

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

Wednesday, July 27, 2022  
10:00 a.m.

2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of June 16, 2022.
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 – Audrey Ochsner

7. Consideration and Proposed Action on Purchases/Contracts

OSU – Agriculture Leadership Program for FY23 - \$40,000  
OSU FY 23 - \$1,000,000 – Oklahoma Agricultural Experiment Station  
Oklahoma Governor’s Office FY23 - \$37,500  
OSU - \$2,000,000 – OSU-DASNR  
Grants to Incorporated Municipalities - \$5,000,000  
Oklahoma veterinary Medical Association (OVMA) - \$6,000  
FY23 – \$800,000 – contract with Oklahoma Association of Regional Councils for Rural Fire Coordinators  
FY23 - \$1,475,000 – Rural Fire 80/20 Reimbursement Pass-through Grants  
FY23 - \$4,544,550 – State Operational Assistance Grants  
FY23 - \$7,000 – Postage meter at FRC and Community Fire Headquarters  
FY23 - \$36,000 – NE area needs equipment and repair of mowers, dozers, trailers & office buildings.  
FY23 - \$8,500 – Purchase up to 10 tons of sulfur 90% Pastille for Forest Regeneration Center  
FY23 - \$10,000 – Southern Pine Beetle Prevention Program – Twin Meadows LLC  
FY23 - \$10,000 – Federal Funds – Renew Oklahoma Garden Grant  
FY23 - \$15,000 – Federal Funds – Renew nonbinding contract with Oklahoma Urban & Community Forestry Council  
FY23 - \$41,000 – Federal Funds – ward Federal pass-through funding to communities for Urban & Community Forestry Grants  
FY23 - \$23,000 Federal Funds – Award Federal pass-through funding to financially hardship neighborhoods/communities for the Urban & Community Forestry Grants  
FY23 - \$55,000 Federal Funds – Award Federal pass-through funding to assist financially hardship neighborhoods/communities for recovery of recent winter storm  
FY23 - \$95,000 – Pickup Trucks, ½-ton, 4X4  
FY23 - \$152,250 - Pickups, ¾-ton, 4X4  
FY23 – Freestyle Creative – Agritourism Wine trails Digital Advertising - \$12,750  
\$30,000 – American Farmers & Ranchers Cooperative Agreement  
\$62,000 – Agritourism handwashing stations

8. Consideration and Proposed Action on Agency Travel

9. Consideration and Proposed Action on Cases Resolved by Stipulations  
**Agricultural Environmental Management Services**  
**Rhema Abercrombie, 2017 E. Broadway Avenue, Enid, Oklahoma**  
**Brian Cox, 2139 Union Grove Road, Haworth Oklahoma**  
**Vue Lor, 65828 S. 4700 Road, Westville, Oklahoma**

**Consumer Protection Services**

**Benjamin Buckland, 2115 Waynoka Street, Waynoka, Oklahoma**  
**Darryl Buckner, 272 Daisy Road, McAlester, Oklahoma**  
**Casey's General Store, 15001 S. Western Ave., Oklahoma City, Oklahoma**  
**Dollar General, 103 Nebraska, Cyril, Oklahoma**  
**Jasmine Green, LLC, 1718 Greenwood Road, Yale, Oklahoma**  
**Man Jiang, 1261 E. 33<sup>rd</sup> Street, Edmond, Oklahoma**  
**Kevin Pham, OG Sky LLC, 2008 Beaver Road, Wilson, Oklahoma**  
**Triathlawn, 47302 Ruben Rivers Road, Earlsboro, Oklahoma**

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

10. Consideration and Proposed Action on Cases Resolved by Consent Order  
**Agricultural Environmental Management Services**  
**Van Peng, 1705 Conley Road, Idabel, Oklahoma**

**Consumer Protection Services**

**Terrascapes, LLC, 2832 S. E. 9<sup>TH</sup> Street, Oklahoma City, Oklahoma**

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11. Consideration and Proposed Action on Proposed Emergency Rule

**MARKET DEVELOPMENT**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry

Chapter 40. Market Development

Subchapter 23. Oklahoma Winter Storm Grant Program [NEW]

35:40-23-1. Purpose [NEW]

35:40-23-2. Definitions [NEW]

35:40-23-3. Applicant eligibility [NEW]

35:40-23-4. Evaluation criteria [NEW]

35:40-23-5. Application requirements [NEW]

12. Next Board meeting scheduled for **Thursday, September 15, 2022**, at Oklahoma City.
13. Old Business
14. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.
15. Adjournment

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

Oklahoma City, Oklahoma  
June 16, 2022

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., June 16, 2022, 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  
Blayne Arthur  
Clay Burtrum  
Nocona Cook

Member Absent: Brent Bolen

Others Present: Kandi Batts, Executive Secretary  
JanLee Rowlett, Deputy Commissioner  
Dan Ridings, Director, Administrative Services  
Wade Krivanek, Director, Laboratory Services  
Mark Goeller, Director, Forestry Services  
Kenny Naylor, Director, Consumer Protection Services  
Dr. Alicia Gorczyca-Southerland, Animal Industry Services  
Scott Alls, Director, Wildlife 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, Chief of Communications  
Ashley Chael, Oklahoma Information Fusion Center  
Ashley Langston-Ailey, Office of General Counsel  
Trace Justiss, Office of General Counsel  
Sue Ellen Farris  
Audrey Ochsner, Public Engagement Specialist  
Landri Chaplin, Executive Office Intern  
Emily Shuping, Made in Oklahoma Coalition Coordinator  
Courtney Talbot, Mountain View Meats  
Chris Field, Field's Pies  
David Brooks, Shawnee Mills

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

Ms. Meriruth Cohenour introduced the guests.

A motion was made by Mr. Farris, seconded by Mr. Cook, to approve the minutes of the regular meeting of April 27, 2022, as presented.

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

Ms. Meriruth Cohenour, Director of Market Development Services division, introduced Emily Shuping, Made in Oklahoma Coalition Coordinator, and the three board members: Courtney Talbots with Mountain View Meats, David Brooks with Shawnee Mills, and Chris Field with Field's Pies.

Made in Oklahoma Coalition is a public private partnership between the Oklahoma Department of Agriculture and privately owned food and beverage companies in Oklahoma. The Coalition is dedicated to building up agricultural-based companies to improve local businesses as well as the economy.”

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

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Cook, to approve the following purchases/contracts as submitted and contained on pages 6 through 11.

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Farris, to approve the Proposed Action on Stipulations as submitted and contained on pages 12 through 14.

**Agricultural Environmental Management Services**

**Pawnee Livestock Sales, 345265 U. S. Highway 64, Pawnee, Oklahoma**  
**Linsey Porter, 12505 N. E. Rogers Lane, Lawton, Oklahoma**  
**Linda & Anthony West, 22166 Davis Drive, Earlsboro, Oklahoma**

**Consumer Protection Services**

**Adam Brockriede, 18053 CR NS 223, Frederick, Oklahoma**  
**C Express, 2319 E. Lindsey Norman, Oklahoma**  
**C Express, 2319 E. Lindsey Norman, Oklahoma**  
**Complete Pest Control, P. O. Box 32683, Oklahoma City, Oklahoma**  
**EDKO, 4615 Marlena Street, Bossier City, LA**  
**EDKO, 4615 Marlena Street, Bossier City, LA**  
**Green Cover Services, LLC, 118 Harth Ave., Ponca City, Oklahoma**  
**Rich Lawns, 3225 N. Bryant Ave., Edmond, Oklahoma**

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The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Cook, to approve the Proposed Action on Consent Orders as submitted and contained on pages 12 through 14.

**Agricultural Environmental Management Services**

**Jerry Nine, 900 Lakeview Drive, Woodward, Oklahoma**

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.



A motion was made by Mr. Cook, seconded by Mr. Burtrum, to approve the Proposed Action on Consent Order as submitted and contained on pages 12 through 14.

**Consumer Protection Services**

**Mosquito Joe of Tulsa, 13795 S. 309<sup>TH</sup> E. Ave., Coweta, Oklahoma**

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Farris, to approve the Proposed Action on Consent Order as submitted and contained on pages 12 through 14.

**Consumer Protection Services**

**Superior Termite & Pest Control, 205 S. 85<sup>th</sup> E. Ave., Tulsa, Oklahoma**

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

**Consumer Protection Services**

**Helena Agra Enterprises, P. O. Box 547, Coweta, Oklahoma**

A motion was made by Mr. Burtrum, seconded by Mr. Cook, to discuss the Proposed Action on Helena Agra Enterprises in Executive Session. Ms. Teena Gunter requested Mr. Brady Robison to stay for the Executive Session.

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

The Board moved into Executive Session. No votes were taken during Executive Session.

A motion was made by Mr. Farris, seconded by Mr. Burtrum, to reconvene into open session to approve the Proposed Action on Consent Order as submitted and contained on pages 12 through 14.

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Cook, seconded Mr. Burtrum, to approve the Proposed Action on Consent Order as submitted and contained on pages 12 through 14.

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

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

There is no Old business presented for the Board to take action upon. Mr. Burtrum moved, Mr. Farris seconded, that the meeting be adjourned at 12:04 p.m.

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

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

# JUNE 16, 2022 BOARD MEETING

## PURCHASES/CONTRACTS

### Administrative Services

#### **FY22 – New Computers & Docking Stations - \$122,116.20**

Purchase of sixty-nine (69) Dell Mobile Precision 3560 laptops, docking stations and NTT deployment cost; as part of Phase 1 of the ODAFF CPU refresh. This phase includes Admin, Executive Office, OGC, AEMS, and parts of CPS. If this refresh is not done we will continue to use aging CPU's which are failing daily at an alarmingly rapid rate. This would inadvertently hinder our ability to fulfill our ODAFF statutory mission.

#### **FY22 - Petroleum Traders (Bulk Fuel) – (Overage – increase contract amount to \$86,000)**

Due to rising fuel cost the agency request an increase of \$20,000 to complete FY2022 Bulk Fuel purchases. Forestry Services has several remote office locations with heavy firefighting equipment. Providing bulk fuel allows for these locations to fuel it firefighting equipment and remain in a ready status when dispatched. Without this purchase this could greatly reduce agency response times, thus putting the public and property at greater risk.

**FY23 - \$12,000** - Purchase of Geosafe subscription for Investigative Services. Geosafe is a program and application providing location identification for Special Agents. It is a specific law enforcement smartphone app showing an agent's location on a map in real time. It also records the activity. It provides a great amount of officer safety in that, the agent's location is shared with other law enforcement agencies subscribed to the application. Currently, most counties and state agencies utilize the service. It also allows agents to do warrant searches and identify stolen property in the field without having to call into the office and have second person search the information through the Oklahoma Law Enforcement taking them away from other duties.

### Agricultural Environmental Management Services

#### **A request of \$170,000**

Professional Services – for FY23 request for approval of \$170,000 to fund MOA with Oklahoma Water Resource Board (OWRB) to sample LMFO groundwater monitoring wells around lagoons. Funding is provided from Environmental Protection Agency (EPA) and dispersed directly to OWRB through Oklahoma Secretary of Energy & Environment (OSEE)

### Agricultural Statistics

Printing of Oklahoma Agricultural Statistics annual bulletins, and Oklahoma Pocket Facts for FY 2023 - \$12,000.

### Animal Industry

**Oklahoma Veterinary Medical Association (OVMA) - \$20,000.00** – OVMA is the only entity in the State of Oklahoma that has the ability and contracts statewide to enhance pet sterilization effort is the OVMA. No other entity has access to veterinarians and humane organizations on a statewide basis.

**USAHerds - \$28,137.71** – USAHerds maintenance contract allows us to receive yearly enhancements that make the USAHerds program more efficient, user friendly and to offer maintenance hours that we use to correct errors and problems and to personalize the program for us.

**Acclaim Systems, Inc. - \$11,600.00** - This agreement provides use access for the State of Oklahoma to utilize the VET-CVI application for the duration of time listed in this maintenance agreement. Oklahoma must follow the intended use for this application and only approve accredited veterinarians within their state that meet the USDA requirements.

### **Consumer Protection Services**

#### **Oklahoma State University Soil Fertility Research --\$65,000.00**

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

This is in addition to the original request of \$450,000.00 due to fertilizer tonnage revenue exceeding 1 million dollars for FY2022. Pursuant to 2 O.S. § 8-77.7 (A), ODAFF is required to collect an inspection fee of \$1.00 per ton of which \$0.50 per ton shall be forwarded directly to a special Soil Fertility Research Account in the Department of Plant and Soil Sciences of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University (OSU) for the purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops and forages and groundwater and surface water protection from plant food nutrients. Though tonnage amounts vary each year due to when a crop is planted, commodity prices, fertilizer prices and the weather we use the upper range of inspection fees paid annually to determine the amount of \$450,000.00 that could potentially be paid out to OSU. However, the actual amount paid to OSU will be based on the amount of inspection fees paid to ODAFF.

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

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

### **Food Safety**

#### **Contract employee for Dairy Services - \$30,000.00**

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

### **Oklahoma State University Produce Safety Training Contract Approval - \$74,000**

Outreach and education activities including teaching Produce Safety Alliance classes across the state, developing educational materials and videos, assisting farms with the On-Farm Readiness Review, measuring the effectiveness of these trainings to determine what topics need further training, and assisting ODAFF in identifying and outreach to farms that may need to comply with the law.

The Produce Safety Alliance class is the only class currently recognized by the FDA to satisfy the produce farm manager training portion of the produce safety rule. To teach this class, a team of certified trainers and a certified lead trainer is required, and OSU has several personnel certified to teach this class including the only lead trainer in the state. The On-Farm Readiness Review tool is currently in development by NASDA, and should be available to the states this winter. It will provide an educational tool that can be taken to the individual farms and help them identify what areas they need to improve on to comply with the new law.

### **Win Wam computer software up keep for produce safety inspections - \$5,200.00.**

This computer program is used for completing FDA produce safety compliance inspections. Currently Kelly Registration Systems is 2 to 3 years from completing Food Safeties online programs. This would be for updates and for software update fees. This would be paid for by the FDA Produce Grant.

### **Forestry Services**

#### **FY22 - Gooseneck Trailer, \$25,000 (SFA Grant)**

Purchase one (1) heavy duty, tandem axle trailer with ramps. This trailer will be used to transport a skid steer with attachments for the purpose of treating hazardous fuels in and around At-Risk Communities statewide. This program is part of the National Cohesive Wildland Fire Management Strategy with the intent of developing fire adapted communities. Funding for this purchase will come from the FY18 US Forest Service State Fire Assistance - Mitigation Grant.

This is the second request for this purchase. After reaching out to the original vendor to make the purchase, we were informed delivery of the trailer would be 24 months. Not being able to wait that long due to federal funding expiring, we looked to another vendor on the statewide contract for a comparable product. One was found that could be ordered and delivered in the timeframe needed but due to increased costs of materials, the amount came in above the 10% margin with the original estimate used for the request.

### **Laboratory Services**

#### **FY23 – Contract Renewal for the purchase of analytical gas and high quality argon - \$11,566.84**

Contract renewal for the purchase of analytical gas and high quality argon for testing various agricultural products and cylinder rental. Effective 07/01/22 – 06/30/23.

#### **FY23 – Contract Renewal for the purchase of analytical grade water - \$6,300.00**

Contract renewal for the purchase of analytical grade water for laboratory testing. Effective 07/01/22 – 06/30/23.

#### **FY23 – Purchase of SCC Standards - \$5,356.00**

Purchase of SCC Standards necessary for the detection and analysis of Somatic Cell counts in raw milk for the dairy program as a requirement under FDA guidelines. Effective 07/01/22 – 06/30/23.  
**FY22 – Purchase of Nitrogen Generator - \$18,750.00**  
Purchase of a Nitrogen Generator for use as a drying gas for sample extraction processes.

**FY22 – Purchase of Hydrogen Generator - \$15,547.53**  
Purchase of Hydrogen Generator to create hydrogen gas as a carrier gas for the sole purpose to generate gas at low levels reducing chances of explosion.

## **Market Development Services**

### **Agritourism Printing - \$47,994.51**

It is the goal of the Agritourism Program to utilize all marketing channels to create a consistent brand awareness campaign and utilize these channels for seasonal promotions within the many categories of Agritourism. The brochure distribution program is one of the top marketing channels for Oklahoma Agritourism as we are able to reach hundreds of thousands of consumers each year. Not only are individual consumers requesting these brochures through TravelOK.com, but they are also distributed at festivals, tradeshow, and other events throughout the year. If this expense is not approved, there will be a negative impact on the ability of the Agritourism Program to promote and advertise the 400+ Agritourism venues in the state, resulting in an economic loss of those businesses and the local economy in those areas.

### **Oklahoma Youth Expo - \$85,000.00 – Legislative Directed Spending**

This amount of \$85,000.00 will directly support the 2023 state-wide spring junior livestock show. For 104 years, the youth of the state of Oklahoma have exhibited some of the finest livestock in the country at OYE, which carries the title of “The World’s Largest Junior Livestock Show” with participants from all 77 Oklahoma counties. OYE also provides agricultural scholarships and leadership-training programs for Oklahoma students. The 10-day OYE generates an economic impact of \$24.5 million to the OKC economy and provides hundreds of youth with scholarships to continue their education at a collegiate level. If this purchase is not approved, there is negative impact on conducting the 2023 Oklahoma Youth Expo (OYE) as well as a reduction of show ring achievement and academic scholarships to the youth of Oklahoma.

### **Made in Oklahoma Coalition - \$513,000.00**

The amount of \$513,000.00 goes directly to support a unique public/private partnership that establishes a marketing program for the purpose of promoting food brand awareness, trade and consumer loyalty for Oklahoma food products through a variety of cooperative marketing activities. In addition, MIO promotes business retention, increase of sales to retail and foodservice outlets and business expansion. If this support is not provided, there is a negative impact on the seventy MIO members who employ over 26,000 Oklahomans who have reported increased sales directly related to the MIO marketing campaigns. In addition, the momentum of new, small businesses benefiting from MIO resources and connections will be impaired.

### **Tulsa County Public Facilities Authority – Expo Square - \$50,000.00**

The amount of \$50,000.00 goes directly for the purpose of promoting the Oklahoma agriculture industry through national agriculture events, Tulsa State Fair Junior Livestock Auction, and the Tulsa State Fair Livestock Scholarship Program. If this purchase is not approved, there will be a negative economic impact to Tulsa and surrounding communities with the loss of national ag events hosted at Expo Square. In addition, there would be a negative impact on conducting the 2022 Tulsa livestock show and a reduction of scholarships to the youth of Oklahoma.

FY2023 – AgHERculture – facility rental and food - additional \$4,300 – Went to board in March for \$10,000.00 and bids came back higher than expected so this is the additional amount of the project. – \$4,300.00

FY2023 - Harvest of the month tear sheets - graphic design and printing - Project funded entirely by the Specialty Crop Block Grant - \$22,100.00

FY2023 – Hannah Henson – Ag Enhancement and Diversification Grant - \$5,000.00

FY2023 – Texas County Fair Board – Ag Enhancement and Diversification Ag Event Grant - \$5,000.00

FY2023 – Travis Thorburn – Ag Enhancement and Diversification Grant - \$7,500.00

### **Office of General Counsel**

FY23 - \$36,942.13 for GovQA 2023 contract.

Brief description of the proposed expense, cost, its necessity, and any deadlines for approval. GovQA is a new product that will allow OGC and the rest of the agency to more easily and efficiently fill open records requests. It will allow all records requests to be filled electronically and will allow large files to easily be transferred electronically. It is an online product. In addition, it will allow ODAFF to invoice the requester for very large requests and allow the agency to recoup some funds for filling the requests.

Contract for OGC Administrative Law Judge FY 2022 effective 7/1/2022 – 6/30/2022. An increase of \$2,000 to offset 02/01/2022 – 6/30/2022 of \$10,000.

Contract for OGC Administrative Law Judge FY 2023 effective 7/1/2022 – 6/30/2023 not to exceed \$10,000.

Contract renewal for OGC Westlaw and Clear online legal research system FY 2023 effective 7/1/2022-6/30/2023. Contract not to exceed \$20,000.

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval. Westlaw is a necessary legal research tool for the agency attorneys. It allows them to easily and quickly review federal, Oklahoma, and other states' case law and statutes to better serve the agency. CLEAR allows the Office of General Counsel and Investigative Services to search for addresses and other information regarding individuals for which we do not have good contact information.

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

Without Westlaw, agency attorneys would be unable to efficiently research federal and state law, resulting in more time looking for information and less time actually completing projects and assisting the agency. Without CLEAR, Investigative Services would have a more difficult time investigating cases because of the time that would be spent searching for individuals. The Office of General Counsel would have a more difficult time finding individuals on enforcement matters.

A request of \$90,000 for R.K. Black

Scanning of all of OGC files and case files for permanent record to move from paper copies to a digital footprint. R.K. Black estimated approximately 1,500,000 images are to be scanned. The cost will consist of:

- Preparation of documents for indexing at state rate – Indexing .15 cents per index
- Scanning of hard copy records with high labor intensiveness per state contract Heavy scanning .10 cents per page
- Scanning of hard copy records with medium labor intensiveness per state contract price Medium scanning .08 cents per page
- File delivery (removable, media) TBD
- Other cost
- Box Storage included
- Shredding included
- Pick-up and Delivery included

This amount will fluctuate proportionately with the actual number of records in the overall project. OGC needs to keep these records forever; an electronic storage will prevent molded paper documents and provide a better storage system.

### **Wildlife Services**

\$ 19,000.00 - ODAFF Wildlife Services is requesting approval to purchase a Kawasaki 4x4 side by side UTV. This UTV will allow the wildlife specialist to move trapping equipment into remote locations unable to be accessed with a traditional vehicle, additionally they will be used to survey land looking for wildlife damage more efficiently.

Not approving of this purchase will mean we continue operating in a less efficient way. Currently, traps are moved manually into remote locations increasing the risk of injury to the employee and surveying for wildlife damage by foot decreases productivity. This way of operation is less efficient and costs the agency more dollars due to longer and fewer visits daily.



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

**APPROVAL OF CASES**

ON THIS 27<sup>th</sup> day of April 2022 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 27<sup>th</sup> day of April 2022.

  
Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**April 27, 2022**

**Cases Resolved by Stipulation**

**Agricultural Environmental Management Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Russell Adam	OGC-21-434	AEMS	\$400.00
Jeff Hickson	OGC-21-544	AEMS	\$400.00
Ricky Don Seals	OGC-21-431	AEMS	\$200.00
Steven Yang	OGC-21-488	AEMS	\$5,000.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
7-Eleven #41478	OGC-21-442	CPS	\$450.00
7-Eleven #41410	OGC-21-375	CPS	\$450.00
Evan Allard	OGC-22-071	CPS	\$250.00
Arnold Brothers	OGC-22-020	CPS	\$500.00
Dollar General	OGC-21-707	CPS	\$825.00
Dollar General	OGC-21-705	CPS	\$525.00
Dollar General	OGC-21-317	CPS	\$525.00
Dollar General	OGC-22-008	CPS	\$375.00
Dollar General	OGC-22-005	CPS	\$525.00
Dollar General	OGC-22-004	CPS	\$525.00
Dollar General	OGC-22-055	CPS	\$900.00
Dollar General	OGC-22-053	CPS	\$375.00
Dollar General	OGC-22-052	CPS	\$525.00
Don's Pest & Weed	OGC-21-896	CPS	\$250.00
George Enterprises	OGC-22-016	CPS	\$500.00
Jiffy Trip #304	OGC-22-009	CPS	\$1,050.00

Kind Origins Cannabis	OGC-22-015	CPS	\$500.00
Maverick Environmental Solutions	OGC-20-822	CPS	\$500.00
Pond Rx	OGC-21-817	CPS	\$500.00
Texoma Horticulture	OGC-22-29	CPS	\$250.00
Town & Country Pes, Turf and Termite LLC	OGC-22-32	CPS	\$750.00
Western Prod. Coop.	OGC-20-830	CPS	\$250.00
Wilkins Lawn & Landscape	OGC-22-021	CPS	\$500.00

**Food Safety Division**

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Twisted Sister Butcher	OGC-21-183	FS	\$900.00

**Cases Resolved by Consent Order**

**Consumer Protection Services**

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Stegg's Aerial Spraying	OGC-20-633	CPS	\$500.00



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

## **July 27, 2022, Board Report**

### **Administrative Services**

# Administrative Services – Investigative Services

**INVESTIGATIVE SERVICES ACTIVITIES**  
**MAY 2022**

INVESTIGATIONS	MAY	YTD	FYTD
LIVESTOCK	3	22	45
FIRE	3	23	35
PROPERTY	1	11	27
TIMBER	1	5	9
AGENCY ASSISTS      ODAFF		4	4
AGENCY ASSISTS      EXTERNAL		6	8
OTHER	2	10	15
<b>TOTAL INVESTIGATIONS OPENED</b>	<b>10</b>	<b>81</b>	<b>143</b>
CLOSED PENDING ADDITIONAL INFORMATION	4	18	32
NO CRIME	4	10	24
NO PROSECUTION		0	0
CLOSED - ASSIST CASE		5	8
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	1	5	5
REFERRED FOR ADMINISTRATIVE ACTION		0	0
<b>TOTAL INVESTIGATIONS COMPLETED</b>	<b>9</b>	<b>38</b>	<b>69</b>
COUNTS FILED		23	27
VALUE OF LOSSES - ALL CRIMES	\$106,200	\$1,107,337	\$2,183,937
RECOVERED LOSSES - ALL CRIMES	\$46,200	\$389,750	\$894,800
NUMBER OF CATTLE REPORTED STOLEN	25	62	148
NUMBER OF CATTLE RECOVERED	2	14	14

# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES

JUNE 2022



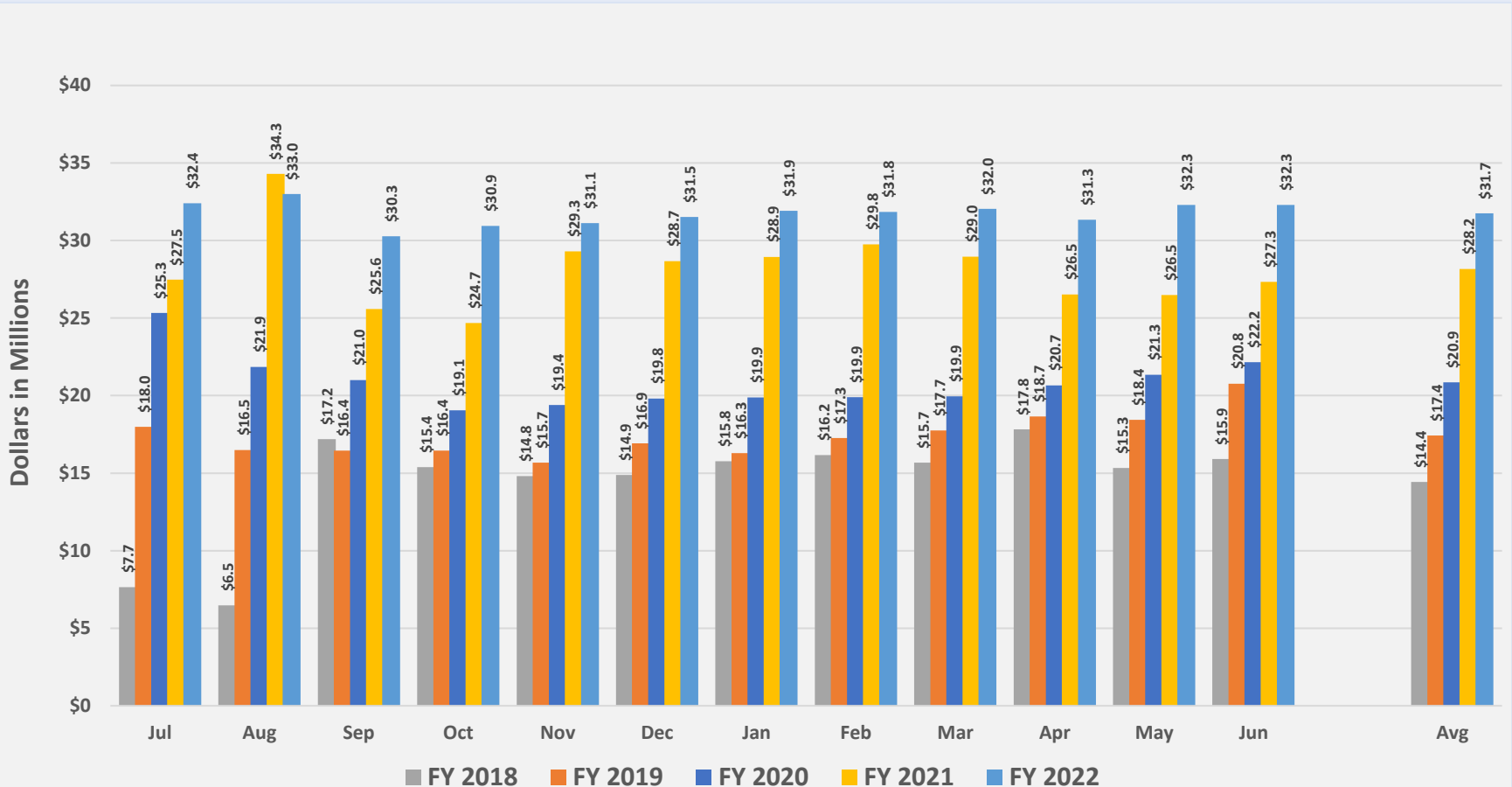
INVESTIGATIONS	JUNE	YTD	FYTD
LIVESTOCK	2	24	47
FIRE		23	35
PROPERTY		11	27
TIMBER		5	9
AGENCY ASSISTS      ODAFF		4	4
AGENCY ASSISTS      EXTERNAL	3	9	11
OTHER	1	11	16
<b>TOTAL INVESTIGATIONS OPENED</b>	<b>6</b>	<b>87</b>	<b>149</b>
CLOSED PENDING ADDITIONAL INFORMATION	7	25	39
NO CRIME	1	11	25
NO PROSECUTION		0	0
CLOSED - ASSIST CASE	2	7	10
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	1	6	6
REFERRED FOR ADMINISTRATIVE ACTION		0	0
<b>TOTAL INVESTIGATIONS COMPLETED</b>	<b>11</b>	<b>49</b>	<b>80</b>
COUNTS FILED	1	24	28
VALUE OF LOSSES - ALL CRIMES	\$131,700	\$1,239,237	\$2,315,637
RECOVERED LOSSES - ALL CRIMES	\$111,700	\$701,430	\$1,006,300
NUMBER OF CATTLE REPORTED STOLEN	1	63	149
NUMBER OF CATTLE RECOVERED	1	15	15

# Administrative Services

- BrightPath/WorkDay system go live date is August 15, 2022
  - Training for staff in progress
- Fiscal Year 2023 Budget submitted
- AVL (Auto Vehicle Locators)
  - Vehicle installation has begun
- Asset Panda Inventory System in the process of being implemented

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

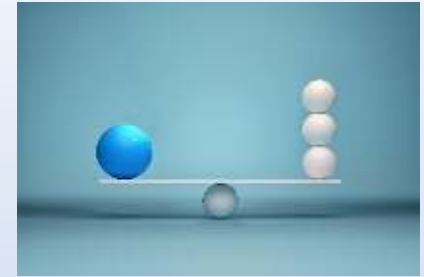
## Months Ending: July 2017 – June 2022



*Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,180,791 as of 6/30/2022.*

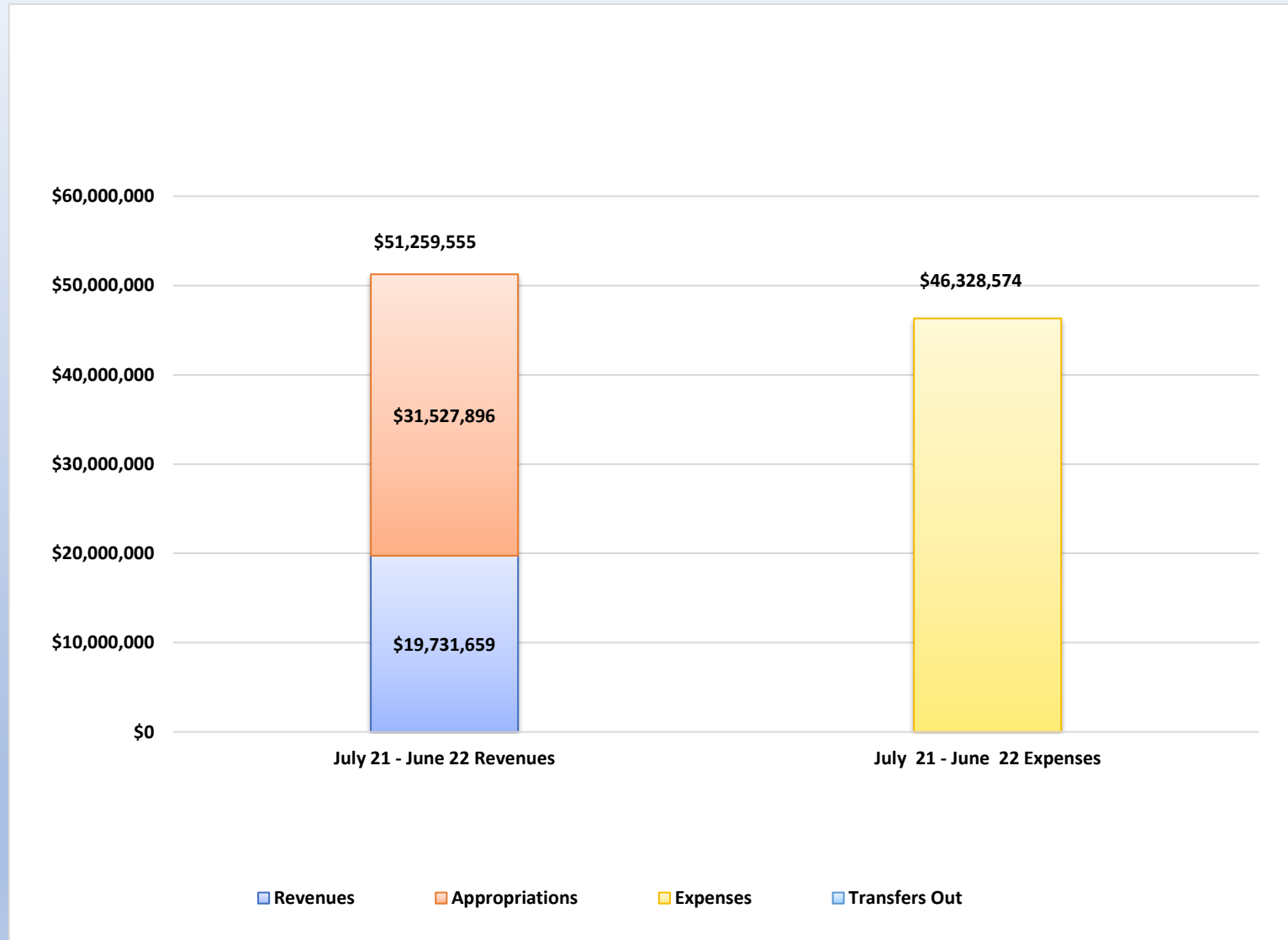


# Administrative Services - Finance



- Cash balance as of 6/30/2022 was \$32.3 million compared to \$27.3 million as of 6/30/2021.
  - This is an increase of \$5 million from the prior year and is primarily attributed to the following:
    - Timing of payments
    - Funds encumbered for items for which delivery has been delayed due to supply chain issues.

