone who has purchased or received raw milk products from this location is strongly urged to dispose of any remaining product.

FADSAFE Exercise | Communications participated in the 72- hour Foreign Animal Disease Exercise hosted by Animal Industry and the USDA. Morgan Vance, along side of Michelle Finch of Forestry, led the Joint Information Center, which housed over 15 members of ag industry group leaders in a mock response to a Foot and Mouth Disease outbreak. We set up phone lines, crafted graphics and created over 100 pieces of communications documents in a two and a half day span.



Ag Youth Council Session 3 | Ag Youth Council members had the opportunity to visit with American Farmers and Ranchers, the Incident Command Team of ODAFF during an outbreak, the staff of the Oklahoma Youth Expo and got a full behind-the-scenes tour of Remington Park on their last session. It was a fantastic turnout and couldn't have happened without Emily Shuping, Troy Marshall and Audrey Ochsner – big thanks to these folks for taking time out of their weeks to chaperone the AYC!



AgHER Participants Wins OSU Homecoming Queen | We are so proud of AgHERCulture participant, Amarie Griffeth, for being selected as the Oklahoma State University Centennial Homecoming Queen! Amarie is a native of Cushing, Oklahoma, studying agricultural communications and agribusiness at OSU. A prominent young woman in agriculture, Amarie currently serves as an intern at the [Oklahoma National Stockyards Company](#). **Congratulations**, Amarie!

AgDoesntStop Tour | Within the past week, we paid a visit to [Mountain View Meat Company](#) in Stilwell and [Amelia Creamery](#) in Nowata - two companies that hold membership in the [Made in Oklahoma Coalition](#). Our team (and a few special guests) toured each company's facility to learn more about how Made in Oklahoma products are created, marketed, and sold to customers across the state.

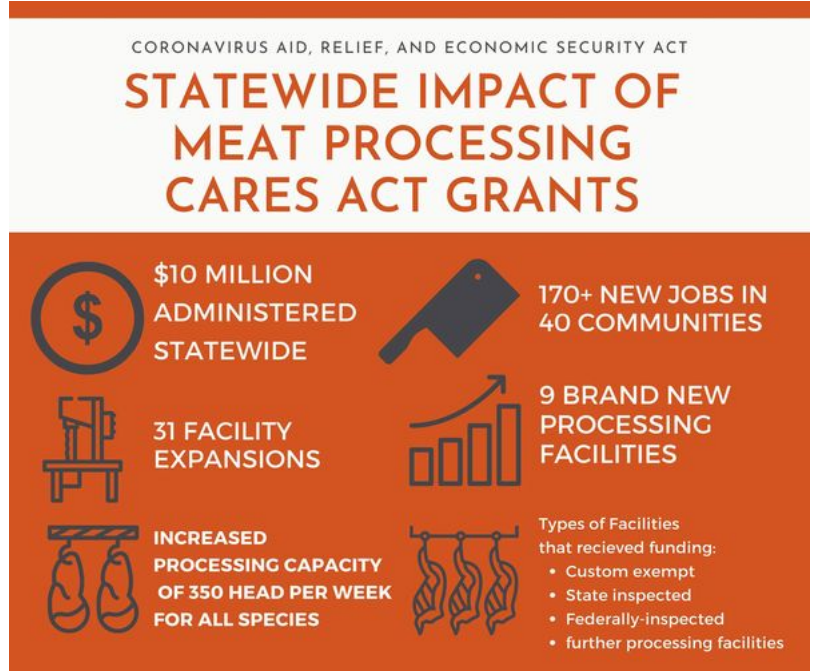
Special thanks to [Lt. Governor Matt Pinnell](#) for traveling to Mountain View Meat with us and taking the time learn more about the Made in Oklahoma Coalition and all it does for Oklahoma businesses!



Tri-National Accord | Sec. [@blaynearthur](#) and Deputy Commissioner, [@janleerowlett](#), are representing [#OklahomaAg](#) at the 30th Annual Tri-National Agricultural Accord in Arlington, Virginia. Delegates from the US, Canada, and Mexico will discuss pressing issues including regulatory cooperation on pesticide and biotechnology reviews; continuing preparation to combat the threat of African Swine Fever; opportunities for agricultural trade based on the principals of agricultural sustainability and climate resilience; and addressing commodity specific concerns including trade in dairy products with Canada.



