

ARKANSAS STATE PLANT BOARD

Minutes

December 5, 2023

9:30 a.m.

Chair Matthew Marsh called the quarterly Board meeting to order.

Members present: Bruce Alford, Sammy Angel, Kyle Baltz, Jon Bierbaum, David Gammill, Matthew Marsh, Reynold Meyer, Robin Ralston, Travis Senter, Dr. Nathan Slaton, Sam Stuckey, Robert Thorne, David Wallace, Jr.

Members presents via Zoom: Garrett Frost, Dr. Ken Korth, Matthew Miles

Members absent: George Dunklin, Nathan Reed

Scott Bray, Director, Plant Industries Division, Doralee Chandler, Office of Attorney General, and other Arkansas Department of Agriculture staff were in attendance.

1. **Opening comments and introductions**

Chair Marsh welcomed all who were in attendance and asked each member to introduce themselves and state who they represent.

2. **Consider minutes of the August 24, 2023 Plant Board meeting**

**Moved by Alford, seconded by Senter, to approve the August 24, 2023 Plant Board meeting minutes as presented.**

**Motion carried.**

3. **Pest Control Section**

Bruce Alford summarized the minutes of the Pest Control Committee meeting held November 16, 2023.

Three Informal Resolution Agreements of Pest Control Incidents were presented to the Board for review.

- Case File 24.069 – Lawn Doctor of Benton-Bryant – major level violation due to agent making a pesticide application with lack of PPE agreed to an informal resolution of \$300.00 dollars. **Attachment 3A**
- Case File 24.074 – Pest Control Masters – major level violation due to agent making a pesticide application with lack of PPE agreed to an informal resolution of \$300.00 dollars. **Attachment 3B**
- Case File 23.125 – EnviroGuard – major level violation at the third level of enforcement for failure to register agent agreed to an informal resolution of \$700.00 dollars. **Attachment 3C**

**Moved by Alford, seconded by Stuckey to approve the Informal Resolution Agreements as presented.**

**Motion carried.**

**Moved by Alford, seconded by Angel to approve the minutes of the November 16, 2023 Pest Control Committee meeting minutes as presented, shown as Attachment 3D**

**Motion carried.**

Alford presented the pest control examination results for the months of August through November 2023. **Attachment 3E**

**Moved by Alford, seconded by Senter to approve the Pest Control examination results as presented.**

**Motion carried.**

#### **4. Pesticide Program**

Susie Nichols, Pesticide Section Manager, summarized the minutes of the Pesticide Committee meeting held November 14, 2023.

Nichols presented thirteen warning letters and fifteen civil penalties to the Board for review and consideration as follows:  
**Attachment 4A**

**Warning Letters:**

- Four - Drift Violations - Level 1
- Three - Buffer Zone Violations - Level 1
- Two - No Training Certificate Violations - Level 1
- One - Record Keeping Violations - Level 1
- Three -Off Label Tank Mix Violations - Level 1

**Civil Penalties:**

- One - Sale of Unregistered Product Violations - Level 1
- Five - No License Violations – Level 1
- Three - Drift Violations - One Level 1- Two Level II
- Two - Failure to Provide Records Violations - Level 1
- One - No Training Certificate - Level 1
- One - Use During Prohibited Period Violations - Level 1
- One - Off Label Rate Violation - Level 1
- One – Improper Pesticide Disposal – Level 1

**Moved by Alford, seconded by Thorne to approve the enforcement actions as presented.**

**Travis Senter recused himself from Case #20-0086.**

**Motion carried.**

Nichols stated that Pesticide Committee Chair Dunklin requested a brief overview of the enforcement process and the penalty collection process.

Bray stated all penalty collections were handled by the legal staff. Bray stated when a civil penalty is issued, the alleged violator is sent a notice with 45 days to respond. If no response is received, staff will send a second notice with 30 days to respond. If no response is received, legal staff will send a letter, signed by that attorney, with 30 days to respond. If no response is received, the process is turned over to our collection agency to pursue for collection.

Bray updated the Board on the Endangered Species Pilot Project. Bray stated he attended a meeting hosted by the National Ag Law Center. Brigit Rollins, staff

attorney with the National Ag Law Center, gave a very informative presentation concerning the project. Bray stated he would like to invite Ms. Rollins to make a presentation to the Pesticide Committee and then bring a report back to the full Board.

**Moved by Stuckey, seconded by Angel to approve the minutes of the November 14, 2023 Pesticide Committee meeting minutes as presented, shown as Attachment 4B**

**Motion carried.**

Nichols presented an Abandoned Pesticide Collection report of the program's activities shown as **Attachment 4C**.

Nichols stated since the program began in 2005, it has overseen the collection and disposal of 6,368,037 pounds of unwanted pesticides in counties across Arkansas. Nichols stated the program is funded through the pesticide registration program.