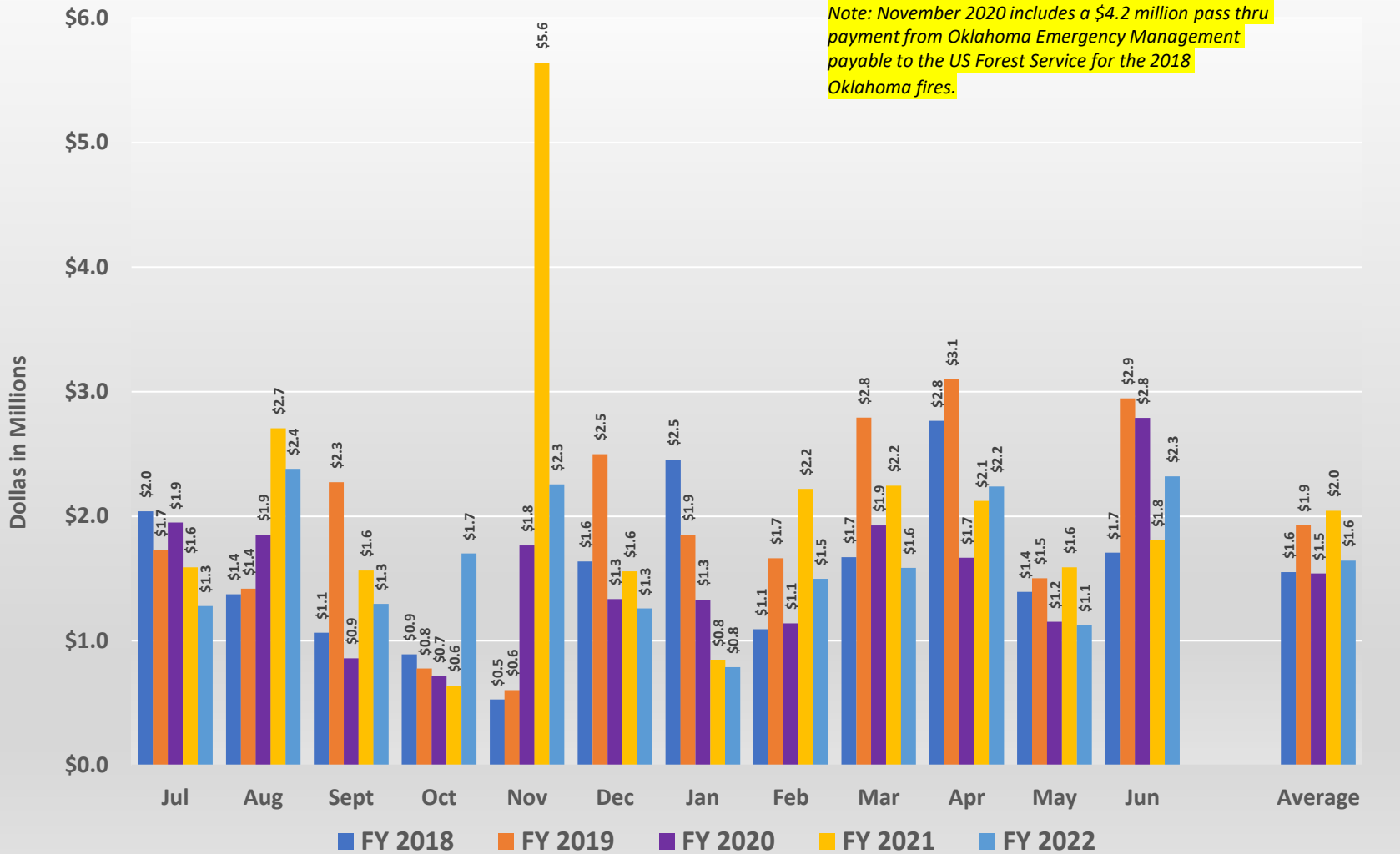
# Total Revenues, Expenses, Transfers In & Out July 2021 thru June 2022



# Total Revenue by Month

## July 2017 – June 2022

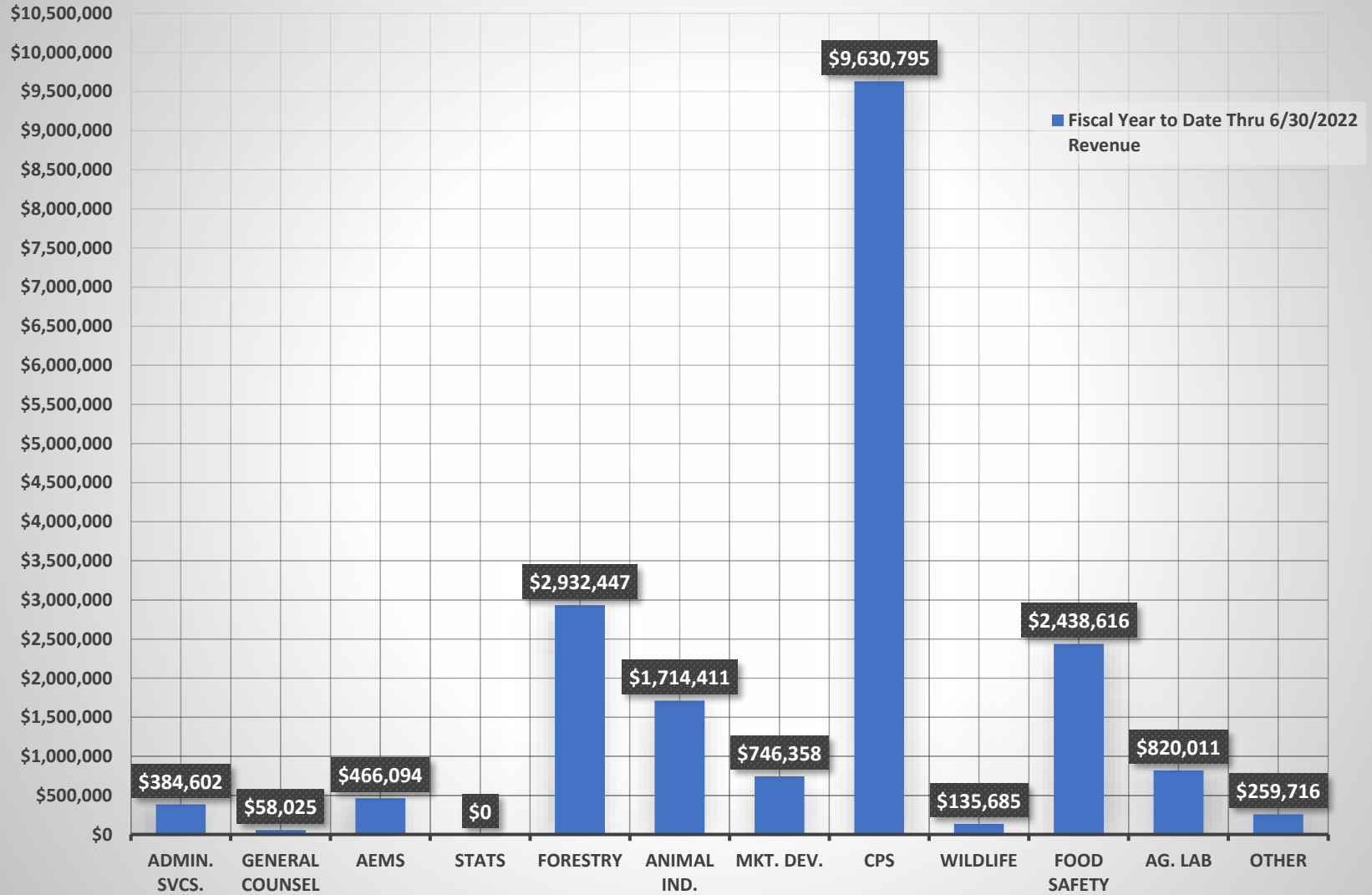
Note: November 2020 includes a \$4.2 million pass thru payment from Oklahoma Emergency Management payable to the US Forest Service for the 2018 Oklahoma fires.



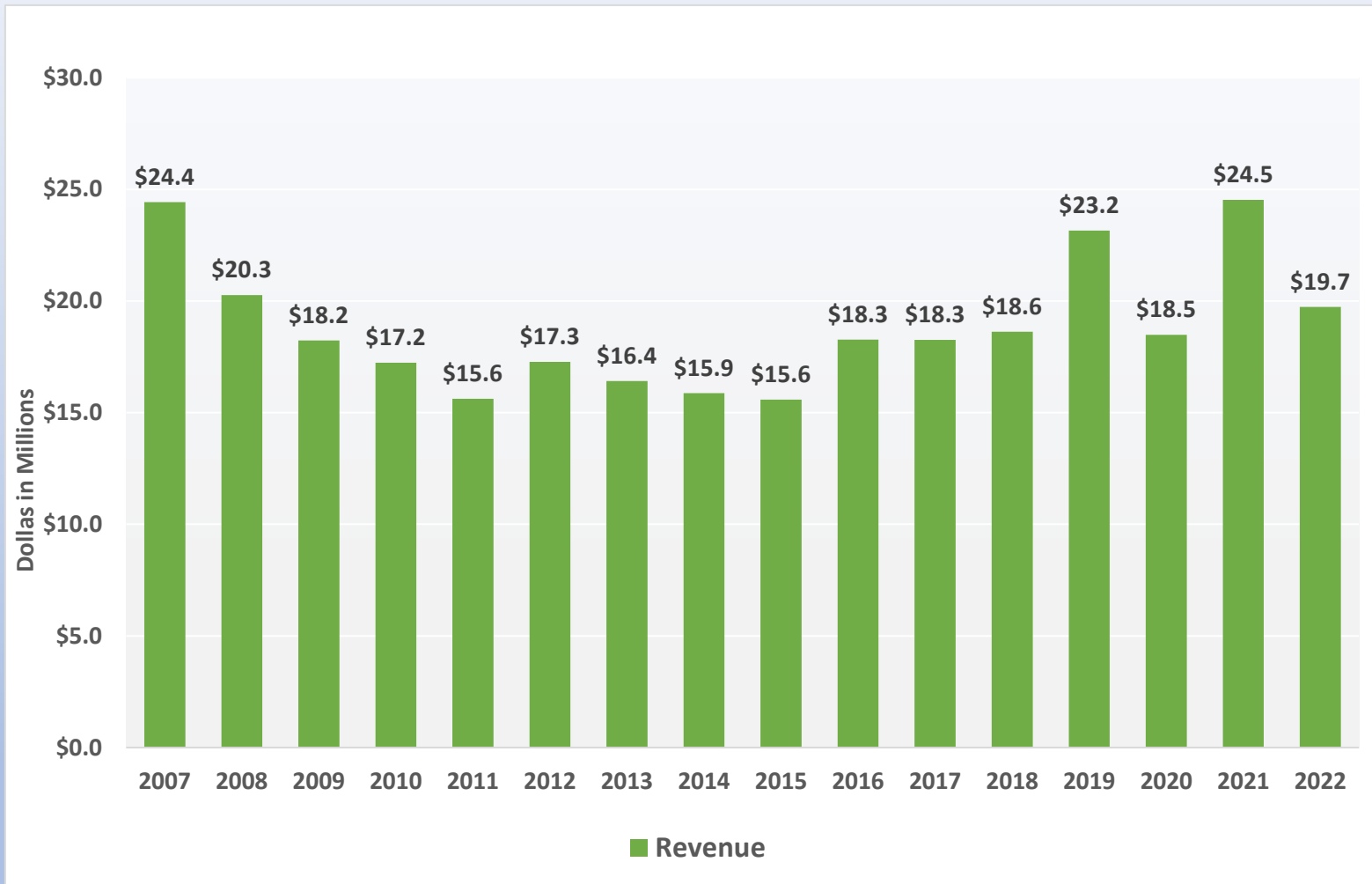
Revenue By Division  
July 2021 – June 2022

Division	June 2022 Revenue	Fiscal Year to Date Thru 6/30/2022 Revenue
Admin. Svcs.	(10,052)	384,602
General Counsel	19,000	58,025
AEMS	142,597	466,094
Stats	-	-
Forestry	559,279	2,932,447
Animal Ind.	585,061	1,714,411
Mkt. Dev.	31,023	746,358
CPS	663,620	9,630,795
Wildlife	1,700	135,685
Food Safety	218,826	2,438,616
Ag. Lab	54,658	820,011
Other	46,523	259,716
<b>DIVISION TOTAL</b> (see division receipts graph below)	<b>2,312,236</b>	<b>19,586,760</b>
Commodity Storage Indemnity	10,449	144,898
Appropriations	2,285,279	31,527,896
<b>AGENCY TOTAL</b>	<b>4,607,964</b>	<b>51,259,555</b>

# Revenue By Division July 2021 – June 2022



## Total Revenues by Fiscal Year: FY 2007 – FY 2022



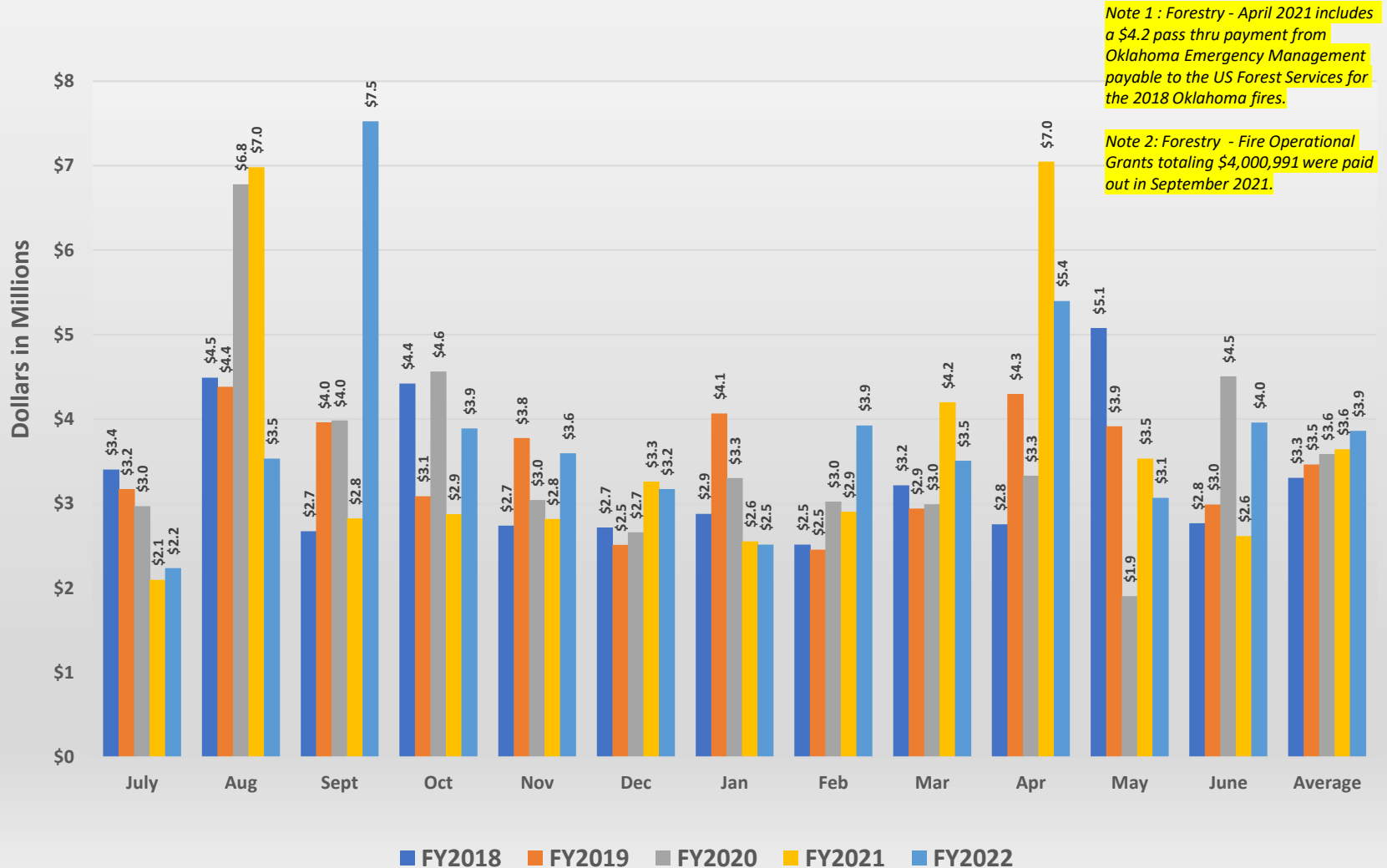
# Administrative Services - Finance

- Revenues (excluding appropriations) for July 2021 thru June 2022 totaled \$19.7 million.
- This is a decrease \$4.8 million from the prior year and is primarily attributed to the following:
  - \$4.2 million pass thru payment received in November 2020 from Oklahoma Emergency Management payable to the US Forest Service for the 2018 fires in Oklahoma
  - Timing of receipt payments



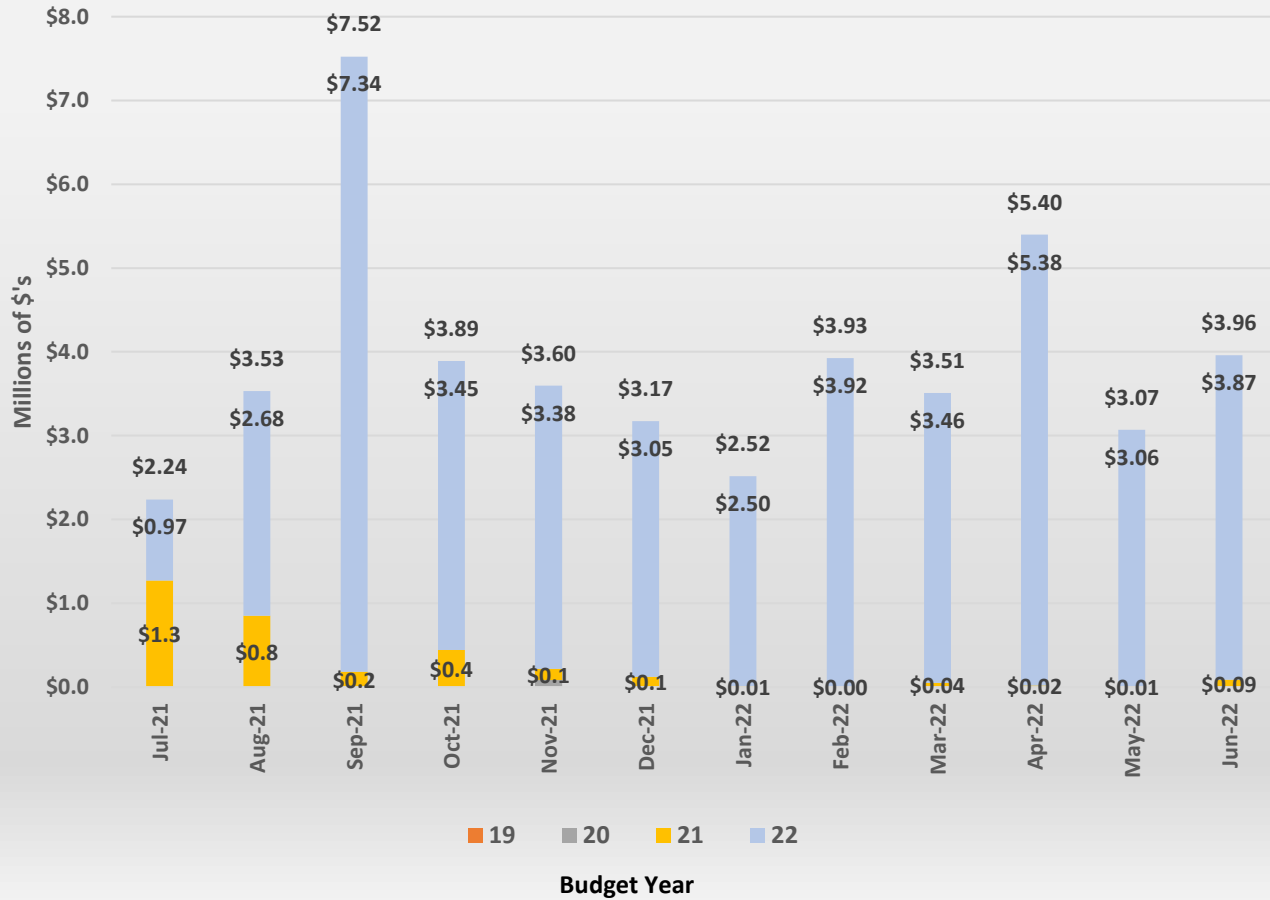
# Total Expenses by Month

## July 2017 – June 2022

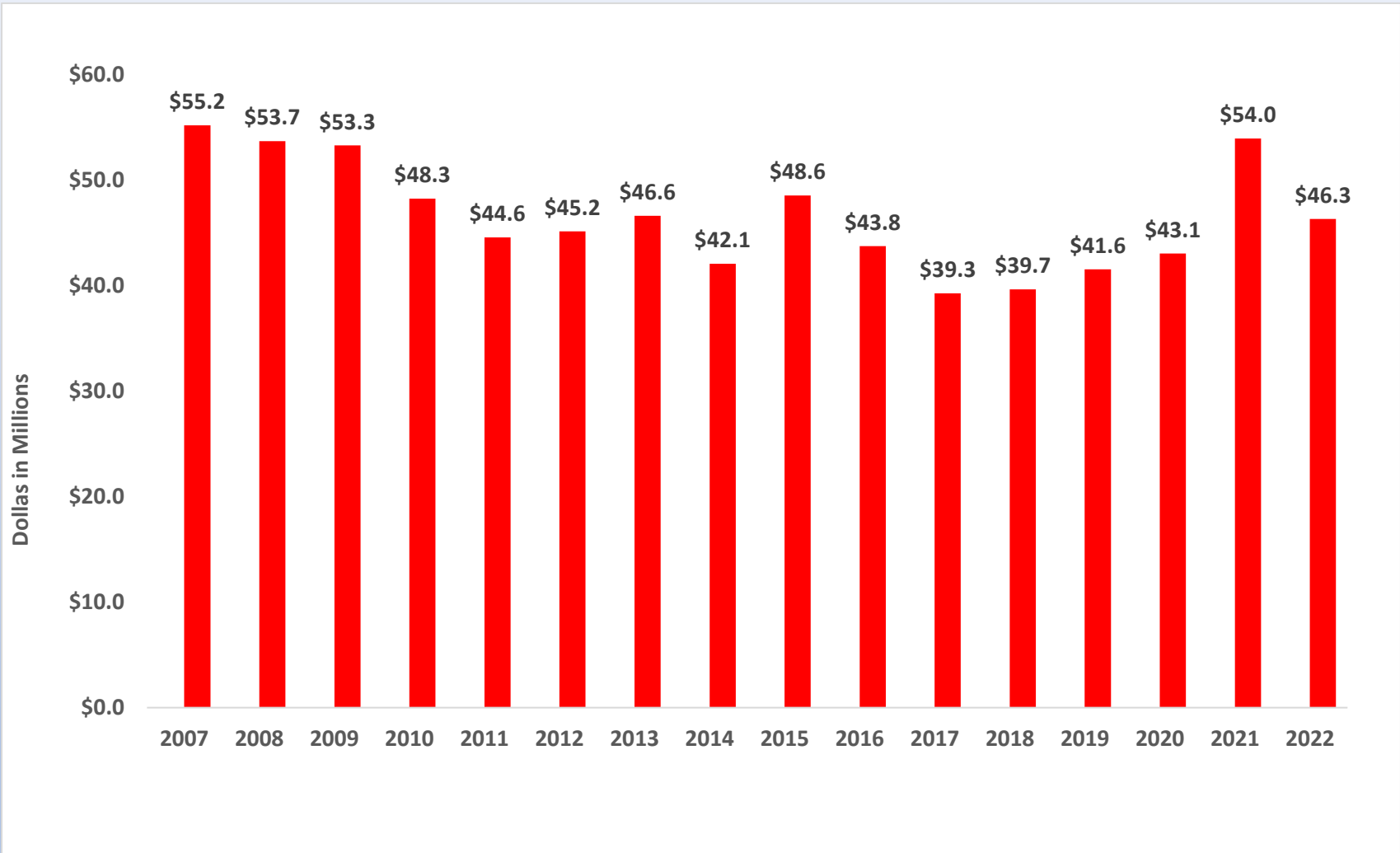




## FY 2022 Total Expenses by Month with Budget Year



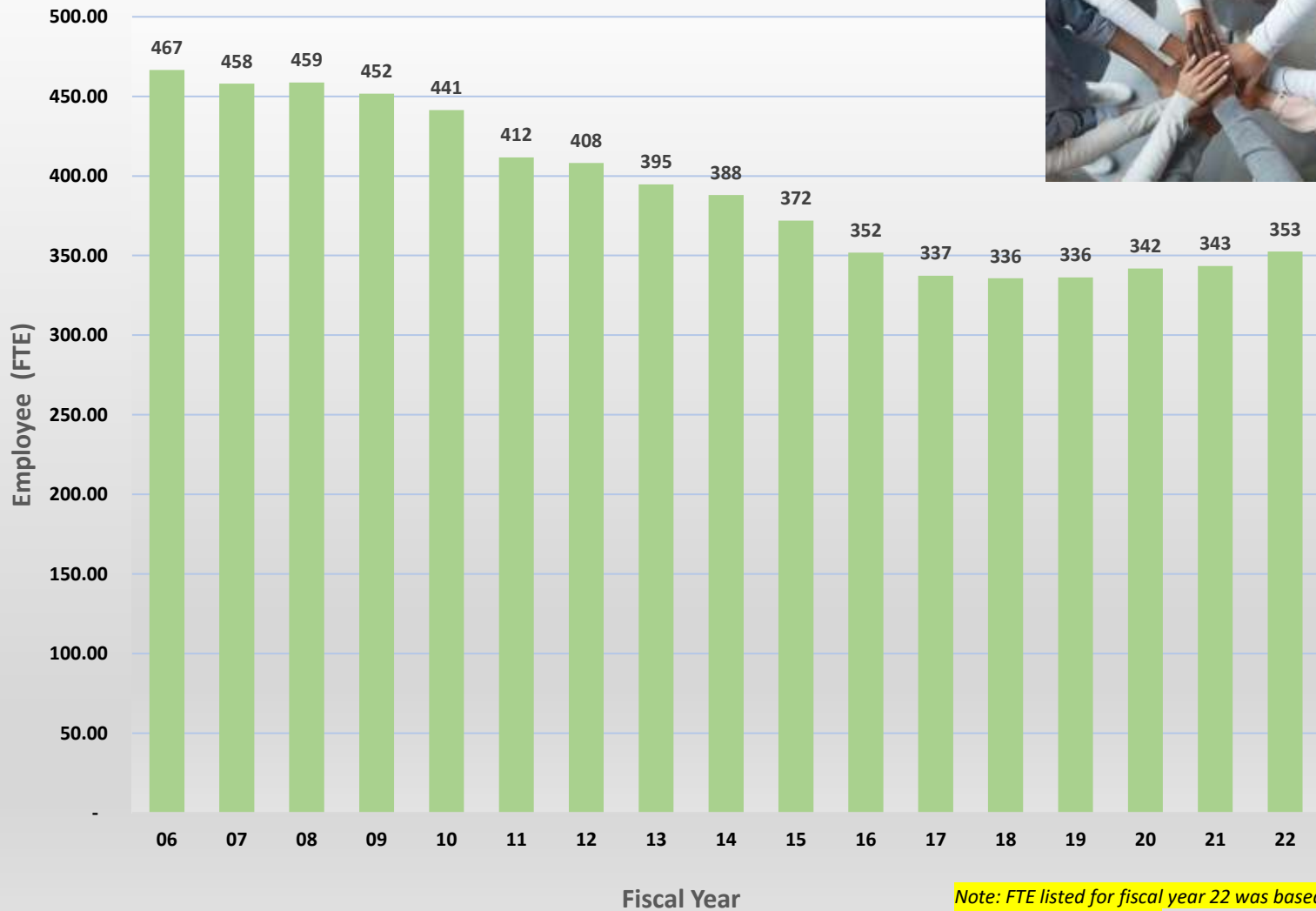
## Total Expenses by Fiscal Year: FY 2007 – FY 2022



# Administrative Services - Finance

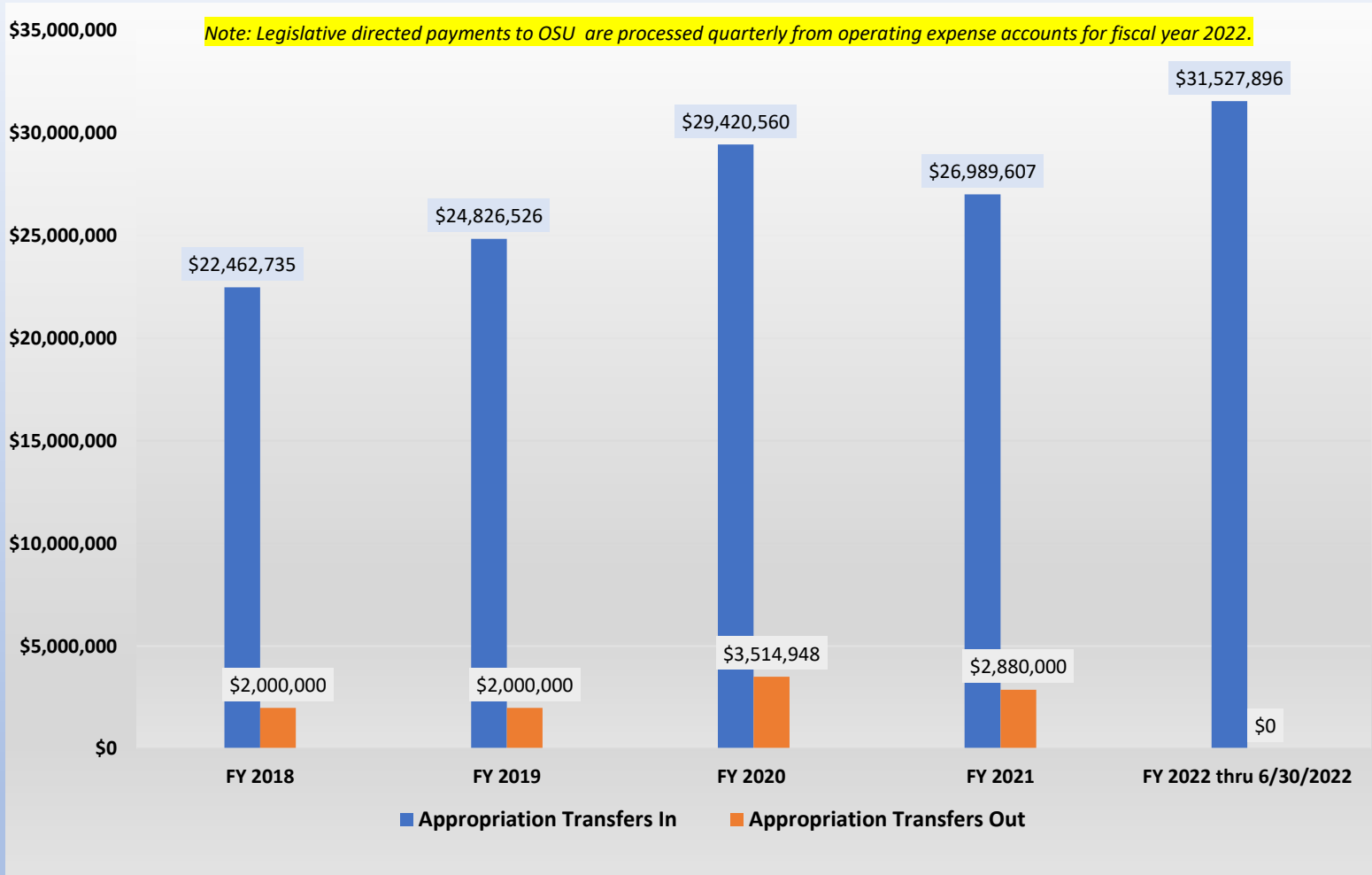
- July 2021 – June 2022 expenses were \$46.3 million
  - Total expenses fiscal year 2021 were \$54 million and included \$10.25 million in grants that were funded via the CARES Act.
  - Backing off this \$10.25 million results in an increase of \$2.6 million for the current fiscal year and was due to the following:
    - Increase in the amount of Legislative directed payments to OSU.
    - Change in how Legislative directed payments to OSU are coded
      - Coded as transfers out in FY21
      - Coded as operating expenditures in FY22
    - Timing of payments
    - Increase in vehicle fuel costs
    - Increased in activity (post pandemic)

# Employee FTE Totals Fiscal Year FY 2006 – FY 2022



Note: FTE listed for fiscal year 22 was based on the FTE as of 7/15/2022.

# Appropriations FY 2018 - thru June 2022



## Administrative Services – Commodity Storage Indemnity

Commodity Storage Indemnity			
Investment Report			
As of June 30, 2022			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,180,791.10
<u>FY-2022 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest		10,448.86	\$144,898.16
Reinsurance			-
ODAFF Support Services			(50,000.00)
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	\$10,448.86	\$94,898.16



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

<b>Object Code</b>	<b>Account Description</b>	<b>Fiscal Year 2022 Budget</b>	<b>Fiscal Year 2022 Expenditures thru 6/30/2022</b>	<b>Encumbrances &amp; Pre Encumbrances</b>	<b>Available Budget</b>
510	Personal Services	6,000	-	-	6,000
511	Salary Expense	18,499,183	15,753,841	4,807,472	(2,062,130)
512	Insur.Prem-Hlth-Life,etc	5,949,013	4,565,123	29	1,383,861
513	FICA-Retirement Contributions	4,569,311	3,731,926	8,532	828,854
515	Professional Services	2,865,945	2,195,884	474,898	195,163
519	Inter/Intra Agy Pmt-Pers Svcs	109,950	32,880	1,030	76,040
521	Travel - Reimbursements	327,545	176,166	-	151,379
522	Travel - Agency Direct Pmts	342,620	262,785	150	79,685
531	Misc. Administrative Expenses	888,791	831,933	163,595	(106,737)
532	Rent Expense	592,040	437,384	183,391	(28,735)
533	Maintenance & Repair Expense	1,130,554	819,441	20,485	290,627
534	Specialized Sup & Mat.Expense	1,221,855	723,471	233,420	264,964
535	Production,Safety,Security Exp	424,172	104,188	5,880	314,104
536	General Operating Expenses	184,403	79,660	-	104,743
537	Shop Expense	506,681	372,578	50,676	83,426
541	Office Furniture & Equipment	3,426,643	375,069	724,712	2,326,863
542	Library Equipment-Resources	600	479	-	121
543	Lease Purchases	1,750,868	1,695,868	132	54,868
545	Land,ROW,CIP,Pass Thru Assets	-	383	-	(383)
546	Buildings-Purch.,Constr,Renov.	-	7,900	-	(7,900)
554	Program Reimb,Litigation Costs	7,515,951	5,398,271	1,246,499	871,181
555	Pmts-Local Gov't,Non-Profits	7,618,450	3,023,732	754,167	3,840,551
559	Assistance Pymts to Agencies	150,000	2,250,000	750,000	(2,850,000)
561	Loans,Taxes,Other Disbursemnts	-	13	-	(13)
564	Merchandise For Resale	120,000	29,700	89,100	1,200
601	AFP Encumbrances	-	-	678,888	(678,888)
810	Req Only	-	-	120,522	(120,522)
	<b>Operating Totals</b>	<b>58,200,575</b>	<b>42,868,675</b>	<b>10,313,578</b>	<b>5,018,322</b>

Oklahoma Department of Agriculture, Food & Forestry					
Monthly Budget Report - Budget Year 2022					
As of June 30, 2022					
Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru June 30, 2022					
Class Funding	Class Fund Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 6/30/2022	Encumbrances & Pre Encumbrances	Available Budget
19011	Carryover	1,428,800	1,428,800	0	(0)
19111	Carryover	168,336	30,933	149,329	(11,926)
19201	GRF - Duties	27,423,346	23,370,571	2,384,700	1,668,075
20500	Rural Fire Defense Eqp Rev Fd	236,500	29,700	129,600	77,200
21000	Agriculture Revolving Fund	19,869,441	12,014,860	6,470,445	1,384,136
22500	Enhancement & Diversificatn Fnd	150,000	17,840	21,667	110,494
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
24500	Rural Fire Revolving Fund	1,338,287	-	235,596	1,102,691
25600	Ok Viticulture Enology Revl Fd	350,000	179,539	118,242	52,220
26200	Poultry Grading Revolving Fund	1,291,463	1,017,292	2,469	271,702
28500	Milk & Milk Prod Inspec Rev Fd	316,000	309,644	4,225	2,132
28600	Ag In The Classrm Educ Rvlv Fd	24,000	4,237	-	19,763
28700	Healthy Food Financing Revl Fd	150,000	20,934	26,667	102,400
42000	Specialty Crop Federal Funds	825,851	438,098	309,755	77,998
43000	Farm and Ranch Stress Alliance	500,000	-	450,884	49,116
57602	Duties	4,104,550	3,996,228	-	108,322
	<b>Totals</b>	<b>58,200,574</b>	<b>42,868,675</b>	<b>10,313,578</b>	<b>5,018,321</b>



# Administrative Services -Budget

- The Fiscal Year 2023 budget was submitted and is pending approval by OMES as of the submission date of this report.
- Fiscal year 2023 appropriations consist of the following:
  - Regular appropriations of \$37,146,198
    - Approximately 52% of this amount is for Legislatively directed payments.
    - This was an increase of \$9.2 million from FY 2022.
    - See a listing of Legislatively directed payments on the next slide.

