

LOUISIANA WEIGHTS AND MEASURES COMMISSION  
ADJUDICATORY HEARING MINUTES

June 20, 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 9:30 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. Dave George

Mr. Michael DiResto

Mr. Joe Bushnell

Mr. Tommy "Bo" Haring

Mr. Frank Lopinto

**Alternates Present:**

Mrs. Jessica Elliott

With Eight (8) members present, a quorum was declared.

III. **PUBLIC COMMENTS.**

None.

IV. **APPROVAL OF MARCH 28, 2024, MINUTES.**

Motion made by Scott Simonson to approve the minutes from the March 28, 2024, meeting. Mr. Bryan Stafford 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.

## **STIPULATED CASES**

### **23-WM-1118 Smokers Paradise (Vinton)**

#### **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. Dave George. All members were in favor. Motion carried.

### **24-WM-0317 Standlee Hay Company Inc.**

#### **12 VIOLATION(S)**

#### **12 Not meeting declared quantity - LA. R.S. 3:4617 (A)**

The department recommended a penalty of Three Thousand Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Michael DiResto and seconded by Mr. Scott Simonson. All members were in favor. Motion carried.

### **24-WM-0324 Lighthouse Market 2 (Lake Charles)**

#### **3 VIOLATION(S)**

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

The department recommended a penalty of Seven Hundred Fifty Dollars (\$750.00). Motion to accept the stipulation and recommended penalty was made by Mr. Dave George and seconded by Mr. Frank Lopinto. All members were in favor. Motion carried.

### **24-WM-0601 East Main Street Food Mart (Ville Platte)**

#### **4 VIOLATION(S)**

#### **4 Overcharge Violations – La. R.S. 3:4617**

The department recommended a penalty of One Thousand Dollars (\$1,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and seconded by Mr. Michael DiResto. All members were in favor. Motion carried.

### **24-WM-0604 Grab N Geaux 16 (Sulphur)**

#### **6 VIOLATION(S)**

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

The department recommended a penalty of Three Thousand Dollars (\$3,000.00). Motion to accept the stipulation and recommended penalty was made by Mr. Bryan Stafford and seconded by Mr. Dave George. All members were in favor. Motion carried.

### **24-WM-0602 Circle K 8340 (Sulphur)**

#### **5 VIOLATION(S)**

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

The department recommended a penalty Two Thousand Five Hundred Dollars (\$2,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and seconded by Mr. Bryan Stafford. All members were in favor. Motion carried.

**24-WM-0605 Circle K 2701681 (Lafayette)**

**9 VIOLATION(S)**

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

The department recommended a penalty of Four Thousand Five Hundred Dollars (\$4,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Tommy “Bo” Haring and seconded by Mr. Michael DiResto. All members were in favor. Motion carried.

**24-WM-0606 Circle K 2740372 (Opelousas)**

**15 VIOLATION(S)**

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

The department recommended a penalty of Seven Thousand Five Hundred Dollars (\$7,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Bryan Stafford and seconded by Mr. Tommy “Bo” Haring. All members were in favor. Motion carried.

**24-WM-0608 Circle K 2740383 (DeQuincy)**

**7 VIOLATION(S)**

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

The department recommended a penalty of Three Thousand Five Hundred Dollars (\$3,500.00). Motion to accept the stipulation and recommended penalty was made by Mr. Frank Lopinto and seconded by Mr. Tommy “Bo” Haring. All members were in favor. Motion carried.

**ADJUDICATED CASES**

**24-WM-0603 TP Grocery (Fenton)**

**3 VIOLATION(S)**

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

Bethany Gonzales, LDAF Attorney, represented the Department. Tanika Starks, Assistant Attorney General, presided over the hearing. Waseem Abid was present on behalf of the Respondent.

Director Paul Floyd, LDAF Inspector Anna Greathouse, 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. Anna Greathouse identified and authenticated the price verification summary reports dated October 06, 2023, November 14, 2023, January 04, 2024; and February 22, 2024. The summary reports were offered, filed, and introduced into evidence as LDAF 2, LDAF 3, and LDAF 5, respectively. Ms. Greathouse also identified the warning letter sent by Program Manager, Steven Coco, it was offered filed and introduced into evidence as LDAF 4. Mr. Steven Coco authenticated the warning letter previously admitted into evidence as LDAF 4.

Mr. Abid spoke on behalf of the business and introduced photos which were admitted into evidence to show that he has corrected some of the issues noted in the inspection reports.

The Department recommended the Commission to find respondent in violation for 3 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 One Thousand Five Hundred Dollars (\$1,500.00) to be paid within 30 days of receipt of demand letter.

The motion to find respondent in violation was made by Mr. Dave George and seconded by Mr. Frank Lopinto. All members were in favor. The motion carried.

The motion to assess the department recommended penalty was made by Mr. Frank Lopinto and seconded by Mr. Tommy “Bo” Haring. All members were in favor. The motion carried.

**VI. OLD BUSINESS.**

None.

**VII. NEW BUSINESS.**

A. Motor Fuels Program Manager, Mr. Lee Mabile, presented a power point presentation on the Evolution of gas stations.

B. LDAF attorney, Ms. Bethany Gonzales, gave an update on the Legislative and Rule Promulgations.

1. HB240 now ACT 210.
2. SB166 now ACT 148.
3. Open Meetings and ADA compliance.
4. Petitions for Declaratory Orders.
5. Requests for Rule Changes.

**VIII. PUBLIC COMMENTS.**

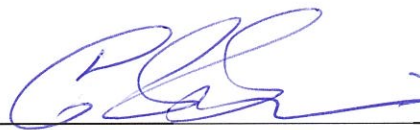
None

**IX. NEXT MEETING DATE.**

October 24, 2024

**X. ADJOURNMENT.**

A motion was made at 11:11 a.m. to adjourn the meeting by Mr. Micheal DiResto and seconded by Mr. Tommy “Bo” Haring. All members were in favor. Motion carried.



Chairman Signature



Printed Name