Posted Final Numbers from CARES Act Funding | Last year, ODAFF administered \$10 million in CARES funding to the meat processing industry! One year later, 9 new facilities have been built and 31 facilities have been expanded. This grant money strengthened the Oklahoma food supply chain, created opportunity for processors and producers alike, while creating capital and growth through small processors in rural communities.



DECEMBER 8, 2021 BOARD MEETING

PURCHASES/CONTRACTS

Administrative Services

Oklahoma Management Enterprise Services (OMES) Fleet Management (AVL services) \$114,558 –

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

Food Safety Services

Food Safety is requesting Board Approval for the purchase of three (3) 2022 F 150 Super Cab 4 WD 6 ½" bed. The total cost of this purchase will be \$86,616.00. These vehicles are needed for new employees and to replace aging fleet vehicles. These vehicles are critical to the agency mission and if not replaced or purchased may put the employee and public at greater risk.

Forestry Services

FY22 (Laptops) - \$14,000

Purchase four (4) laptops that will be used for supporting various Fire Management Programs including fire suppression, prescribed burning and hazardous fuels mitigation. These machines will be replacing outdated models or for newly hired personnel. Acquisition cost for each unit is estimated at \$3,500. Funding for this purchase will come from the US Forest Service State Fire Assistance -Response Grant and State Fire Assistance – Mitigation Grant. Costs for these purchases will be 100% federally reimbursed.

FY 22- \$9,500

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

Market Development Services

FY 2022 – USDA has provided a Specialty Crop Block Grant to ODAFF with the objective to solely enhance the competitiveness of specialty crops. ODAFF is one of six grant partners included in this award. Effective: 9/30/21 - 9/29/24 - \$601,281.19.

USDA Specialty Crop Block Grants - \$601,281.19

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

FY 2022 – Purchase of Oklahoma Grown Farmers Market bags for OK Grown Markets. - \$14,000.00

FY 2022 – Homebuilders Association of Greater Tulsa - Tulsa Home and Garden Show - Booth space will be purchased then sublet to Made in Oklahoma companies at a cost share rate - \$10,000.00

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

APPROVAL OF CASES

ON THIS 8th day of December 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 8th day of December 2021.

Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
December 8, 2021

Cases Resolved by Stipulation

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Brian Cox	OGC-21-330	AEMS	\$200.00
Terry J. Hendren	OGC-21-543	AEMS	\$400.00
Navada Jeffries	OGC-21-452	AEMS	\$200.00
Jerry Londagin	OGC-21-352	AEMS	\$300.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Mark McPhail	OGC-20-851	CPS	\$250.00
Signature Landscape, LLC	OGC-21-285	CPS	\$750.00
Wilkins Lawn and Landscape	OGC-21-002	CPS	\$1,000.00
Lin Yongxin	OGC-21-212	CPS	\$500.00

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. BRIAN COX
Case File No: OGC-21-330**

**BRIAN COX
2139 UNION GROVE ROAD
HAWORTH, OK 74740**

Summary of Facts: Respondent applied poultry litter without a current 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

FILED
NOV 04 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-21-330

BRIAN COX)
2139 UNION GROVE ROAD)
HAWORTH, OK 74740)

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Brian Cox
Signature

Brian Cox
Printed Name and Title

Date: 10/11/21

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 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 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:

BRIAN COX
2139 UNION GROVE ROAD
HAWORTH, OK 74740



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.)
)
BRIAN COX)
2139 UNION GROVE ROAD)
HAWORTH, OK 74740)
)
RESPONDENT.)

Case No: OGC-21-330

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. TERRY J. HENDREN
Case File No: OGC-21-543**

**TERRY HENDREN
29701 S. 660 RD
GROVE, OK 74345**

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

Statute or Rule Violation: 2 O.S. 10-9.18(A)

Proposed Administrative Penalty: The penalty was assessed at \$400. 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.)