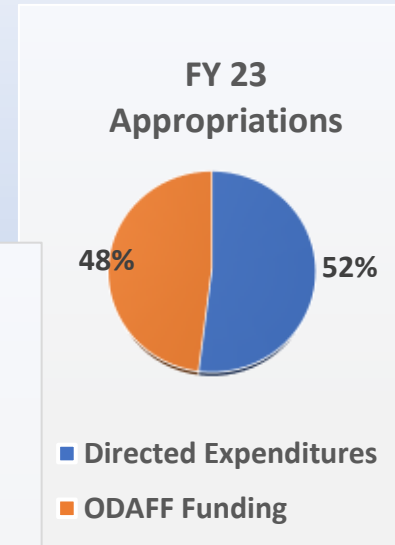
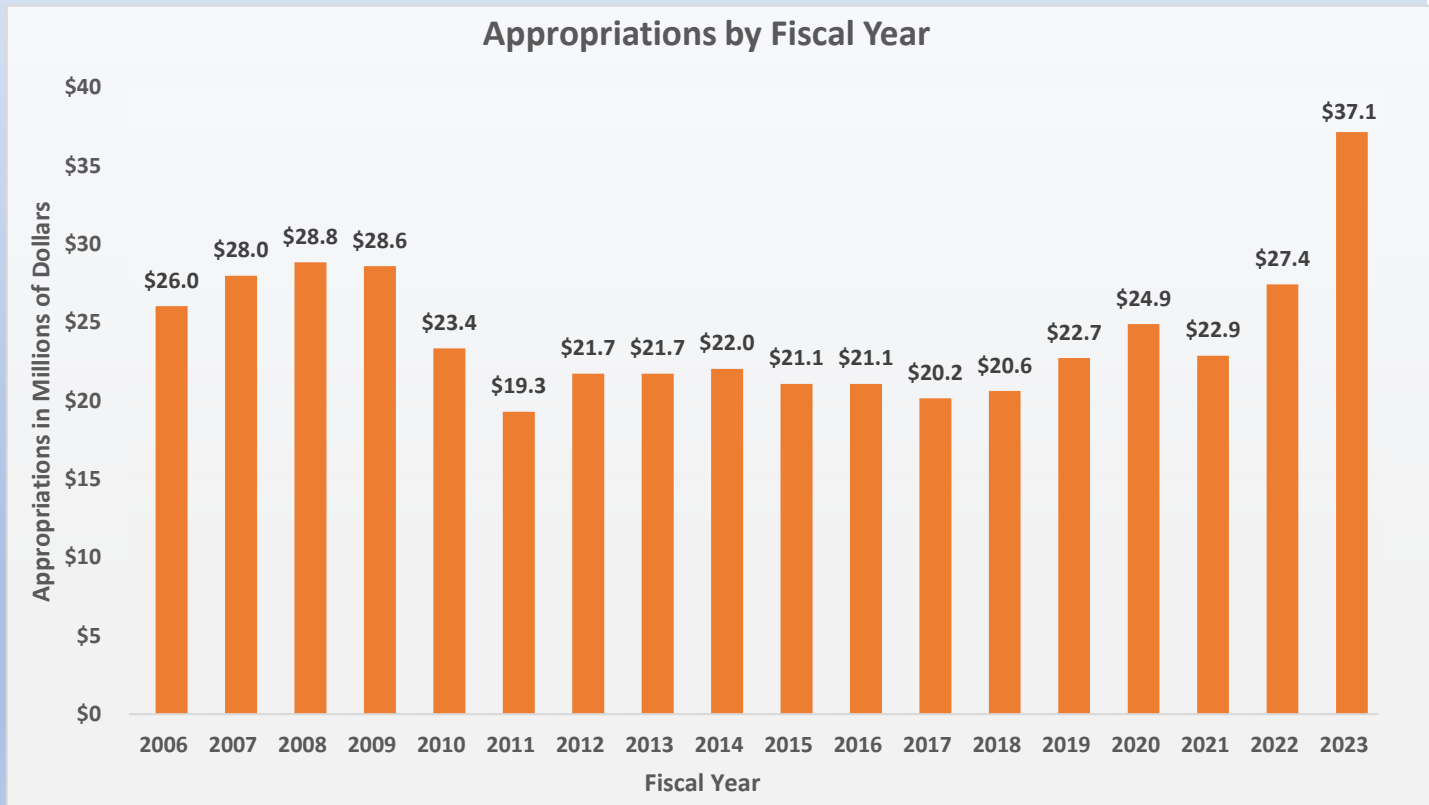


# Administrative Services -Budget



<b>FY 2023 Legislatively Directed Payments</b>	
Grants to incorporated municipalities affected by the extreme weather events occurring between 2/7/2021 - 2/21/2021.	5,000,000
OSU College of Veterinary Medicine (AIS)	4,000,000
OSU Agricultural Extension (ADMIN)	2,000,000
OSU College of Veterinary Medicine (AIS)	1,500,000
OSU Agricultural Experiment Stations (ADMIN)	1,000,000
Rural Fire Grants 80/20 (FORESTRY)	2,000,000
Bond Payment Expense (FY06) (LAB)	1,703,719
Rural Fire Coordinators (FORESTRY)	800,000
Made in Oklahoma (FY03) (MD)	513,325
Hire additional full-time meat inspectors (FOOD SAFETY)	330,000
Rural Fires Workers Compensation (ADMIN)	171,300
Rural Fire Pension (ADMIN)	92,000
Youth Expo (OYE) (FY04) (MD)	85,000
Tulsa State Fair/Cattle Shows (FY06) (MD)	50,000
Poultry & Disease Control Research Program (FY98) (AEMS)	48,276
Agricultural Leadership Program (FY93) (ADMIN)	40,000
<b>Total Payments</b>	<b>19,333,620</b>

# Appropriations by Fiscal Year



# Administrative Services-Budget

- Special cash fund appropriations of \$8,414,550
  - 100% of this amount is for Rural Fire Operational Grants.
  - This is an increase of \$4.4 million from FY 2022



<b>Oklahoma Department of Agriculture, Food &amp; Forestry            Fiscal Year 2023 Annual Budget by Object Code</b>		
<b>Object            Code</b>	<b>Account Description</b>	<b>Fiscal Year            2023 Annual            Budget</b>
511	Salary Expense	18,789,464
512	Insur.Prem-Hlth-Life,etc	5,973,536
513	FICA-Retirement Contributions	4,734,582
515	Professional Services	2,800,583
519	Flexible Benefits-Adminis.	30,000
521	Travel - Reimbursements	328,702
522	Travel - Agency Direct Pmts	365,898
531	Misc. Administrative Expenses	1,158,520
532	Rent Expense	679,033
533	Maintenance & Repair Expense	1,408,060
534	Specialized Sup & Mat.Expense	1,585,410
535	Production,Safety,Security Exp	198,956
536	General Operating Expenses	271,710
537	Shop Expense	575,246
541	Office Furniture & Equipment	2,525,326
542	Library Equipment-Resources	932
543	Lease Purchases	1,703,720
553	Refunds,Idemnities,Restitution	20,000
554	Program Reimb,Litigation Costs	4,811,358
555	Pmts-Local Gov't,Non-Profits	15,952,049
559	Assistance Pymts to Agencies	7,654,687
564	Merchandise For Resale	140,000
<b>Operating Totals</b>		<b>71,707,772</b>

<b>Oklahoma Department of Agriculture, Food &amp; Forestry</b> <b>Fiscal Year 2023 Annual Budget by Class Fund</b>		
<b>Class Funding</b>	<b>Account Description</b>	<b>Fiscal Year 2023 Annual Budget</b>
19301	GRF - Duties	37,146,198
20500	Rural Fire Defense Eqp Rev Fd	140,000
21000	Agriculture Revolving Fund	21,887,728
22500	Enhancement & Diversification Fd	150,000
23000	Okla. Pet Overpopulation Fund	13,000
23500	Animal Friendly Revolving Fund	13,000
24500	Rural Fire Revolving Fund	800,000
25600	Ok Viticulture Enology Revl Fd	350,000
26200	Poultry Grading Revolving Fund	1,049,479
28500	Milk & Milk Prod Inspec Rev Fd	379,817
28600	Ag In The Classrm Educ Rvlv Fd	24,000
28700	Healthy Food Financing Revl Fd	100,000
42000	Specialty Crop Federal Funds	690,000
43000	Farm and Ranch Stress Alliance	500,000
57901	Duties	8,414,550
70000	Commodity Storage Indemnity Fd	50,000
	<b>Totals</b>	<b>71,707,772</b>

<b>Oklahoma Department of Agriculture, Food &amp; Forestry</b> <b>Fiscal Year 2023 Annual Budget by Division</b>		
<b>Division #</b>	<b>Division Name</b>	<b>FY 2023 Expense Budget</b>
01	Administration Services	15,763,899
05	Legal Services	667,622
07	Ag Environ Mgmt. Services	1,942,714
09	Statistical Reporting Services	66,925
11	Forestry Services	22,928,958
21	Animal Industry Services	7,781,453
31	Market Development Services	4,100,513
41	Plant Industry & Consumer Serv	5,437,647
42	Commodity Storage Indemnity Fd	50,000
51	Wildlife Services	2,412,901
61	Food Safety	5,704,679
67	Agricultural Laboratory Svcs	4,189,501
88	ISD Information Technology	660,960
	<b>Total Expenses</b>	<b>71,707,772</b>

**JULY 2022 BOARD REPORT  
AGRICULTURE LABORATORY SERVICES  
(May and June 2022 Activities)**

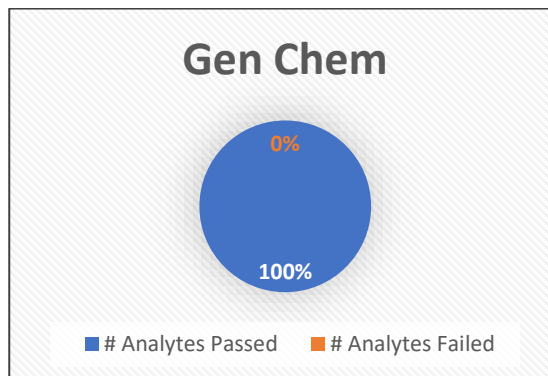
**QUALITY MANAGEMENT SECTION:** (Daniel Tripp, QA Manager; Eli Klimek, Technical Manager)

In May the QA Manager began its audit of the Bureau of Standards for fiscal year 2022. The Section has also been helping to validate and approve results for the General Chemistry Section to ensure results are reported out in a timely manner.

**PT Results**

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

<b>General Chemistry</b>	
# Analytes Results Received	17
# Analytes Passed	17
# Analytes Failed	0



In June the QA manager completed its yearly audit of the Bureau of Standards.

- There were no major issues found during the FY-22 audit.
- Employees have been able to process a high sample volume and maintain a high quality of work.
- Meeting with the OBS staff regarding findings will be held late July.

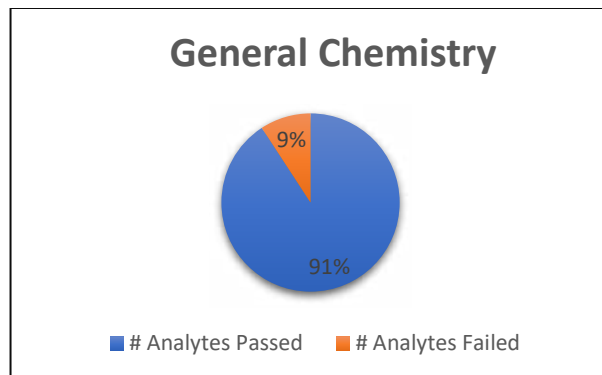
The QA Manager has been looking into new instrumentation for the General Chemistry Section as it pertains to Aflatoxin and future Sulfa drug testing.

**PT Results**

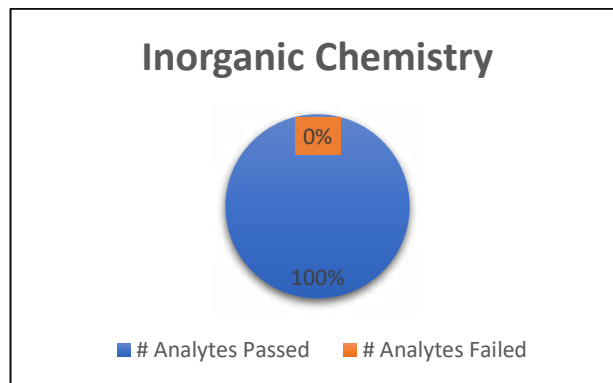
The routine distribution of quality control samples to respective sections of the Laboratory continued. Collection and submission of data to the respective study groups for statistical analysis was conducted.



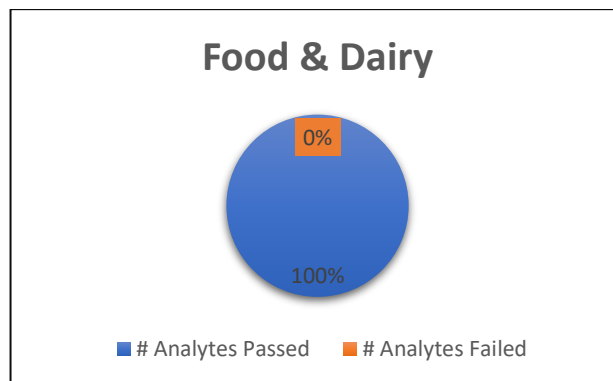
<b>General Chemistry</b>	
# Analytes Results Received	76
# Analytes Passed	69
# Analytes Failed	7



<b>Inorganic Chemistry</b>	
# Analytes Results Received	20
# Analytes Passed	20
# Analytes Failed	0



<b>Food and Dairy</b>	
# Analytes Results Received	28
# Analytes Passed	28
# Analytes Failed	0



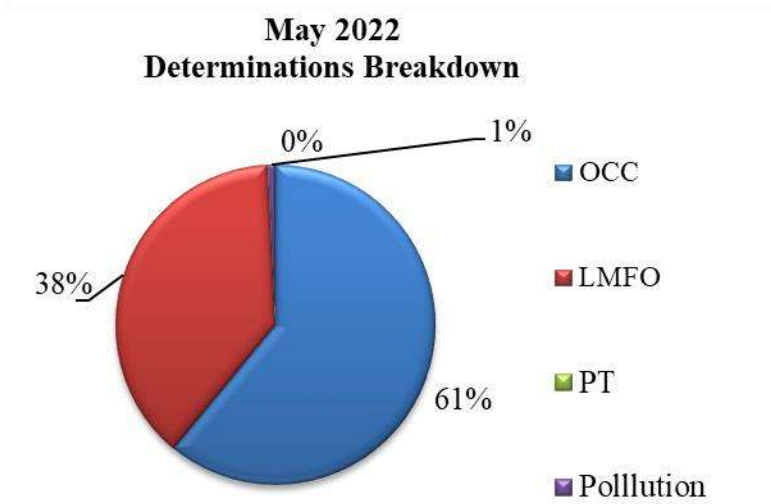
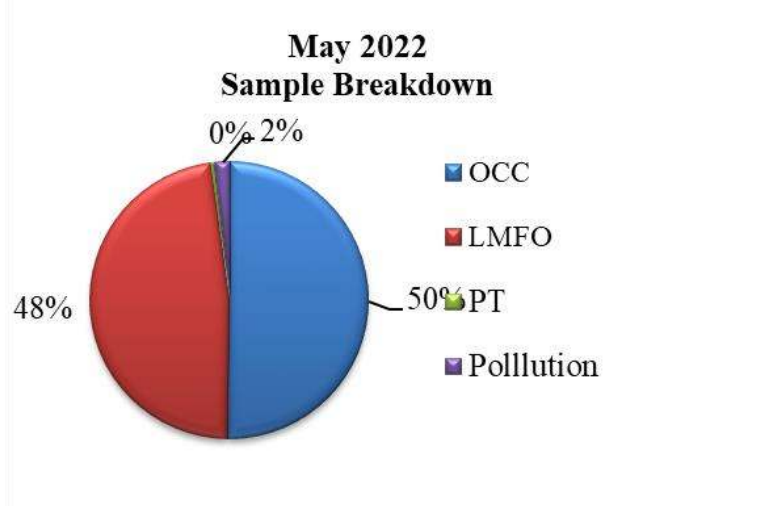
**INORGANIC SECTION:** (Elena Lyon, Environmental/Chemical Laboratory Scientist IV)

In May of 2022 the Section completed 231 samples consisting of 1729 determinations, with the following breakdown:

### May 2022 Inorganic Breakdown

Customer	Samples	Determinations
OCC	116	1055
LMFO	110	660
PT	1	2
Pollution	4	12
<b>Total</b>	<b>231</b>	<b>1729</b>

The Section has been receiving samples from OSU for a project they are doing on storm waters.

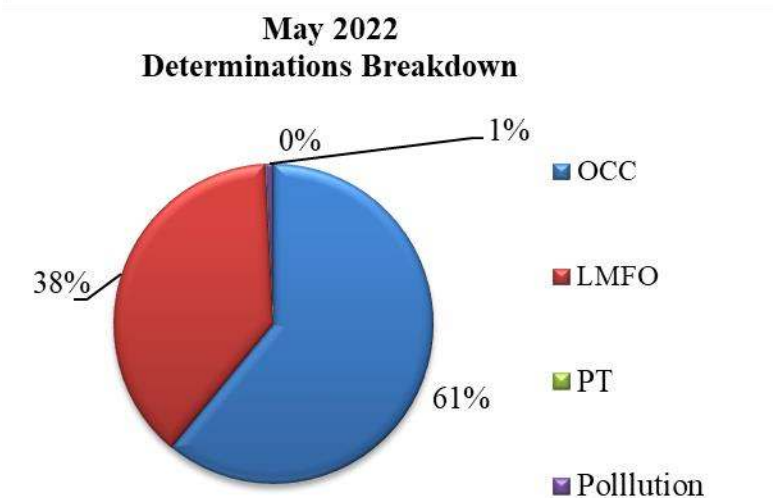
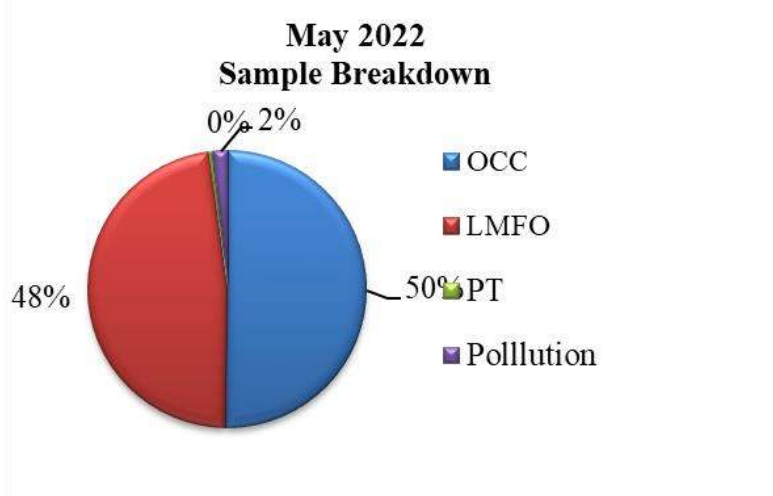


In June of 2022 the Section completed 225 samples consisting of 1311 determinations, with the following breakdown:

**June 2022 Inorganic Breakdown**

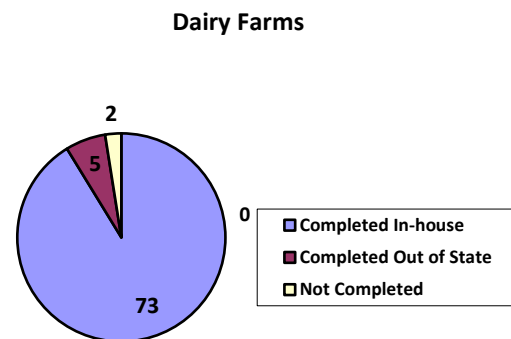
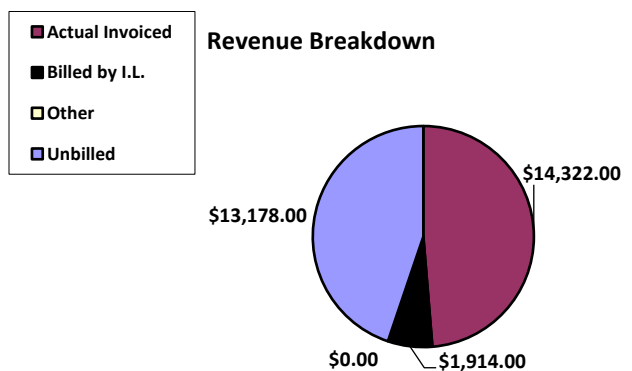
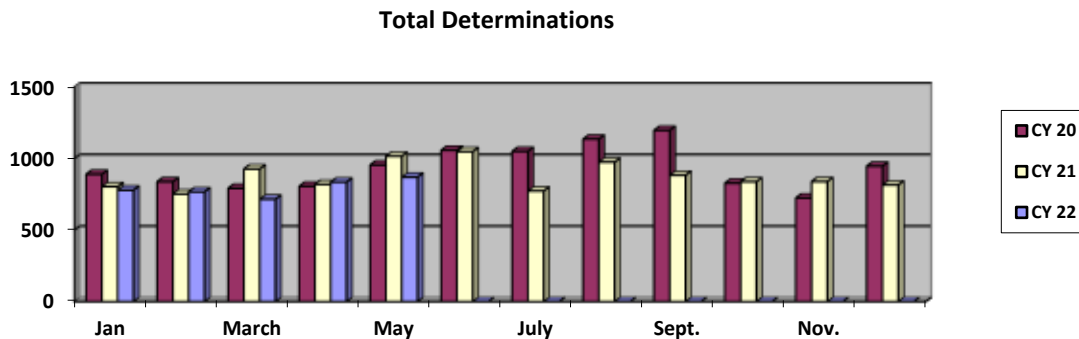
Customer	Samples	Determinations
OCC	151	1023
LMFO	35	210
Service	39	78
<b>Total</b>	<b>225</b>	<b>1311</b>

We received the report for our latest PT. 58% were less than 1SD and all tests were <2SD.

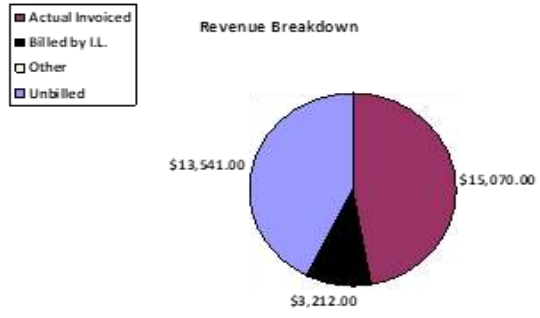
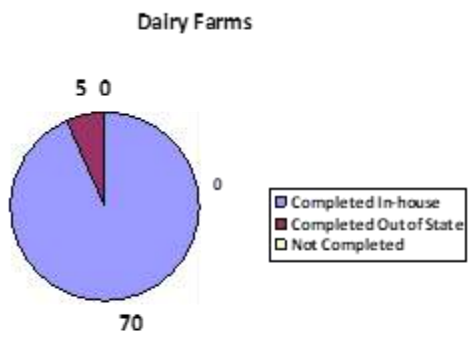
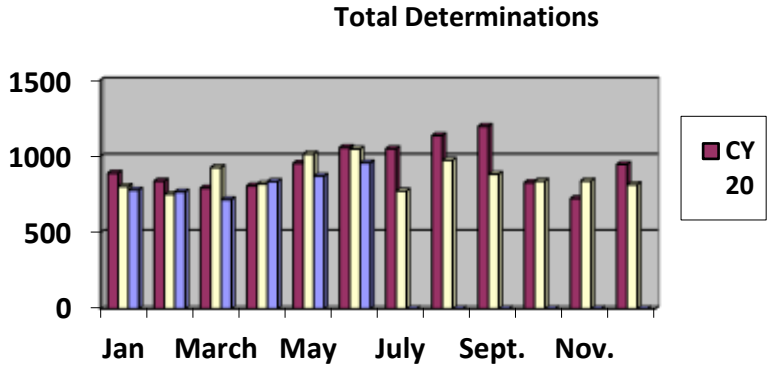


**DAIRY/FOOD SAFETY SECTION:** (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of May was a routine month for the Section. Seven dairies have ceased operation this year, but there are two dairies that have begun production this month. Only two dairies were not tested and one dairy is dry this month. The Section tested 17 meat samples for a total of 69 since January. Three routine Listeria samples were tested from the raw milk where it was previously found with no detection. There has been no work on the progress of the autoclave.



The month of June was a routine month for the Section. Four dairies have ceased operation this month, but one of those dairies was taken over by the son with a new producer number. All dairies were tested. The Section tested 24 meat samples for a total of 93 since January. One STX1/STX2 and two Salmonella isolates from meat samples were taken to the Health Department in Stillwater. The Section is waiting on a pre-construction meeting on the autoclave.



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

The Section finished May receiving a total of 117 seed samples. Nearly all of the samples were submitted by CPS inspectors for regulatory testing. Crop types continue to consist of primarily cotton, sorghum, soybeans, and turf grasses. There were no label violations discovered during the month.

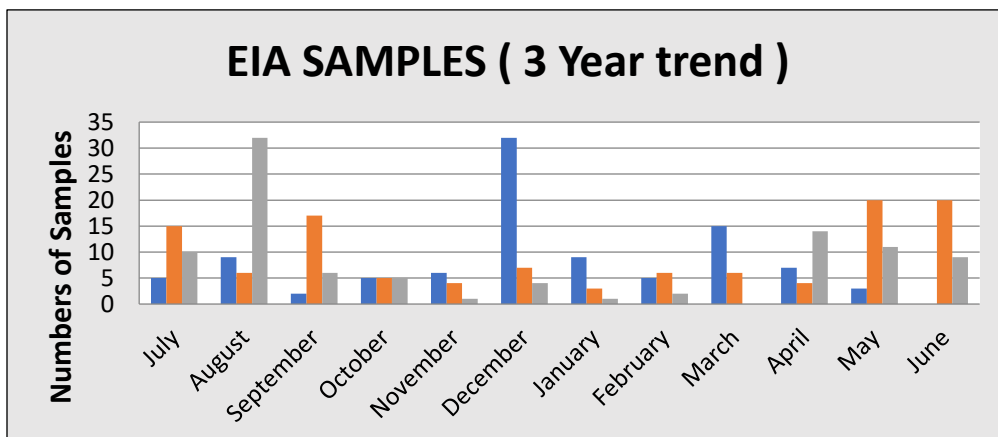
There have been no detailed harvest reports for certified wheat seed acreage thus far. Continuing drought conditions mixed with heavy rainfall in certain areas continues to be a concern for many growers as the season progresses.

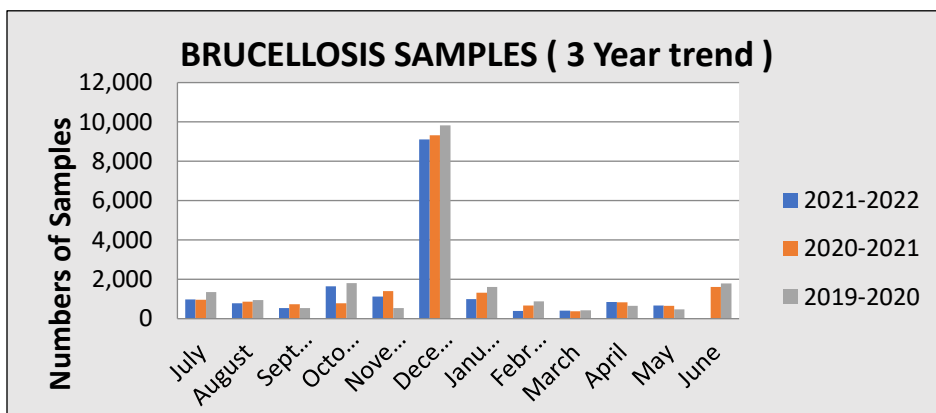
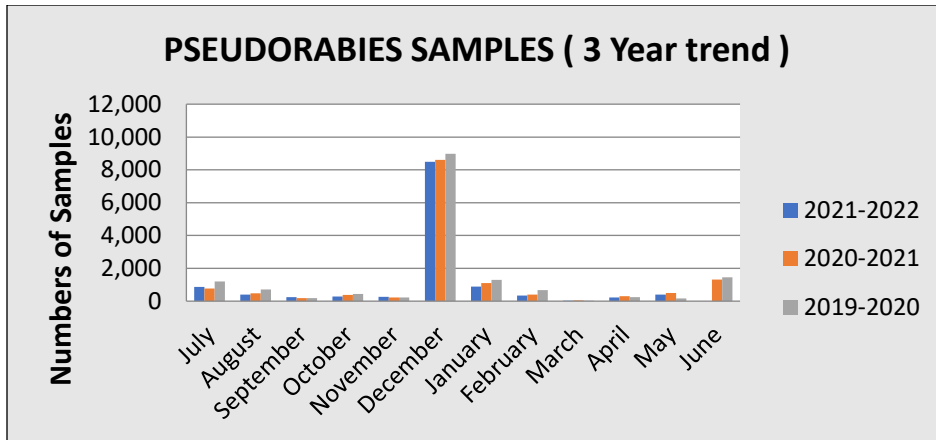
The official seed sampling plan for CPS regulatory samples has remained unchanged and sampling has continued steady. Inventories for most types of summer crop seed are adequate statewide, however drought conditions remain a concern for many producers. As of now there has been no testing conducted for certified wheat seed.

Year	FY2020	FY2021	FY2022
Total Seed Samples	1,619	1,718	1,668

**SEROLOGY SECTION:** (Pete Bourns, Laboratory Scientist IV)

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2022	663	406	3
2021	647	487	20
2020	474	170	11





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

May was a very productive month for the Section. The Section has been able to clear most of the testing backlog even with the partial lab shutdown for construction. We had an increase of violations this month, many of those carried over from April/May testing. The increase in violations evens out with the reduced violations we reported in April and May. We have also been able to greatly reduce our turn-around times getting closer to our targets for the first time since last fall when we started our staffing changes.

Beginning May 9<sup>th</sup> Saker Mechanical removed and replaced our two acid hoods. All of the heavy work has been completed and I am hopeful that after testing and final work up the Section will have use of all hoods by the middle of June. Saker has been very courteous and professional limiting testing interference and cleanup requirements to an absolute minimum. We are using this time between install and release of the hoods to substantially deep clean the lab and eliminate clutter, before we bring back all the materials we had to move out to storage.

Our recent staff changes have been going smoothly with everyone settling into their new roles and continuing to work well toward streamlining sample processing and analysis. We will be interviewing for two chemist positions in June and hopefully onboarding and training after that. These two chemist will allow us to further our goals of increasing testing (both variety and total testing performed) and reducing turn-around times for our clients.

Overview of Section numbers for the month May:

	<b>Feed</b>	<b>Fertilizer</b>	<b>Lime</b>	<b>Total</b>
<b>Samples Received</b>	49	78	7	135
<b>Samples Completed</b>	121	209	15	345
<b>Determinations</b>	542	628	90	1260
<b>Violations</b>	38	124	3	165
<b>Violation %</b>	7.01%	19.75%	3.33%	13.10%

June was a slow month for the Section mostly due to the low number of samples being submitted. Unfortunately the acid hood work was unable to be completed due to a delay in supply needs. So we have not been able to restart testing for minerals and micronutrients, further impacting our productivity. We will continue working with Saker Mechanical to complete the install as soon as possible.

This decrease in samples has allowed us to effectively clear out any backlog of work, and complete training.

We did conduct interviews for two chemist positions and were able to successfully hire a new chemist who will start on July 5<sup>th</sup>. The new chemist will be working with the ICP once the acid hoods are back on-line. We are using the slow time to train on other analyses and general lab processes.

Overview of Section numbers for the month:

	<b>Feed</b>	<b>Fertilizer</b>	<b>Lime</b>	<b>Total</b>
<b>Samples Received</b>	39	65	0	104
<b>Samples Completed</b>	26	72	0	98
<b>Determinations</b>	80	213	0	293
<b>Violations</b>	8	17	0	25
<b>Violation %</b>	10.00%	7.98%	0%	8.53%



**PESTICIDE SECTION:** (Usha Pandey-Kadel, Environmental/Chemical Laboratory Scientist IV)

In May, the GC-MS (Gas Chromatography Mass Spectrometry) instrument was installed. The training is scheduled for June 29<sup>th</sup> to July 1<sup>st</sup>. Three chemists and the section supervisor will be trained to use this instrument. This instrument is the replacement of the existing GC-MS and will be used to perform the pesticide residue analysis on various sample matrixes.

**Pesticide Section samples completed:**

The Section completed 24 samples this month. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT)

	Number	Test	Det.	Average TAT (days)
Residue Vegetation	7	9	49	13
Residue Soil	6	8	22	28
Residue water	1	2	10	15
IFA soil	1	1	6	21
Concentrate	9	14	15	104

Average Residue Turnaround Time: 20 days  
  
Average Formulation Turnaround Time: 104 days

Totals		
# of Samples	# of Tests	# of Determinations
24	34	104

**Samples the Section received by month:**

The Section received 29 samples this month (see Fig B). Majority of the samples received are for residue analysis on vegetation (see Fig A).

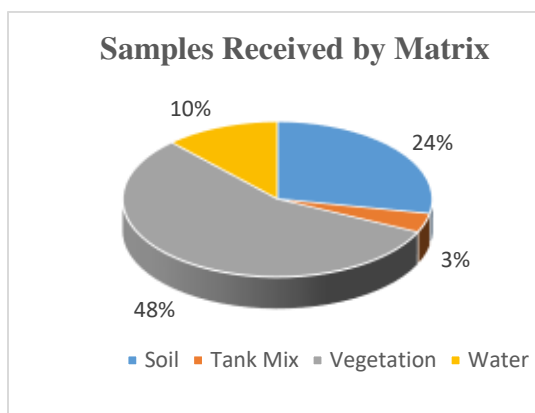
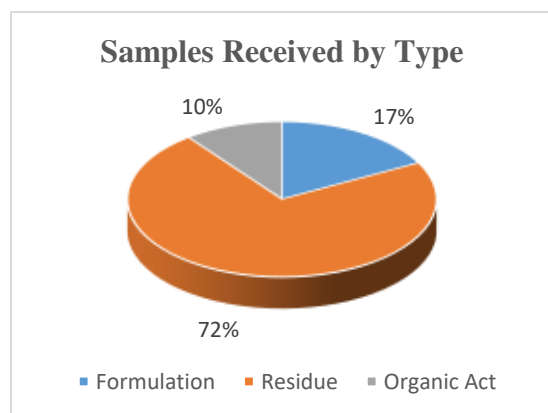


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right)

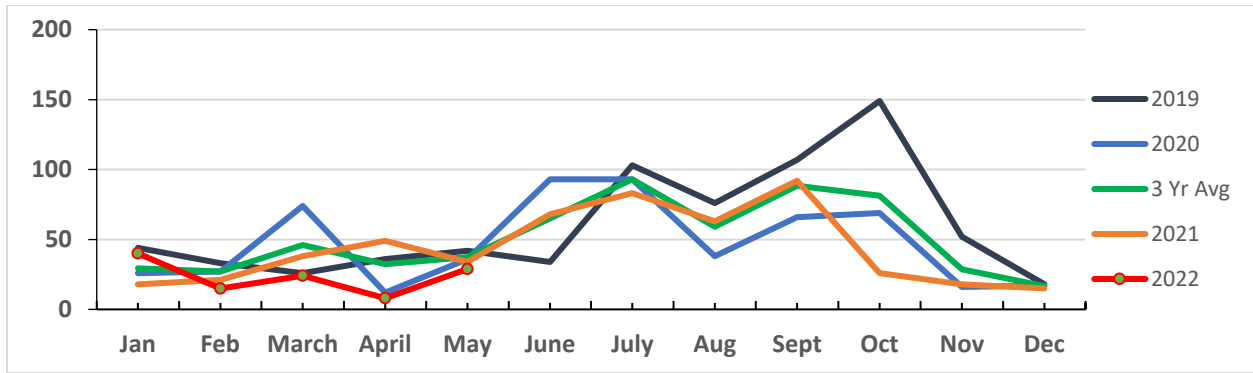


Fig B. Graph showing the number of samples received by the Section each month.

**Determinations the Section completed by month:**

In May, the Section completed 104 determinations which is 24% lower compared to last month.

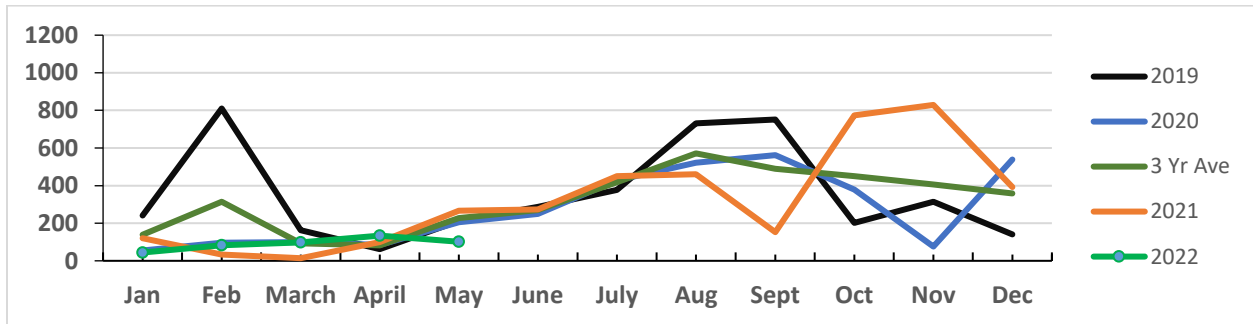


Fig C. Graph showing the number of determinations completed each month.

In June, the Section chemists and the supervisor were trained on a new Agilent GC-MS (Gas Chromatography Mass Spectrometry). This instrument is now ready to use for pesticide residue analysis.

**Pesticide Section samples completed:**

The Section completed 39 samples this month. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT)

	Number	Test	Det.	Average TAT (days)
Residue Vegetation	19	30	190	21
Residue Soil	4	4	14	17
Residue water	1	1	1	14
Tank Mix	6	12	27	84
Concentrate	6	12	20	103

Average Residue Turnaround Time: 19 days
Average Formulation Turnaround Time: 94 days

Totals		
# of Samples	# of Tests	# of Determinations
39	62	255

**Samples the Section received by month:**

The Section received 71 samples this month which is nearly 60% higher compared to last month (see Fig B). Majority of the samples received are for residue analysis on vegetation, soil and water samples (see Fig A).

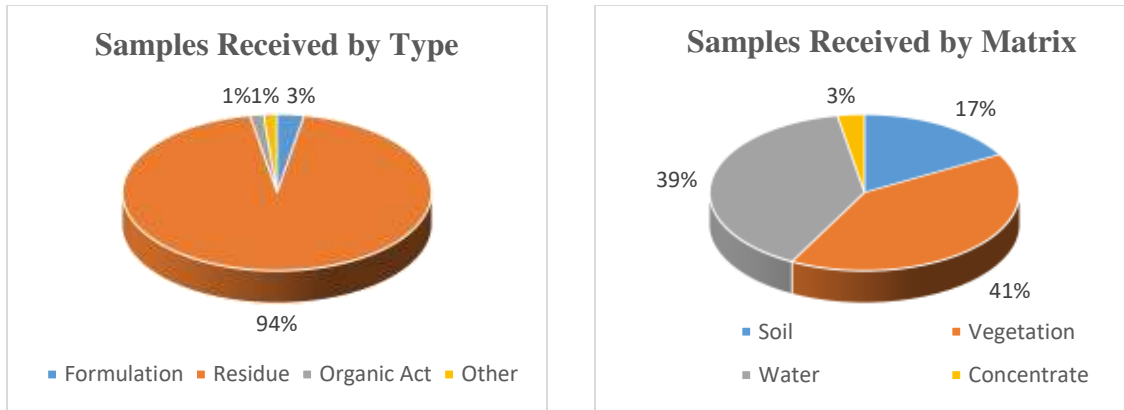


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right)

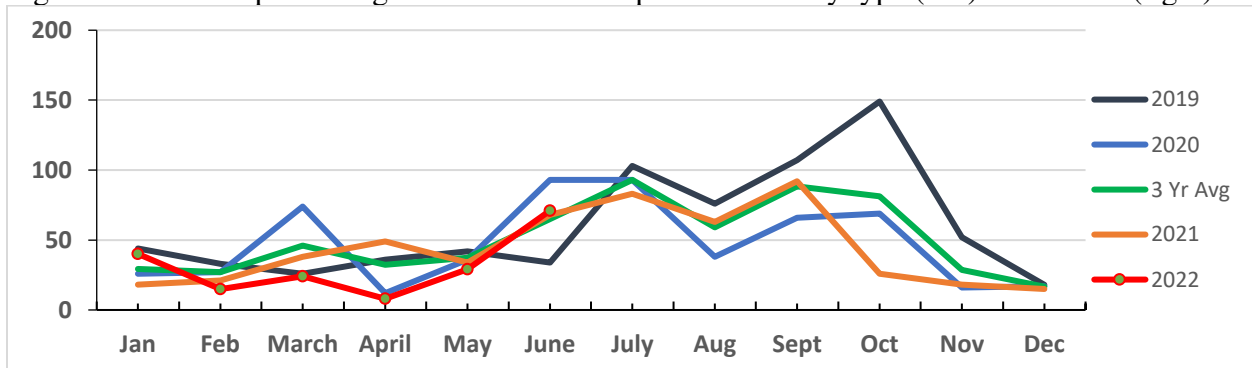


Fig B. Graph showing the number of samples received by the Section each month.

**Determinations the Section completed by month:**

In June, the Section completed 255 determinations which is 60% higher compared to last month.

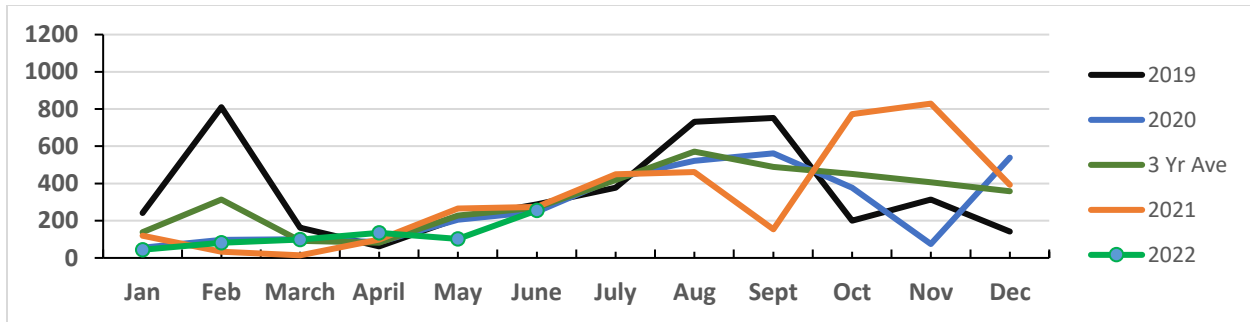


Fig C. Graph showing the number of determinations completed each month.