**5. Bureau of Standards Program**

Committee Chair Robin Ralston summarized the minutes of the Bureau of Standards Committee meeting held November 14, 2023.

Ralston presented fifty-five civil penalties to the Board for review and consideration as follows:

**Attachment 5A**

**Thirty-three for Expired or No Decal**

- Thirty-one First Offense - Table 1
- Two Second Offense - Table 2

**Four for Misrepresentation of Pricing**

- One Sixth Offense - Table 3
- One Seventh Offense - Table 4
- One Eighth Offense - Table 5
- One Ninth Offense - Table 6

**Seventeen for Water Contamination**

- Sixteen First Offense - Table 7
- One Second Offense - Table 8

**One for Flashpoint Failure**

- One First Offense - Table 9

**Moved by Ralston, seconded by Meyer to approve the enforcement actions as presented.**

**Motion carried.**

Ralston stated that staff received a request to waive a civil penalty in the amount of \$350 in case BS 23-003. This would reduce the amount from \$800 to \$350 in case BS 23-004. Ralston stated these cases were previously approved by the full Board at the August 24, 2023 meeting. After hearing the circumstances of the request, the Committee recommends that the Board approve waiving the penalty for case BS23-003 and reduce the amount of the civil penalty for case BS23-004 to \$350.

**Attachment 5B**

**Moved by Ralston, seconded by Meyer to approve the minutes of the November 14, 2023 Bureau of Standards Committee meeting minutes as presented.**

**Attachment 5C**

**Motion carried.**

**6. Boll Weevil Eradication Program**

Committee Chair Stuckey summarized the minutes of the Boll Weevil Eradication Sub-Committee meeting held November 16, 2023.

Stuckey stated the Arkansas Boll Weevil Eradication Sub-Committee met on November 16, 2023.

- Agenda – **Attachment 6A**
- Previous meeting minutes of July 13, 2023 – **Attachment 6B**

**Moved by Stuckey, seconded by Senter to approve the July 13, 2023 meeting minutes as presented.**

**Motion carried.**

Stuckey stated an update of the Arkansas Boll Weevil Eradication Program was given by Regina Coleman. **Attachment 6C**

- Total acreage for 2023 was 485,500.
- Total collected for 2023 was \$1,451,955.30.
- A motion passed to approve National Cotton Council payment of \$00.25 per acre before year end.
- A motion passed to approve the cost to update current computer system used by the Foundation.

A review of the financial report was presented to the Sub-Committee by Melissa Cary, Landmark PLLC and approved. **Attachment 6D**

**Moved by Stuckey, seconded by Alford to approve the financial report as presented.**

**Motion carried.**

Bray stated, prior to Act 691, the Boll Weevil Eradication Foundation was a stand-alone entity, while operating under oversight from the Plant Board. Any regulatory issues from the Foundation were presented to the Plant Board for approval, through the Plant Board Boll Weevil Committee. Moving forward, with the Boll Weevil Eradication Foundation becoming an actual sub-committee of the Plant Board, Bray proposes to eliminate the Plant Board Boll Weevil Committee and replace with the Boll Weevil Eradication Foundation Sub-Committee.

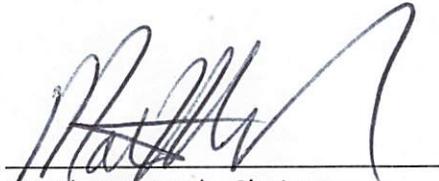
By-Laws of Arkansas Cotton Grower's Organization, Inc. as of November 16, 2023.  
**Attachment 6E**

7. **Other business**

No other business was discussed.

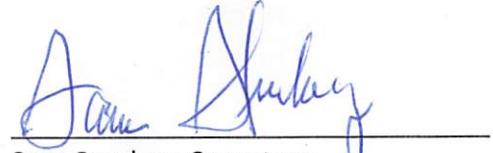
8. **Date for the next quarterly Board meeting.** The next quarterly Board meeting is scheduled for March 5, 2024, at 9:30 a.m.

9. Meeting adjourned.



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Matthew Marsh, Chairman



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Sam Stuckey, Secretary



Sarah Huckabee Sanders  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598



Wes Ward  
Secretary of Agriculture

## IN THE MATTER OF:

Lawn Doctor of Benton-Bryant, Nathan Miller, and Troy Potter (Attachment 3A)

### *RESOLUTION OF PEST CONTROL INCIDENT*

This resolution of a pest control incident is entered into by the Arkansas Department of Agriculture (Department) and Lawn Doctor of Benton-Bryant, Nathan Miller, and Troy Potter (Respondents) pursuant to the authority of the Arkansas Pest Control Law, Act 488 of 1975, as amended, codified at Ark. Code Ann. § 17-37-101 et. seq. and the rules promulgated thereunder by the Arkansas State Plant Board (Plant Board).