**TERRY J. HENDREN)
29701 S. 660 RD.)
GROVE, OK 74345)**

RESPONDENT.)

FILED

OCT 21 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-543

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 January 13, 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.

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 poultry waste application in Oklahoma.

16. Pursuant to 2 O.S. § 10-1, 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 April 9, 2021, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Annual Litter Report.

19. Annual Litter Reports are due annually by June 30.

20. Respondent failed to submit their Annual Litter Report for 2018-2019.

21. Respondent failed to submit their Annual Litter Report for 2019-2020.

22. To this date, Respondent has failed to respond to their Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their Annual Litter Report.

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 Four Hundred Dollars (\$400.00).

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 14 day of October, 2021.

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

Wendi Morse

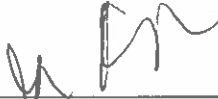
Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Rice, OBA # 34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 21 day of OCT, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

TERRY J. HENDREN
29701 S. 660 RD.
GROVE, OK 74345



GINA BLAYLOCK

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. NAVADA JEFFRIES
Case File No: OGC-21-452**

**NAVADA JEFFRIES
PO BOX 143
JAY, OK 74346**

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

Statute or Rule Violation: 2 O.S. 10-9.18(A)

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.)
)
NAVADA JEFFRIES)
PO BOX 143)
JAY, OK 74346)

FILED
NOV 15 2021
STATE BOARD OF AGRICULTURE

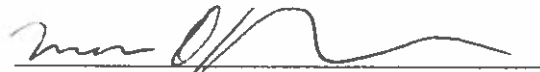
Case No: OGC-21-452

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

Navada D. Jeffries, owner
Printed Name and Title:

Date: 11/10/2021

RECEIVED

NOV 15 2021

OFFICE OF GENERAL COUNSEL
OKLA. DEPT OF AGRICULTURE

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 poultry waste application in Oklahoma.

16. Pursuant to 2 O.S. § 10-1, 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 April 9, 2021, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Annual Litter Report.

19. Annual Litter Reports are due annually by June 30.

20. Respondent failed to submit their Annual Litter Report for 2019-2020.

21. To this date, Respondent has failed to respond to their Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their 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 25 day of October, 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 1 day of NOV, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**NAVADA JEFFRIES
PO BOX 143
JAY, OK 74346**



GINA BLAYLOCK

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. JERRY LONDAGIN
Case File No: OGC-21-352**

**JERRY LONDAGIN
51501 S 690 RD
COLCORD, OK 74338**

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

Statute or Rule Violation: 2 O.S. 10-9.18(A)

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.)

Case No: OGC-21-352

JERRY LONDAGIN)
51501 S 690 RD)
COLCORD, OK 74338)

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Jerry Londagin
Signature

Jerry Londagin
Printed Name and Title:

Date: 10/12/21

RECEIVED

OCT 18 2021

OFFICE OF GENERAL COUNSEL
STATE OF OKLAHOMA DEPARTMENT 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.)

JERRY LONDAGIN)
51501 S 690 RD)
COLCORD, OK 74338)

RESPONDENT.)

FILED

SEP 23 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-352

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 14, 2020, the Agricultural Environmental Management Services Division of the Department received Respondent's 2019-2020 Annual Litter Report which is due by September 1 of each year.

19. Respondent failed to submit a 2018-2019 Annual Litter Report.

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

21. To this date, ODAFF has not received the missing report.

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) by failing to submit a completed Annual Litter Report and by failing to submit an Annual Report on time.

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 Three Hundred Dollars (\$300.00).

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:

JERRY LONDAGIN
51501 S 690 RD
COLCORD, OK 74338



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.)
)
JERRY LONDAGIN)
51501 S 690 RD)
COLCORD, OK 74338)
)
RESPONDENT.)

Case No: OGC-21-352

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. MARK MCPHAIL
Case File No: OGC-20-851**

**MARK MCPHAIL
PO BOX 209
SNYDER, OK 73566**

Summary of Facts: Respondent applied a pesticide 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 \$250. 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

FILED

NOV 16 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-20-851

MARK MCPHAIL)
P.O. BOX 209)
SNYDER, OK 73566)

RESPONDENT.)