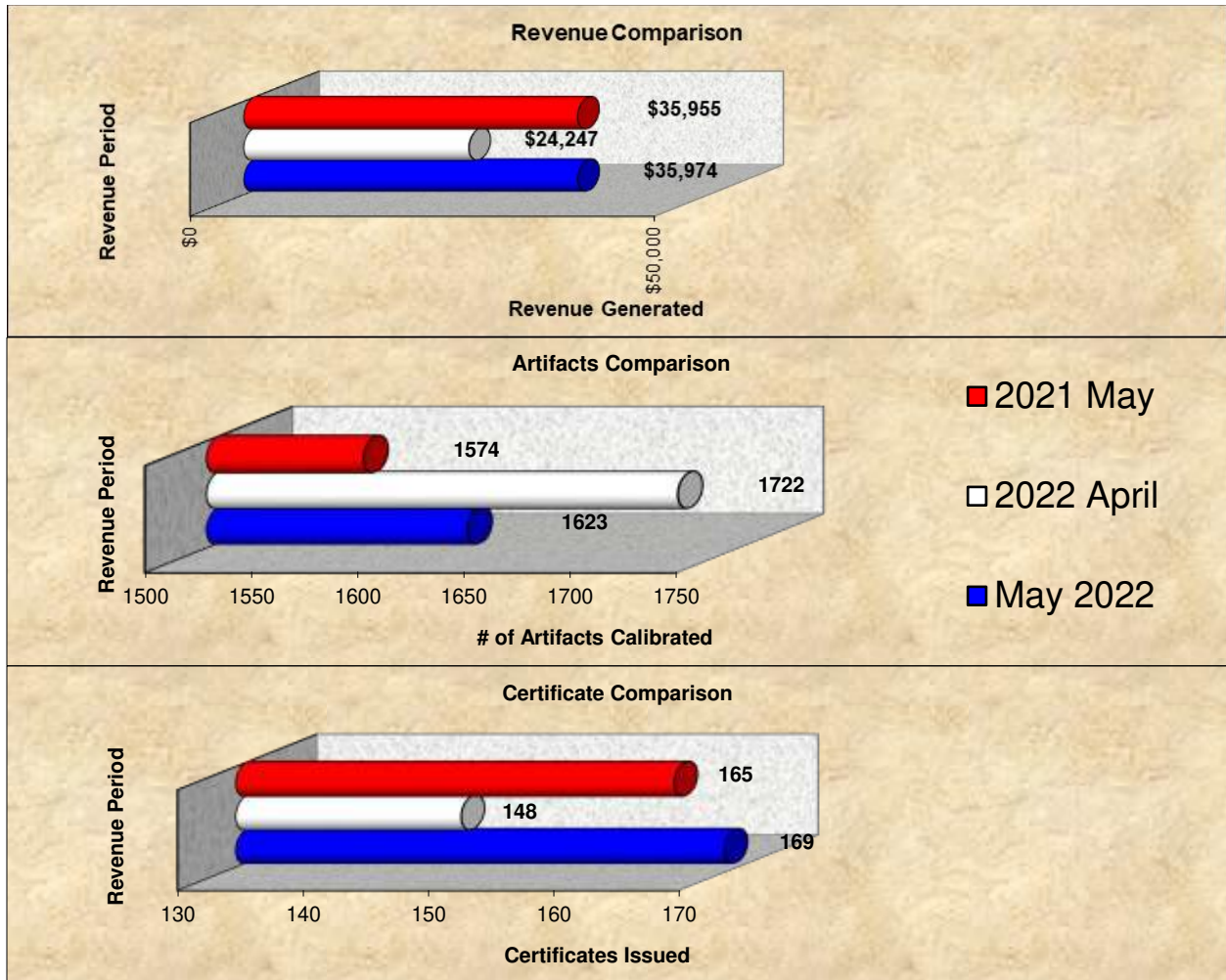
**OKLAHOMA BUREAU OF STANDARDS:** (Amanda Kramer, Metrologist III)

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

The Bureau is currently preparing to send Jacob Whitten to Fundamentals training at NIST in June, and Amanda Kramer will be attending Advanced Mass at NIST in July. The Bureau also participated in a Proficiency test for a 15 gallon prover.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	3	\$10,908	30%	226	14%
In-State Customers	20	\$25,066	70%	1397	86%
Totals	23	\$35,974	100%	1623	100%

Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
\$2,550	Mass I / II 21
Fees not Charged ODAFF CPS	Mass III 26
\$0	Volume 21

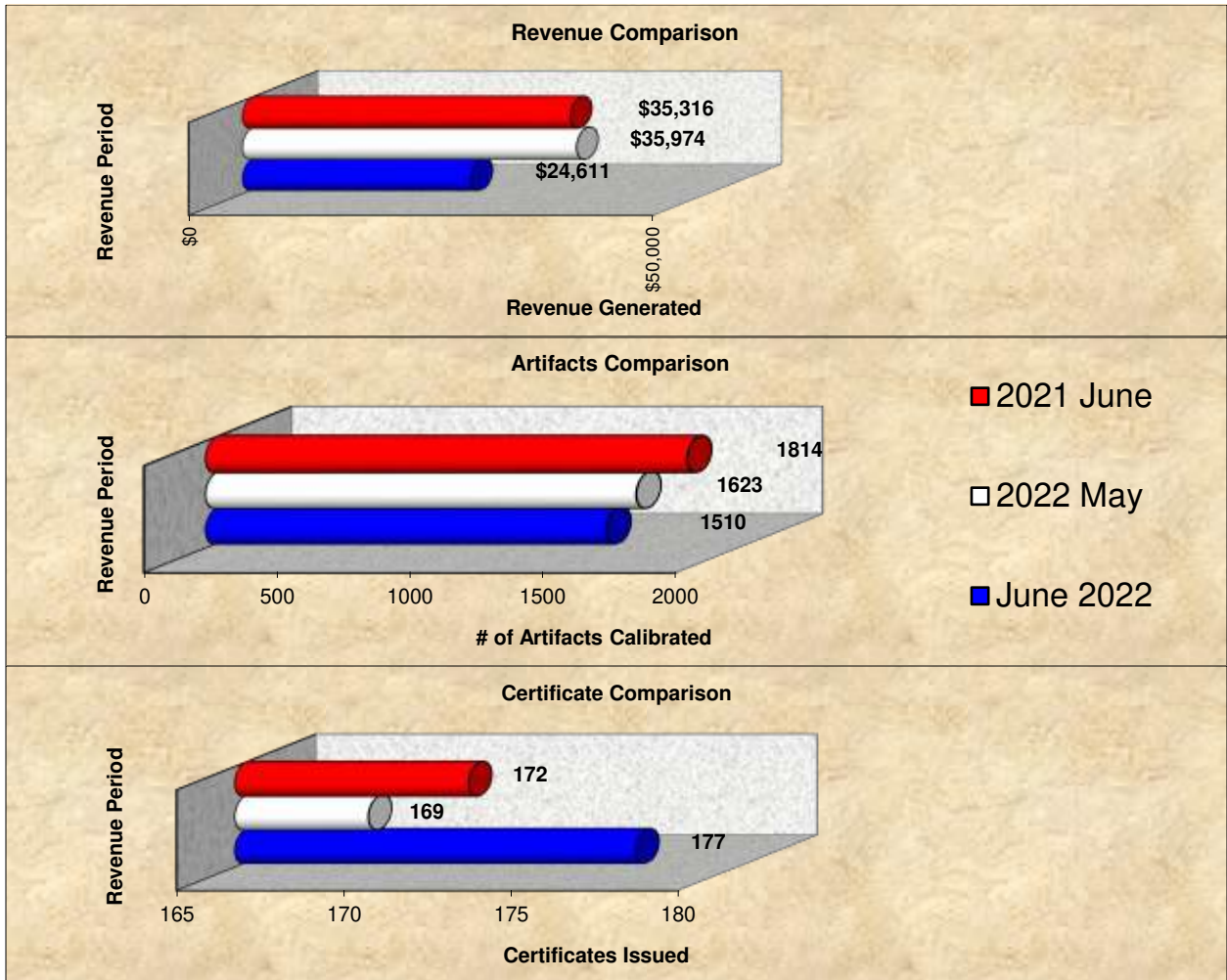


The following is a workload summary for the Oklahoma Bureau of Standards from June 1<sup>st</sup> through 30<sup>st</sup>.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	2	\$7364.00	30%	223	15%
In-State Customers	20	\$17247.00	70%	1287	85%
Totals	22	\$24,611.00	100%	1510	100%

Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
\$5250.00	Mass I / II 21
Fees not Charged ODAFF CPS	Mass III 21
\$0	Volume 21



Respectfully Submitted,

Wade Krivanek  
 Laboratory Director  
 Laboratory Services Division

**BOARD REPORT  
 AGRICULTURAL LABORATORY SERVICES  
 MAY 2022 ACTIVITIES**

FEED SAMPLES	39
FEED DETERMINATIONS	80
POSSIBLE VIOLATIONS	8
FERTILIZER SAMPLES	65
FERTILIZER DETERMINATIONS	213
POSSIBLE VIOLATIONS	17
LIME SAMPLES	0
LIME DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
PESTICIDE SAMPLES	39
PESTICIDE DETERMINATIONS	255
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	231
DETERMINATIONS	1729
STATE-FEDERAL VET. LAB. SAMPLES	1072
STATE-FEDERAL VET. LAB. DETERMINATIONS	1365
NUMBER POSITIVES	0
SEED SAMPLES	179
SEED DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	177
NUMBER OF STANDARDS CALIBRATED	1510
FEE CHARGES	\$24,611.00
DAIRY SAMPLES	406
DAIRY DETERMINATIONS	957
POSSIBLE VIOLATIONS	25
<b>TOTAL SAMPLES</b>	<b>2208</b>
<b>TOTAL DETERMINATIONS</b>	<b>6109</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>50</b>

**BOARD REPORT  
 AGRICULTURAL LABORATORY SERVICES  
 JUNE 2022 ACTIVITIES**

FEED SAMPLES	39
FEED DETERMINATIONS	80
POSSIBLE VIOLATIONS	8
FERTILIZER SAMPLES	65
FERTILIZER DETERMINATIONS	213
POSSIBLE VIOLATIONS	17
LIME SAMPLES	0
LIME DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
PESTICIDE SAMPLES	39
PESTICIDE DETERMINATIONS	255
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	225
DETERMINATIONS	1311
STATE-FEDERAL VET. LAB. SAMPLES	3206
STATE-FEDERAL VET. LAB. DETERMINATIONS	3611
NUMBER POSITIVES	0
SEED SAMPLES	179
SEED DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	177
NUMBER OF STANDARDS CALIBRATED	1510
FEE CHARGES	\$24,611.00
DAIRY SAMPLES	406
DAIRY DETERMINATIONS	957
POSSIBLE VIOLATIONS	25
<b>TOTAL SAMPLES</b>	<b>4336</b>
<b>TOTAL DETERMINATIONS</b>	<b>7937</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>50</b>





# OKLAHOMA FORESTRY SERVICES BOARD REPORT

Division Activities from February 18, 2022 – April 27, 2022

*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.

## URBAN AND COMMUNITY FORESTRY

### PROGRAM HIGHLIGHTS:

Oklahoma City National Memorial - On May 25<sup>th</sup> foresters Mark Bays and Riley Coy met at the Survivor Tree and assisted with a minor pruning of several lower branches from the tree. Some decay was present, so samples were sent to the OSU Plant Disease Diagnostic Lab in Stillwater to see if the decay was of concern. It was determined to be localized and not at risk of spreading. Professional Tree Care was also on-hand to treat the tree with a systemic fungicide to help prevent it from succumbing to Dutch elm disease (DED). The treatment will be effective for up to three years. Oklahoma Gardening filmed the process, and it aired the weekend of June 25-26. See the link below for the segment.

[Oklahoma Gardening Survivor Tree](#)



Root 66 Tree Planting Initiative - June 29<sup>th</sup> Mark Bays and Keep Oklahoma Beautiful Executive Secretary, Jeanette Nance met with representatives of ODOT to further discuss potential funding opportunities for a tree planting program along Route 66 in preparation of its 100<sup>th</sup> anniversary in 2026. Members of the Route 66 Centennial Commission are looking to see how many communities along the route might have an interest in participating. OFS will have a role in helping the communities select appropriate trees once the locations are determined.

## **FORESTRY EDUCATION**

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On May 31<sup>st</sup>, Education Coordinator Tony Pascall presented a Project Learning Tree (PLT) workshop for 16 Pre-K educators in Stillwater. These teachers now have natural resource educational tools to include forestry into their curriculum.

On June 11th, Tony Pascall set up a booth at the Oklahoma Science Teaching Association's Summer State Science Conference. Here, Tony spoke with hundreds of educators about PLT and other OFS education opportunities.

From June 13<sup>th</sup> – 17<sup>th</sup>, Tony attended the international Project Learning Tree annual conference in Madison, WI. He was able to network with other state coordinators to learn skills and get ideas to bring back to Oklahoma's forestry education program.

From June 26<sup>th</sup> – July 2<sup>nd</sup>, the 64th Oklahoma Forestry Youth Camp was held in Broken Bow, Oklahoma. Camp Coordinator Tony Pascall with the help of several OFS staff (Riley Coy, Ryan Oberst, Brianna Teel, Craig Marquart, Pressley Byington, Keith Merckx, Colton Fuller, Joshua Bates, Delbert Reynolds, and Mark Webb) conducted a week-long camp where 29 children aged 13-16 were able to learn the principles of forestry and about career pathways into the field.

## **PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES**

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### **NORTHEAST AREA**

#### **FOREST PROTECTION HIGHLIGHTS:**

From May 27<sup>th</sup> through July 5<sup>th</sup> the Northeast Area extinguished four fires that burned 19 acres in the Protection Area and assisted with fires in western OK. NE Area Rangers Billy Riggs and Charles Kimble assisted with a fire near Buffalo in Harper County on June 25th.

NE Area Rangers assisted Bryan Ryles with a fuels mitigation project in Bartlesville. To date, four Rangers have helped with the project: Billy Riggs, David Jones, Isaac Merchant, and Dakota Green.



*Rangers on Fire near Buffalo, OK*



The NE Area completed an S-130 Basic Wildland Firefighter and S-190 Introduction to Wildland Fire Behavior training in Adair County on June 24th – 26th. The training was held at the Mid-County Fire Department and 12 volunteer firefighters were trained at this event. Employees that instructed at this training were Roger Wilhite, Craig Longshore, Isaac Merchant, Doug Duncan, David Morris, and Billy Riggs. The NE Area conducted a Work Capacity Test held for individuals that want to go on interagency fire assignments on June 27th at NSU track in Tahlequah.

The NE Area has a transport and dozer currently assisting Texas with wildfire initial attack/extended attack. Earlier in June a NE Area Type 6 Engine also was assigned to Texas for the same purpose. Below is a list of NE Area employees that have assisted with these fire assignments and the ICS positions they held while on assignment:

- Billy Riggs – DZIA
- Chad Bateman – DZIA
- Tony Hadley – TFLD, two trips
- Cole Hix – DZIA
- Isaac Merchant – ENGB
- Dustin Ryals – DZIA
- Joe Leak – DZIA
- David Morris – DZIA
- Barry Caswell – DZOP



*NE Area Rangers assisting Ryles with the Hazardous Fuels Mitigation project near Bartlesville, OK*

#### FOREST MANAGEMENT/PROGRAM HIGHLIGHTS:

Evan Long met with five landowners and responded to seven requests for assistance regarding issues such as tree health, disease, and stewardship planning. He met with an FFA chapter from Liberty Mounds to practice with them on the forestry competition. Connie Robinson had three site visits and completed one Forest Stewardship Plan in Osage County. Connie visited NRCS offices in Osage, Nowata, Washington, and Craig Counties. Evan and Connie met with Maryetta schools and put on a forestry program that included a tree identification and other activities for their elementary school aged kids. Evan and Connie attended a workshop called Managing Carbon Through Healthy Forests in Wichita, Kansas. Craig Longshore, Charles Kimble, and Evan Long assisted Stilwell Schools with an assessment of trees on the campus. They helped identify trees that are causing and may cause damage to the buildings on campus.

#### ONGOING ISSUES & UPCOMING EVENTS:

Forest Ranger I Position open in the Colcord Unit

#### **EAST CENTRAL AREA**

#### FOREST PROTECTION HIGHLIGHTS:

Since the last report, EC has extinguished nine wildfires that burned a total of 106 acres for an average fire size of 11.8 acres and three false runs. Six of the wildfires were incendiary and three caused by equipment. .

#### FOREST MANAGEMENT HIGHLIGHTS:

Caleb Fields assisted with the planting over 300,000 seedlings on several properties in LeFlore County.

Three new forest stewardship plans have been completed since last report on a total of 163 acres.

## INFORMATION / EDUCATION HIGHLIGHTS:

Smokey Bear made a few appearances at LeFlore County summer programs this past month. Caleb Fields and the Talihina District Rangers introduced Smokey at Fanshawe, Arkoma, and Poteau.

Eddie Woods and Craig Marquardt talked to high school students at a Science, Technology, Engineering, and Math camp at Eastern Oklahoma State College in Wilburton. Eddie's program talked about the vast array of sciences employed in a professional forester's career. They then showed the students how to measure trees and how those measurements are extrapolated to determine wood volumes on an acre of land.

Those same two foresters gave programs at the Forestry Youth Camp near Hochatown. Eddie made a presentation about forest management and tree identification. Craig's program was about fire and attempted to break the misconception that all fire is bad.

Craig Marquardt also assisted with the Forest Heritage Center's Camp Discover.

## PERSONNEL UPDATE:

EC's recent ranger vacancy in the Blanco Unit was filled June 20<sup>th</sup>. Garret Rowland is OFS's newest ranger in that unit.

Alex Kerrick resigned after 18 months of service to create our most recent ranger vacancy in the Adamson Unit. Paperwork will be following soon to announce that position.

The Talihina Service Forester vacancy closed at the end of May with only one qualified applicant who declined the position. That job, too, needs to be announced.

## INTERN FORESTER UPDATE:

Cullen Reeves from the University of Kentucky has been our summer intern since April 25<sup>th</sup>. He has been busily working alongside foresters Eddie Woods and JT Allen to learn about cruising timber and using that information to create forest management plans and prescribed burn plans. He has also worked with Justin Jones at the FTIC, Tony Pascall at Youth Forestry Camp, and Brianna Teel at Camp Discover.

Before he leaves at the end of July, plans are to have him work with Jason Whaley in water quality, Riley Coy in urban forestry, and Ryan Oberst at the Regeneration Center.

## SAFETY / TRAINING HIGHLIGHTS:

Mike Gentry finished up Entry Level Driver Training at Drumright and has a new Class A driver's license. He finished up an intensive course at Central Tech to earn that license. Garret Rowland will be the first OFS employee to attempt our newest approach to getting a CDL via an online course. That will start soon.

## ONGOING ISSUES:

Filling vacancies, reducing comp time balances, and staying available for fire duty are pressing matters this time of year.

## **SOUTHEAST AREA**

### FOREST PROTECTION HIGHLIGHTS:

- In Protection: May Fires = 10 fires that burned 185.7 acres; June Fires = 9 fires that burned 118.6 acres

- Don Cook and other District 1 rangers have installed the evacuation signs on the west side of Highway 259 for the Hochatown project. We have approximately 40 signs remaining to be installed.
- Don Cook was a guest on the Hosting Hochatown Podcast discussing the Hochatown project and the evacuation signs.
- SE Area has had several rangers deployed to New Mexico and Texas to support wildfire suppression efforts.
- Andy James and Brock Hill attended a cooperators meeting with USFS at Hochatown office on May 10<sup>th</sup>.

#### FOREST MANAGEMENT/PROGRAMS HIGHLIGHTS:

- Brock Hill had 6 landowner contacts for the current period.
- Will Phifer had 19 landowner assists/contacts.
- JT Allen had 9 landowner contacts.
- Tyler Hyatt had 2 landowner contacts
- JT Allen and Tyler Hyatt worked with summer intern Cullen Reeves to write a forest stewardship plan and a prescribed burn plan for the Fort Towson Historical Site.
- Will Phifer completed 2022 herbaceous spraying 369 acres in McCurtain County
- SE Area hosted the OFS Water Quality Program review.

#### PRESCRIBED FIRE ASSISTANCE:

- Antlers rangers completed fire line construction at Atoka WMA – 6.5 miles of line
- JT Allen completed 1 prescribed burn for 26 acres.
- JT Allen completed two prescribed burn plans for 220 acres.

#### SAFETY/TRAINING HIGHLIGHTS:

- Antlers district completed cyber security training.
- Terron Gee, Derik Gee, JT Allen and Bradley Walker completed the RX-301/341 Prescribed Fire Implementation/Pre-Prescribed Burn Plan Writing wildland course.
- JT Allen, Steve Painter, Tony Macon, Tanner Wilson, Kent Kellogg, Billy Reeves, Adam Burleson completed S-270 Basic Air Operations Wildland Class.
- Colton Fuller successfully completed the CDL Truck Driving School in Drumright, OK. He is fully qualified as a CDL driver.
- Tyler Hyatt, Jared Burgett and Brock Hill successfully passed the Pack test.
- Broken Bow district had a safety meeting with the topic of Heat Stress/Exhaustion
- Don Cook provided wildfire refresher training in DeQueen, AR for Weyerhaeuser employees/contractors – 17 people
- Don Cook provided S130 and 190 for Weyerhaeuser new employees.
- Pat Wayman and JD Morris taught S-330 wildland course at Arkansas River Valley Wildland Academy in May
- Don Cook taught S-215 wildland course at Arkansas River Valley Wildland Academy in May.
- Don Cook completed a 10-week virtual course Community Wildland Fire Mitigation Best Management Practices.
- Tama Lester attended virtual CPO webinar on May 12 = Understanding Sustainable Procurement and on June 16 = What's new in Central Purchasing
- Tama Lester attended meeting in Wilburton of all the area Admins and new HQ staff.

**UPCOMING EVENTS/ACTIVITIES:**

- WorkDay Time keeping training for all employees
- Security for Forestry Camp

**WILDFIRE RESPONSE**

**WILDFIRE ACTIVITY & OUTLOOK EXECUTIVE SUMMARY:**

The transition from dormant conditions to growing conditions across the state was accelerated with timely rainfall at the seasonal transition that resulted in vigorous herbaceous moisture improvement and declining wildfire activity. Underlying drought continues to plague western Oklahoma with Exceptional Drought intensity persisting in the western Panhandle while Abnormally Dry and Moderate Drought indicators continue across most of the west coupled with a few pockets of Extreme intensity focused in northwestern counties. Keetch-Byram Drought Index, an indicator of upper soil moisture with relationship to fuels availability and fire behavior potential, is increasing as a heat dome persists across the state increasing rates of evapotranspiration increasing stress on grass and forbs. In turn, initial attack activity is slowly increasing and resistance to control is also expected to increase.

June 2022 Fire Response	Fires	Acres
<b>2022 Wildfires Year-to-Date</b>	<b>727</b>	<b>168,414.4</b>
<b>OFS Protection Area - Month</b>	<b>12</b>	<b>231.6</b>
5-Year Average	14.80	373.32
10-Year Average	12.30	212.64
<b>Protection Area YTD</b>	<b>614</b>	<b>41,780.20</b>
OFS Response Outside Protection Area	1	3,072
<b>OFS Response Outside Protection Area YTD</b>	<b>57</b>	<b>114,609.6</b>
Fire Department Reports	0	0
<b>Fire Department Reports YTD</b>	<b>54</b>	<b>11,745.6</b>
Prescribed Burns - SE	1	26
Prescribed Burns - EC	4	143
Prescribed Burns - NE	0	0
Prescribed Burns - OKOKS	0	0
<b>Prescribed Burns - YTD</b>	<b>37</b>	<b>9,370.6</b>

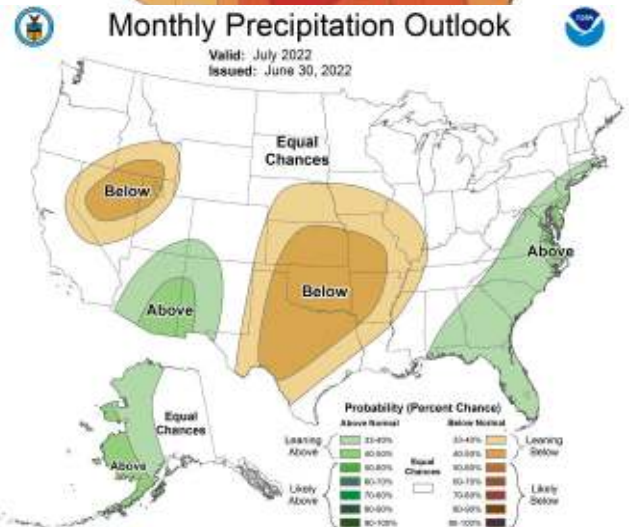
Recent rainfall in the Panhandle associated with the eastern edge of monsoonal rains has held concern in check over the highest drought indices in Oklahoma, and sporadic/isolated rains in northern and western counties have also served to hold large fire occurrence at bay noting that the Finley Fire (Harper County) consumed 3,072 acres exhibiting problematic fire behavior.

**WILDFIRE RESPONSE:**

As of June 30, 2022, OFS has responded to 727 wildfires that have burned 168,414.4 acres. 37 Prescribed Fires have been successfully conducted treating 9,370.6 acres achieving both resource management and hazard fuels mitigation objectives.

**WILDFIRE OUTLOOK:**

Wildfire activity is expected to increase across Oklahoma through the month of July given the current state of the fuels coupled with an outlook for hot and dry conditions. Widespread, persistent heat continues to drive potential for summertime dormancy increasing available fuels on the landscape. Wetting rains (>0.25”) will set back fuels availability when received, but both gradually increasing fire occurrence and fire severity are expected as a hot/dry summer extends.



## STATE FORESTER ACTIVITIES from May 27 through July 11, 2022

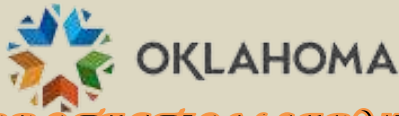
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- Attended ODAFF Director's Meetings
- Attended virtually the NASF Wildland Fire Committee Quarterly Meeting
- Attended the Southern Group of State Foresters' Annual Meeting in Greenville, SC
- Attended two meetings of the National Operations Section Chief's Incident Management Remote Roundtable
- Attended two meetings of the National Incident Commander's Incident Management Remote Roundtable
- Attended the June Board of Agriculture Meeting
- Participated on a Subject Matter Expert panel at the *Managing Carbon through Healthy Forests* Workshop held in Wichita, Kansas
- Met with ESRI officials regarding the OFS GIS Specialist position and the OFS GIS program
- Attended the June NASF All State Foresters Monthly Policy conference call
- Participated in interviewing applicants for the Forest Heritage Center Director vacancy
- Coordinated and participated in the development of Forestry Services' FY2023 Budget
- Participated in one virtual meeting of the NWCG Medical and Public Health Advisory Team
- Participated in the OFS June "First Tuesday" meeting
- Participated in three virtual meetings as the Southern States representative to the USFS Community Wildfire Defense Grant Program Development Committee
- Attended two special meetings of the Land Mobile Radio Public Safety Interoperability Cooperative Committee with Federal Engineering, the contractor that will be developing a Statewide Land Mobile Radio Communications Strategic Plan

Respectfully Submitted,

Mark Goeller

Director/State Forester



**OKLAHOMA**  
**CONSUMER PROTECTION SERVICES DIVISION**

**JULY 27, 2022 BOARD MEETING**  
**REPORT FOR MAY/JUNE 2022**

**PESTICIDE SECTION**

Pesticide Registration Activity

Pesticide registrations for May 1<sup>st</sup> to July 8<sup>th</sup> in 2022 are presented in the following chart. A total of 4002 products were registered, of the products registered 3712 were renewals and 290 were new. There were 334 products cancelled.



Pesticide Samples

Pesticide samples taken May to June 2022 are presented in the following chart. A total of 63 Residue, 34 Concentrate, 25 Pollution, and 1 Tank mix samples were taken.

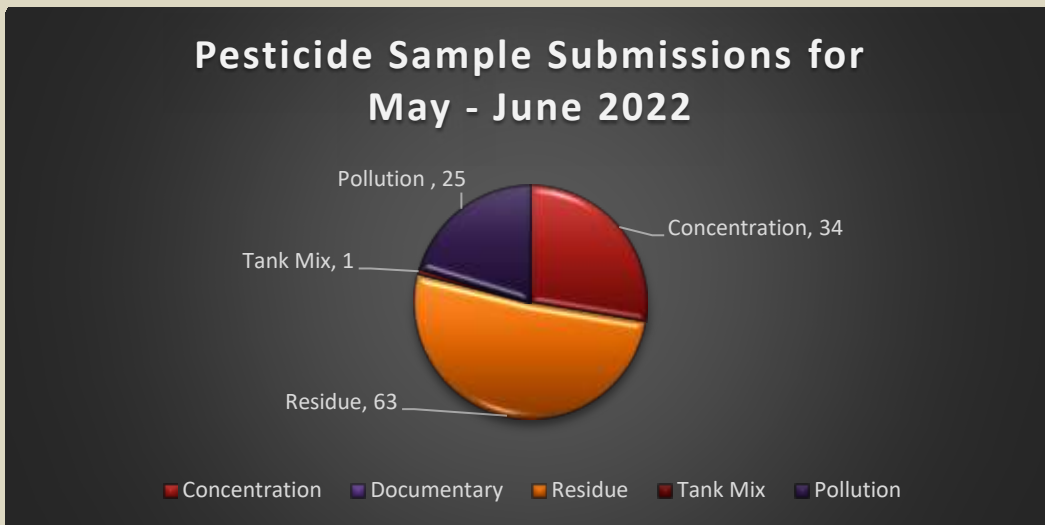




Table 1. Inspection Count for May -June 2022\*

Inspection Type	Number of Inspections		
	May	June	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	14	22	36
Pesticide Applicator Facility	18	19	37
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	6	9	15
Container Containment Inspection	0	0	0
Producer Establishment	0	0	0
Use	51	68	119
Termite	0	1	1
Wood	0	1	1
Pre-treat	0	2	2
Drift Investigation	0	0	0
Pesticide Label	494	1320	1814
Worker Protection	0	0	0
<b>Total</b>	<b>583</b>	<b>1442</b>	<b>2025</b>

\* 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 33 nonagricultural use samples and 90 agricultural use samples for a total of 123 samples.

### *Pesticide Testing & Updates*

#### Licensing & Certification

Service technician certifications expire at the end of 2022. Since all service technicians must complete the exam to recertify, we will begin the renewal process on July 1, 2022. All other expiring categories will start renewals on September 1, 2022.

Service technician expiration reminders will be sent via email to all companies as a reminder to have them retest before the end of the year.

Private Applicators

ODAFF is sending out CEU letters to all active private applicators before the end of July to inform them of new CEU eligibility and testing procedures.

PSI Updates:

PSI has launched a new website specifically for the pesticide exams for ODAFF. The original website, [www.psiexams.com](http://www.psiexams.com), will relocate candidates to the new website or they can go to the new website at <https://test-takers.psiexams.com/okpest>

Pesticide Complaints

PESTICIDE COMPLAINTS	June 1, 2022 – July 11, 2022			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	23	5	8	5
MUSK THISTLE:	10			
PMR CASES:	2	1	0	1
CASES REFERRED TO OGC:	8			

**Plant Protection Program**

Phytosanitary Certificates

*Federal*

Federal phytosanitary certificates Issued from June 1, 2022 – June 30, 2022

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

Commercial value of shipment less than \$1,250:  
 4 Federal phytosanitary Certificates issued @ \$61.00 each

<b>Federal Phytosanitary Certificates (June 1, 2022 - June 30, 2022)</b>			
<b>Country</b>	<b>Product</b>	<b>Quantity</b>	<b>Phytos Issued</b>
Germany	Barrelclover Seed	1 Gram	1
India	Barrelclover Seed	9 Gram	3
Indonesia	Miscanthus Seed	40 Totes	1
Thailand	Miscanthus Seed	20 Totes	1

Companies applying for federal phytosanitary certificates:

International Ingredient: 2  
 OSU Biosciences: 4

*State*

State phytosanitary certificates Issued from June 1, 2022 – June 30, 2022  
 116 phytosanitary certificates for 6,705 plants



*Japanese Beetle Trapping and Survey*

We began setting our traps out for the Japanese Beetle survey in mid-May. There are 6 inspectors included in this survey and 49 traps across 8 counties and 9 nursery operations.

The traps were checked twice in June, and are scheduled to be checked twice in July, and then every month in August, September, and October. The survey will conclude in October. So far, no beetles have been found.

*Weed-Free Forage*

Yellowjacket Services, LLC has been the only applicant for weed-free hay this year. ODAFF inspector Richard Folsom looked at almost 900 acres in June and inspected and certified almost 600 acres as weed-free. We are currently waiting on payment to issue certificates.

## Hemp

July 1<sup>st</sup> is the cutoff date for outdoor grow applications for the remainder of the year.

21 licensed growers with 61 acres and 13,089 sq/ft registered

10 licensed processors/handlers

Hemp program administrator, Caroline Nelson, has updated Oklahoma's hemp law and rules to include the new additions for USDA. Once the review is complete it will be sent to USDA AMS to update.

## Apiary

A second CPS inspector apiary training was conducted on July 7, 2022 in Yukon. We learned how to use a smoker, as well as information about bee health, and the President of the Central Oklahoma Beekeepers Assn (COBA), offered to let us speak at one of their meetings.

We are currently applying to participate in the 2023 National Honeybee Survey and will work with the State Beekeeper Association as well as the regional associations to get beekeeper volunteers for the survey.



## **AGRICULTURE RESOURCE SECTION**

### **Weights & Measures Program**

During this period the large capacity scale technicians tested 204 Vehicle scales and 3 ranch scales, 17 of the Vehicle scales were rejected for repairs.

CPS inspectors checked a total of 2338 small scales and 10 platform scales, 78 of the scales were rejected. There were 11 random pack inspections and 74 standard pack inspections conducted that resulted in 14 companies receiving letters of warning. Additionally, 151 price verification inspections were conducted at various retailers that resulted in 8 companies receiving letters of warning. A total of 5 scale companies received a letter of warning for not properly servicing scales and 2 grain elevators received a letter of warning for possessing an incorrect scale.

### **Feed Program**

#### Program Performance

During this reporting period there were a total of 24 official feed samples analyzed, with 80 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 violation includes Crude Fat. Two stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. One stop sale was issued for a product deficient in Crude Fat. One stop sale was issued for a product deficient in Crude Protein.

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

**Table 1. Feed Notice of Label Violation Summary May 2022- June 2022**

Nutritional Guarantee	Number of Label Violations		
	June <sup>1</sup>	May <sup>2</sup>	Two Month Total
Crude Protein	9	3	12
Non-protein Nitrogen	0	0	0
Crude Fat	1	2	3
Crude Fiber	0	0	0
Calcium	0	1	1
Phosphorus	0	1	1
Salt	0	0	0
Magnesium	0	0	0
Potassium	0	0	0
Copper	0	0	0
Iron	0	0	0
Zinc	0	0	0
Vitamin A	0	0	0
Medicated Feed	0	0	0
<b>Total</b>	<b>10</b>	<b>7</b>	<b>17</b>

<sup>1</sup> 24 feed samples analyzed with 80 determinations; <sup>2</sup> 121 feed samples analyzed with 542 determinations

**Table 2. Feed Stop Sale Summary May 2022- June 2022**

Nutritional Guarantee	Number of Stop Sales		
	June <sup>1</sup>	May <sup>2</sup>	Two Month Total
Crude Protein	1	2	3
Non-protein Nitrogen	0	0	0
Crude Fat	1	0	1
Crude Fiber	0	0	0
Calcium	0	0	0
Phosphorus	0	0	0
Salt	0	0	0
Manganese	0	0	0
Potassium	0	0	0
Copper	0	0	0
Zinc	0	0	0
Vitamin A	0	0	0
Medicated Feed	0	0	0
<b>Total</b>	<b>2</b>	<b>2</b>	<b>4</b>

<sup>1</sup> 24 feed samples analyzed with 80 determinations; <sup>2</sup> 121 feed samples analyzed with 542 determinations

## Fertilizer Program

### Program Performance

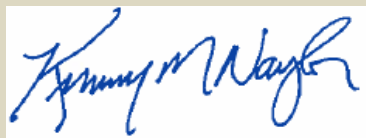
Below are the performance numbers for the fertilizer, agricultural lime, and soil amendment programs for the time-period of May 30<sup>th</sup> to July 1<sup>st</sup>, 2022.

Fertilizer program administrator, Joshua Maples, has been assisting with the anhydrous ammonia tank inspections in the vacant north central inspector territory. He worked with CPS Field Inspector, Jarrod Sanders, to complete the inspection of roughly 120 anhydrous ammonia tanks in total.

Type of Sample	Number	Deficiency Penalties	Notice of Deficiency: Stop Sales
Fertilizer	63	4	1
Lime	0		

Type of Investigation	Number
Anhydrous Ammonia Nurse Tanks	28 (644 Tanks)
Anhydrous Ammonia Storage Tanks	15 (30 Tanks)
Dry Bulk Fertilizer Facility	3
Liquid Bulk Fertilizer Facility	3
Pre-Site Facility	1

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



Kenny M. Naylor



**OKLAHOMA**  
Agriculture, Food  
and Forestry



Oklahoma Department of Agriculture, Food and Forestry  
Animal Industry Services Board Report  
July 27, 2022  
Activities May 28, 2022 – July 8, 2022

**Animal Disease Traceability:**

On June 14, Dr. Gorczyca along with Justin Smith, Kansas State Veterinarian, met with Callahan Grund, Executive Director for US Cattle Trace. Callahan was seeking guidance on how to expand the US Cattle Trace program to all 50 states and is considering incorporating low frequency official identification into their model and not just the use of high frequency non-official tags.

During this period, we were awarded the supplemental cooperative agreement funding that was applied for to purchase RFID equipment. We will have the opportunity to offer 16 Allflex AWR300 RFID wands to veterinarians and producers.

During this time frame, we were contacted by USDA in reference to the Pawnee Nation interested in advancing their traceability efforts for their cattle herds. We will assist the Pawnee Nation by providing a RFID wand and RFID tags to identify their cattle.

VET-CVI is officially operational for ODAFF. Staff are being trained on the use of the program and we are ensuring that the system works seamlessly before offering it to accredited veterinarians in the state.

We continue to distribute the free RFID tags to interested veterinarians and producers. During this period we shipped 11,000 tags to six veterinarians and two producers. We also have a limited number of RFID tag readers that are available for loan.

**Aquaculture:**

During this time frame, we assigned the aquaculture facility inspections. Licensed aquaculture operators are inspected every 2 years to ensure compliance of the program standards.

**Biologics:**

During this time frame, we received a complaint concerning improper vaccine storage at an Atwoods store in Chickasha. The LSI in the area conducted an unannounced visit to review the temperature of the vaccines in stock and to speak with management. No violations were found at the time of the visit, but the LSI will continue to monitor the store and address any issues that may arise.

LSIs routinely check feed and farm stores for expired biological products. During this time frame, two letters of warning were sent to store managers for expired biological products being offered for sale.

On July 6, Dr. Gorczyca met virtually with Medgene Labs to discuss use of their Prescription Platform Vaccine. This is a novel vaccine in which a veterinarian can issue a

prescription for the company to develop a vaccine using a gene of interest to assist with disease management. The vaccine contains nonviable antigens that elicit an immunological response.

### **Cattle Programs:**

#### **Brucellosis:**

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.