In lieu of a formal hearing on this complaint, and in the interest of prompt and speedy settlement of the alleged violations specifically addressed herein, consistent with the public interest, statutory requirements, and the responsibilities of the Plant Board, the undersigned parties enter into this Consent Agreement as a final disposition of this matter. This agreement shall settle and resolve only those alleged violations specifically addressed herein. It is agreed and stipulated by the parties as follows:

#### FINDINGS OF FACT

1. Respondent Lawn Doctor of Benton-Bryant employs Respondents Nathan Miller and Troy Potter.
2. Respondent Lawn Doctor of Benton-Bryant is represented by Nathan Miller.
3. Respondent Nathan Miller holds a Classification 4 Ornamental Tree and Turf Pest Control License and is the immediate supervisor for Respondent Troy Potter.
4. Respondent Troy Potter is a Registered Agent for Respondent Lawn Doctor of Benton-Bryant.
5. On September 5, 2023, the Department's Pest Control Program staff observed Respondent Lawn Doctor of Benton-Bryant's employee making an application from a hose reel sprayer in Benton, wearing a short-sleeved shirt. Upon inspection it was determined that Respondent Troy Potter was making an application of MSM Turf (EPA Reg #53883-430) while not wearing a long-sleeved shirt. Respondent Troy Potter was also in possession of various other pesticide containers that were empty and needed to be properly disposed of. Department staff followed up on September 20, 2023, to verify compliance. No issues were reported at the time of the follow-up reinspection.
6. The product label for MSM Turf (EPA Reg #53883-430) states in part the following:

**“PERSONAL PROTECTIVE EQUIPMENT (PPE)**

*Applicators and other handlers must wear:*

- *Long-sleeved shirt and long pants*
- *Shoes and socks*
- *Chemical-resistant gloves made from materials such as barrier laminate, butyl rubber, natural rubber,*

*neoprene rubber, nitrile rubber, polyethylene, polyvinyl chloride (PVC) or viton.*

*Follow manufacturer’s instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.”*

**SETTLEMENT AGREEMENT**

For the purpose of settlement, as a resolution to the alleged violation and without an evidentiary hearing, Respondents agree and stipulate to the following:

1. Pursuant to the provisions of the ASPB Pest Control Enforcement Response Regulations, Penalty Matrix Violation # 2. Major (“Pesticide recommendations or applications which are inconsistent with any/or all the following: A. Labeling”) Respondents shall pay a civil penalty of \$300.00, which Respondents shall be jointly and severally liable for payment.
2. Respondents acknowledge and agree that subsequent like violations of the Pest Control Law within three years of September 5, 2023, will be enforced at the next level of the ASPB Enforcement Response Policy Penalty Matrix and will be subject to penalties as allowed for in Ark. Code Ann. § 17-37-103.
3. Respondents shall remit payment to the Department of Agriculture the above amount no later than forty-five (45) days after the acceptance and approval of this agreement by the Plant Board.
4. This agreement shall not become a valid and enforceable order of the Plant Board unless and until accepted and approved by the Plant Board at an official meeting and executed by the Chair of the Board or designee.

**Scott Bray, Director**  
**Arkansas Department of Agriculture**  
**Plant Industries Division**

**Nathan Miller, License Holder Representative**  
**Lawn Doctor of Benton-Bryant**

  
\_\_\_\_\_  
Signature

10/24/23

Date

  
\_\_\_\_\_  
Signature

10/24/2023

Date



# ARKANSAS DEPARTMENT OF AGRICULTURE



Sarah Huckabee Sanders  
Governor

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598

Wes Ward  
Secretary of Agriculture

## IN THE MATTER OF:

Pest Control Masters, Randy Babb, and Joseph Pallerine

(Attachment 3B)

## *RESOLUTION OF PEST CONTROL INCIDENT*

This resolution of a pest control incident is entered into by the Arkansas Department of Agriculture (Department) and Pest Control Masters, Randy Babb, and Joseph Pallerine (Respondents) pursuant to the authority of the Arkansas Pest Control Law, Act 488 of 1975, as amended, codified at Ark. Code Ann. § 17-37-101 et. seq. and the rules promulgated thereunder by the Arkansas State Plant Board (Plant Board).