[Handwritten Signature]
NOV 12 2021
ODAFF FINANCE

STIPULATION

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

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

RESPONDENT

Mark McPhail

Signature

MARK McPhail - Farmer-Lesse

Printed Name and Title

Date: *11-4-21*

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
OCT 21 2021
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

MARK MCPHAIL)
P.O. BOX 209)
SNYDER, OK 73566)

RESPONDENT.)

Case No: OGC-20-851

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 Thursday, 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 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. § 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.

- On or about July 27, 2020, a pesticide use inspection was performed by ODAFF.
- According to the application records supplied to ODAFF by Farmers Cooperative Association in Snyder, OK, you provided the Mad Dog and Strut Herbicide for the application to your cotton field located in the N1/2 of Section 30-2N-17W. This application occurred on July 21, 2020.
- Strut Herbicide is not labeled to be applied to cotton after crop emergence.
- A vegetative sample was collected from your cotton field located in the N1/2 of Section 30-2N-17W.
- Glyphosate and Dicamba were discovered in the vegetative sample analysis.
- On or about December 22, 2020, a Letter of Warning that detailed the above violation was sent to Mark McPhail.

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 applying a pesticide in a manner inconsistent with its label.

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 **Two Hundred and Fifty Dollars (\$250.00)**.
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

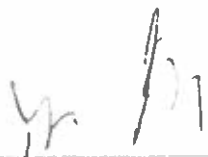


Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
✓ Shelby Turner, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 21 day of Oct., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**MARK MCPHAIL
P.O. BOX 209
SNYDER, OK 73566**



Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case No: OGC-20-851

**MARK MCPHAIL)
P.O. BOX 209)
SNYDER, OK 73566)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred and Fifty Dollars (\$250.00)** for this action and 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. SIGNATURE LANDSCAPE, LLC
Case File No: OGC-21-285**

**SIGNATURE LANDSCAPE, LLC
9600 N. EASTERN AVE.
OKLAHOMA CITY, OK 73131**

Summary of Facts: Respondent allowed an employee to engage in the commercial application of pesticides without proper certification and failed to display a company license number on the application vehicle.

Statute or Rule Violation: OAC 35:30-17-15 and 2 O.S. 3-86(A)(16)

Proposed Administrative Penalty: The penalty was assessed at \$750. 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-21-285

SIGNATURE LANDSCAPE LLC)
9600 N. EASTERN AVE)
OKLAHOMA CITY, OK 73131)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Seven Hundred and 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

Brent Gordon - Director
Printed Name and Title

Date: 10-14-21

RECEIVED

OCT 18 2021

OFFICE OF GENERAL COUNSEL
OKLA. DEPT. OF AGRICULTURE

RECEIVED

OCT 18 2021

ODAFF FINANCE

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,)

v.)

SIGNATURE LANDSCAPE LLC)
9600 N. EASTERN AVE)
OKLAHOMA CITY, OK 73131)

RESPONDENT.)

FILED
JUL 14 2021
STATE BOARD OF AGRICULTURE

Case No: OGC-21-285

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, 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 Signature Landscape LLC, located at 9600 N. Eastern Ave in Oklahoma City, OK 73131.
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.

O.A.C. 35:30-17-15

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

2 O.S. § 3-86 A (16)

(A) It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The

suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

(16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.

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 June 7, 2021, ODAFF conducted a routine use inspection of Signature Landscape LLC, located at 9600 N. Eastern Ave in Oklahoma City, OK 73131.
- During this routine inspection, the inspector observed your employee, Oracion Rueda, applying Roundup Quick Pro to the cracks of the JC Penny parking lot in Norman, OK.
- Your employee, Oracion Rueda, informed our inspector that he was operating without a certification.
- The inspector also noted that your company license number was not displayed on the application vehicle used by Oracion Rueda.
- On or about June 10, 2021, a Letter of Warning that detailed the above violations was sent to Signature Landscape LLC.

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 (16) and O.A.C. 35:30-17-15 by having an employee operate

commercially without a certification and utilizing an application vehicle that displays no company license number.