Marissa verified two herds' Brucellosis Certified Free Herd tests and issued their certificates.

#### **Tuberculosis:**

We currently have no TB affected herds in Oklahoma.

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

One dairy heifer was a suspect on the screening test as well as on the confirmatory test. In order to be able to move the group the owner euthanized her and Dr. Aebi performed a necropsy and sent samples to the lab to verify she did not have TB.

#### **Johne's Disease:**

We have received 11 positive reports on 8 new premises during this reporting period. Year-to-date we have received 62 positive reports on 61 new premises.

Since 2015 we have received 904 positive reports. Many of these reports are linked to premises with multiple positive so the actual number of newly identified infected premises is difficult to determine. However, during that time we have averaged 60 positive reports on 40 new premises, year to date. The trend, particularly for the last four years, is favorable as we see the positive reports close the same year to year, new infected premises rising and repeat reports falling from a high of 33 to a low of nine. This may suggest that producers are, once their herd is affected with the disease, looking for and accepting disease education, deciding to make changes in management and hopefully reducing risk within the herd. Our accredited veterinarians appear to be doing a better job of helping the producers understand the key elements of effective disease management.

Several larger commercial operations have been aggressive, implementing management changes and timely testing strategy in an effort of disease elimination. These operations appear to be improving their bottom line. However, some operations are disappointing,

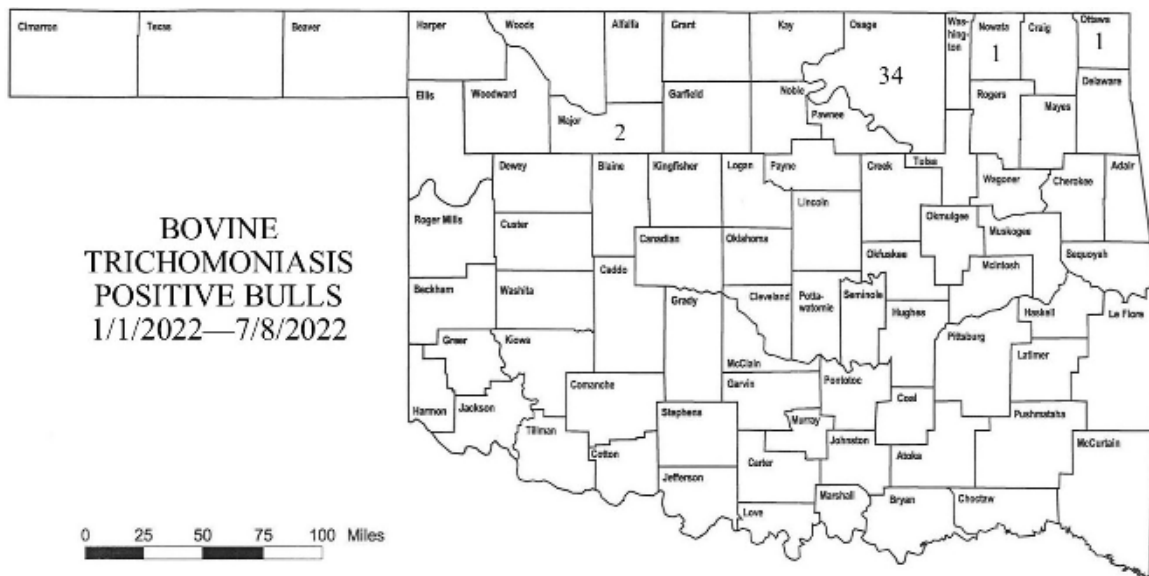


particularly in the purebred/ show industry. For some reason the need to compete outweighs the risk they are willing to accept as they continue to purchase problems.

As the small ruminant operations, specifically the goat industry, continue to expand in our state we continue to struggle with Johne’s disease in that species. The disease in goats is much more acute, with clinical signs only in the latter terminal stages. The disease affects goats at younger ages and spreads more easily. This is a function of the normal habits of goats making it much more difficult to manage. For continued successful expansion of our goat industry, the importance of keeping Johne’s out of the seed stock sector is vital and education must continue.

**Trichomoniasis:**

During this period there were 507 Oklahoma bulls tested for Trichomoniasis with no positive individuals.



9,865 bulls tested / 38 positive = 0.39% positive

Our current statistics compare to 2.1% positive bulls in 2011, 1.4% in 2012, 1.3% in 2013, 1.4% in 2014, 1.1% in 2015, 1.1% in 2016, 0.5% in 2017, 0.32% in 2018, 0.42% in 2019, 0.35% in 2020, and 0.28% in 2021.

**Emergency Management:**

On June 15, Dr. Gorczyca participated in a National Milk Producer Federation call addressing Secure Milk Supply planning and how NMPF can assist SAHOs with developing those plans within their respective states.

On June 21, the After Action Review was held for the National Veterinary Stockpile Full Scale Exercise. During the meeting, training gaps and other issues were identified. These will be included in an improvement plan to be incorporated into the ODAFF NVS plan for future incidents that will require NVS asset requests.

On July 7, Dr. Gorczyca attended the OKMRC Unit Coordinator Workshop

**Equine Programs:**

There are no reported cases or quarantines for CEM in Oklahoma

There are no new or current EIA cases or traces in Oklahoma.

There was one horse quarantined after testing positive for Equine Piroplasmiasis. That horse has completed the USDA approved treatment program for Equine Piroplasmiasis and has tested negative on two consecutive tests which allowed for release of the quarantine. Follow up testing will be done yearly for the next 3 years to monitor the disease status of the horse.

There has been an increase in cases of Equine Piroplasmiasis in the US since 2011. The majority of these cases are found in Quarter Horses who are participating in unsanctioned racing. Oklahoma is one of the top 4 states for Quarter Horse racing but has remained the only one of the 4 states without a regulation for piroplasmiasis testing of horses entering a racetrack. Animal Industry proposed a rule that would require all racing Quarter Horses, Appaloosas, and Paint Horses entering a racetrack in Oklahoma to have proof of a negative piroplasmiasis test (*Theileria equi*) within the past 12 months. That rule will go into effect in September of this year. Animal Industry is working with the Oklahoma Horse Racing Commission and the Oklahoma Quarter Horse Racing Association to ensure horse owners, trainers, and track officials are aware of the new regulation.

**Farmed Cervidae Programs:**

The program administrator continues to audit licensee records for accuracy and completeness and update the standard operating procedures related to maintaining the farmed cervidae monitored herd programs effectively and efficiently. On June 15<sup>th</sup>, Dana Call attended the virtual Monthly Cervidae Health meeting lead by USDA-APHIS.

**Feral Swine:**

The program administrator continues to audit licensee records for accuracy and completeness and update the standard operating procedures related to maintaining the feral swine programs effectively and efficiently.

**Foreign Animal Disease:**

During this period we had one FAD investigation. It involved a backyard flock of chickens with a high death loss. Fortunately the cause was not a FAD.

The Highly Pathogenic Avian Influenza outbreak is continuing even though it has slowed down significantly.

As of July 8 there are 37 affected states and 385 confirmed affected premises with HPAI. There are have been over 40 million birds that have died or been destroyed due to this virus incursion.

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. This has gained greater significance due to the finding of ASF in the Dominican Republic and Haiti.

**Livestock Market Audits:**

During this period, Jeff Scott has been working with an individual that is currently operating a chicken and miscellaneous auction in Wilson. Laramye Thoroughman has started the livestock auction licensing process in hopes of expanding his current biweekly auction to include cattle, sheep and goats. Mr. Thoroughman hopes to be fully licensed by the end of July. In addition to the Wilson, Oklahoma activity, Jeff also sent packets to a couple of individuals interested in sale barn ownership. This period also allowed for a market orientation as well as a number of custodial account reviews.

**Livestock Auction Market Activities**

Auction market licenses issued	0
Auction market licenses pending	0
Market custodial audits completed	7
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

**Outreach:**

There was no significant activity during this time period.

**Poultry Programs:**

There have been 14 sick or dead birds submitted for our sick bird/dead bird program since the last board report, for a total of 92 cases this year.

National cases of Highly Pathogenic Avian Influenza have declined over the summer months due to increased temperatures and migratory birds reaching their nesting grounds. There have continued to be some sporadic cases of HPAI in backyard flocks predominately in the Northwest US. The most recent case was detected in a backyard flock in Nevada. A second wave of disease incursion is expected in the fall as temperatures begin to decline and wild birds begin their migration south to warmer climates. Animal Industry lifted the ban on poultry exhibitions, sales, and swap meets on May 31 since no new cases of HPAI were found in Oklahoma in a 30 day time period and the national epidemiological curve was on a steady decline. We continue to encourage poultry owners to institute biosecurity to ensure their flocks are protected from this deadly virus.

Dr. Ruby and Sherrie Davis attended the National Poultry Improvement Plan Biennial Meeting in Dallas, TX. This meeting is held every 2 years and involves industry, state, and federal animal health officials. During this meeting, changes to the Code of Federal Regulations regarding the NPIP program are proposed, discussed, and voted on to ensure the program is meeting the needs of the industry and regulatory officials.

Dr. Ruby and I have been participating in weekly virtual meetings of the Tri-State Poultry Health Advisory Committee. These meetings are normally quarterly but during the HPAI outbreak the Committee thought weekly meetings would be better.

### **Public Health**

Dr. Gorczyca-Southerland is continuing to work with a Commercial Pet Breeders Inspector to monitor testing in the kennel that had Canine Brucellosis. The quarantine will be in place until all dogs have had two negative brucellosis tests.

### **Rabies in Livestock:**

There is currently one sow under quarantine after exposure to a confirmed rabid skunk. This animal will be isolated with little to no contact with people and monitored closely for any clinical signs of illness. Due to the potential for long incubation periods for rabies, the sow will remain quarantined for a total of 6 months. To date, the animal appears healthy and the owner is abiding to all requirements of the quarantine.

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

There was no significant activity during this time period.

### **Swine Programs:**

During this time frame, we were notified of a cull sow testing positive for pseudorabies at slaughter. The PIN tag traced back to a premises in Oklahoma. The premises is a commercial swine operation and is currently a monitored herd for brucellosis and pseudorabies. This premises had submitted their annual testing in January 2022 and all hogs tested were negative for both pseudorabies and brucellosis. Dr. Gorczyca contacted the veterinarian for the premises and advised of the positive test. The veterinarian was able to provide the timeframe for when this cull sow left the premises up until it was slaughtered. The sow did come to a buying station prior to slaughter. It is very unlikely that the sow was exposed to pseudorabies while at the premises in Oklahoma, however Dr. Gorczyca required the premises to submit an additional 30 samples targeting the next load of cull sows to be tested for pseudorabies. All tests were negative.

The program administrator continues to audit program participant records for accuracy and completeness and update the standard operating procedures related to maintaining the swine programs effectively and efficiently.

On June 29<sup>th</sup> Dana Call attended a virtual meeting hosted by the USDA for ASF awareness.

### **Miscellaneous:**

On June 9<sup>th</sup> Dr. Stone responded to the Heart of Oklahoma Expo Center in Shawnee following reports on Facebook and calls to Secretary Arthur about unsafe conditions at the Expo Center. Dr. Stone met with Expo management and walked through the facility. Problems did exist but none of the issues were within our jurisdiction. The issues were a lack of cleanliness and labor. Management did find a group that was willing to come to the rescue and help to get things moving forward.

Dr. Stone made suggestions for quick biosecurity that could help with the immediate problem and is now in communication with the manager and the city manager about how to improve biosecurity for future events.

On June 13<sup>th</sup> and July 1, Dana Call completed a total of 9 hours of Biosecurity in Livestock and Poultry Production continuing education sponsored by The Center for Food Security and Public Health at Iowa State University College of Veterinary Medicine.

On June 17, Dr. Gorczyca participated in a call between USDA, Secretary Pollard, OSDH, and the OPCIE to discuss congressionally directed spending identified for the Oklahoma Pandemic Center for Innovation and Excellence.

June 26 – 30 Dr. Stone attended the 7<sup>th</sup> Tri-annual International Mass Mortality Management meeting in Raleigh, NC. The meeting, attended by many of the world's leading experts in mass mortality events allows for the exchange of ideas in the containment of disease, the elimination of issues associated with high consequence disaster events, and the discussion of ways/ research to improve on response.

On June 27-June 30, Dr. Gorczyca was a member of the VMLRP review panel. The panel met daily and went over 65 applications to determine which applicant best fit the shortage area for which they were applying.

Respectfully,

A handwritten signature in cursive script that reads "Rod Hall DVM". The signature is written in black ink on a white background.

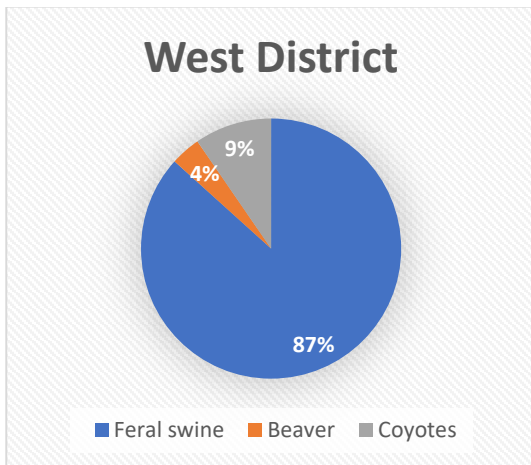
Rod Hall, DVM

Oklahoma Department of Agriculture, Food, and Forestry  
Wildlife Services Division  
Board Report for June 2022 Activities

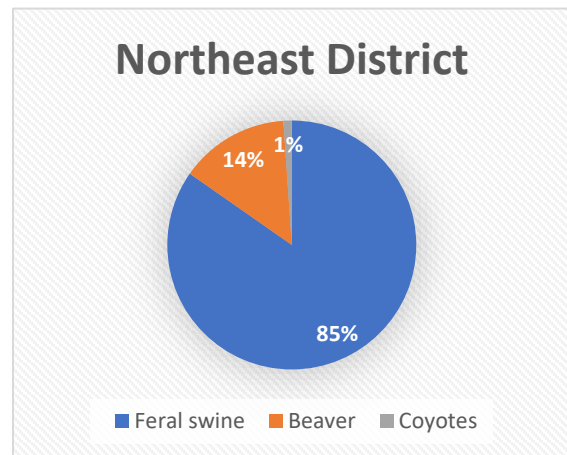
**Introduction**

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 518 properties with an estimated 1,096,621 acres of land under agreement. Additionally, WS helped 541 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 \$345,337 during this period. Beaver damages accounted for losses totaling \$77,249. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$9,344. Feral swine damages accounted for losses totaling \$257,612, while other species of wildlife were responsible for \$1,132 in damages to property, agriculture, and livestock.

**Providing Wildlife Services**



*Figure 1: Species Removed in West District by percentage during June 2022*



*Figure 2: Species Removed in the Northeast District by percentage during June 2022*

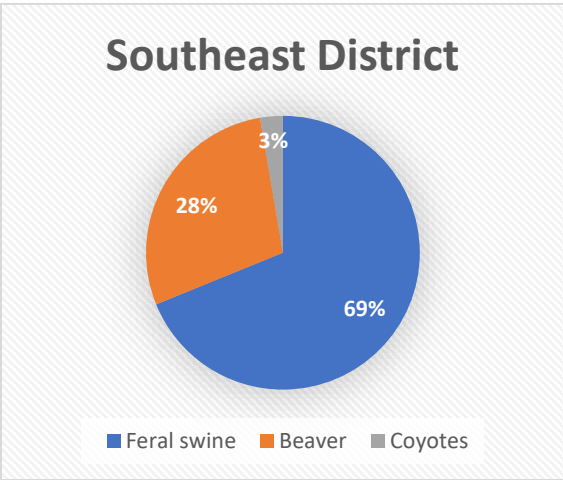


Figure 3: Species Removed in the Southeast District by percentage during June 2022

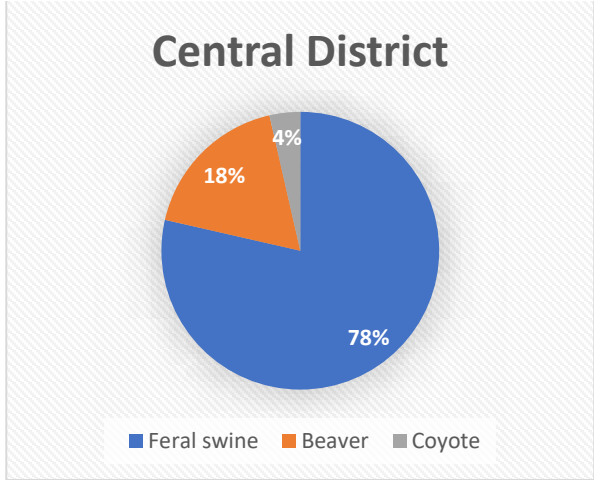


Figure 4: Species Removed in the Central District by percentage during June 2022

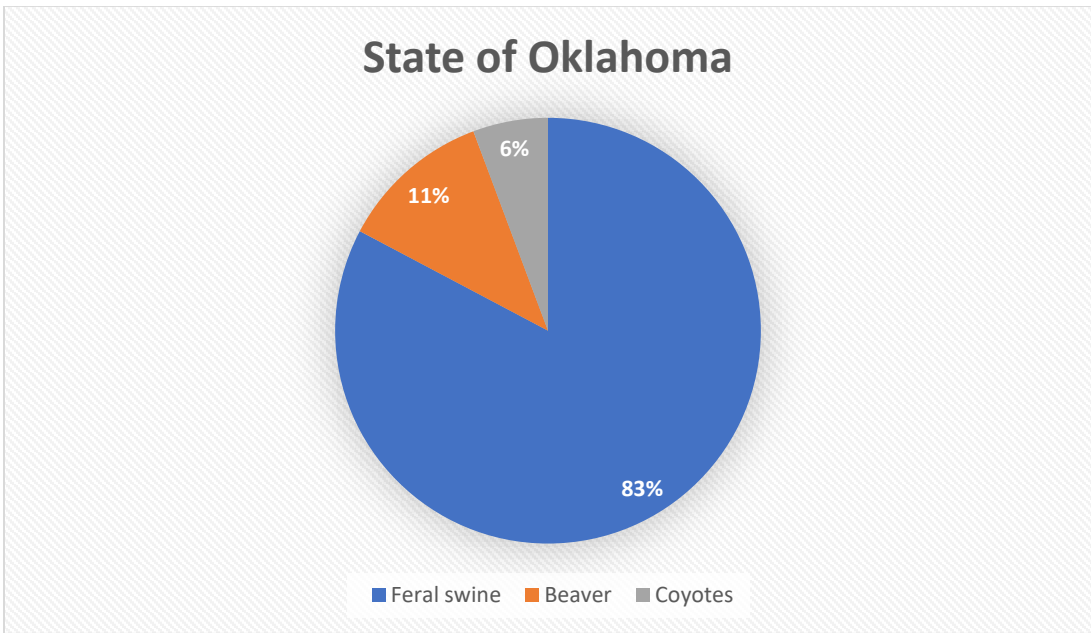


Figure 5: Species Removed in the State by percentage during June 2022

**Coyote Damage Management**

**Beaver County** landowner requested assistance with coyotes depredating on his calves. The producer reported that coyotes took one calf valued at \$1,500. The Wildlife Specialist assigned to Beaver County examined one of the carcasses and verified that coyotes were responsible for the loss. Damage management efforts were successful in removing six coyotes from the property. Control

efforts continue to help further reduce the threat to the cooperators' calves.

**Grant County** livestock producer requested assistance with coyotes depredating on his chickens. The producer reported coyotes had killed six chickens valued at \$48. The Wildlife Specialist assigned to Grant County conducted a site visit and verified coyotes were responsible for the losses. The Specialist removed two coyotes from the property and recommended the landowner utilize penning to help reduce future losses to coyotes. No further losses have occurred, and work is ongoing at this time.

**Garfield County** livestock producer requested assistance with coyotes that had depredated three of his lambs valued at \$401.76. The Wildlife Specialist assigned to Garfield County responded to the request and examined one of the carcasses and confirmed that coyotes were responsible for the losses. The Specialist recommended non-lethal methods of carcass removal, night penning, shed lambing, and guarding animals to help reduce future lamb losses to coyotes. Control efforts have removed three coyotes and are continuing at this time.

**Texas County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed five calves valued at \$4,407. The Wildlife Specialist assigned to Texas County responded to the request and examined the carcass and confirmed that coyotes were responsible for the loss of the calf valued at \$881. The Specialist used foot-hold traps and calling/shooting to remove twenty-two coyotes. Control efforts continue to prevent additional losses.

**Pittsburg County** rancher reported losing six calves to coyote predation. Predation damages were verified by WS and estimated by the rancher at \$5,000. WS used neck snares, foot-hold traps, and predator calling to remove six coyotes. This project will be monitored until calving ends on the property. No further damages have been reported to date.

### **Feral Swine Damage Management**

**Nowata County** rancher reported that feral swine were rooting up approximately ten acres of pasture on his property with damages estimated at \$10,000 along with six acres of wheat damaged valued at \$900. The Wildlife Specialist assigned to Nowata County responded to the request and verified feral swine were responsible for the damage reported. The Specialist utilized a live trap to remove twenty-seven feral swine. Work is continuing at this time and the rancher was instructed on environmental changes and fencing methods that can be utilized to prevent future damages.

**Sequoyah County** landowner requested assistance with feral swine. The landowner reported that feral swine had moved onto his property and were causing damage to his pasture and a nearby hay meadow. The Wildlife Specialist assigned to Sequoyah County responded and verified the damage. A live trap was used to remove forty-eight feral swine from the property and work is complete at this time. Damage was minimal, due to the landowner's timely request for help.

**Haskell County** landowner requested assistance with feral swine causing damage to twenty acres of his pasture with damages estimated at \$1,600. The Wildlife Specialist assigned to Haskell County responded to the request and verified the damages to the pasture. The Specialist utilized a live trap to remove twenty-two feral swine from the property. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.



**Dewey County** landowner contacted WS needing assistance with feral swine rooting in his wheat fields. The landowner estimated the feral swine had rooted up six acres valued at \$800. The Wildlife Specialist assigned to Dewey County responded to the request and verified the damage. A live trap along with aerial operations were used to remove sixty-one feral swine from the property. No additional damage has occurred and the population in the area is being monitored to determine if additional management is needed.

**Custer County** landowner contacted WS needing assistance with feral swine damaging his milo field. The landowner estimated the damage the fields to be \$400. The Wildlife Specialist assigned to Custer County responded to the request and verified the damage. A live trap was used to remove twenty-two feral swine from the property. No additional damage has occurred and the population in the area is being monitored to determine if additional management will be needed.

**Kiowa County** farmer requested assistance with feral swine causing damage in his wheat fields and pastures. The farmer reported feral swine were responsible for damaging twenty acres of wheat valued at \$1,000 and ten acres of pasture valued at \$500. The Wildlife Specialist assigned to Kiowa County responded to the request and verified feral swine were responsible for the damages. The Specialist utilized a live trap to remove forty-four feral swine and aerial operations to remove an additional twenty-one feral swine from the property. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

### **Aerial Operations**

Aerial operations were conducted in **Caddo County** in response to several farmers requesting feral swine control on peanuts fields. Historically farmers in this area have significant losses to peanut fields during planting and again during harvest time. To reduce feral swine damage in this area the helicopter was utilized for five flying hours to remove seventy-two feral hogs. This area will be closely monitored to determine if additional aerial operations are needed.

Aerial operations were conducted on **Wichita Mts. National Wildlife Refuge**. Aerial operations are conducted frequently on the refuge to reduce damage to natural resources and habitat and to reduce the risk of disease transmission to native wildlife on the refuge. The helicopter was used for 5.9 flying hours to remove thirty-eight feral swine. Additional operations will be conducted in the future to further reduce the impact of feral swine on the refuge.

Aerial operations were conducted in **Custer and Dewey Counties** in response to landowners' request for reducing feral swine populations around corn, milo, and soybeans fields. The helicopter was utilized for 11.2 flying hours to remove one hundred ninety-seven feral swine from the problem areas. Additional aerial operations are planned in these areas to further reduce damage associated with feral hogs.

### **Beaver Damage Management**

**Okmulgee County** landowner contacted WS for assistance with beaver that were responsible for damming up his pond on his property and flooding the county road. The landowner estimated the damage to the pasture to be valued at \$500. The Wildlife Specialist for Okmulgee County responded

and verified beavers were responsible for damage and the Specialist was successful in removing five beavers from the pond.

**Muskogee County** landowner contacted WS regarding beaver damage to his property. He reported that beavers had begun damming up a drainage ditch on his property and were also cutting down small trees. The Wildlife Specialist assigned to Muskogee County responded to the request and verified that beavers were responsible for an estimated \$150 in damage. Body-grip traps were set, and three beavers have been removed from the ditch and work is ongoing to ensure no more damage will occur.

**Wagoner County** Road Commissioner contacted WS for assistance with beaver that were responsible for damming up a road culvert and causing damage to the road structure. The Commissioner estimated the damage to the road to be valued at \$1,500. The Wildlife Specialist for Wagoner County responded and verified beavers were responsible for damage. Methods employed by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to the road and bridge structure.

**Woods County** landowner contacted WS for assistance with beaver that were responsible for damming up the creek on his property and flooding his pasture. The landowner estimated the damage to the pasture to be valued at \$1,000. The Specialist for Woods County responded and verified the damage. Methods employed by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to pasture.

**Ellis County** Road Commissioner contacted WS for assistance with beaver that were responsible for damming up the creek on one of his bridges causing the water to go over the road. The Commissioner estimated the damage to the road and bridge structure to be \$500. The Specialist for Ellis County responded and verified beavers were responsible for damage. The Specialist was able to remove the beavers from the creek.

**Stephens County** landowner contacted WS for assistance with beaver that were girdling and cutting down trees on his property. The landowner estimated the damage to the trees to be valued at \$1,200. The Specialist for Stephens County responded and verified beaver were responsible for damage. The Specialist was able to remove the beavers from the pond to help reduce any additional damage to standing trees around his pond.

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

### **Airport Project**

**Pontotoc County** municipal airport in Ada called WS for assistance with White-tailed deer and coyotes posing a threat of risk to human health and safety and aircraft. The deer and coyotes were on the runways at while aircraft were arriving and departing. The wildlife activity on the runway was verified by WS and the Specialist was able to remove two coyotes and one deer. This project is still being monitored.

### **Goose Roundups**

Goose roundups started during June. Roundups typically occur in the summer while the birds are molting and unable to fly while their new feathers grow in. This period of flightlessness can be taken advantage of by conducting a 'goose round-up'. Requests from municipalities, private businesses, and homeowners associations were all received in regards of removing Canada geese causing human health and safety issues from fecal droppings and turf damage. The properties were primarily within the OKC Metro area with a couple of other locations across the State. Roundup work has concluded at this time with around 850 Canada geese being removed.

*Table 1: Beaver, Coyote, and Feral Swine removal in Oklahoma by WS June 2022*

County	Beaver	Coyote	Feral swine	District
Adair		4		NE
Alfalfa				W
Atoka	5		20	SE
Beaver	1	8		W
Beckham			27	W
Blaine		4	171	W
Bryan	4	2	35	SE
Caddo		7	79	W
Canadian	2			C
Carter	12			SE
Cherokee	7	1		NE
Choctaw	6			SE
Cimarron				W
Cleveland	2			C
Coal				SE
Comanche	1		27	W
Cotton			31	W
Craig	5		17	NE
Creek	10		1	NE
Custer	1		79	W
Delaware				NE
Dewey			107	W
Ellis	7	2	2	W
Garfield		10		W
Garvin	2	2	6	SE
Grady	3		30	W
Grant	2			W

Greer		2	3	W
Harmon		1	18	W
Harper				W
Haskell	3		25	NE
Hughes	8	1	6	SE
Jackson			24	W
Jefferson			21	SE
Johnston	8		41	SE
Kay	6			NE
Kingfisher	1			W
Kiowa			181	W
Latimer	3			SE
Leflore	15		25	SE
Lincoln	7		23	NE
Logan	2	11	18	W
Love	3		24	SE
Major	5	3		W
Marshall	1			SE
Mayes				SE
McClain	5			SE
McCurtain				SE
McIntosh	1		33	NE
Murray	8	3	22	SE
Muskogee	4		1	NE
Noble	1		12	NE
Nowata	1		70	NE
Okfuskee	2		24	NE
Oklahoma	1	1	22	C
Okmulgee	4		15	NE
Osage	6	1	18	NE
Ottawa	6			NE
Pawnee			152	NE
Payne	7			NE
Pittsburg		1	7	SE
Pontotoc	6			SE
Pottawatomie				C
Pushmataha	10		11	SE
Roger Mills	4	3	17	W
Rogers	1			NE
Seminole			14	SE
Sequoyah	3		49	NE

Stephens	7	3		W
Texas		35		W
Tillman				W
Tulsa				NE
Wagoner	5		14	NE
Washington			17	NE
Washita				W
Woods	1	1		W
Woodward				W
<b>TOTAL</b>	<b>215</b>	<b>106</b>	<b>1539</b>	

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

Respectfully submitted,

Scott Alls  
 Division Director  
 Wildlife Services Division

**June 2022 Activity Report  
for  
July 2022 Board Meeting  
Agricultural Statistics Division**

**General**

Rainfall totals in Oklahoma the **first week of June** averaged 1.67 inches. According to the May 31th US Drought Monitor Report, drought conditions were rated 49 percent abnormally dry to exceptional drought, down 4 points from the previous week. Additionally, 43 percent of the state was in the moderate drought to exceptional drought category, down 1 point from the previous week. Statewide, temperatures averaged in the lower 70's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma the **second week of June** averaged 2.08 inches. According to the June 7th US Drought Monitor Report, drought conditions were rated 43 percent abnormally dry to exceptional drought, down 9 points from the previous week. Additionally, 35 percent of the state was in the moderate drought to exceptional drought category, down 8 points from the previous week. Statewide, temperatures averaged in the upper 70's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma the **third week of June** averaged 0.05 of an inch. According to the June 14th US Drought Monitor Report, drought conditions were rated 40 percent abnormally dry to exceptional drought, down 3 points from the previous week. Additionally, 30 percent of the state was in the moderate drought to exceptional drought category, down 5 points from the previous week. Statewide, temperatures averaged in the lower 80's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma the **fourth week of June** averaged 0.23 of an inch. According to the June 21st US Drought Monitor Report, drought conditions were rated 41 percent abnormally dry to exceptional drought, up 1 point from the previous week. Additionally, 31 percent of the state was in the moderate drought to exceptional drought category, up 1 point from the previous week. Statewide, temperatures averaged in the lower 80's. Topsoil moisture conditions were rated mostly adequate to short.

**Small Grains:** Winter wheat harvested reached 90 percent, up 14 points from the previous year and up 8 points from normal. Canola harvested reached 73 percent, up 7 points from the previous year but down 3 points from normal. Rye harvested reached 72 percent, up 15 points from the previous year but unchanged from normal. Oats headed reached 95 percent, unchanged from the previous year but up 3 points from normal. Oats harvested reached 37 percent, unchanged from the previous year but down 1 point from normal.

**Row Crops:** Corn emerged reached 97 percent, up 3 points from the previous year and up 2 points from normal. Corn silk reached 18 percent, up 4 points from the previous year but unchanged from normal. Sorghum planted reached 76 percent, down 2 points from the previous year and down 4 points from normal. Soybeans planted reached 75 percent, up 11 points from

the previous year but unchanged from normal. Soybeans emerged reached 57 percent, up 18 points from the previous year but unchanged from normal. Peanuts planted reached 95 percent, up 1 point from the previous year but unchanged from normal. Cotton squaring reached 10 percent, up 1 point from the previous year but down 6 points from normal.

**Hay:** The first cutting of alfalfa hay reached 95 percent, up 1 point from the previous year and up 3 points from normal. The second cutting of alfalfa hay reached 50 percent, up 2 points from the previous year but down 5 points from normal. The first cutting of other hay reached 77 percent, up 1 point from the previous year but unchanged from normal. The second cutting of other hay reached 3 percent, up 3 points from the previous year.

**Pasture and Livestock:** Pasture and range condition was rated at 75 percent good to fair. Livestock condition was rated at 88 percent good to fair.

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

Survey	Enumerated by:	Survey Dates
Cherry AP	DCC	5/28 - 6/6
June Ag Yield	DCC	5/28 – 6/7
June Crops APS	DCC	5/28 – 6/17
ARMS 1	DCC	5/23 – 7/11
NRCS Conservation Practice Adoption Motivation	DCC	6/13 – 8/2
July Ag Yield	DCC	6/29 – 7/7
July Cattle	DCC	6/30 – 7/14
Feral Swine Survey	DCC	7/14 – 8/12
August Ag Yield	DCC	7/30 -8/8

**Statistics:** On July 12, 2022, the July Crop Production report was published. Highlights include:

Wheat production for Oklahoma is forecast at 72.9 million bushels, down 37 percent from last year. This forecast is up 8.1 million from the Oklahoma June forecast. Yield per acre is forecast at 27.0 bushels, down 12.0 bushels from the previous year. Acres expected to be harvested for grain, at 2.70 million acres, are down 8 percent from 2021.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 26. In addition, our internet home page was hit 1,990 times in June, which is down 29 percent from 2021.

**Releases for June:**

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

**Relating Dates:**

June 1, 2022  
 June 1, 2022  
 June 1, 2022  
 June 15, 2022  
 June 1, 2022  
 June 1, 2022

**Release Dates**

June 10, 2022  
 June 24, 2022  
 June 29, 2022  
 June 30, 2022  
 June 30, 2022  
 June 30, 2022

**Releases for July:**

Crop Production  
 Cattle on Feed  
 Agricultural Prices  
 Farm Production Expenditures

**Relating Dates:**

July 1, 2022  
 July 1, 2022  
 July 15, 2022  
 2021 Crop Year

**Release Dates:**

July 12, 2022  
 July 22, 2022  
 July 29, 2022  
 July 29, 2022

**Meetings and Events:**

Kansas WEWAIT Training  
 RD Native Agriculture Production Session  
 PGI Training for Colorado  
 Peanut Commission Meeting  
 NWIA Veteran's Conference  
 RMA WEWAIT Training  
 TECO Meeting  
 PGI MT&WY Training  
 OCA Conference  
 NAAMO Conference

**Date:**

June 1-2,6-7, 2022  
 June 14, 2022  
 June 22, 2022  
 June 23, 2022  
 July 6, 2022  
 July 12-15, 2022  
 July 19, 2022  
 July 21, 2022  
 July 22-23, 2022  
 July 24-27, 2022

**Location:**

Virtually  
 Virtually  
 Virtually  
 OKC, OK  
 OKC, OK  
 Virtually  
 Virtually  
 Virtually  
 Norman, OK  
 Tulsa, OK

Respectfully Submitted,

Troy Marshall



# MARKET DEVELOPMENT SERVICES

*July 27, 2022*

**Report to the State Board of Agriculture**

## AG IN THE CLASSROOM

### AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 607
- Total Number of Pre-service Teachers Impacted: 0
- Total Number of Extension Educators Impacted: 5
- Total Number of Students Directly Impacted by Coordinators: 95
- Total Number of Resources Given: 2,881
- Total Number of Teachers/PreService Teachers Resources Given to: 549
- Total Number of PreK-12th Grade Students Resources Given to: 1,234

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

- The AITC website had 11,918 visits and 9,403 unique pageview visits.
- The AITC monthly email is delivered to 16,111 accounts.
- The AITC Facebook page now has 8,153 followers.
- The AITC Twitter page now has 585 followers.
- Oklahoma AITC Instagram account now has 607 followers.
- Oklahoma AITC Pinterest account now has 211 followers.
- The AITC YouTube channel now has 8,752 views.

### Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
National Board Certified Teachers Summit - All grade levels	Cole's Garden - OKC	Booth - Consisted of Soil Plants and Animals Oh My book, Tear sheet examples, Pig Pens	50 Soil Plants and Animals , 50 Pig Pens, Upper Level financial literacy cards, Lower Level financial literacy cards
53 Oklahoma teachers attended the AITC Summer Road Trip - Ag on Rt 66 Way out West	Western Oklahoma starting in Hydro, OK to the western state line	Day 1 (July 7th): <ul style="list-style-type: none"> <li>● <b>Purvine Ranch</b> at Fay (beef cattle)</li> <li>● <b>Entz Auction</b> at Hydro (farm auction)</li> <li>● <b>Triple S Farms</b> at Hydro (potatoes, watermelons, etc)</li> <li>● <b>Krehbiel Farms</b> at Hydro (sheep, crops) They are also</li> </ul>	Barn full of resources for each participant

		<p>sponsoring our lunch and hosting us at the farm.</p> <ul style="list-style-type: none"> <li>● <b>Dean Smith Farms</b> at Hydro- (peppers)</li> <li>● <b>Custer County 4-H Horse Club</b> at Weatherford (horses and activities)</li> <li>● <b>Dinner at at Thomas Ag Building</b> - Fajitas sponsored by Oklahoma Beef Council (AITC resources and dinner catered by Burlap Napkin)</li> </ul> <p>Day 2 (July 8th)</p> <ul style="list-style-type: none"> <li>● <b>The Goat Farmer’s Wife</b> in Thomas (homemade goat soap, goat milking)</li> <li>● <b>South Canadian Meats</b> in Thomas (new meat processing plant)</li> <li>● <b>Box Lunch on Bus</b> from Heart &amp; Home- Roast Beef sandwich box lunch sponsored by Oklahoma Beef Council</li> <li>● <b>Tracy Smith’s Buffalo Farm</b> at Cheyenne (buffalo and beef)</li> <li>● <b>Clinton Livestock Auction</b> in Clinton</li> <li>● <b>Dinner at White Dog Hill</b> in Clinton- Dinner sponsored by Oklahoma Beef Council and Oklahoma Ag in the Classroom</li> </ul> <p>Day 3 (July 9th)</p> <ul style="list-style-type: none"> <li>● <b>Roots 66 Sod Farm</b> at Elk City (sod farm)</li> <li>● <b>No Till Cotton Farm</b> at Elk City (cotton)</li> <li>● <b>Lunch at Fred’s Diner</b> at Elk City- Chicken Fried Steak dinner</li> </ul>	
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		<p>sponsored by Oklahoma Beef Council</p> <ul style="list-style-type: none"> <li>● <b>Jordan and Nocona Cook</b> in Foss (beef cattle)</li> <li>● <b>Merlin Schantz Peanuts</b> in Foss (Peanuts)</li> </ul>	
524 total workshop attendees from all over the United States and Puerto Rico	National Ag in the Classroom Conference in Saratoga Springs, NY	<ol style="list-style-type: none"> <li>1. Oklahoma Ag in the Classroom Coordinators: Soil, Plants, &amp; Animals, Oh My!</li> <li>2. Tammy Will (Morrison Teacher): Red Dirt Chemistry</li> <li>3. Teresa Brunnemer (Morrison Teacher) &amp; Amber Bales (Stillwater Teacher): Soybeans - the other green bean!</li> <li>4. Anna Wofford (Frederick Teacher): Hydroponics and Aquaponics in your classroom</li> <li>5. Shelley Mitchel (OSU employee): Garden Workshop</li> <li>6. Oklahoma AITC Coordinators: Phonological and Phonemic Awareness Around the Farm</li> <li>7. Jacklyn Jaggars &amp; Jeri Fleming (GRDA): Riverology</li> <li>8. Johnnie Keel (Norman Teacher) &amp; Christie Pucket (Maysville Teacher): Seeds of Understanding in the Garden</li> <li>9. Dusti McCartney (Ada Teacher): Pecans in the classroom</li> </ol>	Soil, Plants, & Animals, Oh My teacher resource, Soybeans Tear Sheets, Engineering Process Tear Sheets, Green Bean Tear Sheets, Phonological and Phonemic Awareness Around the Farm teacher resource, Pecan Tear Sheets

### Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
13 High School Students	Farm Bureau Building	Strawberry Rock Painting, Fingerprint Pecan tree stamping, Pig Personality, Watermelon Volcano, Pipecleaner corn beads	Strawberry Tear Sheets, Pecan Tear Sheets, Swine Tear Sheets, Watermelon Tear Sheets, Coloring Book, Ag Mag, Red Dirt Symbols, Barn, Corn Tear sheets, Soybean

			Tear Sheets, 1 Careeropoly game, Soil Plants and Animals, Route 66 Mag, Horse Tear Sheets, Beef Tear Sheets, Dairy Tear Sheets, Wool or Cotton, Dairy or Chocolate Milk
7 - 7th -12th grade female student	Chickasaw Nation FemSTEM camp in Ada	Wind Energy - Building and designing your own wind turbine capable of making enough energy to turn on an LED light	Oklahoma Ag Mag, Upper Level Engineering Process Tear Sheet
75 students (PK-12th) and adult volunteers	Southern Legislative Conference Ag Day	<ul style="list-style-type: none"> <li>● P&amp;K Farm Equipment</li> <li>● Southwest Mobile Dairy</li> <li>● Oklahoma Conservation Commission</li> <li>● Burton Harmon with Oklahoma Farm Bureau Peddle Cars</li> <li>● Wheat Painting</li> <li>● Oklahoma Department of Forestry</li> <li>● Oklahoma Department of Wildlife</li> <li>● Ag Youth Magazine Photo Booth</li> <li>● Oklahoma History Center</li> <li>● Oklahoma Beef Council</li> <li>● Oklahoma Pork Council</li> <li>● Corn Cob Dolls</li> <li>● Hereford Dystocia Simulator (OSU)</li> <li>● Betsy the milk cow and making butter</li> <li>● Oklahoma Soybean board</li> <li>● AITC ABC Coloring books</li> <li>● AITC Minute to Win it games</li> <li>● Watermelon Seed Spitting</li> <li>● Kelli Payne- Oklahoma National Stockyards</li> <li>● Ice Cream in a Bag</li> <li>● Farm Animal Cookie Decorating</li> <li>● What's your Brand - cattle branding on bandanas</li> <li>● Edible Soil</li> <li>● Petting zoo - Custer County 4-H Club</li> <li>● Express Clydesdales</li> </ul>	Students had the opportunity for several make and take items, as well as AITC ABC coloring books, Red Dirt Symbols, and Oklahoma Ag Magazines

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

<b>Locations where Resources are Mailed or Delivered</b>	
Heavener Public Schools	Hugo Public Schools
Cushing Upper Elementary	Central Elementary School, Sallisaw
Tuner Elementary School, Burneyville	Pocola Elementary School
Panama Lower Elementary School	Hayes Grade Center, Ada
Lakeside School, Hominy	Oak Grove Elementary, Cushing
Summit Christian Academy, Broken Arrow	Broken Bow Dierks Elementary
Thrive Homeschool Co-op	Creekwood Elementary, Broken Arrow
Central Middle School, Edmond	Erick High School
Parker Intermediate Center, McAlester	Arrowhead Elementary, Broken Arrow
Jenks West Elementary	Clyde Boyd Middle School, Sand Springs

**Ag in the Classroom- Other Events**

<b>Event</b>	<b>Highlights</b>
Melody Aufill (AITC Coordinator) did a radio interview with KC Shepard.	Melody discussed Ag in the Classroom upcoming summer events including the AITC summer road trip, the National Ag in the Classroom Conference, the Southern Legislative Conference Ag Day, and the AITC Summer Conference on July 19th.

**AGRITOURISM**

**Agritourism - Site Visits**

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Waurika Farmers Market	Waurika	Farmers Market	Attended vendor/board meeting. Presented and answered questions about rules, licenses, and marketing
Horn Canna Farm	Carnegie	Horticulture	Tour of canna production, job shadow with Addy Schneberger
Growing Paynes	Mustang	u-pick	Adding horticulture as new category, dropped off AITC tear sheets, job shadow with Addy
Norman Farm Market	Norman	Farmers Market	Job shadow with Addy, conversations with producers and manager
Owasso Christmas Tree & Berry Farm	Owasso	u-pick	Dropped off AITC resources
Outback Farm	Pryor	u-pick	Dropped off AITC resources
Wind Drift Orchards	Harrah	u-pick	Photoshoot

Maple Creek Berry Farm	Poteau	u-pick	Dropped off jelly trails and AITC worksheets
Cal2homa Farm	Gore	u-pick	Dropped off jelly trails and AITC worksheets
Pecan Creek Winery	Muskogee	u-pick	Dropped off jelly trails and AITC worksheets
Red Bird Farm	Enid	u-pick	Dropped off jelly trails and AITC worksheets, added horticulture category
Shepherd's Cross	Claremore	u-pick	Dropped off jelly trails and AITC worksheets
N40 Berries	Stillwater	u-pick	Dropped off jelly trails and AITC worksheets
Meadow Blackberry Farm	Sapulpa	u-pick	Dropped off jelly trails and AITC worksheets

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

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Fine and Feral	McLoud	Horticulture	New farm added
Destiny Ranch	Asher		Dropped off OK Grown bags
Lakeview Market	Yukon	Farm Hub/Farm to table	New farm hub, site visit to add as agritourism venue too, job shadow with Addy
OK EAT	Bartlesville	Farm-to-table	New farm added to agritourism
Ladybug Lane	Guthrie	Horticulture	New flower farm added to agritourism
Stonecloud (Stillwater)			
Pearl Beach Brew Pub (Tulsa),			

#### **Agritourism - Other Activities**

- Phone consult/conversations with: Waurika Farmers Market (10 phone calls), Katy Thomas – farm hub, Lynn Whipple – potential new farm,
- Zoom consults/meetings: weekly internal OLAC meeting, weekly OLAC website meeting with marketing agency, Discover OK meeting, Tulsa World meeting, regenerative ag meeting,
- Django updates: Tahlequah Farmers Market, Oasis Animal Adventure, Cross Timbers Brewing
- Presented and attended the Small Farmer’s Conference by Langston University
- Meeting with Freestyle to discuss marketing plans for next fiscal year
- Conducted interviews with four intern candidates
- Edited and updated the Craft Beer Trail
- Coordinated and spent a day with Addy Schneberger to expose her to all things local ag. She is the state winner in the FFA Creed Contest and will be competing in the national contest this fall.
- Attend and present at Langston University Small Farmers Conference
- Attend National Ag Law Center Webinar "Legal & Economic Issues for Direct Beef Sales"
- Created Farm to School educational materials
  - "Farm to ECE for Growers"
  - "Interest Areas for Young Children"
  - "Let's Go to the Farmers Market"
- Attend OLAC stakeholders meetings
- Created program for NAAMO conference
  - Planning for program including multiple sections and working with other organizations to get content and photos for program.

## **ECONOMIC DEVELOPMENT**

Activity	Action
Agriculture Enhancement & Diversification Program	July 1 <sup>st</sup> was the deadline to submit proposals to be reviewed during the selection committee's 3 <sup>rd</sup> quarter evaluation. Four (4) Ag Event grants and two (2) diversification grants were submitted and will be on the August 4 <sup>th</sup> agenda.
Healthy Food Financing Program	One (1) application was submitted for consideration when the selection committee holds their quarterly meeting in August.
Rural Oklahoma Food Animal Veterinary Grant	June 6 <sup>th</sup> was the deadline for the selection committee to have their scoresheets returned to ODAFF. The individual scores were combined, and a total score was determined then projects were ranked from highest to lowest. The top 10 projects were awarded grants in the amount of \$15,000. All applicants were notified of the status of their proposal with contractual agreements and other necessary forms were emailed to the 10 recipients. ODAFF is in the process of getting contractual agreements signed and Purchase Orders issued.
Tulsa Stockyards Cattle Grading Contest	The annual Tulsa Stockyards cattle grading contest was held on Tuesday June 21 <sup>st</sup> . 36 4-H and 133 FFA members participated in the contest.

## **FARM TO SCHOOL**

### Visits Made:

- Kat Gant and grant colleague Natalie from OKC Harvest

### Resource Requests

- 10 cookbooks, 10 posters

### Events

- FRESH Project Trainings- CACFP – June 10, 13, & 20<sup>th</sup>
  - Miami, OK 9 in attendance
  - Oologah, OK 6 in attendance
  - McAlister, OK 4 in attendance
- Edible Schoolyard Garden Conference - Virtual
  - Sponsored by Edible Gardens – Cal State-Berkley

### Other Activities

- State Obesity Zoom Call
- School Garden Contest Applications – We have 18

### Active Partners

- Farm Bureau Women's Leadership Team

- Hunger Free Oklahoma
- Dept. of Human Services (LFPA Cooperative Agreement)
- Healthy Schools Oklahoma
- ODAFF Food Safety
- Cooking for Kids – OSU
- Oklahoma Master Gardeners – Shelley Mitchell
- National Western Heritage Museum – Gretchen Jeans
- OK History Center – Sarah Dumas

## **INTERNATIONAL**

Activity	Action	Location
Certificate of Free Sale	<ul style="list-style-type: none"> <li>• Biz Z</li> <li>• Lopez</li> <li>• Bar S</li> </ul>	
Food Export	<ul style="list-style-type: none"> <li>• Continuing to recruit for upcoming activities:</li> <li>• FTM to Toronto, FTM to Vietnam, Buyers Mission for bakery ingredients at IDDB, Expo East buyers' mission, PLMA buyers mission, FTM to the middle east</li> </ul>	
USLGE	<ul style="list-style-type: none"> <li>• Continuing to formulate our plans for Cattlemen's Congress 2023 and a follow up trade mission</li> </ul>	
OSU/ CID	<ul style="list-style-type: none"> <li>• National Beef Project to Israel- still on hold</li> <li>• Green Country Premium Beef- working to get them to utilize USMEF funds and trade show program</li> <li>• Soybean/fuel project in Enid?</li> </ul>	
Foreign Agriculture Service (FAS)	<ul style="list-style-type: none"> <li>• Spotlight on South Africa</li> </ul>	
GIT ( Governor's International Team)/ODEC	<ul style="list-style-type: none"> <li>• Continuing plans for t-he Oklahoma Consular Summit Oct 18-19<sup>th</sup> in OKC and the World Trade Conference Oct 20<sup>th</sup> in Tulsa</li> </ul>	
ODOC	<ul style="list-style-type: none"> <li>• Editing the MOU with the UK</li> </ul>	

## **MADE IN OKLAHOMA COALITION**

### Made in Oklahoma Coalition – Advertising, Web and Social Traffic

Type	\$ Spent	Highlights
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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, graphic design, etc.
MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 & 9 in OKC	OKC – 10 appearances Tulsa – 6 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
2021 Media Campaign	See monthly co-op advertising report	Direct link to the monthly reports (May data is being gathered now): <a href="https://docs.google.com/spreadsheets/d/1KavbhMdd1nDfRktRwRFtJlpXrFRYIxoU1a59HFFoxd4/edit?usp=sharing">https://docs.google.com/spreadsheets/d/1KavbhMdd1nDfRktRwRFtJlpXrFRYIxoU1a59HFFoxd4/edit?usp=sharing</a>
Restaurant of the Month	Each month staff, along with Food Service Committee present the restaurant with their award and eat lunch as a group at their establishment.	<b>June</b> – Eastside Pizza <b>July</b> – Pizzeria Gusto
Social Media Stats	Staff, and MIO media committee plan social content each month with our advertising agency, Krush Digital Marketing.	Twitter: 5,542 Instagram: 5,158 Facebook: 25,082 Pinterest: 2,354
MIO Monthly Newsletter		o 1790 distribution list
OK Living Partnership highlighting MIO Recipes	<ul style="list-style-type: none"> <li>- Highlights 2-3 MIO recipes per month</li> <li>- Free publication to electric coop members</li> </ul>	MIO provides recipe content and OK Living does the ad design
Recipes of the Month	MIO recipes are developed each month highlighting member company products.	<b>June:</b> <ul style="list-style-type: none"> <li>- Hot Dog Platter (dogs three ways)</li> <li>- Southern Roots Sisters Strawberry Lemonade Poke Cake</li> <li>- Made in Oklahoma Charcuterie Board</li> </ul> <b>July:</b> <ul style="list-style-type: none"> <li>- JM Farms Grilled Steak, Onion and Mushroom Kabobs</li> <li>- Southern Roots Sisters Cast Iron Cookie Cake</li> <li>- Head Country BBQ Bacon Ranch Cheese Ball</li> </ul>
June Retailer of the Month	Homeland	36 statewide locations
July Retailer of the Month	Reasor's	17 Tulsa area locations

**Made in Oklahoma Coalition – Other Activities**

<b>Activity</b>	<b>Information</b>
MIO Meetings - June 6 <sup>th</sup>	Staff and MIO president Courtney Talbot led the monthly membership meeting. The June meeting was held in person at ODAFF and there was no July meeting to give members a break for the summer.
Oklahoma Craft Brewers Fest - June 18 <sup>th</sup>	Staff ran the MIO booth at the 3 <sup>rd</sup> annual Oklahoma Craft Brewers fest in the Made in Oklahoma Coalition area. MIO members Schwab Meats, Trucker Treats, and Oklahoma’s Own Ozarka Water participated in the booth and we gave out bottles of water and hot dogs to attendees.
MIO New Member Interviews - June 29 <sup>th</sup>	The following companies were approved for membership in the MIO Coalition from the MIO board of directors. <ul style="list-style-type: none"> <li>- The Margarita Man</li> <li>- Fresh Fit 405</li> <li>- HACCP Assurance Services (associate member)</li> </ul>
MIO Annual Financial Planning Meeting - July 8 <sup>th</sup>	Staff ran the annual MIO financial planning meeting where the MIO yearly budget was set and funds were allocated for various programs, committees, and projects. Each committee presented their budget proposals to the Board of Directors and the plans were approved by the board at large.

**MADE IN OKLAHOMA PROGRAM**

<b>Meeting/Event</b>	<b>Date</b>	<b>Location</b>	<b>Details</b>
Café Manager Meeting	June 2	Tulsa	Met with potential manager for the Made in OK Café for the Tulsa State Fair
Intern Interviews	June 22, 23 and 27	OKC	Multiple interviews for new social media/photography intern
Intern – getting started	July 5	OKC	Had first meeting with new intern to get setup on accounts, learn expectations, etc.
Main Street & Made in Oklahoma	July 6	OKC	Met with director of Main Streets to discuss event collaboration
3Leaf Consulting	July 6	Virtual	Discussed next steps getting set up with Zoho CRM

<b>Events</b>	<b>Date</b>	<b>Location</b>	<b>Details</b>
MIO Market at Stockyards City	June 4	OKC	13 companies signed up to participate in this market. Held in conjunction with the annual Wines of the West festival in the Stockyards.
Made in Oklahoma Showcase	June 6	Tuttle	45 Made in Oklahoma vendors set up showcasing their products to attendees. Exclusive for retail store owners or buyers. 120 buyers registered to attend.
Made in Oklahoma at PWC	June 13-25	Tulsa	Made in Oklahoma had a booth where companies who applied to participate were able to set up and sell during the show.
Made in Oklahoma Snack Night	June 15	Tulsa	Ordered, set up and served many different Made in Oklahoma food products

			to exhibitors of PWC. We served around 150 people and used QR codes to help direct consumers to companies' website to place orders.
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**New Producers:**

- Rural Urban Leather
- Hattie's Boutique
- Earrings by Emma
- Nell and Ruth Designs
- Red Hen Woodstuff and More
- Simply Scents by Nana
- Sunnie Bee's Soapworks
- Calirose
- Salty Sisters Designs
- BallonGlowInternational
- TruGrit Farmstead LLC
- McQT Suds
- The Pocket Drag
- Simply Inspired by Rocky Lane
- KateLynn Leatherworks

**New Retailers:**

- Loud Mountain Trading Co.
- Arcadia Farmer's Market and General Store
- Tribes Gallery
- Prime Roast Coffeehouse

**Other Made in Oklahoma Activities:**

- Judge for mock 4H interviews
- 2022 Made in Oklahoma Showcase
  - Last minute pre-show details: printing nametags, coordinating with table rental and venue, etc.
  - Day-of coordination for vendors and attendees
- Made in Oklahoma Market at Stockyards City
  - Assisted with pre-event coordination
  - Created company name tags, booth map, etc.
- Made in Oklahoma at Pinto World Championship Show
  - Coordinated vendor participation in booth
  - Gathered supplies for and set up booth
- Made in Oklahoma 'Snack Night' at Pinto World Show
  - Planned, ordered, set up Made in Oklahoma snacks for event
  - Other event details: ordering plates, napkins, etc.
- Planning for 2022 Tulsa State Fair
  - Applications for Tulsa State Fair went out, coordinating with TSF vendor coordinator for Made in Oklahoma booth section
- Planning for 2022 Oklahoma State Fair
  - Began planning each specialty display
  - Reorganized shelf spaces to determine availability
- Managed payments on MIO Store through PayPal, manually paying producers through MIO PayPal account.

- Social media management
    - Handled messages on social media
    - Created and scheduled own graphics
    - Worked with new social media intern to go over style guide, companies, post schedule, etc.
    - Reviewed and approved posts created by intern
  - Sent out various marketing materials and retailer signage
  - Created and sent invoices for stickers, boxes of bags, retailer signage
  - Added new companies to website, edited profiles, downloaded and uploaded photos
  - Updated producer profile pages on website
  - Updated Producer database of new Made in Oklahoma companies
- Calls with prospective producers, retailers, various interested parties or those with questions

## MARKET NEWS SERVICES

May 27, 2022-July 8, 2022

- **Grain Report:**

	<b>May 27, 2022</b>	<b>July 8, 2022</b>	<b>DIFFERENCE</b>
<b>WHEAT: (bu)</b>	\$11.35-12.05	\$8.36-9.19	\$2.99 to \$2.86 Lower
<b>MILO: (bu)</b>	\$7.37-7.77	\$6.22-6.72	\$1.15 to \$1.05 Lower
<b>SOYBEANS: (bu)</b>	\$16.37-16.84	\$14.62-15.08	\$1.75 to \$1.76 Lower
<b>CORN: (bu)</b>	\$7.67-8.77	\$6.23-8.33	\$1.44 to \$0.44 Lower
<b>COTTON: (lb)</b>	131.42 cents	104.61 cents	26.81 cents Lower

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

### **FEEDER STEERS**

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

- (06-29-21) \$166.00-178.00 Wtd. Avg \$172.00
- (06-28-22) \$170.00-192.00 Wtd. Avg. \$181.00

### **HEIFERS**

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

- (06-29-21) \$140.50-158.00 Wtd. Avg \$149.25
- (06-28-22) \$155.00-181.50 Wtd. Avg. \$168.25

- **Weekly Report:**

- Seven weekly Oklahoma Market Reports were sent to 9,443 subscribers May 27, 2022-July 8, 2022 (**up from 88 subscribers last report**).

- **Voice Messaging System:**

The market news voice messaging system during

- Monthly Total: May 27, 2022 – July 8, 2022 **8,632 Accessed Times**
- Compared to Last Month: April 8, 2022 – May 27, 2022 **8,513 Accessed Times**  
Compared to Last Month: **Accessed Times-is UP by 119**

- **Oklahoma Agriculture Market News**
  - **Facebook Page**
    - Likes/Followers 323
    - **UP 47 Likes/Followers**
    - People reached through past month: 3,225 people
    - **UP 1,575 people reached**
- **Oklahoma Hay Directory**
  - Hay Directory
    - Currently have 33 producers that have hay
    - 5 producers during this past month already sold out of hay
- **Hay Report**

**This Month:** May 27, 2022 – July 1, 2022 Hay Traded 19,157-  
**Last Year** May 13, 2021 – July 9, 2021 Hay Traded 3,780  
**UP 15,377 Bales Reported**

## OKLAHOMA HAY MARKET REPORT

7-1-22

**Receipts: 12,650 Last Reported: 3,146 Year Ago: 0**

Compared to the last report: Hay being traded is slow to steady in most of the state. The bales that are being traded are either large amounts at once or being contracted. Compared to trading loads at a time throughout the year as needed. As we look at prices still no true market trend for all types of hay. The number of hay bales being produced is less compared to last year's hay market. Parts of the state are needing moisture again to help with production to try and make up for the shortage. According to Oklahoma Mesonet Drought Monitor, our current condition in the western part of Oklahoma is in a moderate to extreme drought yet, Cimarron County is in exceptional drought. From central to eastern Oklahoma is in none to abnormally drought conditions.

\*\*\* The next report release will be July 15th\*\*\*

<b>Central</b>				
<b>Alfalfa: Supreme (Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	1020	215.00	215.00	Delivered/New Crop
<b>Alfalfa: Premium/Supreme (Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	500	300.00	300.00	Delivered-Exported
<b>North Central</b>				
<b>Bermuda Grass: Premium/Supreme (Trade/Per Bale)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	300	75.00	75.00	F.O.B/New Crop

**Bermuda Grass: Premium/Supreme (Ask/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Square	2000	8.00		Out of the field/New Crop

**Bermuda Grass: Premium/Supreme (Ask/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Square		11.00		Out of the Barn/New Crop

**Northeastern****Alfalfa: Supreme (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	136	280.00	280.00	Delivered/New Crop

**Alfalfa: Premium/Supreme (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	170	270.00	270.00	Delivered/New Crop

**Grass: Premium/Supreme (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	68	55.00	55.00	F.O.B/New Crop

**Prairie/Meadow: Good/Premium (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	34	55.00	55.00	F.O.B/New Crop

**Prairie/Meadow: Good/Premium (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	120	55.00	55.00	Delivered/New Crop

**Wheat Straw (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Square	6000	6.50	6.50	Delivered/New Crop

**Northwestern****Wheat - (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	102	140.00	140.00	Delivered/New Crop

**Southeastern****Grass: Premium (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	2000	70.00	70.00	Delivered/-Export

**West****Alfalfa: Good/Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	200	75.00	75.00	F.O.B/New Crop



## AEMS Division Monthly Activities



Meet the AEMS Division's new Assistant Director, Lynnette Jordan. Lynnette comes to us from the Health Department and has 22 plus years of experience as a State Employee. Welcome, Lynnette!



AEMS Division Retreat at Brickopolis in Bricktown  
Great bonding experience.

## 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: 5

## 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:

8	Complaints received and investigated this reporting period.
6	Complaints closed this reporting period.
<b>Complaints Received - Breakdown</b>	
Cattle - 2	
Swine – 1	
Poultry- 0	
Misc. Animal - 1	
Other – 0	
Animal Shelter 2	
Pet Breeder 2	
173	Year-to-date complaints received in FY 22
79	Year-to-date complaints closed in FY 22
105	LMFO/CAFO inspections, plus technical assistance.
240	Poultry inspections and technical assistance.
32	Pet Breeders/Shelters inspections and technical assistance.

### CAFO and LMFO Activities - Month and Fiscal Year 2022

	May 16 <sup>th</sup> – Jun 19 <sup>th</sup> 2022	FY 22 Total
Complaint or Compliance Follow-ups	3	150
Annual Inspections	75	823
Technical Assistance with Contacts	23	169
Site Visit/Review – No contact made	8	107

### Poultry Activities – Month and Fiscal Year 2022

	May 16 <sup>th</sup> – Jun 19 <sup>th</sup> 2022	FY 22 Total
Complaint or Compliance Follow-ups	0	0
Annual Poultry Inspections	19	363
Poultry Technical Assistance	96	1174
Site Visit/Review – No contact made	68	726
Eucha-Spavinaw CNMP Written	14	143

### Pet Breeders Activities – Month and Fiscal Year 2022

	May 16 <sup>th</sup> – Jun 19 <sup>th</sup> 2022	FY 22 Total
Complaint or Compliance Follow-ups	6	72
Breeder/Shelter Technical Assistance provided w/owner/operator	6	68
Breeder/Shelter Annual Inspections	7	566
Breeder/shelter Close out	0	2

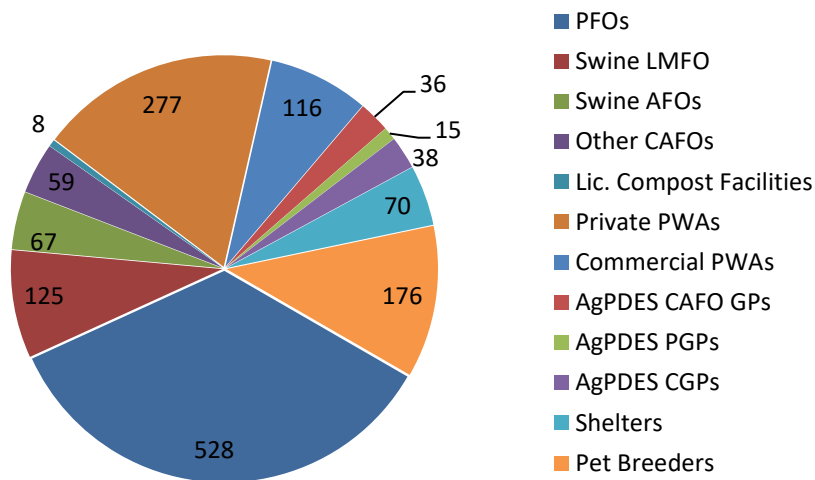
**Composting Activities – Month and Fiscal Year 2022**

	May 16 <sup>th</sup> -Jun 19 <sup>th</sup> 2022	FY 22 Total
Complaint or Compliance Follow-ups	2	24
Site Inspections (Annual or Compliance follow-up)	4	19
Technical Assistance provided with owner/operator	1	18

**AGPDES – Month and Fiscal Year 2022**

	May 16 <sup>th</sup> - Jun 19 <sup>th</sup> 2022	FY 22 Total
Complaint or Compliance Follow-ups	2	24
Site Inspections (Annual or Compliance follow-up)	6	21
Technical Assistance provided with owner/operator	4	21

**Current FY 22 AEMS Numbers**



Respectively

Teena G. Gunter  
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE  
 OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
 JULY 2022 BOARD REPORT  
 REGARDING MAY 31, 2022 THROUGH JULY 8, 2022 ACTIVITIES OF THE  
OFFICE OF GENERAL COUNSEL**

**AMOUNT OF ADMINISTRATIVE FINES COLLECTED:**

Amount to Date (2022)	Amount of Fines for this Board Meeting
\$118,925.00	\$22,125.00
\$57,475.00	2021 Total (5/31-12/31/2021)

**CONTRACTS REVIEWED OR DRAFTED (47):**

Marketing - 28
AEMS - 1
Forestry - 6
AIS - 3
CPS - 6
Lab - 3

**ADMINISTRATIVE HEARING PROCEEDINGS:**

Total Number of Open Cases: 183
Total Number of New Cases: 60
Total Number of Cases Closed: 41
NOVs Sent: 32

**OTHER ACTIONS AND PROCEEDINGS:**

<b><i>Kirk Marshall v. ODAFF</i></b> , 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. District Court Order AFFIRMED by Court of Civil Appeals. ODAFF Amended Motion to Dismiss pending.
<b><i>Sam Withiam v. OK State Dept of Agriculture</i></b> , 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 notified ODAFF that the lawsuit was dismissed without prejudice.
<b><i>Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry</i></b> , 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.
<b><i>Upton's Naturals Co v. Stitt and Arthur</i></b> , 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.
<b><i>William Grossman v. Lori Howard et al.</i></b> , 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 was not involved with the circumstances. The Attorney General's Office is handling this claim.
<b><i>Spring Creek Coalition v. ODAFF and Trong</i></b> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<b><i>Spring Creek Coalition v. ODAFF and Phan, et al.</i></b> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed. Discovery ongoing.

**MEETINGS:**

<b>Date</b>	<b>Activity</b>
5/31/2022	Directors meeting
6/1/2022	Legislative Monitoring Committee
6/2/2022	Employee exit discussion
6/2/2022	Attended HACCP training with Enid Packing
6/2/2022	Illinois River Working Group
6/6/2022	Outside attorney regarding release of settlement agreement
6/7/2022	Directors meeting
6/7/2022	OWRB regarding monitoring well agreement
6/7/2022	OBA GALPS
6/8/2022	Sovereignty Symposium
6/9/2022	Sovereignty Symposium
6/9/2022	Scott Yate Deposition
6/9/2022	ALJ Docket
6/9/2022	Illinois River Working Group
6/13/2022	Environmental Programs Specialist
6/14/2022	Directors meeting
6/14/2022	State Fire Marshal
6/15/2022	OBA ILS
6/15/2022	Collections Meeting

6/16/2022	Meeting with Mr. Ahrberg
6/16/2022	State Board of Agriculture
6/22/2022	AEMS retreat and all staff meeting
6/22/2022	Attended Pesticide Applicator training
6/23/2022	AEMS retreat and all staff meeting
6/23/2022	Illinois River Working Group
6/24/2022	OGC Staff
6/24/2022	Meeting with counsel for Ron Stock
6/24/2022	AgPDES Staff
6/26/2022	MASDA
6/27/2022	MASDA
6/28/2022	MASDA
6/29/2022	MASDA
6/30/2022	MASDA
6/30/2022	Attended QPR training regarding mental health for farmers
7/5/2022	OBA GALPS
7/7/2022	Freedom of Information Act meeting with USDA

**RULE ACTIVITIES:**

<p><b>Chapter 1. Administrative Operations (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 12, 2022.</p>
<p><b>Chapter 10. Agricultural Products (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 12, 2022.</p>
<p><b>Chapter 13. Fuel Alcohol (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 12, 2022.</p>
<p><b>Chapter 15. Animal Industry (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 12, 2022.</p>
<p><b>Chapter 30. Consumer Protection (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 12, 2022.</p>
<p><b>Chapter 37. Food Safety (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 12, 2022.</p>

<b>Chapter 40. Market Development (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 12, 2022.
<b>Chapter 44. AgPDES (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 12, 2022.
<b>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 12, 2022.
<b>OHRC</b>
<b>Chapter 40. Veterinarian Practices and Restrictions (Permanent FY 2022):</b> Permanent rules were adopted by the Commission on February 17, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 15, 2022.
<b>Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2022):</b> Permanent rules were adopted by the Commission on February 17, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 15, 2022.
<b>Chapter 60. Running the Race (Permanent FY 2022):</b> Permanent rules were adopted by the Commission on February 17, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 15, 2022.
<b>Chapter 65. Pari-Mutuel Wagering (Permanent FY 2022):</b> Permanent rules were adopted by the Commission on February 17, 2022, and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules will become effective on September 15, 2022.

**OPEN RECORDS REQUESTS (42):**

AEMS: 5
CPS: 12
AIS: 13
Inv. Serv.: 3
Forestry: 4
Pet Breeders: 5

**OKLAHOMA HORSE RACING COMMISSION**

<b>Litigation: Alfredo Gomez and Cruz Villafranco v. OHRC,</b> Oklahoma County District Court Case No. CV-2020-430: Petition served. Response filed. Petitioners’ Motion for Partial Summary Judgment responded to. Pending hearing.
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<b>Litigation: Oscar Nunez v. OHRC</b> , 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 hearing held. Further briefing ordered.
<b>Litigation: Miguel Pena v. OHRC</b> , 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. Pending Motion to Dismiss.
<b>Litigation: Jose Sanchez III, et al. V. Global Gaming, Heritage Place and OHRC</b> , 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.
<b>Litigation: Sammy Howard v. OHRC</b> , Oklahoma County District Court Case No. CV-2020-1921. Petition served. Response filed. Briefs filed. Oral arguments held. Remanded for further proceedings. Order filed. Motion to Reconsider filed. Hearing reset by the Court to August 19, 2022.
<b>LITIGATION: Rogelio Marquez, Jr. V. OHRC</b> , Oklahoma County District Court Case No. CJ-2021-3393. Petition filed. Injunction sought. Hearing held; Injunction denied. Pending further proceedings. (Trailing OHRC v. Heltzel)
<b>Litigation: Carlos Ruiz v. OHRC</b> , Oklahoma County District Court Case No. CV-2021-2591. Petition Served. Response filed. Record filed. Pending briefing.
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 Hearing at Fair Meadows Tulsa
Hearings in District Courts
Prepare and file Motion to Dismiss
Prepare response to brief in support of Petition for Appeal
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
Attend briefings and meetings regarding Horse Racing Integrity and Safety Act (HISA)
Consult with concerned constituents regarding HISA
Respond to open records requests



**OTHER ACTIVITIES:**

Phone calls or emails with the public: 81
Assistance to AEMS: 25
Assistance to CPS: 2
Assistance to Wildlife Services: 0
Assistance to Forestry: 5
Assistance to AIS: 10
Assistance to Admin: 6
Assistance to Market Development: 10
Assistance to other state or federal agencies: 6
Assistance to Food Safety: 4
Assistance to NASS: 0
Assistance to Executive Office: 6
Assistance to Lab: 7
Assistance to Investigative Services: 0
Assistance to Legislature: 0

Respectfully Submitted,



Teena G. Gunter  
General Counsel

## FOOD SAFETY REPORT JUNE 2022

### 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 1,290,401 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts. ODAFF inspectors provided USDA Shell Egg grading on 42,590 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. Child Nutrition Labeling Program Reviews were conducted under the USDA cooperative agreement at OK Foods in Oklahoma City and Mitchell's Sausage Rolls in Claremore. Also; routine egg quality inspections under the Oklahoma egg law were conducted.

#### Organic Foods Section

Organic inspectors completed compliance and certification inspections at:

- Thirteen organic crop producers
- Two organic livestock producers
- Four organic processors
- Collected five organic samples
- Eight retail organic inspections
- The organic section had requests for 4,000 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 6 requests for organic crop applications, 3 requests for organic livestock applications and 2 requests for organic processing applications.

#### Produce Safety Section

- Justin McConaghy, Bryan Buchwald and Jamie Allen-Hitt attended the Association of Food and Drug Officials (AFDO) Annual Conference in Phoenix, AZ
- Outreach/education table at the Langston University Small Farmers Conference
- On-site technical assistance at 2 produce farms
- Contacted 20 farms to determine coverage/exemption under the Produce Safety Rule
- Visited 14 farmers markets providing outreach and education to producers and to collect farm inventory
- Hosted a Produce Safety Alliance grower course
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Submitted budget for next fiscal year to FDA
- Assisted with NASDA workgroup for Produce Safety Program Standards development
- AFDO Produce Safety Committee sessions
- Sent an e-mail newsletter to inform farms of the latest information on Produce Safety

#### Homemade Food Freedom Act

- Received 10 complaints on the Homemade Food Freedom Act ( 7 containing meat, 10 lacking labeling )
- Sent 6 warning letters
- Meat Compliance handled 6 complaints
- Sharing factsheet at farmers markets to educate vendors on labeling requirements and sales limits
- Presentations to educate about the law at Langston University Small Farmers Conference and OSU workshops at Pawnee and Pawhuska

## Oklahoma Meat Inspection Services Investigations and Compliance Activities

Planned Compliance Reviews	09
Random Compliance Reviews	138
Person-to-Person Contacts	69
Special Investigations and/or Projects	07
Reports of Apparent Violations	05
Detentions	00
Consumer Complaints	11
Verbal Warnings Issued	08
Letters of Warning Issued	05
Samples Submitted to Lab for Analysis	00
Accident Investigations	01
Administrative Procedures Act	00

### See details below:

ACCIDENT LOCATION	ANIMAL/PRODUCT	DISPOSITION
W I-44 & I-244 split Tulsa, OK	35,640 pounds of mixed beef products 810 – 44 pound boxes of mixed steaks	All products taken to Tulsa land fill

### Highlighted Activities

During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out one (5) 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	34
Samples Not Analyzed	0
Samples Analyzed	34
Samples Non-Compliant	0
Samples Negative results	34

<b>Number of Cattle</b>	<b>656</b>
<b>Total Beef Condemned</b>	<b>16,446 lbs</b>
<b>Number of Swine</b>	<b>541</b>
<b>Total Pork Condemned</b>	<b>3,409 lbs</b>
<b>Number of Sheep and Goats</b>	<b>1850</b>
<b>Total Condemned</b>	<b>0 lbs</b>
<b>Number of Chickens</b>	<b>400</b>
<b>Total Condemns</b>	<b>0 lbs</b>
<b>Number of Exotic Deer</b>	<b>0</b>
<b>Total Condemns</b>	<b>0 lbs</b>
<b>TOTAL MEAT INSPECTED</b>	<b>489,483 lbs</b>

## PROCESSED MEAT INSPECTED

<b>Processed Red Meat</b>	<b>1,832,091 lbs.</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Poultry (Portions)</b>	<b>376,150 lbs</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Rabbit Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Exotic Deer Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>TOTAL PROCESSED MEAT INSPECTED</b>	<b>2,208,241 lbs</b>

## DAIRY SECTION

Dairy services staff completed 2 dairy farm BTU surveys for Dairy Farmers of America located in the Southeast Council and 1 survey for Select. BTU's received 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 milk produced for Oklahoma dairy farmers.

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 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*.

Dairy Services staff continues to sample Swans Dairies for campylobacter and *Listeria Monocytogenes*. Samples where all negative for campylobacter.

Scott Fisher attended preventive controls course for milk plants. Jayson Jones attended the farm class and milk plant class course for milk plants.

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

## June – July Board Packet Communications

### *Social Media Highlights*



**Executive Office Staff Visit Pinto Horse Association World Championship** | On June 13, Sec. Blayne Arthur and ODAFF Executive Office staff made a visit to the Pinto Horse Association World Championship.

The equine industry is an extremely valuable asset to Oklahoma agriculture. We are grateful that the PtHA have chosen to host their World Championship in Tulsa for over 30 years, bringing over \$30 million to the economy.

Thank you to Darrell Bilke, his staff and the Tulsa State Fair team for their hospitality!

**Gov. Stitt Takes Part in Wheat Harvest** | On June 17, Governor Kevin Stitt and his son, Houston, joined ODAFF staff and the Oklahoma Wheat Commission in Hydro, Oklahoma, to take part in wheat harvest at Krehbiel Farms, LLC.

After spending some time behind the wheel of a combine, Gov. Stitt took time to visit with ag producers in Hinton, Oklahoma, and thank them for their dedication to one of our state's most valuable industries.