In lieu of a formal hearing on this complaint, and in the interest of prompt and speedy settlement of the alleged violations specifically addressed herein, consistent with the public interest, statutory requirements, and the responsibilities of the Plant Board, the undersigned parties enter into this Consent Agreement as a final disposition of this matter. This agreement shall settle and resolve only those alleged violations specifically addressed herein. It is agreed and stipulated by the parties as follows:

### FINDINGS OF FACT

1. Respondent Pest Control Masters employs Respondents Randy Babb and Joseph Pallerine.
2. Respondent Pest Control Masters is represented by Respondent Randy Babb.
3. Respondent Randy Babb holds a Classification 1 Termite and Other Structural Pest Control License and Classification 2 Household Pest and Rodent Control License and is the immediate supervisor for Respondent Joseph Pallerine.
4. Respondent Joseph Pallerine is a Registered Agent for Respondent Pest Control Masters.
5. On September 15, 2023, the Department's Pest Control Program staff observed Respondent Pest Control Master's employee making an application from a backpack sprayer in Bryant, wearing a short-sleeved shirt and not wearing chemical resistant gloves. Upon inspection it was determined that Respondent Joseph Pallerine was making an application of Temprid (EPA #432-1544) while not wearing a long-sleeved shirt or chemical resistant gloves. Respondent Joseph Pallerine was also in possession of various other pesticide containers that were empty and needed to be properly disposed of. Department staff followed up on October 3, 2023, to verify compliance. No issues were reported at the time of the follow-up reinspection.
6. The product label for Temprid (EPA #432-1544) states in part the following:

*“HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION Harmful if absorbed through skin. Harmful if swallowed. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Wear long-sleeved shirt and long pants, socks, shoes, and gloves. Remove contaminated clothing and wash before reuse.”*

## **SETTLEMENT AGREEMENT**

For the purpose of settlement, as a resolution to the alleged violation and without an evidentiary hearing, Respondents agree and stipulate to the following:

1. Pursuant to the provisions of the ASPB Pest Control Enforcement Response Regulations, Penalty Matrix Violation # 2. Major (“Pesticide recommendations or applications which are inconsistent with any/or all the following: A. Labeling”) Respondents shall pay a civil penalty of \$300.00, which Respondents shall be jointly and severally liable for payment.
2. Respondents acknowledge and agree that subsequent like violations of the Pest Control Law within three years of September 15, 2023, will be enforced at the next level of the ASPB Enforcement Response Policy Penalty Matrix and will be subject to penalties as allowed for in Ark. Code Ann. § 17-37-103.
3. Respondents shall remit payment to the Department of Agriculture the above amount no later than forty-five (45) days after the acceptance and approval of this agreement by the Plant Board.
4. This agreement shall not become a valid and enforceable order of the Plant Board unless and until accepted and approved by the Plant Board at an official meeting and executed by the Chair of the Board or designee.

**Scott Bray, Director**  
Arkansas Department of Agriculture  
Plant Industries Division

  
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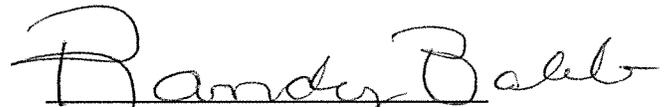
Signature

10/25/23

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Date

**Randy Babb, License Holder Representative**  
Pest Control Masters

  
\_\_\_\_\_

Signature

10-25-23

\_\_\_\_\_

Date



Sarah Huckabee Sanders  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598



Wes Ward  
Secretary of Agriculture

## IN THE MATTER OF:

EnviroGuard Pest Control Bentonville LLC, Luke Carter, and Hunter Hovis

## ***RESOLUTION OF PEST CONTROL INCIDENT (Attachment 3C)***

This resolution of a pest control incident is entered into by the Arkansas Department of Agriculture (Department) and EnviroGuard Pest Control Bentonville LLC, Luke Carter, and Hunter Hovis (Respondents) pursuant to the authority of the Arkansas Pest Control Law, Act 488 of 1975, as amended, codified at Ark. Code Ann. § 17-37-101 et. seq. and the rules promulgated thereunder by the Arkansas State Plant Board (Plant Board).

In lieu of a formal hearing on this complaint, and in the interest of prompt and speedy settlement of the alleged violations specifically addressed herein, consistent with the public interest, statutory requirements, and the responsibilities of the Plant Board, the undersigned parties enter into this Consent Agreement as a final disposition of this matter. This agreement shall settle and resolve only those alleged violations specifically addressed herein. It is agreed and stipulated by the parties as follows:

### FINDINGS OF FACT

1. Respondent EnviroGuard Pest Control Bentonville LLC employs and is owned by Respondent Luke Carter the License Holder Representative.
2. Respondent Hunter Hovis is the Licensed Operator for Respondent EnviroGuard Pest Control Bentonville LLC.
3. On May 4, 2023, Respondent EnviroGuard Pest Control Bentonville LLC was found to have an unregistered Agent performing a pest control service without being under the direct supervision of a qualified trainer. The Department inspector was following up on an email and service ticket received from another pest control company. Department staff confirmed that the evidence received shows Tony Mutcher (Anthony Neo Mutcher) an employee of EnviroGuard Pest Control Bentonville LLC performing pest control services at a residence in Rogers, Arkansas without being registered as an agent and was not under the supervision of a qualified trainer on April 24, 2023.

4. Arkansas Pest Control Law states in part the following,

“17-37-102. Definitions.