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 **Seven Hundred and Fifty Dollars (\$750.00)**

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 14 day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**SIGNATURE LANDSCAPE LLC
9600 N. EASTERN AVE
OKLAHOMA CITY, OK 73131**



Gina Blaylock

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,)

v.)

Case No: OGC-21-285

SIGNATURE LANDSCAPE LLC)
9600 N. EASTERN AVE)
OKLAHOMA CITY, OK 73131)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Seven Hundred and 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. WILKINS LAWN AND LANDSCAPE
Case File No: OGC-21-002**

**WILKINS LAWN AND LANDSCAPE
44 WESTGATE DR.
SULPHUR, OK 73086**

Summary of Facts: Respondent applied a pesticide in a negligent manner causing the pesticide to drift off-target.

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

Proposed Administrative Penalty: The penalty was assessed at \$1,000. 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.)

WILKINS LAWN AND LANDSCAPE)
44 WESTGATE DR.)
SULPHUR, OK 73086)

RESPONDENT.)

FILED

JUL 14 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-002

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, 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 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)(3)

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

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 November 30th, 2020, an ODAFF inspector investigated a drift complaint at 923 W 16th St. in Sulphur, OK.
- The location of the complaint investigation is north of the lawn Respondent sprayed at 1526 W. Broadway in Sulphur, OK.
- Respondent's application records indicate that Weedar 64 and Pin-Dee 3.3 T&O were applied to this lawn on November 23, 2020, with a 7-9 mph south/southeast wind.
- A vegetative sample was taken from the complainant's property and 2,4-D was recovered in the sample analysis.
- A vegetative sample was taken from the property that Respondent sprayed and 2,4-D and Pendimethalin were recovered in the analysis.
- According to ODAFF's investigation, Respondent's application resulted in a pesticide drift onto the property north of the application area.
- On or about January 28, 2021, a Letter of Warning that detailed the above violation was sent to Wilkins Lawn and Landscape.

ALLEGED CONCLUSIONS OF LAW

Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(A)(3) by applying a pesticide in a negligent manner, thereby causing a pesticide to drift off-target.

ATTORNEY CONFERENCES

18. 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.
19. 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.
20. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

21. 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.
22. 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.

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

24. 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

25. 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

26. 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

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

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

29. 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

30. 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)**.

31. 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

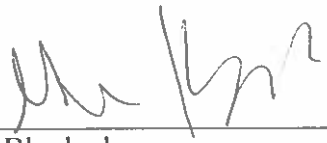


Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
✓Shelby Turner, OBA #34010
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 14 day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**WILKINS LAWN AND LANDSCAPE
44 WESTGATE DR.
SULPHUR, OK 73086**



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-21-002

**WILKINS LAWN AND LANDSCAPING)
44 WESTGATE DR.)
SULPHUR, OK 73086)**

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. LIN YONGXIN
Case File No: OGC-21-212

LIN YONGXIN
22150 CR 290
MORRISON, OK 73601

Summary of Facts: Respondent engaged in the use of a pesticide 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: None.

Other Actions Required: None.

OGC Attorney: Shelby Turner

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
NOV 04 2021
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
LIN YONGXIN)
22150 CR 290)
MORRISON, OK 73601)
)
RESPONDENT.)

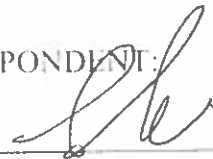
Case No: OGC-21-212

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

Kwun Wang To (Manager)
Printed Name and Title

Date: 11/2/2021

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 April 2, 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 totes of Roundup PowerMax Herbicide and Diurion 4L Herbicide 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, 10 boxes of Piston TR and 3 boxes of Beethoven TR were found in Respondent's chemical storage room.
- Beethoven TR is only labeled for ornamental crops; the label specifically prohibits the product being used on crops grown for food.
- Piston TR is only labeled to be used on ornamental and fruiting vegetable crops.
- On or about May 10, 2021, a Letter of Warning that detailed the above violation was sent to Respondent, Lin Yongxin.