We are grateful for Gov. Stitt's unwavering support of the ag industry and producers who work hard every day to feed our state and nation.



**AgHERculture Conference Registration Open** | The second annual AgHERculture conference will be held on August 26 and August 27 for high school and collegiate-aged young women interested in Oklahoma agriculture.

The collegiate conference, on August 26, will be hosted in the state capitol building, and feature a keynote address from Oklahoma National Stockyards President Kelli Payne and over three hours of guided networking to connect the young women with 19 female mentors playing crucial roles in the Oklahoma ag industry.

The high school conference, on August 27, will be held at the Embassy Suites Oklahoma City Northwest and feature a keynote address from former Miss Oklahoma Ashleigh Robinson, breakout sessions highlighting personality type discovery, personal brand development and ag policy exploration, and opportunities to network with ODAFF employees and other female industry leaders.

### ***Social Media Impact***

#### **Facebook**

20,606 total followers

This month:

- Posts and page content have been viewed 307,129 times (up 22.5%)
- Facebook users have interacted with content 8,416 times (up 58.5%)
- 151 new Facebook users have followed the account

#### **Instagram**

2,484 total followers

This month:

- Posts and page content have been viewed 10,370 times (up 48.6%)
- Instagram users have interacted with content 1,184 times (up 154.1%)
- 75 new Instagram users have followed the account

### ***Communications Projects***

**ODAFF Branding Guide |** To elevate ODAFF's recognizability and identity on social media and in print, a comprehensive branding guide has been created to be utilized in all design and social media projects.

**Oklahoma Ag Statistics Pocket Facts |** Pocket-sized booklet has been created using data gathered by NASS. Booklet has very recently gone to print and will be distributed by NASS upon completion.

**Oklahoma Ag at a Glance Handout |** Oklahoma Agriculture Fast Facts handout has been drafted for use at upcoming North American Agricultural Marketing Officials annual conference. Data for the handout was compiled using data from NASS.

# JUNE 16, 2022 BOARD MEETING

## PURCHASES/CONTRACTS

### Administrative Services

#### **Oklahoma State University - Agriculture Leadership Program for FY23 - \$40,000**

This contract is for the purpose of educating and training young leaders in the Oklahoma Agriculture Industry. The program focuses on developing potential leaders through personal and group study sessions. To help potential leaders develop a better understanding of the various systems of economics and government. To help program participants increase and utilize their own knowledge and skills in order to solve problems and to explore opportunities for Oklahoma agriculture. To develop and teach a curriculum including, leadership development; communication; government operations and institutions; economics, resource allocation, marketing and finance problems in agriculture; sociology; religious and cultural studies, major issues that affect Oklahoma and US agriculture, and political process, international trade, water and energy. Legislative directed spending.

#### **Oklahoma State University for FY23 - \$1,000,000**

To provide science-based research information developed in cooperation with the Oklahoma State University Agricultural Extension Service and Experiment Stations. The Oklahoma Agricultural Experiment Station conducts research for the purpose of developing technology/practices to address the needs of Oklahomans. Legislative directed spending. This funding is pursuant to Section 3 of Senate Bill 1058.

**Oklahoma Governor's Office for FY23 - \$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 4 of Senate Bill 1058.

Grants to Incorporated Municipalities - \$5,000,000 - Legislative directed expenditure to provide grants to incorporated municipalities affected by the extreme weather events occurring between 2/7/2021 - 2/21/2021. This funding is pursuant to Section 10 of Senate Bill 1058.

### Animal Industry

**Oklahoma Veterinary Medical Association (OVMA) - \$6,000** – OVMA is the only entity in the State of Oklahoma that has the ability and contracts statewide to enhance pet sterilization effort is the OVMA. No other entity has access to veterinarians and humane organizations on a statewide basis.



## **Forestry Services**

### **FY23 - \$800,000**

Contract with Oklahoma Association of Regional Councils for Rural Fire Coordinators to provide technical assistance and equipment placement services to new or established Rural Fire Departments within their districts to assure the capability of meeting local fire protection needs. Without this contract fire departments could lose much needed funding, equipment, and technical assistance.

### **FY23 - \$1,475,000**

Rural Fire 80/20 Reimbursement Pass-through Grants awarded to certified rural fire departments serving communities under 10,000 in population. Funding limits per application are \$30,000 of state appropriated funds for construction and \$20,000 for fire equipment.

**Justification:** Fire departments awarded these grants may fulfill a critical public safety function by purchasing firefighting equipment and/or build, remodel, or expand fire stations.

**Original \$525,000 was approved March of 2022.**

### **FY23 - \$4,544,550**

State Operational Assistance Grants divided equally among the certified fire departments (Rural Fire Defense). Fire Departments receiving the Operational Grant can only use the funds for items authorized in Oklahoma State Statutes, Title 19, Chapter 21, and Section 901.56.

**Justification:** Fire departments awarded these grants may fulfill a critical public safety function by purchasing firefighting equipment, purchase Worker Compensation Insurance, Vehicle Insurance, etc. as outlined in the above-mentioned statute. **Original \$3,870,000 was approved March 2022.**

### **FY23 - \$7,000**

Postage for meter at FRC and Community Fire Headquarters. **Justification:** required to send information via USPS to customers.

### **FY23- \$36,000**

The NE Area needs the above amount for Equipment & repair of mowers, dozers, trailers, & office buildings. During fire season, the NE area needs this money when our dozers break down to continue fighting fire. This money will also go toward the upkeep of our lawnmowers, trailers, and office buildings at (3) locations. Maintenance for Tahlequah, Sallisaw, & Jay, Oklahoma. **Justification:** Without this money, we will be unable to fight fire and keep our equipment in good working order.

### **FY 23- \$8,500**

Purchase up to 10 tons of sulfur 90% Pastille for Forest Regeneration Center. The sulfur is needed to keep the soil pH between 5 and 6.5 for all the conservation seedlings grown at FRC which are sold to landowners throughout Oklahoma and the nation. Without this purchase, the soil will not meet the requirements to grow the seedlings and the seedlings will not survive for their intended use.

### **FY23 - \$10,000- Southern Pine Beetle Prevention Program-Twin Meadows LLC**

Federal Grant to cover the prevention of Southern Pine Beetle from spreading from one landowner to the next. This is a very invasive insect and without this prevention program the threat to landowner's revenue could be severe.

**FY23 - \$10,000 Federal Funds**

Renew Oklahoma Gardening Grant. This is a longstanding education and outreach grant sponsoring the popular Oklahoma Gardening program produced by OSU. This grant supports tree related educational programming. Without this purchase, we would lose an avenue of support and education. Funding for this specific grant was identified and federally approved. This money will be refunded to us through Federal funding.

**FY23 - \$15,000 Federal Funds**

Renew nonbinding contract with the Oklahoma Urban and Community Forestry Council to perform services to assist in implementation of the continuing education component of Oklahoma's Urban & Community Forestry program. We are enforcing renewal option 2 of 3 of federal pass-through dollars identified for the Council. Without this program outreach and education related to urban forest management and individual tree care would be limited. This money will be refunded to us through Federal funding.

**FY23 - \$41,000 Federal Funds**

Award Federal pass-through funding to communities for the Urban and Community Forestry Grants – up to \$41,000. These grants support projects related to advancing local community forestry programs. Without these projects, we would lose an avenue of community support and education. This money will be refunded to us through Federal funding.

**FY23 - \$23,000 Federal Funds**

Award Federal pass-through funding to financially hardship neighborhoods/communities for the Urban and Community Forestry Grants – up to \$23,000. These grants support projects related to helping lower income neighborhoods plant and replace tree canopy. Without these projects, we would lose an avenue of community support and education. This money will be refunded to us through Federal funding.

**FY23 - \$55,000 Federal Funds**

Award Federal pass-through funding to assist financially hardship neighborhoods/communities for recovery of recent winter ice storm and cold damage – Up to \$55,000. These grants support projects related to helping lower income neighborhoods recover from the damaged, mitigate existing risks and replace lost tree cover from recent winter storms. Without these projects, we would lose an avenue of community support and education. This money will be refunded to us through Federal funding

**FY23 – Pickup Trucks, ½-ton, 4X4, \$95,000**

Purchase two (2) ½-ton pickups which will include emergency lighting, toolboxes, mobile radios, 4-wheel drive, brush guards and other features needed for off-road work. These trucks will be used primarily to support of our fire management program and forest management program statewide. These trucks are part of the OFS equipment replacement schedule targeted at removing equipment with excessive use and age. Acquisition cost for these units is estimated at \$45,000 each. Funding for this purchase will come from the OFS 245 Fund.

**FY23 – Pickups, ¾-ton, 4X4, \$152,250**

Purchase three (3) ¾-ton pickups which will include emergency lighting, toolboxes, mobile radios, 4-wheel drive, brush guards and other features needed for off-road work. These trucks will be used primarily to support of our fire management program including wildfire suppression, fuels mitigation and emergency response. These trucks are part of the OFS equipment replacement schedule targeted at removing equipment with excessive use and age. Acquisition cost for these units is estimated at \$50,750 each. Funding for this purchase will come from the FY18 US Forest Service State Fire Assistance - Mitigation Grant (\$50,000) and OFS 245 Fund (\$102,250).

**Market Development Services**

FY2023 – Freestyle Creative – Agritourism Wine Trails Digital Advertising – Project funded entirely by Viticulture and Enology Grant funding - \$12,750.00

**American Farmers & Ranchers Cooperative Agreement - \$30,000.00**

This project is entirely funded by the Farm and Ranch Stress Assistance Network (FRSAN) grant through the USDA-National Institute of Food and Agriculture (NIFA). The purpose of the (FRSAN) Program is to establish a network that connects individuals who are engaged in farming, ranching, and other agriculture-related occupations to stress assistance programs. ODAFF will have a cooperative agreement with AFR to attend trade shows, provide first responder vouchers to OSU list of mental health professionals and training all in accordance with the FRSAN grant. The establishment of a network that assists farmers and ranchers in time of stress can offer a conduit to improving behavioral health awareness, literacy, and outcomes for agricultural producers, workers and their families. 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-NIFA in the future.

**Agritourism handwashing stations - \$62,000.00**

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. Handwashing stations will be distributed to u-pick operations or farmers markets registered with Oklahoma Agritourism. This project will help implement safety practices for agritourism venues across the state who did not have the resources to add handwashing stations before. 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.

**JULY, 2022 BOARD MEETING**

**OUT OF STATE TRAVEL**

**ESTIMATED COST**

Laboratory Services Division

Amanda Kramer – 07/10/22 - 07/22/22  
National Institute of Standards and Technology  
Gaithersburg, MD

\$5422.50

Required training for Advanced Mass Metrology, which the Bureau needs to continue Mass Echelon I calibrations.

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

**APPROVAL OF CASES**

ON THIS 27<sup>th</sup> day of July 2022 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 27<sup>th</sup> day of July 2022.

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Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**July 27, 2022**

**Cases Resolved by Stipulation**

**Agricultural Environmental Management Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Rhema Abercrombie	OGC-22-130	AEMS	\$200.00
Brian Cox	OGC-22-337	AEMS	\$400.00
Vuc Lor	OGC-22-214	AEMS	\$500.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Benjamin Buckland	OGC-22-069	CPS	\$3,000.00
Darryl Buckner	OGC-22-174	CPS	\$2,500.00
Casey's General Store	OGC-22-056	CPS	\$525.00
Dollar General	OGC-22-081	CPS	\$2,250.00
Jasmine Green, LLC	OGC-22-209	CPS	\$2,500.00
Man Jiang	OGC-22-109	CPS	\$1,000.00
Kevin Pham	OGC-22-175	CPS	\$2,500.00
Triathlawn	OGC-22-238	CPS	\$750.00

**Cases Resolved by Consent Order**

**Agricultural Environmental Management Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Van Peng	OGC-21-585	AEMS	\$5,000.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Terrascares, LLC	OGC-22-144	CPS	\$1,000.00

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. RHEMA ABERCROMBIE  
Case File No. OGC 22-130**

**RHEMA ABERCROMBIE  
DBA MEOWS, INC.  
2017 E BROADWAY AVE  
ENID, OK 73701**

**Summary of Facts:** The Ms. Abercrombie failed to renew the Oklahoma Animal Shelter License by December 31, 2021. On February 7, 2022, a Letter of Warning was sent to her requesting that corrective action be taken by March 8, 2022. Respondent has failed to take corrective action. However, she did engage the Department regarding several questions and issues. These discussions may have contributed to some confusion about the corrective action and timing of it. A reduction of the penalty is warranted.

**Statute or Rule Violation:** 2 O.S. §10-9.19(1) & (2)

**Proposed Administrative Penalty:** The penalty was assessed at \$400. Respondent stipulated and paid the penalty of \$200.

**Deviations:** Yes.

**Other Actions Required:** None.

**OGC Attorney:** Richard D. Herren



BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
JUL 07 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

RHEMA ABERCROMBIE  
DBA MEOWS, INC.  
2017 E BROADWAY AVE  
ENID, OK 73701

Case No: OGC-22-130

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of ~~Four~~ <sup>Two</sup> Hundred Dollars (\$~~400.00~~<sup>200.00</sup>) 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

Rhema Abercrombie / Founder  
Printed Name and Title:

Date: 6-11-22

Thankyou!

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAY 20 2022  
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-22-130

RHEMA ABERCROMBIE )  
DBA MEOWS, INC. )  
2017 E BROADWAY AVE )  
ENID, OK 73701 )

RESPONDENT. )

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on July 14, 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.**

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

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

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

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

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

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

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

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

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

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

### **DEFAULT**

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

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

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of owning and operating an animal shelter, located at 2017 E Broadway Ave., Enid, OK. 73701.

16. Pursuant to 4 O.S. § 30.4, "it shall be unlawful for any person to act as a commercial pet breeder licensee, or operate as animal shelter licensee, or to hold himself or herself out as such, unless the person shall have been licensed to do so under the Commercial Pet Breeders and Animal Shelter Licensing Act."

17. Pursuant to 4 O.S. §30.8 and OAC § 35:55-1-10, an animal shelter operator is required to renew the shelter license annually.

### **ALLEGATIONS OF FACT**

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

19. The Respondents have failed to renew their Oklahoma Animal Shelter License by December 31, 2021.

20. On February 7, 2022, a Letter of Warning was sent to the Respondents requesting that corrective action be taken by March 8, 2022.

21. Respondent has failed to take corrective action or begin the process of renewing the shelter license.

### **ALLEGED CONCLUSIONS OF LAW**

22. Based upon the application of the above law to the aforementioned-facts, Respondent have not renewed their animal shelter license as under 4 O.S. § 30.4, 30.8 or OAC 35:55-1-10.

### **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 **Four Hundred Dollars (\$400.00)**.

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 20 day of May, 2022.

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

Richard D. Herren

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA #13873  
Brady Robison, OBA #33600  
Richard D. Herren, OBA #13829\*  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 20 day of May, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**RHEMA ABERCROMBIE  
2017 E BROADWAY AVE  
ENID, OK 73701**

  
\_\_\_\_\_  
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-22-130**

**RHEMA ABERCROMBIE** )  
**DBA MEOWS, INC.** )  
**2017 E BROADWAY AVE** )  
**ENID, OK 73701** )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Four Hundred Dollars (\$400.00)** for this action and has accordingly signed this Resolution by Stipulation 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. BRIAN COX  
Case File No. OGC 22-337**

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

**Summary of Facts:** Respondent failed to submit an Annual Litter Report with appropriate attachments. He has previously failed to timely submit the Annual Litter Report.

**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:** Richard D. Herren

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
JUL 12 2022  
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-22-337

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

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars (\$400.00) for this action and has accordingly signed this Resolution by Stipulation 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: 7/8/22

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
JUN 23 2022  
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-22-337

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

RESPONDENT. )

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on August 11, 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.**

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

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

**HEARING AND RIGHT TO COUNSEL**

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

**DEFAULT**

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

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

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(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. The 2020-21 annual report indicated waste was applied without a current soil and/or litter test, and over application under the old 590.

19. On or about December 6, 2021 the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning and a blank form regarding their Annual Litter Report.

20. Annual Litter Reports are due annually by September 1.

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

22. Both items have been a continued issue for the applicator.

### **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 a completed 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 14TH day of June, 2022.

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

A handwritten signature in blue ink, appearing to be 'Terna G. Gunter', is written over a horizontal line.

Terna G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829\*  
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 June, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**BRIAN COX  
2139 UNION GROVE RD  
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. )**

**Case No: OGC-22-337**

**BRIAN COX )  
2139 UNION GROVE RD )  
HAWORTH, OK 74740 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars (\$400.00) for this action and has accordingly signed this Resolution by Stipulation 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. VUE LOR  
Case File No. OGC 22-214**

**VUE LOR  
65828 S. 4700 ROAD  
WESTVILLE, OK 74965**

**Summary of Facts:** On or about May 4, 2022, ODAFF conducted a site visit to Mr. Lor's farm determining that ground conditions were not appropriate for poultry waste application and proper setbacks were not being followed. On or about May 10, 2022, the AEMS Division of the Department sent Mr. Lor a Letter of Warning regarding the violations for applying poultry waste in the rain and too near the property line. The Department requested Mr. Lor take corrective action immediately. Mr. Lor has not responded to the Letter of Warning.

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

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

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Richard D. Herren

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
JUN 23 2022  
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-22-214

VUE LOR )  
65828 S 4700 ROAD )  
WESTVILLE, OK 74965 )

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: 6/20/2022

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAY 23 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

VUE LOR )  
65828 S. 4700 ROAD )  
WESTVILLE, OK 74965 )

RESPONDENT. )

Case No: OGC-22-214

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on July 14, 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.**

---

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

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

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

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

#### **DEFAULT**

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

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

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(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. § 10-9.19., ODAFF has authority to regulate the land application of poultry waste.

17. Pursuant to The Waste Utilization Standards "in no case will manure be applied when the soil is saturated or when ponding has occurred on the soil surface after periods of heavy rain... nor to areas within 50 feet of an intermittent stream."

### **ALLEGATIONS OF FACT**

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

19. On or about May 4, 2022, ODAFF conducted a site visit to Respondent's farm determining that ground conditions were not appropriate for poultry waste application and proper setbacks were not being followed.

20. On or about May 10, 2022, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their poultry waste application requesting that it be corrected immediately.

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. 10-9.19 by applying poultry waste on saturated soil and within 50 feet of an intermittent stream.

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

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 23 day of May, 2022.

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

*Richard D. Herren*

\_\_\_\_\_  
Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829\*  
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 May, 2022, a true and correct copy of the

forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

VUE LOR  
65828 S. 4700 RD.  
WESTVILLE, OK 74965

  
\_\_\_\_\_  
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. )  
 )  
**VUE LOR** )  
**65828 S 4700 ROAD** )  
**WESTVILLE, OK 74965** )  
 )  
**RESPONDENT.** )

**Case No: OGC-22-214**

**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. AMERICAN HEMP COMPANY**

**Case File No. OGC-22-69**

**BENJAMIN BUCKLAND  
2115 WAYNOKA ST.  
WAYNOKA, OK 73860**

**Summary of Facts:** This case was opened as a result from a referral from OMMA. It was determined over the course of the investigation that the Respondent failed to provide current information to the department, failed to provide a harvest report for each harvest, failed to allow inspection and testing of the products being harvested, provided false, misleading and incorrect information pertaining to the harvest, interfered with the inspection process to include hindering inspection of plants or failure to fully cooperate with inspectors. Additionally, Respondent failed to destroy hemp with a THC content over .3% on a dry weight basis and willfully introduced hemp into the stream of commerce and had multiple varieties/strains of Cannabis sativa L (hemp) growing in one area. Respondent submitted a report stating that grasshoppers had destroyed his entire crop of hemp then advertised that he had hemp for purchase. In all Respondent had 10 different types of hemp/hemp oil and all but 2 failed THC content inspections.

**Statute or Rule Violation:** O.A.C. 35:30-24-6; 35:30-24-9; 35:30-24-12(h)(2); 35:30-24-11; 35:30-24-12(h)(1); 35:30-24-12(h)(5); 35:30-24-12(h)(9); 35:30-21-12(h)(10); 35:30-24-12(h)(11); 2 O.S. §3-406(A)(1)(2); §3-406(B);

**Proposed Administrative Penalty:** The penalty was assessed at \$3000; Respondent stipulated and paid the penalty in full.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

JUN 06 2022

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-22-69

BENJAMIN BUCKLAND )  
2115 WAYNOKA ST. )  
WAYNOKA, OK 73860 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Three-Thousand Dollars (\$3,000.00) 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: 5/31/22

**RECEIVED**

MAY 24 2022

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. )

BENJAMIN BUCKLAND )  
2115 WAYNOKA ST. )  
WAYNOKA, OK 73860 )

RESPONDENT. )

**FILED**

MAR 22 2022

STATE BOARD OF AGRICULTURE

Case No: OGC-22-69

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on June 9, 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.**

---

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

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

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

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

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

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

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

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

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

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

#### **DEFAULT**

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

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

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial hemp production DBA American Hemp Company, located at Waynoka, Oklahoma.

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

#### **ALLEGATIONS OF FACT**

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

18. On or about the 9<sup>th</sup> day of March, 2022 the Consumer Protective Services Division of the Department received a referral from the Oklahoma Medical Marijuana Authority Laboratory.

19. On October 21, 2020, American Hemp Company submitted a report indicating that the entire crop of hemp had been destroyed by grasshoppers.

20. Throughout 2020, American Hemp Company conducted multiple harvests of hemp, despite filing documentation that the entire crop for the year had been destroyed.

21. All of the hemp that was submitted for testing had a THC content higher than the legal allowable limit with the exception of one; the same hemp was offered for sale, outside of the guidelines and law requiring that hemp with a THC content higher than .3% be destroyed.



22. American Hemp Company failed to submit any pre-harvest reports to the ODAFF 30 days before the harvest for testing. Furthermore, American Hemp Company did not submit a single pre-harvest report before any harvest.

23. American Hemp Company failed to keep the ODAFF updated with current information.

24. American Hemp Company had multiple variations of Cannabis sativa L. growing in a single growing area without disclosing to the ODAFF.

25. American Hemp Company failed to allow inspection and testing by the ODAFF before harvest.

#### ALLEGED CONCLUSIONS OF LAW

26. Based upon the application of the above law to the aforementioned facts:

- a. **O.A.C. 35:30-24-12(h)(1):** (h) "Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (1) providing false, misleading, or incorrect information or otherwise engaging in fraud or deception to secure or retain a license." American Hemp Company submitted a false report that the entire crop for 2020 had been destroyed by grasshoppers; evidence and social media posts indicate that the crop had not been destroyed and American Hemp Company harvested multiple times throughout 2020.
- b. **O.A.C. 35:30-24-9:** (a) "Not less than thirty (30) days prior to harvest, the licensee shall file a harvest report on a form provided by the Department and shall, at a minimum, contain the following information: (1) The name of the licensee and any associated subcontractors; (2) The location of the cultivation site or parts thereof wherever situated; (3) A description of each variety of industrial hemp growing at the cultivation site."

American Hemp Company failed to file a harvest report for any of the harvests occurring in 2020.

1. **O.A.C. 35:30-24-12(h)(2):** "(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department."

American Hemp Company failed to file any reports on the harvest of hemp in 2020.

2. **2 O.S. §3-406(A)(1)(2):** A. At least thirty (30) days prior to harvest, each licensee shall file a harvest report on a form approved by the Department that includes: 1. A statement of intended disposition of its industrial hemp crop; and 2. the harvest date or dates, location and yield of each variety cultivated within a registered land area. The American Hemp Company failed to file any or report any documents with the ODAFF pertaining to any harvest of hemp in 2020.

3. **2 O.S. §3-406(B):** B. A licensee shall notify the Department immediately of any changes in a reported harvest date by more than five (5) days. The American Hemp Company failed to report within 5 days any harvest of hemp or any changes in such a harvest.

- c. **O.A.C 35:30-24-12:** (h) "Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (9) Refusal or failure to comply with orders of the Department or the rules of this subchapter requiring the destruction of hemp, *Cannabis sativa* L. plants, with a total delta-9 tetrahydrocannabinol concentration of exceeding three-tenths of one percent (0.3%) on a dry weight basis, or any plant parts thereof." When American Hemp

Company finally submitted samples for testing, each sample, with the exception of one, the strain labeled as Sweet Wine #1, held higher THC content than allowable by law.

- d. **O.A.C. 35:30-24-12(h)(10):** "Handling, processing, or selling non-compliant hemp which enters the stream of commerce." Hemp with higher than .3% THC content is required to be destroyed and American Hemp Company failed to do so and placed it within the market for consumer purchase/commerce.
- e. **2 O.S. §3-407(A):** A. "Any plants of the licensee are subject to at least annual routine inspections and sampling to verify that the plant meets the definition of industrial hemp. The Department shall notify each licensee of the scope of the inspection and the process by which the inspection will be conducted. The Department shall promulgate rules regarding the procedures of inspection and sampling." See also **O.A.C 35:30-24-11.** American Hemp did not notify inspectors of any harvest and thereby deprived them of the opportunity to ensure that the plants being harvested met the definition of "hemp."
- f. **O.A.C. 35:30-24-6:** (a) "Every licensee shall have a continuing obligation to provide current information to the Department. The licensee shall provide updated information if there is any material change to the information provided in the application within ten (10) days of the material change unless otherwise specified herein, including but not limited to, changes in personnel or contact information." The Consumer Protection Services Division of the ODAFF attempted multiple times to contact American Hemp Company at the provided email addresses to no avail. American Hemp was required to keep the ODAFF updated of any changes to their application, to include email, and failed to do so.

- g. **O.A.C. 35:30-24-12(h)(11):** (11) "Failure to disclose different varieties of Cannabis sativa L. plants in a single growing area." American Hemp Company had multiple strains/variations of hemp growing in one location without disclosing this information to the ODAFF.
- h. **O.A.C. 35:30-24-12(h)(5):** (5) "Interference with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections." By not allowing the ODAFF inspectors the opportunity to inspect each harvest of hemp, American Hemp Company effectively refused admission of those inspectors access to check each harvest for compliance and testing.

#### **ATTORNEY CONFERENCES**

- a. 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.
- b. 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.
- c. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

#### **ENFORCEMENT PROCEEDINGS**

- d. 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.

e. 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.

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

g. 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**

h. 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**

i. 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**

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

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

I. 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**

m. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Three-Thousand Dollars (\$3,000.00).

N. 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 21<sup>ST</sup> day of March, 2022.

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

*Brady Robison*

Teena G. Ginter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

✓ Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

Facsimile: (405) 522-5789

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

<b>THE OKLAHOMA DEPARTMENT OF</b>	)	
<b>AGRICULTURE, FOOD, AND FORESTRY,</b>	)	
<b>BY AND THROUGH THE</b>	)	
<b>OFFICE OF GENERAL COUNSEL.</b>	)	
	)	
<b>COMPLAINANT,</b>	)	
<b>v.</b>	)	<b>Case No: OGC-22-69</b>
	)	
<b>BENJAMIN BUCKLAND</b>	)	
<b>2115 WAYNOKA ST.</b>	)	
<b>WAYNOKA, OK 73860</b>	)	
	)	
<b>RESPONDENT.</b>	)	

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Three-Thousand Dollars (\$3,000.00) 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. DARRYL'S OLE KOOTS CANNABIS, LLC**

**Case File No. OGC-22-174**

**Darryl Buckner  
Darryl's Ole Koots Cannabis LLC  
272 DAISY RD  
MCALESTER, OK 74501**

**Summary of Facts:** This case involves a referral from the OMMA Lab on a batch of medical marijuana that failed inspection. The pesticide that was detected was Myclobutanil. Inspectors visited the facility and observed numerous containers of Eagle 20 EW being stored on premises. The active ingredient of Eagle 20 EW is Myclobutanil. Only products approved/registered by/with ODAFF may be used in medical marijuana production. According to the investigation the Respondent has been using products off label.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$2500; the stipulation was signed and paid in full

**Deviations:** None

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison



BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT, )

v. )

Case No: OGC-22-174

Darryl Buckner )  
Darryl's Ole Koots Cannabis LLC )  
272 DAISY RD )  
MCALESTER, OK 74501 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Thousand Five Hundred Dollars (\$2500.00) 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

RECEIVED

JUL 13 2022

OFFICE OF GENERAL COUNSEL  
OKLA. DEPT OF AGRICULTURE

Darryl Buckner OWNER  
\_\_\_\_\_  
Printed Name and Title:

Date: 7-7-2022

**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-22-174**

**Darryl Buckner )  
Darryl's Ole Koots Cannabis LLC )  
272 DAISY RD )  
MCALESTER, OK 74501 )**

**RESPONDENT. )**

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on **August 11<sup>th</sup>, 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.**

---

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

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

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

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

#### **DEFAULT**

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

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

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial medical marijuana production, located at McAlistar, Oklahoma.

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

### **ALLEGATIONS OF FACT**

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

18. On or about 26<sup>th</sup> day of April, 2022, the Consumer Protection Services Division of the Department conducted a follow-up investigation off of a referral by the Oklahoma Medical Marijuana Authority lab.

19. Upon investigating the complaint by the OMMA Lab, it was found that a batch of medical marijuana from your facility failed because pesticides were detected, specifically Myclobutanil.

20. During the inspection our inspector observed numerous containers of Eagle 20 EW, being stored in your facility. Myclobutanil is the active ingredient in Eagle 20 EW. This product is not labeled to be used in medical marijuana production. Currently the only pesticide products that

can be applied to medical marijuana are those products that are registered with ODAFF, and are approved to be applied to hemp.

21. According to our investigation you have been misusing pesticide products by applying them to a site that is not approved by the product label.

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

22. Based upon the application of the above law to the aforementioned facts Based upon the application of the above law to the aforementioned facts, you applied pesticides inconsistent with the label and are in violation of 2 O.S. §3-86(A)(4) which states:

- “(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.”

#### **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 Thousand Five Hundred Dollars (\$2500.00).

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
✓ Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Darryl Buckner  
Darryl's Ole Koots Cannabis LLC  
272 DAISY RD  
MCALESTER, OK 74501**

\_\_\_\_\_  
Gina Blaylock

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

<b>THE OKLAHOMA DEPARTMENT OF</b>	)	
<b>AGRICULTURE, FOOD, AND FORESTRY,</b>	)	
<b>BY AND THROUGH THE</b>	)	
<b>OFFICE OF GENERAL COUNSEL</b>	)	
	)	
<b>COMPLAINANT,</b>	)	
<b>v.</b>	)	<b>Case No: OGC-22-174</b>
	)	
<b>Darryl Buckner</b>	)	
<b>Darryl's Ole Koots Cannabis LLC</b>	)	
<b>272 DAISY RD</b>	)	
<b>MCALESTER, OK 74501</b>	)	
	)	
<b>RESPONDENT.</b>	)	

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Thousand Five Hundred Dollars (\$2500.00) 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. CASEY'S GENERAL STORE  
Case File No: OGC-22-56**

**CASEY'S GENERAL STORE  
15001 S. WESTERN AVE.  
OKLAHOMA CITY, OK 73170**

**Summary of Facts:** An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after each inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Five Hundred Twenty-five Dollars (\$525.00). (7 violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
JUN 14 2022  
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-22-56

CASEY'S GENERAL STORE )  
15001 S. WESTERN AVE. )  
OKLAHOMA CITY, OK 73170 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

*Scott Faber*

Signature

Scott Faber

Printed Name

Corporate Secretary

Job Title

Jun 7, 2022

Date

**RECEIVED**

JUN 13 2022

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. )  
 )  
CASEY'S GENERAL STORE )  
15001 S. WESTERN AVE. )  
OKLAHOMA CITY, OK 73170 )  
 )  
RESPONDENT. )

**FILED**

MAR 10 2022

STATE BOARD OF AGRICULTURE

Case No: OGC-22-56

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on June 09, 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.

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

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

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

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

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

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

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

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

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

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

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

#### **DEFAULT**

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

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

**JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of Casey's General Store, located at 15001 S. Western Ave., in Oklahoma City, Oklahoma.

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

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about December 08, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Casey's General Store in Oklahoma City, Oklahoma. The inspection revealed that nine (9) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about February 10, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Casey's General Store in Oklahoma City, Oklahoma. The inspection revealed that seven (7) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**



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

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

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

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

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

**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 Five Hundred Twenty-Five Dollars (\$525.00). (7 violations at \$75.00 per violation).

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

DATED THIS 10th day of March, 2022.

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

*Kambi Maddy*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 10 day of March, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CASEY'S GENERAL STORES, INC.  
ATTN: PATTY A. EWING  
1 SE CONVENIENCE BLVD.  
ANKENY, IA 50021**

  
\_\_\_\_\_  
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-22-56**

**CASEY'S GENERAL STORE  
15001 S. WESTERN AVE.  
OKLAHOMA CITY, OK 73170** )

**RESPONDENT.** )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Twenty-Five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



**OKLAHOMA DEPARTMENT OF AGRICULTURE  
FOOD, AND FORESTRY  
PRICE VERIFICATION REPORT**

CPS 152 Rev 5/19

INSPECTOR NUMBE 22-GMC-0104 DATE\* 2/10/2022 COUNTY Cleveland

LOCATION\* \_\_\_\_\_ CORPORATE \_\_\_\_\_

AGN NUMBER AGN0183287 AGN NUMBER \_\_\_\_\_

Casey's \_\_\_\_\_

15001 S Western av \_\_\_\_\_

Oklahoma City \_\_\_\_\_ OK 73170- \_\_\_\_\_

MANAGER \_\_\_\_\_ INSPECTION TYP Followup Original Insep# 22-GMC-005

TELEPHONE\* (405) 378-3413 Other Store Type \_\_\_\_\_ ITEM STATUS \_\_\_\_\_

TYPE OF STORE CONVENIENCE STORE

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
Dorito Ranch 2.75oz	2840032504	\$1.99	\$2.19	(\$0.20)
Snyders pretzel honey mustard 5 oz	7797509390	\$2.29	\$2.49	(\$0.20)
Famous Amos belgian Chocolate 2oz	7667705907	\$1.83	\$1.99	(\$0.16)
Cheez IT Snap'd 2.2oz	2410011640	\$2.29	\$2.49	(\$0.20)
Casey's Original Steak bites 4oz	9843724093	\$7.79	\$7.99	(\$0.20)
Casey's Dill pickles chips 2.5oz	9843726003	\$1.49	\$1.79	(\$0.30)
Bulter Kernel Peas 9.5oz	7227303110	\$1.59	\$1.79	(\$0.20)

RECEIVED  
2022 FEB 16 10:29



Total Number Checked 100 Total Number Of Violation 7 Accuracy 93 % Inspection Result \_\_\_\_\_ Notice of Violation \_\_\_\_\_

**REMARKS**

WITNESS 

INSPECTOR\*   
Gersende Cazaux



**OKLAHOMA DEPARTMENT OF AGRICULTURE  
FOOD, AND FORESTRY  
PRICE VERIFICATION REPORT**

CPS 152 Rev 5/19

INSPECTOR NUMBE 22-GMC-0050      DATE\* 12/8/2021      COUNTY Cleveland  
 LOCATION\* \_\_\_\_\_      CORPORATE \_\_\_\_\_  
 AGN NUMBER AGN0183267      AGN NUMBER \_\_\_\_\_  
 Case #'s \_\_\_\_\_  
15001 S Western av \_\_\_\_\_  
Oklahoma City      OK      73170- \_\_\_\_\_  
 MANAGER \_\_\_\_\_      INSPECTION TYP Initial      Original Insp# \_\_\_\_\_  
 TELEPHONE\* (405) 378-3413      Other Store Type \_\_\_\_\_      ITEM STATUS \_\_\_\_\_  
 TYPE OF STORE CONVENIENCE STORE \_\_\_\_\_

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
Blue Diamond Almond 1.5 oz	4157005180	\$1.49	\$1.59	(\$0.10)
Spitz Dill Pickle 6 oz	28400009409	\$2.39	\$2.59	(\$0.20)
Beef Jerky 3.25oz	47500001168	\$6.99	\$7.99	(\$1.00)
Hershey's 2.6oz	3400019640	\$2.19	\$2.39	(\$0.20)
Snickers Almond Brownie share size	4000056404	\$2.19	\$2.39	(\$0.20)
Reese's king size	34000000480	\$2.19	\$2.39	(\$0.20)
ice breakers gum 3.24 oz	3400070152	\$4.69	\$4.99	(\$0.30)
Little Trees Vanillaroma 3pk	7617132005	\$3.49	\$3.69	(\$0.20)
Energizer AA 4PK	3980001132	\$6.19	\$6.49	(\$0.30)

**COPY**

Total Number Checked 100    Total Number Of Violation 9    Accuracy 91%    Inspection Result \_\_\_\_\_    Notice of Violation \_\_\_\_\_

**REMARKS**

The Store needs an AGN

WITNESS

*Myra Smith*

INSPECTOR\*

*Gersende Cazaux*  
Gersende Cazaux

*Gersende Cazaux*

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. DOLLAR GENERAL  
Case File No: OGC-22-81**

**DOLLAR GENERAL  
103 NEBRASKA  
CYRIL, OK 73029**

**Summary of Facts:** An investigator conducted three routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after each inspection.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

**Proposed Administrative Penalty:** The proposed penalty for this case was Two Thousand Two Hundred Fifty Dollars (\$2,250.00). (15 violations at \$150.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

**FILED**  
JUN 27 2022  
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 22-81

DOLEAR GENERAL )  
103 NEBRASKA )  
CYRIL, OK 73029 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Two Hundred Fifty Dollars (\$2,250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-3298.

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

RESPONDENT

*Mia Savaloja*  
Signature

Mia Savaloja  
Printed Name

Sr. Director Stone Ops  
Job Title

6.15.2022  
Date



BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT, )

v. )

DOLLAR GENERAL )  
103 NEBRASKA )  
CYRIL, OK 73029 )

RESPONDENT. )

Case No: OGC 22-81

**FILED**  
JUN 08 2022  
STATE BOARD OF AGRICULTURE

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on August 11, 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.

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

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

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

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

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

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

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

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

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

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

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

#### **DEFAULT**

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

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

**JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of Dollar General, located at 103 Nebraska, in Cyril, Oklahoma.

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

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A third violation discovered within any twelve-month period will be assessed a penalty of One Hundred Fifty Dollars (\$150.00) per consumer item which results in an overcharge or potential overcharge.

## ALLEGATIONS OF FACT

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

20. On or about November 16, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Cyril, Oklahoma. The inspection revealed that seven (7) of the hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J).

22. On or about January 18, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Cyril, Oklahoma. The inspection revealed that seven (7) of the hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J).

24. On or about March 18, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Dollar General in Cyril, Oklahoma. The inspection revealed that fifteen (15) of the hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

25. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a third violation of 2 O.S. § 14-38(J).

### ALLEGED CONCLUSIONS OF LAW

26. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### ATTORNEY CONFERENCES

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

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

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

### ENFORCEMENT PROCEEDINGS

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

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

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

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

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

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

#### ENFORCEMENT OF JUDGMENTS

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

#### INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

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

#### STIPULATION

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Thousand Two Hundred Fifty Dollars (\$2,250.00)**, (15 violations at \$150.00 per violation).