...(13) "Pest control service" means any person who, for compensation, gives advice or engages in work to prevent, control, or repel arthropods, mammals, birds, reptiles, or wood-damaging or wood-destroying organisms that may invade or infest homes, other buildings, or similar structures and shall include arthropods, mammals, birds, reptiles, weeds, and plant diseases that may invade, infest, or infect shade trees, shrubs, lawns, turf, and pecan

groves. This term shall also include any person who issues letters of clearance, or who shall solicit such work in any manner, but the term shall not be construed to include agricultural crops from planting to harvest other than those mentioned above...

17-37-213. Agents and solicitors generally.

(a) Each licensed operator shall register with the board the name and address of each agent or solicitor and shall pay to the board a registration fee annually for each solicitor and agent, at the time of registration..."

5. Rules and Regulations of the State Plant Board contained in the Circular 6 state in part the following,

"5. Agent Training, Examination, and Registration:

...Until registered, and only during the initial 45 day on the job training and examination period, the agent trainee may apply pesticides only in the physical presence of a commercial applicator or registered agent.... If at any time an employee, other than a commercial applicator, registered agent, or agent trainee undergoing the initial 45 days of on-the-job training and examination preparation, is found handling pesticides or performing pesticide applications the license holder and/or the licensed operator/s will be subject to enforcement action as per the Arkansas State Plant Board Pest Control Enforcement Response Regulations – Penalty Matrix – Violation #9 – beginning at the 3rd level of enforcement..."

## SETTLEMENT AGREEMENT

For the purpose of settlement, as a resolution to the alleged violation and without an evidentiary hearing, Respondents agree and stipulate to the following:

1. Pursuant to the provisions of the ASPB Pest Control Enforcement Response Regulations, Penalty Matrix Violation # 9 Major (Failure of licensee to register agents or solicitors), Respondents shall pay a civil penalty in the amount of \$700.00 to which Respondents shall be jointly and severally liable for payment.
2. Respondents acknowledge and agree that subsequent like violations of the Pest Control Law within three years of May 4, 2023, will be enforced at the next level of the ASPB Enforcement Response Policy Penalty Matrix and will be subject to penalties as allowed for in Ark. Code Ann. § 17-37-103.

3. Respondents shall remit payment to the Department the above amount no later than forty-five (45) days after the acceptance and approval of this agreement by the Plant Board.
4. This agreement shall not become a valid and enforceable order of the Plant Board unless and until accepted and approved by the Plant Board at an official meeting and executed by the Chair of the Board or designee.

**Scott Bray, Director**  
**Arkansas Department of Agriculture**  
**Plant Industries Division**

  
\_\_\_\_\_  
Signature

10/31/23  
\_\_\_\_\_  
Date

**Luke Carter, License Holder Representative**  
**EnviroGuard Pest Control Bentonville LLC**

  
\_\_\_\_\_  
Signature

10/31/2023  
\_\_\_\_\_  
Date

ARKANSAS STATE PLANT BOARD

(Attachment 3D)

Pest Control Committee

Minutes

November 16, 2023

2:00 p.m.

Chairman Bruce Alford called the Pest Control Committee meeting to order.

Members present via Zoom: Bruce Alford, Travis Senter, Kyle Baltz

Members absent: Jon Bierbaum, Garrett Frost, David Gammill

Scott Bray, Director, Plant Industries Division; Mark Stoll, Section Manager, Regulatory Services Section; Seth Dunlap, Pest Control Program Manager, and other Arkansas Department of Agriculture staff were present.

The committee did not have the four members present needed to constitute a quorum. Scott Bray advised Chairman Alford that since the Board will make the final decision a quorum was not needed for the committee to hear the settlement agreements and make a recommendation to the Board. The Chairman decided to proceed with three members.

Mr. Bruce Alford asks if the resolutions need to be voted on per incident or all at once. Mr. Seth Dunlap suggested voting for them separately. Committee members and guests introduced themselves.

Those present on call reviewed the following:

1. Resolution of Pest Control Incident (attachment 1)
2. Resolution of Pest Control Incident (attachment 2)
3. Resolution of Pest Control Incident (attachment 3)

Mr. Dunlap gave a summary of the Resolution Agreement for Case File #23.125 (See attachment 1). The incident occurred on May 4<sup>th</sup>, 2023.

Mr. Dunlap listed the findings of the case file. Mr. Alford called for a motion; Mr. Travis Senter seconded the motion. Mr. Kyle Baltz confirmed the motion.

Mr. Alford asked if everyone is in favor of the motions and there were no opposed.

The committee moved on to the second incident.

Mr. Dunlap gave a summary of the Resolution Agreement for Case File #24.069 (See attachment 2). The incident occurred on September 5<sup>th</sup>, 2023.

Mr. Dunlap listed the findings of the case file. Mr. Baltz called for a motion; Mr. Senter seconded the motion. Mr. Baltz confirmed the motion.

Mr. Alford asked if everyone is in favor of the motions and there were no opposed.