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:

**LIN YONGXIN
22150 CR 290
MORRISON, OK 73601**



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-21-212

**LIN YONGXIN)
22150 CR 290)
MORRISON, OK 73601)**

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. SUPERIOR TERMITE AND PEST
Case File No: OGC-19-889 and OGC-20-005**

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

Summary of Facts: Respondent failed to meet the minimum standards for termite treatment on two separate occasions at two separate pretreat sites.

Statute or Rule Violation: OAC 35:30-17-73

Proposed Administrative Penalty: The penalty was assessed at \$30,000. This was calculated by penalizing \$5,000 per each sample that yielded zero pesticide, then \$2,500 per sample that contained a level of pesticide below the minimum standards. An administrative hearing took place on June 10, 2021. Administrative Judge Richard Herren prepared a Proposed Final Order in favor of ODAFF, recommending that Respondent's \$30,000 penalty be enforced.

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.)

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

RESPONDENT.)

FILED
SEP 16 2021
STATE BOARD OF AGRICULTURE

Case File No: OGC-19-889
OGC-20-005

PROPOSED FINAL ORDER

On the 10th day of June 2021, this matter comes on for hearing before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Shelby Turner. Respondent appears in person. Each party made an opening statement. Complainant presented evidence and testimony regarding the allegations of fact and law. Respondent presented evidence and testimony regarding his defenses and mitigation of any penalty. Each party provided a closing statement and argued the pertinent allegations of their case and defense. Upon conclusion of the hearing this matter was taken under advisement.

FINDINGS OF FACT

1. On June 11, 2020, on behalf of the Complainant, the Office of General Counsel filed an Amended Notice of Violation in this administrative action alleging the following:

“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 August 15, 2019, ODAFF conducted an inspection of the termite pretreat site location at 8872 256th Pl in Broken Arrow, OK.
 - i. As a result of this inspection, two horizontal samples and two vertical samples were taken.
 - ii. No chemical residue was recovered in the horizontal samples or the vertical samples.
 - iii. On or about October 21, 2019, a Letter of Warning that detailed the above violation was sent to Respondent.
- On or about November 25, 2019, ODAFF conducted an inspection of the termite pretreat site located at 6443 E. 148th St in Bixby, OK.
 - i. As a result of this inspection, two horizontal samples and two vertical samples were taken.
 - ii. 4.78 and 4.94 ppm imidacloprid was recovered in the two horizontal samples taken.
 - iii. The minimum acceptable residue level for a horizontal sample is 5.00 ppm.
 - iv. 4.76 and 4.20 ppm imidacloprid was recovered in the two vertical samples.
 - v. The minimum acceptable residue level for a vertical sample is 10.00 ppm.

vi. On or about December 30, 2019, a Letter of Warning that detailed the above violation was sent to Respondent.

2. Based on the evidence and testimony presented the above allegations of facts are true and correct.

CONCLUSIONS OF LAW

3. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to the Oklahoma Constitution Article VI, Section 31 and Oklahoma Statute Title 2 Section 2-4(A)(7).

4. Under Oklahoma Statute Title 2 Section 2-4(A)(3), the Department 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.

5. Under Oklahoma Statute Title 2 Section 2-18(A), after notice an 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 ordered issued pursuant thereto, the Board shall have the authority to assess an administrative penalty not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000) for each violation. Each animal, each action, or each day a violation continues may constitute is separate and distinct violation.

