

LOUISIANA WEIGHTS AND MEASURES COMMISSION
ADJUDICATORY HEARING MINUTES

October 24, 2024, at 9:30 A.M.

Louisiana Department of Agriculture & Forestry
Veterans' Memorial Auditorium
5825 Florida Blvd.
Baton Rouge, LA 70806

I. **CALL TO ORDER**

Director, Paul Floyd, called the hearing to order at 9:33 a.m.

II. **ROLL CALL AND DECLARATION OF QUOROM**

Blaire LeBlanc, LDAF Staff, called roll, and the following Commission Members were present:

Commission Members Present

Mr. Scott Simonson, Chairman
Mr. Bryan Stafford
Mr. Justin Alford
Mr. Michael DiResto
Mr. Mickey Freiberg
Mr. Tommy "Bo" Haring
Mr. Cal Simpson

Alternates Present:

With seven (7) members present, a quorum was declared.

III. **PUBLIC COMMENTS.**

None.

IV. **APPROVAL OF JUNE 20, 2024, MINUTES.**

Motion made by Mr. Cal Simpson to move the approval of minutes from the June 24, 2024, meeting to the next meeting on February 20, 2025. Mr. Tommy "Bo" Haring seconded the motion. All members were in favor. Motion carried.

V. **ADJUDICATORY HEARING**

LDAF Staff Attorney Bethany Gonzales represented the department and presented the following cases. Assistant Attorney General Tanika Starks presided as Hearing Officer.

ADJUDICATED CASES

24 – WM – 1008 Raceway 996 (Lafayette)

146 VIOLATION(S)

145 Price Not Displayed Violations – LAC 7:XXXV.117.A

1 Overcharge Violation – La. R.S. 3:4617

Bethany Gonzales, LDAF Attorney, represented the Department. Tanika Starks, Assistant Attorney General, presided over the hearing. Amin “Alex” Dahdia and Ramzan Ali were present on behalf of the Respondent, Ayrrayn International, Inc.

Mr. Dahdia and Mr. Ali did not contest the facts and violations as presented in the charge letter. They pled in violation but wished to present evidence so that the commission could set the penalty amount. Michael DiResto moved to accept the Respondents’ plea. Justin Alford seconded the motion. All members were in favor. The motion carried.

LDAF Inspector Angell Boudreaux, Assistant Director Allison Dumas, and Program Manager Steven Coco were called as witnesses by the department. Angell Boudreaux identified and authenticated the October 1, 2024, inspection report and its attachments which were admitted into evidence as LDAF 6. Ms. Boudreaux also testified to her interactions with and the inspection timeline of Raceway 996. Mr. Steven Coco testified to the department’s inspection procedures to clarify the difference between an overcharge violation, a price not displayed violation and the price verification inspections. Allison Dumas identified and authenticated the Warning Letter dated August 27, 2024, which was admitted into evidence as LDAF 5.

Amin “Alex” Dahdia testified on the Respondent’s behalf; he provided a timeline of events to explain the difficulties they experienced which hindered their compliance with Louisiana Weights and Measures laws, rules, and regulations. Mr. Dahdia offered into evidence Raceway inspections and current store photos; these documents were admitted into evidence as Raceway 1 in globo. Mr. Dahdia confirmed that the store would be in compliance if inspected again.

Bryan Stafford moved to assess a penalty of Five Thousand Dollars (\$5,000) with the condition that the Respondent pass a pricing inspection to be performed the week of October 28 to November 1. If the Respondent fails the pricing inspection, the penalty would be assessed at Twenty-Two Thousand Dollars (\$22,000). Michael DiResto seconded the motion. The members voted 6-1. The motion carried.

24 – WM – 1004 Hollywood Avenue Food Mart 31 (Shreveport)

8 VIOLATION(S)

8 Overcharge Violations – La. R.S. 3:4617

Bethany Gonzales, LDAF Attorney, represented the Department. Tanika Starks, Assistant Attorney General, presided over the hearing. No one was present on behalf of the Respondent.