The committee moved on to the third incident.

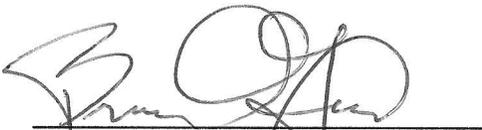
Mr. Dunlap gave a summary of the Resolution Agreement for Case File #24.074 (See attachment 3). The incident occurred on September 15<sup>th</sup>, 2023.

Mr. Dunlap listed the findings of the case file. Mr. Alford called for a motion; Mr. Baltz motioned to approve; Mr. Senter seconded the motion.

Mr. Alford asked if everyone is in favor of the motions and there were no opposed.

Mr. Alford asks if there is any other business to discuss. Nothing further discussed. Mr. Alford if there was a motion to adjourn. Mr. Baltz motioned to approve; Mr. Senter seconded the motion.

Everyone was in favor of the motion, there was no opposition. The meeting is adjourned.



Bruce Alford, Pest Control Committee Chair

FIRST NAME LAST NAME Month of Aug 2023		Email	Company	Date sign t Date They Took Exam			
Keith	<b>Pierce</b>	kpierce@terminix.com	Terminix	7/24/23	8/1/2023	71% fail	Class 2
Austin	<b>Morgan</b>	Austin.morgan93@yahoo.co	New Company	8/3/23	8/7/2023	76% pass	Basic
Austin	Morgan	Austin.morgan93@yahoo.co	New Company	8/3/23	8/4/2023	63% fail	Class 5
Rick	<b>Wimberley</b>	rwimberley1@gmail.com	New Company	8/1/23	8/2/2023	86% pass	Class 4
Rick	Wimberley	rwimberley1@gmail.com	New Company	8/1/23	8/2/2023	97% pass	Basic
Drake	<b>Streeter</b>	drakestreeter42@gmail.com	New Company	7/13/23	8/4/2023	82% pass	Basic
Drake	Streeter	drake.streeter42@gmail.com	New Company	4/5/23	8/4/2023	58% fail	Class 3
Ronald	<b>Amick</b>	ronaldamickfd17@gmail.com	New Company	7/6/23	8/4/2023	76% pass	Basic
Ronald	Amick	ronaldamickfd17@gmail.com	New Company	7/6/23	8/4/2023	63% fail	Class 2
Dalton	<b>Staley</b>	dalton_staley@hotmail.com	New Company	7/25/23	8/7/2023	93% pass	Basic
Dalton	Staley	dalton_staley@hotmail.com	New Company	7/25/23	8/7/2023	70% fail	Class 2
Coppola	<b>MacMillan</b>	macmillancc@gmail.com	New Company	8/3/23	8/14/2023	67% fail	Class 2
Mark	<b>Warren</b>	markwarren@emcopc.com	EMCO	8/20/23	8/22/2023	89% pass	Basic
Mark	Warren	markwarren@emcopc.com	EMCO	8/20/23	8/23/2023	85% pass	Class 1
Christopher	<b>Johnson</b>	payables@ricebrantech.com	Golden Ridge Rid	6/14/23	8/28/2023	68% fail	Basic
<b>5 Classes</b>							
<b>9 Examiners</b>							
<b>2 Certs</b>							



FIRST NAME	LAST NAME	Email	Company	Date sign up	Date They Took Exam		
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Joseph	<b>Baumann</b>	joey.baumann@doane.ed	New Company	6/20/23	9/1/2023	84% pass	Basic
Joseph	Baumann	joey.baumann@doane.ed	New Company	6/20/23	9/1/2023	47% fail	Class 6
Kevin	<b>Elliott</b>	kevinhelliott@gmail.com	New Company	8/20/23	9/5/2023	77% pass	Basic
Howard	<b>Rice</b>	ktrrice@yahoo.com	New Company	8/30/23	8/31/2023	95% pass	Basic
Tyler	<b>White</b>	tyler.white@terminix.com	Terminix	7/24/23	9/6/2023	91% pass	Basic
Tyler	White	tyler.white@terminix.com	Terminix	7/24/23	9/7/2023	73% fail	Class 2
Calven	<b>Jones</b>	calvenjones@trugreenma	TruGreen	7/24/23	9/5/2023	70% fail	Class 4
Trey	<b>Lambert</b>	trey@perfecturfok.com	New Company	6/13/23	9/8/2023	58% fail	Class 5
Ricky	<b>Burcham</b>	hrlawnfs@gmail.com	New Company	8/10/23	9/14/2023	86% pass	Basic
Mark	<b>Warren</b>	markwarren@emcopc.co	EMCO	8/20/23	9/15/2023	71% fail	Class 2
William	<b>Long</b>	will@sureshotok.com	New Company	8/20/23	9/15/2023	84% pass	Basic
William	Long	will@sureshotok.com	New Company	8/20/23	9/26/2023	61% fail	Class 2
James	<b>Martin</b>	yarddawg123@yahoo.co	Green Thumb	9/18/23	9/19/2023	57% fail	Class 5
Richmond	<b>Bates</b>	richmondbates2@gmail.d	New Company	9/19/23	9/21/2023	78% pass	Class 2
Todd	<b>Burrows</b>	robertbrown2@trugreenm	TruGreen	9/18/23	9/23/2023	85% pass	Basic
Todd	Burrows	robertbrown2@trugreenm	TruGreen	9/18/23	9/23/2023	70% fail	Class 4
Dustin	<b>Zimmer</b>	dustin.zimmer@comman	Command Pest	8/15/23	9/26/2023	62% fail	Class 2
Eric	<b>Deweese</b>	edeweese@gmail.com	Fitton	9/27/23	9/28/2023	96% pass	Basic
Eric	Deweese	edeweese@gmail.com	Fitton	9/27/23	9/28/2023	71% fail	Class 2
Joseph	<b>Sondheim</b>	jhs0510@gmail.com	New Company	6/29/23	9/26/2023	88% pass	Basic