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

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

DATED THIS 7<sup>th</sup> day of June, 2022.

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

*Kambi Maddy*

Teena G. Ginter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 8 day of Jun, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**DOLLAR GENERAL CORPORATION  
ATTN: LEGAL DEPARTMENT  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072**



\_\_\_\_\_  
Gina Blaylock







**OKLAHOMA DEPARTMENT OF AGRICULTURE  
FOOD, AND FORESTRY  
PRICE VERIFICATION REPORT**

CPS 152 Rev 1/05

INSPECTOR NUMBE 22-RLF-0052 **RECEIVED** 3/18/2022 COUNTY Caddo

LOCATION\*

2022 MAR 22 A 9:57

CORPORATE

AGN NUMBER AGN022158

AGN NUMBER

Dollar General

103 Nebraska

Cyrl OK 73029-

MANAGER

INSPECTION TYP Followup

Original Insp# 22-RLF-0031

TELEPHONE\* (405) 594-0625

Other Store Type

ITEM STATUS

NON-SALE

TYPE OF STORE MASS MERCHANDISER

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
Dial Antibacterial hand soap 7.5oz	017000091532	\$1.25	\$1.50	(\$0.25)
Sheba Pate cat food 2pk	023100110264	\$0.95	\$1.05	(\$0.10)
Velveeta Shells & Cheese 12oz	021000658930	\$3.00	\$3.65	(\$0.65)
Old El Paso Taco dinner kit 11.4oz	046000287348	\$2.80	\$2.85	(\$0.05)
Rico's Queso Blanco 15oz	079426211888	\$2.75	\$3.25	(\$0.50)
Gorton's Butterfly Shrimp 9.2oz	044400139304	\$4.95	\$6.50	(\$1.55)
Hellmann's Mayonnaise 30 oz	048001213487	\$4.25	\$5.25	(\$1.00)
Wonder Classic Bread 20 oz	072250011372	\$2.25	\$2.45	(\$0.20)
Tampax Pearl 34 ct	073010711334	\$7.00	\$7.50	(\$0.50)
TL Foaming Bathroom Cleaner 22oz	059647560231	\$2.50	\$3.00	(\$0.50)
TL Over door hook 4 hooks	430001403454	\$3.50	\$4.00	(\$0.50)
GooGone 12 oz	070048778193	\$4.25	\$4.50	(\$0.25)
DG Home Ultra Antibacterial liquid	072785117716	\$1.75	\$1.95	(\$0.20)
Gain Laundry Detergent 65oz	030772007181	\$6.95	\$7.75	(\$0.80)
Bounce Dryer Sheets 240 ct	037000073123	\$8.95	\$10.00	(\$1.05)

Total Number Checked 100 Total Number Of Violation 15 Accuracy 85 % Inspection Result Notice of Violati

**REMARKS**

Follow up #1

WITNESS

INSPECTOR\* Richard Folsom

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

**v. JASMINE GREE, LLC**

**Case File No. OGC-22-209**

**JASMINE GREEN LLC  
718 S. GREENWOOD RD.  
YALE, OK 73013**

**Summary of Facts:** This case stems from an OMMA complaint; ODAFF inspectors were notified that a batch of medical grade marijuana had tested positive for pesticides. Only pesticides approved by ODAFF are able to be used in medical marijuana cultivation. The pesticides in this case were not approved for use in medical marijuana cultivation, specifically Myclobutanil. While inspecting the facility, several used containers of pesticide were found, including Eagle 20 EW, Avid 0.15 EC Miticide/Insecticide, and Mighty. Myclobutanil is the active ingredient in Eagle 20 EW.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$2500; Respondent stipulated and paid the penalty in full.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
JUL 01 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

Case No. OGC-22-209

JASMINE GREEN LLC  
718 S. GREENWOOD RD.  
VAIL, OK 73013

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Thousand Five Hundred Dollars (\$2,500.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT

  
Signature

Yubo He (Manager)  
Printed Name and Title

Date: 6-23-2022



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

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

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

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

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

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

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

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

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

#### **DEFAULT**

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

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

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial medical marijuana production, located at Yale, Oklahoma.

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

### **ALLEGATIONS OF FACT**

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

18. On or about 3<sup>rd</sup> day of May, 2022, the Consumer Protection Services Division of the Department conducted a follow-up investigation based on a failed crop batch sample from your medical marijuana grow.

19. Upon investigating the complaint by the OMMA Lab, it was found that a batch of medical marijuana from your facility failed because pesticides were detected, specifically Myclobutanil.

20. Our inspector visited your medical marijuana grow operation in Yale, OK. During the inspection our inspector observed several partially used pesticide containers being stored in your facility. Specifically, Eagle 20 EW, Avid 0.15 EC Miticide/Insecticide, and Mighty. These

products are not labeled to be used in medical marijuana production. Myclobutanil is the active ingredient in Eagle 20 EW.

21. According to our investigation you have been misusing pesticide products by applying them to a site that is not approved by the product label. Currently the only pesticide products that can be applied to medical marijuana are those products that are registered with ODAFF, and are approved to be applied to hemp.

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

22. Based upon the application of the above law to the aforementioned facts, you applied pesticides inconsistent with the label and are in violation of 2 O.S. §3-86(A)(4) which states:

- “(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.”



### 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 Thousand Five Hundred Dollars (\$2500.00).

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

*Brady Robison*

Teena G. Gynter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 14 day of June, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**JASMINE GREEN LLC  
718 S. GREENWOOD RD.  
YALE, OK 73013**



---

Gina Blaylock

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

<b>THE OKLAHOMA DEPARTMENT OF</b>	)	
<b>AGRICULTURE, FOOD, AND FORESTRY,</b>	)	
<b>BY AND THROUGH THE</b>	)	
<b>OFFICE OF GENERAL COUNSEL.</b>	)	
	)	
<b>COMPLAINANT,</b>	)	
<b>v.</b>	)	<b>Case No: OGC-22-209</b>
	)	
<b>JASMINE GREEN LLC</b>	)	
<b>718 S. GREENWOOD RD.</b>	)	
<b>YALE, OK 73013</b>	)	
	)	
<b>RESPONDENT,</b>	)	

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Thousand Five Hundred Dollars (\$2500.00) 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. STELLA'S GREEN, LLC**

**Case File No. OGC-22-109**

**MAN JIANG  
STELLA'S GREEN LLC  
1261 E. 33RD St.  
EDMOND, OK 73013**

**Summary of Facts:** This case stems from a consumer complaint. Inspectors visited the grow operation and found numerous 300 gallon pesticide containers that were being used to store irrigation water; the labels indicated that they are available to be reused for pesticide or dilute pesticides. Additionally many containers of partially used pesticides were found and were not labeled to be used with medical marijuana. Only pesticides approved by ODAFF are able to be used in medical marijuana cultivation. The pesticides in this case were not approved for use in medical marijuana cultivation, specifically Hi-Yield 38 Plus Turf, Termite and Ornamental Pest Control; Spectracide Malathion Insect Spray, Raid Fogger; Eagle 20 EW; and Forbid 4F Ornamental Insecticide/Miticide. A sample was taken of the soil and Spiromefisin was found; this is the active ingredient in Forbid 4F Ornamental Insecticide/Miticide. Respondent was using product off label.

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

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

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT,

vs.

Case No. OGC-22-109

YAN JIANG  
STELLA'S GREEN LLC  
1261 E. 33<sup>RD</sup> ST.  
EDMOND, OK 73013

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Dollars (\$1000.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-1298.

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 violation of law made in the Notice of Violation.

BY RESPONDENT

Signature

ZHAO YUE LI

Printed Name and Title

Date 7/17/22



# POSTAL MONEY ORDER

Serial Number

Post Office

75

U.S. Dollars and Cents

27822243982

\$1000.00

One Thousand Dollars and 00/100

Amount

Pay to

The Oklahoma Department of Agriculture, Food and Forestry

Check

11

Address

From

Address

Memo

Stella's Green LLC

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

⑆00000800 2⑆

27822243982⑈



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. )

MAN JIANG )  
STELLA'S GREEN LLC )  
1261 E. 33<sup>RD</sup> STREET )  
EDMOND, OK 73013 )

RESPONDENT. )

Case No: OGC-22-109

**FILED**  
JUN 17 2022  
STATE BOARD OF AGRICULTURE

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on August 11<sup>th</sup>, 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.**

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

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

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

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

#### **DEFAULT**

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

**JURISDICTION, VENUE, AND APPLICABLE LAW**

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(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 operating a medical marijuana grow operation, located at Lexington, Oklahoma.

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

**ALLEGATIONS OF FACT**

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

18. On or about January 11, 2022, the Consumer Protection Services Division of the Department responded to your facility based on a consumer complaint.

19. While conducting the investigation, it was found that you were using 300 gallon pesticide containers to store irrigation water. The labels on these containers specifically state that they may not be used to hold any material other than pesticides or dilute pesticides.

20. Investigators also found several containers of pesticides that had been partially used and being stored in the same facility. These products were not labeled to be used on medical use marijuana. Specifically, Hi-Yield 38 Plus Turf, Termite, and Ornamental Insect Control;

Spectracide Malathion Insect Spray; Raid Fogger; Eagle 20 EW; and Forbid 4F Ornamental Insecticide/Miticide.

21. A sample of potting media and a sample of marijuana vegetation were taken from your facility, and Spiromesifin was detected in both samples. Spiromesifin is the active ingredient in Forbid 4F Ornamental Insecticide/Miticide.

22. According to our investigation you have been using pesticides off label and storing irrigation water in an unsafe and unauthorized manner.

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

23. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-86(A)(4) which states that in relevant part "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... A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board." You did not have permission by the ODAFF Board to use pesticides off label or use pesticide containers to store irrigation water. You are in violation of 2 O.S. §3-86(A)(4).

#### **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**

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 One Thousand Dollars (\$1000.00).

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 16<sup>TH</sup> day of June, 2022.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

✓ Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

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 17 day of June, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

MAN JIANG  
STELLA'S GREEN LLC  
1261 E. 33<sup>RD</sup> St.  
EDMOND, OK 73013



\_\_\_\_\_  
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-22-109**

**MAN JIANG )  
STELLA'S GREEN LLC )  
1261 E. 33<sup>RD</sup> St. )  
EDMOND, OK 73013 )**

**RESPONDENT. )**

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

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

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

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

**v. OG SHY, LLC**

**Case File No. OGC-22-175**

**KEVIN PHAM  
OG SKY LLC  
2008 BEAVER RD.  
WILSON, OK 73463**

**Summary of Facts:** This case stems from an OMMA complaint; ODAFF inspectors were notified that a batch of medical grade marijuana had tested positive for pesticides. Only pesticides approved by ODAFF are able to be used in medical marijuana cultivation. The pesticides in this case were not approved for use in medical marijuana cultivation, specifically Atrazine. Respondent was using an Atrazine 300 gallon container to hold water; these containers were specifically labeled to not reused except for pesticide storage.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$2500; Respondent stipulated and paid the penalty in full.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

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

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

COMPLAINANT, )

v. )

Case No: OGC-22-175 )

KEVIN PHAM )  
OG SKY LLC )  
2008 BEAVER RD. )  
WILSON, OK 73463 )

RESPONDENT. )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Five Hundred Dollars (\$2500.00)** 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

*Kevin Pham*  
\_\_\_\_\_  
Printed Name and Title:

Date: 7-7-22

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAY 18 2022  
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-22-175

KEVIN PHAM )  
OG SKY LLC )  
2008 BEAVER RD. )  
WILSON, OK 73463 )

RESPONDENT. )

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on August 11<sup>th</sup>, 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.**

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

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

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

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

#### **DEFAULT**

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

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

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial medical marijuana production located at Wilson, Oklahoma.

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

### **ALLEGATIONS OF FACT**

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

18. On or about 21<sup>st</sup> day of April, 2022, the Consumer Protection Services Division of the Department conducted a follow-up investigation off of a referral by the Oklahoma Medical Marijuana Authority lab.

19. Upon investigating the complaint by the OMMA Lab, it was found that a batch of medical marijuana from your facility failed because pesticides were detected, specifically Myclobutanil.

20. During the inspection of you facility in Wilson, OK, it was discovered that several empty 300 gallon pesticide totes that were being used to store irrigation water, one of which was Atrazine, a restricted use pesticide. The product labels state that the containers are non-refillable,

and to not reuse the containers to hold any material other than pesticides or dilute pesticides. Additionally, you had AzaPro 3 in 1 Repellent, Anti-feedant & IGR, and Fungicide 3 at your facility. These products are not labeled to be used with Medical Marijuana production.

21. Currently the only pesticide products that can be applied to medical marijuana are those products that are registered with ODAFF, and are approved to be applied to hemp.

22. Reusing pesticide totes for irrigation is a violation of the pesticide product label.

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

23. Based upon the application of the above law to the aforementioned facts, using a pesticide container in a manner inconsistent with its labeling is a violation of the Oklahoma Combined Pesticide Law & Rules: 2 O.S. § 3-86 A (4), which states:

- "(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."

### **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 Two Thousand Five Hundred Dollars (\$2500.00)

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

DATED THIS 18 day of May, 2022.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
✓ Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829  
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 18 day of May, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**KEVIN PHAM  
OG SKY LLC  
2008 BEAVER RD.  
WILSON, OK 73463**



---

Gina Blaylock

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

**v. TRIATHLAWN**

**Case File No. OGC-22-238**

**TRIATHLAWN  
47302 RUBEN RIVERS RD  
EARLSBORO, OK 74840**

**Summary of Facts:** This case involves employees of respondent making application of pesticides without being service technicians or certified applicators. ODAFF requires that a certified applicator be on site to supervise applications made by non-certified employees. Additionally, MSMA 6 Plus and Prowl H2O were being applied; MSMA is banned from being used on lawns and Prowl is not labeled to be applied to lawns.

**Statute or Rule Violation:** 2 O.S. §3-86(A)(16); O.A.C. 35: 30-17-15(B); 2 O.S. §3-86(A)(4)

**Proposed Administrative Penalty:** The penalty was assessed at \$750; the stipulation was signed and paid in full

**Deviations:** None

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
JUN 27 2022  
STATE BOARD OF AGRICULTURE

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

Case No: OGC-22-238

TRIATHLAWN )  
47302 RUBEN RIVERS RD )  
EARLSBORO, OK 74840 )

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

Preston Gray - Owner  
\_\_\_\_\_  
Printed Name and Title

Date: 6-23-22

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
JUN 07 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

TRIATHLAWN )  
47302 RUBEN RIVERS RD )  
EARLSBORO, OK 74840 )

RESPONDENT. )

Case No: OGC-22-238

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on August 11<sup>th</sup>, 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.**

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

✓

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

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

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

#### **DEFAULT**

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

**JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

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

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

**ALLEGATIONS OF FACT**

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

18. On or about the 11<sup>th</sup> day of May, 2022, the Consumer Protective Services Division of the Department conducted a use inspection of unsupervised employees making an application of pesticides at a residence in Chandler, OK.

19. Upon inspection, our inspector discovered that your employees were making an application of pesticides to a residence, commercially, without the proper licensing and certification, without supervision, and off label of the product manufacturer.

**ALLEGED CONCLUSIONS OF LAW**

20. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-86(A)(4) which states:



“(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.”

Drexel MSMA 6 Plus and Prowl H20 were the products being applied. MSMA is banned from use on lawns, and Prowl H20 is not labeled to be applied to lawns. By applying these pesticides to a lawn, it was being applied “off-label” and is in violation of the Rules and state statute.

21. Additionally, 2 O.S. §3-86(A)(16) requires that applicators be certified to apply commercial pesticides. “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.” Applying pesticides without certification is violation of statute.

22. Finally, O.A.C. 35:30-17-15(b) states that “A certified applicator shall be on site to supervise any pesticide application by a non-service technician.” By not having a certified technician on-site during application of commercial pesticides, you are in violation of the Rules.

### ATTORNEY CONFERENCES

1. 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.
2. 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.
3. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### ENFORCEMENT PROCEEDINGS

4. 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 ODAPP or the Board;
  - c.) Criminal actions, which could involve fines, imprisonment, or both; and
  - d.) Civil actions.
5. 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.
6. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

7. 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**

8. 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**

9. 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**

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

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

12. 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**

13. 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).

14. 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 7<sup>TH</sup> day of June, 2022.

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

*Brady Robison*

\_\_\_\_\_  
Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

× Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

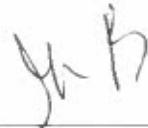
Telephone: (405) 522-5997

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 7 day of June, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**TRIATHLAWN  
47302 RUBEN RIVERS RD  
EARLSBORO, OK 74840**



\_\_\_\_\_  
Gina Blaylock

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

<b>THE OKLAHOMA DEPARTMENT OF</b>	)	
<b>AGRICULTURE, FOOD, AND FORESTRY,</b>	)	
<b>BY AND THROUGH THE</b>	)	
<b>OFFICE OF GENERAL COUNSEL.</b>	)	
	)	
<b>COMPLAINANT,</b>	)	
<b>v.</b>	)	<b>Case No: OGC-22-238</b>
	)	
<b>TRIATHLAWN</b>	)	
<b>47302 RUBEN RIVERS RD</b>	)	
<b>EARLSBORO, OK 74840</b>	)	
	)	
<b>RESPONDENT.</b>	)	

**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. VAN PENG**  
**Case File No. OGC 21-585**

**VAN PENG**  
**1705 CONLEY RD.**  
**IDABEL, OK 74745**

**Summary of Facts:** On or about August 1, 2021, ODAFF was informed of a catastrophic loss at Mr. Peng's poultry feeding operation. Approximately four thousand (4,000) poultry died due to the loss of electricity. The ODAFF inspector instructed Mr. Peng to incinerate the carcasses, and that due to a number of environmental factors, burial was not an authorized disposal method. On or about August 4, 2021, it was discovered that Mr. Peng had buried the carcasses on his property. A Letter of Warning was sent to Mr. Peng advising him of the Oklahoma Statutes and Rules violated by burying the poultry carcasses. He was also advised to remediate the contaminated site and given ten (10) days to take corrective action. Sometime later, Mr. Peng remediated the contaminated site by removing all carcasses and poultry litter.

Mr. Peng is an immigrant that does not speak English which may have contributed to communication issues. The Department was not aware of the remediation until well after the Notice of Violation had been filed and served. Had the Department been aware of the remediation this is the amount of penalty that would have been imposed in the Notice of Violation.

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

**Proposed Administrative Penalty:** A \$10,000 penalty was imposed. Respondent executed a Settlement Agreement and Consent Order and paid the agreed penalty of \$5,000.

**Deviations:** Yes. Given the totality of circumstances this is a just and reasonable settlement.

**Other Actions Required:** None.

**OGC Attorney:** Richard D. Herren

**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. )

VAN PENG )  
1705 CONLEY RD. )  
IDABEL, OK 74745 )

RESPONDENT. )

**FILED**

JUN 17 2022

STATE BOARD OF AGRICULTURE

Case No: OGC-21-585

**SETTLEMENT AGREEMENT AND CONSENT ORDER**

**PARTIES**

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Van Peng (the "Respondent").
2. The facility which is the subject of this Agreement is owned and operated by Van Peng and located at 1705 Conley Road, Idabel, Oklahoma (the "Facility").

**AUTHORITY**

3. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(7).

**DEPARTMENT'S NOTICE**

4. On February 28, 2022, the Department issued a Notice of Violation in Case No. OGC-21-858, ("Notice") to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

**ORDER AND AGREEMENT**

5. In compromise and full settlement of this matter, respondent shall pay to the Department an administrative penalty of Five Thousand (\$5,000.00). Upon the execution of this agreement by both parties, payment shall immediately be made by Respondent payable to



the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:

Office of General Counsel  
Oklahoma Department of Agriculture, Food, and Forestry  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

#### **EFFECT OF THE AGREEMENT**

6. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
7. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
8. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives his right to a formal evidentiary hearing to contest such factual averments. By entering into this Agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

#### **NO ADMISSION.**

9. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

#### **NON-ADMISSIBILITY.**

10. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

#### **HEARING WAIVER**

11. Respondent hereby agrees to waive his right to a hearing and his opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

#### **NOTICE**

12. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Richard D. Herren  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
richard.herren@ag.ok.gov

For Van Peng:

Stephen L. Jantzen  
400 North Walnut Avenue  
Oklahoma City, OK 73104  
sjantzen@ryanwhaley.com

#### **MISCELLANEOUS**

13. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
14. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of

this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.

15. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
16. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
17. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
18. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
19. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

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



Richard D. Herren, Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-4668  
Cellular: (405) 953-0415

COMPLAINANT

Date: 6/17/2022

- and by -

Ryan Whaley



---

Stephen L. Jantzen  
Attorney at Law  
400 North Walnut Avenue  
Oklahom City, OK 73104  
Telephone: (405) 239-6040

COUNSEL FOR RESPONDENT

Date: June 17, 2022

**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-21-585**

**VAN PENG )  
1705 CONLEY RD. )  
IDABEL, OK 74745 )**

**RESPONDENT. )**

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on April 14, 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.**

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

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

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

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

#### **DEFAULT**

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

## JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(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 an operator of a poultry growing operation, a contract poultry grower, and a poultry waste applicator in Oklahoma.

16. Oklahoma Statute Title 2 Section 2-18.1(A) provides as follows:

A. It shall be unlawful and a violation of the Oklahoma Agricultural Code for any person to cause pollution of any air, land or waters of the state by persons which are subject to the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry pursuant to the Oklahoma Environmental Quality Act.

B. If the State Board of Agriculture finds that any of the air, land, or waters of the state which are subject to the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry pursuant to the Oklahoma Environmental Quality Act have been or are being polluted, the Board shall make an order requiring that the pollution cease within a time period determined by the Department, or require a manner of treatment or of disposition of the waste or other polluting material as may in the judgment of the Board be necessary to prevent further pollution. In addition, the Board may assess an administrative penalty pursuant to Section 2-18 of this title. The person to whom the order is directed shall fully comply with the order of the Board and pay any fine and costs assessed.

17. Oklahoma Statute Title 2 Section 2-18.1(A) provides as follows:

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

18. Oklahoma Statute Title 2 Section 2-10-9.7(A) provides as follows:

A. All poultry feeding operations shall utilize Best Management Practices and shall meet the conditions and requirements established by subsection B of this section and by rules promulgated by the State Board of Agriculture pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

19. Oklahoma Statute Title 2 Section 2-10-9.7(B) provides as follows:

B. The criteria for Best Management Practices shall be promulgated by rules by the Board and shall include, but not be limited to, the following:

4. Poultry waste handling, treatment, management, and removal shall:

a. not create an environmental or a public health hazard,

b. not result in the contamination of waters of the state, and

c. conform to such other handling, treatment and management and removal requirements deemed necessary by the Oklahoma Department of Agriculture, Food, and Forestry to implement the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.

20. The Oklahoma Administrative Code 35: 17-5-5(b)(2) provides as follows:

(b) The Nutrient Management Plan shall also include a method for the disposal of carcasses. The NMP shall include provisions for disposal of carcasses associated with normal mortality and shall include provisions for emergency disposal when a major disease outbreak or other emergency results in deaths significantly higher than normal mortality rates. Accepted methods of carcass disposal include:

(2) Burial shall only be allowed as a method of carcass disposal if no reasonable alternative exists and specific measures and practices are identified which will be utilized to protect the ground and surface waters of the State.

21. The Oklahoma Administrative Code 35: 17-1-4(1)(A)&(B) provides as follows:

A domestic animal carcass may be stored in a freezer until such time as the owner is able to dispose of the carcass in one of the following methods:

(1) Burial shall only be used to dispose of a domestic animal carcass if the soil and site conditions are suitable and if no other reasonable alternative exists.

(A) Specific measures and practices shall be utilized to protect the ground and surface waters of the state. The local NRCS office may be available with initial evaluation or an owner may use the NRCS web soil survey tool to perform a desktop site evaluation, but actual site conditions shall be the determining factor when evaluating a site's suitability for burial of a domestic animal carcass.

(B) Requirements for burial of a domestic animal carcass are as follows:



- (i) Burial of a domestic animal carcass requires the construction of a pit or trench.
- (ii) A burial pit or trench shall not be located closer than one (1) foot vertically above the flood plain or within two (2) feet of the water table or bedrock.
- (iii) A burial pit or trench shall not be located within three hundred (300) feet of a well, waters of the state, neighboring residences, public areas, or property lines.
- (iv) A burial pit or trench shall not be located along any stream or ravine where a domestic animal carcass may become exposed through erosion of the soil, or where the land is at any time subject to overflow.
- (v) After placing a domestic animal carcass in a pit or trench, the carcass shall be covered with a minimum of two and one-half (2 ½) feet of soil.
- (vi) A burial pit or trench shall be mounded so water does not pond on the mounded area.
- (vii) A burial pit or trench shall be routinely inspected to add additional soil, if necessary, and to ensure that animals are not scavenging, digging, or dragging away a domestic animal carcass.
- (viii) Surface rainwater shall be directed to flow away or around the burial pit or trench.

22. Pursuant to Oklahoma Statute Title 2 Section 10-9.1, ODAFF has authority to regulate poultry feeding operations.

### **ALLEGATIONS OF FACT**

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

24. On or about August 1, 2021, ODAFF was informed of a catastrophic loss at Respondent's poultry feeding operation. Approximately four thousand (4,000) poultry died due to the loss of electricity.

25. That same day an ODAFF inspector instructed Respondent to incinerate the carcasses.

26. On or about August 3, 2021, the inspector informed Respondent that burial was not an authorized disposal method due to a number of environmental factors. The Inspector further advised Respondent's integrator that burial was not authorized. Complaint believes the integrator advised Respondent not to bury the poultry carcasses.

27. On or about August 4, 2021, it was discovered that Respondent had buried the carcasses on his property.

28. On or about August 4, 2021, a Letter of Warning was sent to Respondent advising Respondent of the Oklahoma Statutes and Rules he violated by burying the poultry carcasses. He was also advised to remediate the contaminated site and given ten (10) days to take corrective action.

29. Respondent has failed to take further remedial action.

30. Respondent is a registered poultry feeding operation.

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

31. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 2-18.1(A) & (B), 2 O.S. § 210-9.7.4, OAC 35: 17-5-5(b)(2), and OAC 35: 18-1-4.1 by burying chicken carcasses in an unauthorized manner and area.

#### **ATTORNEY CONFERENCES**

32. 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.

33. 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.

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

#### **ENFORCEMENT PROCEEDINGS**

35. 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.

36. 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.

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

38. 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**

39. 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**

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

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

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

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

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

### STIPULATION

44. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Ten Thousand Dollars (\$10,000.00).

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

DATED THIS 15TH day of February, 2022.

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  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829\*  
Assistants General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

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

<b>THE OKLAHOMA DEPARTMENT OF</b>	)	
<b>AGRICULTURE, FOOD, AND FORESTRY,</b>	)	
<b>BY AND THROUGH THE</b>	)	
<b>OFFICE OF GENERAL COUNSEL</b>	)	
	)	
<b>COMPLAINANT,</b>	)	
<b>v.</b>	)	<b>Case No: OGC-21-585</b>
	)	
<b>VAN PENG</b>	)	
<b>1705 CONLEY RD.</b>	)	
<b>IDABEL, OK 74745</b>	)	
	)	
<b>RESPONDENT.</b>	)	

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Ten Thousand Dollars (\$10,000.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

\_\_\_\_\_  
Signature

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

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

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

**v. TERRASCAPES, LLC**

**Case File No. OGC-22-144**

**TERRASCAPES LLC  
2832 SE 9<sup>TH</sup> ST.  
OKLAHOMA CITY, OK 73129**

**Summary of Facts:** This case involves unsupervised employees making a pesticide application at a commercial business without supervision of a certified applicator. A certified technician is required to be on-site to supervise non-certified technicians at all times. The company had certified technicians employed, just not on this site.

**Statute or Rule Violation:** 2 O.S. §3-86(A)(16); O.A.C. 35: 30-17-15(B)

**Proposed Administrative Penalty:** The penalty was assessed at \$500

**Deviations:** After speaking with the company and getting confirmation of certification status an agreed consent was reached and the penalty was lowered to \$500 from \$1000

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

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

<b>THE OKLAHOMA DEPARTMENT OF</b>	)	
<b>AGRICULTURE, FOOD, AND FORESTRY,</b>	)	
<b>BY AND THROUGH THE</b>	)	
<b>OFFICE OF GENERAL COUNSEL</b>	)	
	)	
<b>COMPLAINANT,</b>	)	
<b>v.</b>	)	<b>Case No: OGC-22-144</b>
<b>TERRASCAPES LLC</b>	)	
<b>2832 SE 9<sup>TH</sup> STREET</b>	)	
<b>OKC, OK 73129</b>	)	
	)	
<b>RESPONDENT.</b>	)	

**SETTLEMENT AGREEMENT AND CONSENT ORDER**

**PARTIES**

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Terrascapes LLC (the "Respondent").
2. The facility which is the subject of this Agreement is owned and operated by Terrascapes LLC and located at Oklahoma City, OK (the "Facility").

**AUTHORITY**

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

**DEPARTMENT'S NOTICE**

4. On May 13<sup>th</sup>, 2022, the Department issued a Notice of Violation in Case No. OGC-22-144, ("Notice") to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

**ORDER AND AGREEMENT**

5. In compromise and full settlement of this matter, respondent shall pay to the Department an administrative penalty of Five-Hundred Dollars (\$500.00). Upon the execution of this agreement by both parties, payment shall immediately be made by Respondent payable to the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:

Office of General Counsel  
Oklahoma Department of Agriculture, Food, and Forestry  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

#### **EFFECT OF THE AGREEMENT**

6. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
7. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
8. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

#### **NO ADMISSION.**

9. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.



### **NON-ADMISSIBILITY.**

10. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

### **HEARING WAIVER**

11. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

### **NOTICE**

12. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

### **MISCELLANEOUS**

13. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
14. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
15. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
16. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
17. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.

18. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.

19. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

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

*Brady Robison*

Brady Robison, Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

COMPLAINANT

Date: May 26, 2022

- and by -

Jesse Pennington, Manager

*J.P.*

Jesse Pennington  
Terrascapes LLC  
2832 SE 9<sup>th</sup> Street  
Oklahoma City, OK 73129

Date: 6-20-22

## Exhibit A

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

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

**COMPLAINANT,**

v.

Case No: OGC-22-144

**TERRASCAPES LLC )  
2832 SE 9<sup>th</sup> ST. )  
OKLAHOMA CITY, OK 73129 )**

**RESPONDENT.**

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on August 11<sup>th</sup>, 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.**

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

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

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

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

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

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

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

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

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

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

#### **DEFAULT**

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

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

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

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

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

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

### **ALLEGATIONS OF FACT**

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

18. On or about 25<sup>th</sup> day of March, 2022 the Consumer Protection Services Division of the Department conducted a routine inspection of applications being made at a commercial property.

19. During this inspection it was discovered that your employees were making application with controlled use pesticides without having the proper certifications to make such application.

20. Additionally, there was not a certified applicator on-site during the commercial application of the controlled use pesticides.

### ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, your employees are not certified to apply controlled use pesticides commercially. This is a violation of 2 O.S. §3-86(A)(16) which reads:

- “(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.”

22. Additionally, the Oklahoma Administrative Code 35:30-17-25(b) requires that “A certified applicator shall be on site to supervise any pesticide application by a non-service technician.” There was not a certified technician/applicator on-site while application was being made to the commercial property. You are in violation of the OAC.

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

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600  
Richard D. Herren, OBA # 13829  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**TERRASCAPES LLC  
2832 SE 9<sup>TH</sup> ST.  
OKLAHOMA CITY, OK 73129**

\_\_\_\_\_  
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. )  
 )  
TERRASCAPES LLC )  
2832 SE 9th ST. )  
OKLAHOMA CITY, OK 73129 )  
 )  
RESPONDENT. )

Case No: OGC-22-144

STIPULATION

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

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

RESPONDENT:

  
\_\_\_\_\_  
Signature

Jesse Pennington Manager  
\_\_\_\_\_  
Printed Name and Title:

Date: 8/28/22

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**CHAPTER 40. MARKET DEVELOPMENT**

**SUBCHAPTER 23. OKLAHOMA WINTER STORM GRANT PROGRAM**

**35:40-23-1. Purpose**

The purpose of the Oklahoma Winter Storm Grant Program is to provide grants to incorporated municipalities to mitigate extreme purchase costs, extraordinary costs, or both, incurred by the incorporated municipality's owned or controlled unregulated utility affected by the extreme weather event that began February 7, 2021. The Oklahoma Department of Agriculture, Food, and Forestry shall operate the Oklahoma Winter Storm Grant Program in a manner consistent with the provisions of Section 11-11 et seq. of Title 2 of the Oklahoma Statutes.

**35:40-23-2. Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Department" means the Oklahoma Department of Agriculture, Food, and Forestry, or its designee.

"Extraordinary costs" means costs incurred by an incorporated municipality's unregulated utility related to the extreme weather that occurred beginning February 7, 2021, and ending February 21, 2021, including but not limited to, fuel-related storage and associated costs, emergency compressed or liquified natural gas supplies, contracts for services providing additional pressurization on lines and transportation pipeline penalties. "Extraordinary costs" shall not include fees for late payments or "Extreme purchase costs", as defined in this section.

"Extreme purchase costs" means expenses incurred for the purchase of fuel, purchased power, natural gas commodity, or any combination thereof, whether at spot pricing, index pricing, or otherwise with delivery beginning February 7, 2021, and ending February 21, 2021.

"Unregulated utility" shall mean any utility, as defined in this section, which is not subject to the regulatory jurisdiction of the Corporation Commission with respect to its rates, charges, and terms and conditions of service.

"Utility" shall mean any person or entity doing business in this state that furnishes natural gas or electric current to its customers located at an address within this state and within the service area of the utility.

**35:40-23-3. Applicant eligibility**

Each applicant shall meet the following requirements:

(1) The incorporated municipality shall show proof of extreme purchase costs, extraordinary costs, or both, incurred by the incorporated municipality's owned or controlled unregulated utility;

(2) The population of the incorporated municipality shall be no greater than three thousand five hundred (3,500) persons according to the most recent Federal Decennial

Census or most recent annual estimate of the population by the United States Census Bureau; and

(3) The incorporated municipality's owned or controlled unregulated utility shall have had no costs mitigated through securitization as provided by Sections 9070 through 9081 of Title 74 of the Oklahoma Statutes.

**35:40-23-4. Evaluation criteria**

(a) The Department shall evaluate applications and determine the priority of applicants after considering the following criteria:

(1) The implications of the extraordinary costs and extreme purchase costs regarding an incorporated municipality's solvency; and

(2) The amount of an incorporated municipality's extraordinary costs and extreme purchase costs on a per capita basis.

(b) The Department shall have discretion to award funding based upon its findings and upon its level of available funds.

**35:40-23-5. Application requirements**

Each applicant for program funds shall:

(1) Execute documents as required by the Department;

(2) Submit the incorporated municipality's energy bills for the five (5) years preceding and ending on February 7, 2021;

(3) Agree to prioritize the use of awarded grant funds for extreme purchase costs when requesting grant funds for both extreme purchase costs and extraordinary costs; and

(4) Submit all required documents electronically to the Oklahoma Department of Agriculture, Food, and Forestry.

the 1990s, the number of people with a diagnosis of schizophrenia has increased in many countries (Murray & Lopez, 1996).

There is a need to understand the nature of the illness and the reasons for its increasing prevalence. The illness is a complex one, with aetiology involving both genetic and environmental factors. The illness is also a chronic one, with a high rate of relapse and a high level of disability. The illness is also a social one, with a high level of stigma and a high level of social exclusion.

The illness is also a medical one, with a high level of morbidity and a high level of mortality. The illness is also a psychological one, with a high level of distress and a high level of suffering. The illness is also a cultural one, with a high level of variation in prevalence and a high level of variation in the way in which the illness is understood and treated.

The illness is also a political one, with a high level of controversy and a high level of conflict. The illness is also a legal one, with a high level of litigation and a high level of legal proceedings. The illness is also an economic one, with a high level of cost and a high level of financial burden.

The illness is also a social one, with a high level of social stigma and a high level of social exclusion. The illness is also a cultural one, with a high level of variation in prevalence and a high level of variation in the way in which the illness is understood and treated. The illness is also a political one, with a high level of controversy and a high level of conflict.

The illness is also a legal one, with a high level of litigation and a high level of legal proceedings. The illness is also an economic one, with a high level of cost and a high level of financial burden. The illness is also a social one, with a high level of social stigma and a high level of social exclusion.

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The illness is also a legal one, with a high level of litigation and a high level of legal proceedings. The illness is also an economic one, with a high level of cost and a high level of financial burden. The illness is also a social one, with a high level of social stigma and a high level of social exclusion.

## RULE IMPACT STATEMENT

### TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. WINTER STORM GRANT PROGRAM

(A) **PURPOSE OF THE PROPOSED RULE:**

The purpose of the Oklahoma Winter Storm Grant Program is to provide grants to incorporated municipalities to mitigate extreme purchase costs, extraordinary costs, or both, incurred by the incorporated municipality's owned or controlled unregulated utility affected by the extreme weather event that began February 7, 2021. The Oklahoma Department of Agriculture, Food, and Forestry shall operate the Oklahoma Winter Storm Grant Program in a manner consistent with the provisions of Section 11-11 et seq. of Title 2 of the Oklahoma Statutes.

(B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

The proposed emergency rule amendments primarily affect incorporated municipalities that owned or controlled unregulated utilities affected by the extreme weather event that began February 7, 2021.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Incorporated municipalities that owned or controlled unregulated utilities affected by the extreme weather event that began February 7, 2021 shall benefit from the proposed emergency rules.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

Incorporated municipalities that intend to apply for grants to mitigate extreme purchase costs, extraordinary costs, or both, incurred by the incorporated municipality's owned or controlled unregulated utility affected by the extreme weather event that began February 7, 2021, shall be permitted to do so.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

The source of revenue for the implementation and enforcement of the proposed rule shall be provided by the February 2021 Winter Storm Grant Revolving Fund.

(F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**

No economic effect on any political subdivision is anticipated by the proposed emergency rule amendments.

(G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**

No adverse impacts on small businesses are anticipated.



**(H) DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULE:**

No less costly or non-regulatory method is available.

**(I) DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:**

The proposed emergency rule amendments are consistent with the Oklahoma Legislature's declaration that establishment of the February 2021 Winter Storm Grant Revolving Fund and direction of the Oklahoma Department of Agriculture, Food, and Forestry to develop a program for distribution of grant funds is "necessary for the public peace, health or safety" and that an emergency is declared to exist. See SB 1091 (approved by the Governor on May 26, 2022).

**(J) DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:**

No detrimental effect upon the public health, safety, or environment is anticipated with the implementation of the proposed emergency rule amendments.

**(K) DATE RULE IMPACT STATEMENT WAS PREPARED:**

July 20, 2022.