Director Paul Floyd, LDAF Inspector Alicia Waller, and Program Manager Steven Coco were called as witnesses by the Department. Paul Floyd identified and authenticated the Charge Letter with all original attachments, and it was offered, filed, and introduced into evidence as LDAF 1. Ms. Alicia Waller identified and authenticated the price verification summary reports dated March 6, 2024; April 2, 2024; and June 5, 2024. The summary reports were offered, filed, and introduced into evidence as LDAF 2, LDAF 3,

and LDAF 5, respectively. Mr. Steven Coco identified and authenticated the warning letter which was offered, filed, and introduced into evidence as LDAF 4.

The Department recommended the Commission to find respondent in violation for 8 violations of the Louisiana Weights and Measures, laws, rules, and regulations for misrepresenting the price or quantity of a commodity and failing to meet the 98% or higher pass rate as required. The Department recommended a penalty of Four Thousand Dollars (\$4,000.00) to be paid within 30 days of receipt of demand letter.

The motion to find respondent in violation was made by Mr. Michael DiResto and seconded by Mr. Justin Alford. All members were in favor. The motion carried.

The motion to assess the department recommended penalty was made by Mr. Justin Alford and seconded by Mr. Mickey Freiburg. All members were in favor. The motion carried.

STIPULATED CASES

24 – WM – 0305 More 4 Less 20 (Lake Charles)

5 VIOLATION(S)

5 – Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Two Hundred and Fifty Dollars (\$1,250.00). Motion to accept the stipulation and recommended penalty was made by Mr. Tommy “Bo” Haring and seconded by Mr. Bryan Stafford. All members were in favor. Motion carried.

24 – WM – 1005 Smartstyle 11557 (Lafayette)

6 VIOLATION(S)

6 Overcharge Violation(s) – LA. R.S. 3:4617 (A)

The department recommended a penalty of One Thousand Five Hundred Dollars (\$1,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Cal Simpson and seconded by Mr. Justin Alford. All members were in favor. Motion carried.

24 – WM – 1007 Mains Hammond dba Save A Lot (Hammond)

1 VIOLATION(S)

1 Declaration of contents – LA. R.S. 3:4613 (A)

The department recommended a penalty of Two Hundred Fifty Dollars (\$250.00) and submission of a Corrective Action Plan to the department by December 2, 2024. Motion to accept the stipulation and recommended penalty was made by Mr. Scott Simonson and seconded by Mr. Mickey Freiberg. All members were in favor. Motion carried.

VI. OLD BUSINESS.

None.

VII. NEW BUSINESS.

A. W&M Director Paul Floyd gave a brief update on new Legislative Acts that would affect the department.

a. Legislative Act 148 of the 2024 regular session.

- b. Legislative Act 210 of the 2024 regular session.
- c. Legislative Act 667 of the 2024 regular session.
- B. Introduction of the new administrative assistant, Mrs. Allyssa "AJ" Nall.
- C. New Department Logo.

VIII. **PUBLIC COMMENTS.**

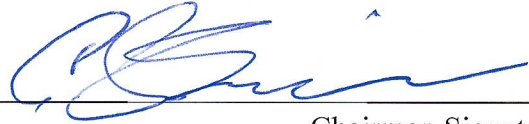
None.

IX. **NEXT MEETING DATE.**

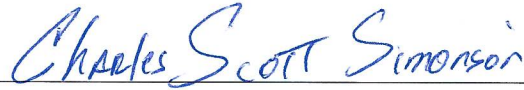
February 20, 2025

X. **ADJOURNMENT.**

A motion was made at 11:17 a.m. to adjourn the meeting by Mr. Justin Alford and seconded by Mr. Mickey Frieberg. All members were in favor. Motion carried.



Chairman Signature



Printed Name