<b>4 Classes</b>
<b>15 Examiners</b>
<b>1 Cert</b>



FIRST NAME	LAST NAME	Email	Company	Date sign up	Date They Took Exam		
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Month of Nov 2023

Jarrett	<b>Qualls</b>	olive.branch@cookspest.com	Cooks Pest	5/31/23	11/1/2023	74% fail	Class 2
Trace	<b>Hamilton</b>	youwinbugslose@gmail.com	Quality Termite &	9/18/2023	10/31/2023	93% pass	Basic
Trace	Hamilton	youwinbugslose@gmail.com	Quality Termite &	9/18/2023	10/31/2023	78% pass	Class 2
Wesley	<b>Porter</b>	wes@aceofbladesnwa.com	Ace of Blades	11/2/2023	11/3/2023	65% fail	Class 2
Jeffrey	<b>Walling</b>	jwalling05@gmail.com	New Company	8/16/2023	11/3/2023	80% pass	Class 4
Kristin	<b>Cox</b>	Kristinranes@trugreenmail.com	TruGreen Lowell	10/23/2023	11/9/2023	46% fail	Class 2
Awais	<b>Qadri</b>	robertbrown2@trugreenmail.co	TruGreen	9/28/2023	11/10/2023	85% pass	Basic
Awais	Qadri	robertbrown2@trugreenmail.co	TruGreen	9/28/2023	11/10/2023	64% fail	Class 4
Paul	<b>Caldwell</b>	caldwell.paul@ymail.com	New Company	10/4/2023	11/8/2023	79% pass	Class 2
Brett	<b>Belchar</b>	brett.belchar@fairwaylawns.co	Fairway Lawns	10/30/2023	11/13/2023	90% pass	Basic
Brett	Belchar	brett.belchar@fairwaylawns.co	Fairway Lawns	10/30/2023	11/13/2023	70% fail	Class 2
Matthew	<b>Froggatte</b>	zack.peterson@plunketts.net	Plunkett's	11/13/2023	11/13/2023	92% pass	Basic
Matthew	Froggatte	zack.peterson@plunketts.net	Plunkett's	11/13/2023	11/13/2023	70% fail	Class 2
Daniel	<b>Pruit</b>	dpruit@nwacc.edu	New Company	8/8/2023	11/9/2023	93% pass	Basic
Daniel	Pruit	dpruit@nwacc.edu	New Company	8/8/2023	11/20/2023	64% fail	Class 4
Seth	<b>Strange</b>	seth.strange@rentokil.com	Delta Pest Control	10/19/2023	11/15/2023	87% pass	Basic
Kristien	<b>Heng</b>	jsteeland@riceland.com	Riceland	10/27/2023	11/17/2023	64% fail	Class 8
Michael	<b>Carter</b>	michael@naturalstate.com	Natural State Pest	11/16/2023	11/16/2023	93% pass	Basic
Ronald	<b>Amick</b>	ronaldamickfd17@gmail.com	New Company	11/9/2023	11/18/2023	62% fail	Class 2
Mark	<b>Goodman</b>	mark.goodman@plunketts.net	Plunkett's	11/20/2023	11/21/2023	97% pass	Basic
Mark	Goodman	mark.goodman@plunketts.net	Plunkett's	11/20/2023	11/21/2023	89% pass	Class 2

<b>3 Classes</b>	
<b>15 Examiners</b>	
<b>5 Certs</b>	





Pesticide Committee Meeting - November 14, 2023 at 9:30 a.m.