6. Under Oklahoma Statute Title 2 Section 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:

6. Any violation of state law or rules or standards prescribed by the Board.

7. Oklahoma Agricultural Code 35:30-17-73. Concrete Slabs states as follows:

- (a) All pesticide applications shall follow the pesticide label instructions including the application rates and methods. Treatments using less than label recommended concentrations at higher volume or higher concentrations at reduced volume applications are prohibited for pre-construction treatments. A written contract shall be provided that conforms with all requirements for contracts issued in the Structural Pest Category. In addition, the contract shall include the total square footage treated, the total linear feet treated, and any additional information required.
- (b) Pretreatment of main slab areas (including attached garages) is as follows:
- (1) Termiticide shall be applied at the rate specified on the label and in accordance with label instructions to the entire area to be covered by concrete, for the establishment of horizontal and/or vertical barriers.
 - (2) Horizontal barriers shall be established.
 - (3) Vertical barriers shall be established by trenching or trenching and rodding through the bottom of the trench and at the rate prescribed by the label. When trenching cannot be performed due to elements of construction (i.e. coarse aggregate fill, rebar, etc.) the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.
 - (4) Treatment shall not be made when the soil or fill is excessively wet or when rain is imminent.
 - (5) Precautions shall be taken to prevent disturbance of the treated areas by human or animal contact or prolonged exposure to the weather.
 - (6) Immediately after completion of treatment to the main slab area, each termite pretreatment shall be stenciled or a sticker or tag permanently affixed to one of the stubouts in an area which will be readily accessible. The stencil, sticker, or tag shall identify the company, date of treatment, and termiticide used.
- (c) Pretreatment of adjacent slabs, i.e., porches, patios, entrance pads, walkways, driveways, etc., shall be as follows:
- (1) Termiticide shall be applied at the rate specified on the label and in accordance with label instructions for application, to the adjacent slabs which abut the main structure.
 - (2) Treatment and precautions shall meet the requirements in (b)(2) and (b)(3) of this Section.
- (d) Pretreatment of outside foundations shall be as follows:
- (1) Treatment shall be applied to the soil by trenching or trenching and rodding into the bottom of the trench around the entire outside foundation of the structure after the final grade has been established. This treatment shall be performed within 30 days of notification of completion of landscaping or one year from the date of completion of construction, whichever comes first.
 - (2) Where trenching is not possible due to rocks, concrete, gutters, etc., the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.
 - (3) Where outside foundations (stem walls) have 12" or more of exposed concrete extending above the outside final grade, the outside foundation treatment may be omitted.
- (e) Pretreatment of crawl space construction shall be made in the same manner as described in the minimum standards for existing structures (SEE PART 15 of this Chapter).

- (f) Any treatment that does not meet all of the minimum standards for pretreatments under concrete slab or crawl space is considered "Partial Pretreats" and is not acceptable. In the event a portion of a structure is not treated through no fault of the applicator, it will be stated in the pretreat documentation and the contract signed by the contractor (home builder), and include specific reasoning why the area was not treated.
- (g) Pesticide applicators must issue Form NPCA-99b to the builder as an attachment to the contract.

9. Based on the proven facts, Respondent violated Oklahoma Agricultural Code 35:30-17-73. Respondent specifically failed to pretreat the site located at 8872 256th Pl Broken Arrow, OK and under applied and miss applied the pretreat site located at 6443 E 148th St in Bixby, OK in violation of the label and Department rules.

10. An administrative penalty in the amount of Thirty Thousand Dollars (\$30,000.00) is warranted and hereby imposed.

RECOMMENDED ORDER

IT IS THEREFORE RECOMMENDED that this Proposed Final Order be adopted as the Final Order and all penalties be imposed on the Respondents.

SIGNED THIS 16th DAY OF SEPTEMBER 2021.


RICHARD D. HERREN
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing Order was mailed to by certified mail, return receipt requested, postage prepaid, on the date of filing, as follows:

Superior Termite & Pest
205 85th Ave
Tulsa, OK 74112

Wendi Morse

Wendi Morse

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

FILED
JUN 11 2020
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-19-889
OGC-20-005

SUPERIOR TERMITE & PEST)
205 S 85TH E AVE.)
TULSA, OK 74112)

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, 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 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.

OAC 35:30-17-73

- (a) All pesticide applications shall follow the pesticide label instructions including the application rates and methods. Treatments using less than label recommended concentrations at higher volume or higher concentrations at reduced volume applications are prohibited for pre-construction treatments. A written contract shall be provided that conforms with all requirements for contracts issued in the Structural Pest Category. In addition, the contract shall include the total square footage treated, the total linear feet treated, and any additional information required.
- (b) Pretreatment of main slab areas (including attached garages) is as follows:
 - (1) Termiticide shall be applied at the rate specified on the label and in accordance with label instructions to the entire area to be covered by concrete, for the establishment of horizontal and/or vertical barriers.
 - (2) Horizontal barriers shall be established.
 - (3) Vertical barriers shall be established by trenching or trenching and rodding through the bottom of the trench and at the rate prescribed by the label. When trenching cannot be performed due to elements of construction (i.e. coarse aggregate fill, rebar, etc.) the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.
 - (4) Treatment shall not be made when the soil or fill is excessively wet or when rain is imminent.
 - (5) Precautions shall be taken to prevent disturbance of the treated areas by human or animal contact or prolonged exposure to the weather.
 - (6) Immediately after completion of treatment to the main slab area, each termite pretreatment shall be stenciled or a sticker or tag permanently affixed to one of the

stubouts in an area which will be readily accessible. The stencil, sticker, or tag shall identify the company, date of treatment, and termiticide used.

(c) Pretreatment of adjacent slabs, i.e., porches, patios, entrance pads, walkways, driveways, etc., shall be as follows:

(1) Termiticide shall be applied at the rate specified on the label and in accordance with label instructions for application, to the adjacent slabs which abut the main structure.

(2) Treatment and precautions shall meet the requirements in (b)(2) and (b)(3) of this Section.

(d) Pretreatment of outside foundations shall be as follows:

(1) Treatment shall be applied to the soil by trenching or trenching and rodding into the bottom of the trench around the entire outside foundation of the structure after the final grade has been established. This treatment shall be performed within 30 days of notification of completion of landscaping or one year from the date of completion of construction, whichever comes first.

(2) Where trenching is not possible due to rocks, concrete, gutters, etc., the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.

(3) Where outside foundations (stem walls) have 12" or more of exposed concrete extending above the outside final grade, the outside foundation treatment may be omitted.

(e) Pretreatment of crawl space construction shall be made in the same manner as described in the minimum standards for existing structures (SEE PART 15 of this Chapter).

(f) Any treatment that does not meet all of the minimum standards for pretreatments under concrete slab or crawl space is considered "Partial Pretreats" and is not acceptable. In the event a portion of a structure is not treated through no fault of the applicator, it will be stated in the pretreat documentation and the contract signed by the contractor (home builder), and include specific reasoning why the area was not treated.

(g) Pesticide applicators must issue Form NPCA-99b to the builder as an attachment to the contract.

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 August 15, 2019, ODAFF conducted an inspection of the termite pretreat site located at 8872 256th Pl. in Broken Arrow, OK.
 - i. As a result of this inspection, two horizontal samples and two vertical samples were taken.

- ii. No chemical residue was recovered in the horizontal samples or the vertical samples.
- iii. On or about October 21, 2019, a Letter of Warning that detailed the above violation was sent to Respondent.
- On or about November 25, 2019, ODAFF conducted an inspection of the termite pretreat site located at 6443 E. 148th St. in Bixby, OK.
 - i. As a result of this inspection, two horizontal samples and two vertical samples were taken.
 - ii. 4.78 and 4.94 ppm imidacloprid was recovered in the two horizontal samples taken.
 - iii. The minimum acceptable residue level for a horizontal sample is 5.00 ppm.
 - iv. 4.76 and 4.20 ppm imidacloprid was recovered in the two vertical samples.
 - v. The minimum acceptable residue level for a vertical sample is 10.00 ppm.
 - vi. On or about December 30, 2019, a Letter of Warning that detailed the above violation was sent to Respondent.

ALLEGED CONCLUSIONS OF LAW

Based upon the application of the above law to the aforementioned facts, Respondent violated OAC 35:30-17-73 by failing to apply the appropriate level of pesticide.

ATTORNEY CONFERENCES

18. 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.

19. 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.
20. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

21. 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.
22. 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.
23. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
24. 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

25. 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

26. 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

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

30. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Thirty Thousand Dollars (\$30,000.00)**.
31. 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
y 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 17th day of June, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**SUPERIOR TERMITE & PEST
205 S. 85TH E AVE
TULSA, OK 74112**


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-19-889
OGC-20-005**

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

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Thirty Thousand Dollars (\$30,000.00)** 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: _____