WARNING LETTERS

Item	Case #	Name/Company Name	Date of Violation	Violation	Penalty Level	Action Taken
1	20-0086	Christopher J. Parker	April 6, 2020	Drift - Class H	Level I Minor	Warning Letter
2	20-0086	Christopher J. Parker	April 6, 2020	Buffer Zone	Level I Minor	Warning Letter
3	21-0047	Garry Dale Heigle	May 1, 2021	Drift	Level I Minor	Warning Letter
4	21-0047	Garry Dale Heigle	May 1, 2021	No Training Certificate - Paraquat	Level I Minor	Warning Letter
5	21-0106	Dusty Hoskyn	June 15, 2021	Drift	Level I Minor	Warning Letter
6	21-0106	Dusty Hoskyn	June 15, 2021	Buffer Zone	Level I Minor	Warning Letter
7	21-0142	Danny Owen Gipson	May 27, 2021	Record Keeping - Class H	Level I Minor	Warning Letter
8	21-0163	Donald Ray Plummer	June 4, 2021	Buffer Zone	Level I Minor	Warning Letter
9	21-0462	Boren (Bo) Holthoff	April 24, 2021	Off Label Tank Mix - Class H	Level I Minor	Warning Letter
10	22-0032	Josh Aukes	April 28, 2022	Off Label Tank Mix	Level I Minor	Warning Letter
11	22-0032	Aaron Aukes	May 1, 2022	Off Label Tank Mix	Level I Minor	Warning Letter
12	22-0054	Wesley A Greer	May 15, 2022	Drift - Paraquat	Level I Minor	Warning Letter
13	22-0054	Wesley A Greer	May 15, 2022	No Training Certificate - Paraquat	Level I Minor	Warning Letter

SIGNED CONSENT AGREEMENTS

Item	Case #	Name/Company Name	Date of Violation	Violation	Penalty Level	Staff Recommendation
14	21-0142	Nutrien Ag Solutions, Inc. (Manila)	May 13, 2021	Sale of Unregistered Product - Class H	Level I	\$400
15	21-0437	Levi Hukill	June 18, 2021	No License	Level I	\$600
16	21-0487	Lonnie Gibson Jr.	Unknown	Drift - Class F	Level II	\$600
17	21-0487	Lonnie Gibson Jr.	Unknown	No License - Class F	Level I	\$250
18	21-0487	Lonnie Gibson Jr.	Unknown	Failure to Provide Records - Class F	Level I	\$300
19	22-0262	Scotty Fitzgerald	June 6, 2022	No License - Class H	Level I	\$250

Class F = all 2,4-D and 2,4-D containing pesticides      Class H = all pesticides containing dicamba

**CONSENT AGREEMENTS**  
**DELIVERY RECEIPT - NO RESPONSE AFTER 30 DAYS or ATTEMPTED HAND DELIVERY**

Item	Case #	Name/Company Name	Date of Violation	Violation	Penalty Level	Staff Recommendation
20	20-0372	John Brian Allen	Unknown	Use During Prohibited Period - Class H	Level I	\$3,125
21	20-0372	John Brian Allen	Unknown	Failure to Provide Records - Class H	Level I	\$3,125
22	21-0045	Timmy Wayne Ford	May 16, 2021	Drift	Level I	\$400
23	21-0045	Timmy Wayne Ford	May 16, 2021	No License	Level I	\$250
24	21-0045	Timmy Wayne Ford	May 16, 2021	No Training Certificate - Paraquat	Level I	\$400
25	21-0045	Timmy Wayne Ford	May 16, 2021	Off Label Rate	Level I	\$400
26	21-0163	Donald Ray Plummer	June 4, 2021	Drift	Level II	\$600
27	21-0462	Douglas Lance Hill	April 14, 2021	No License - Class H	Level I	\$250
28	22-0200	CAT AGRI Aviation, Inc.	July 14, 2022	Improper Pesticide Disposal	Level I	\$400

Class F = all 2,4-D and 2,4-D containing pesticides      Class H = all pesticides containing dicamba

**Pesticide Committee Meeting**  
**November 14, 2023**  
**09:30 A.M.**

**WARNING LETTERS**

**CF20-0086 Christopher J. Parker (Drift – Class H)**

The Plant Board alleged Mr. Christopher J. Parker, Private Applicator, made a ground application of Makaze and Strut to 2 acres (turn roads) in the South County Rd 650 field for burndown on April 06, 2020. The evidence shows this application drifted off target onto Ms. Hudson's lawn and trees. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF20-0086 Christopher J. Parker (Buffer Zone)**

The Plant Board alleged Mr. Christopher J. Parker, Private Applicator, made a ground application of Makaze and Strut to 2 acres (turn roads) in the South County Rd 650 field for burndown on April 06, 2020. The evidence shows the application was made within approximately 15 feet of Ms. Hudson's lawn and trees which would be inside the 100 foot buffer zone requirement for Makaze. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF21-0047 Garry Dale Heigle (Drift)**

The Plant Board alleged Mr. Garry Dale Heigle, Private Applicator, made a ground application of Willowood Paraquat 3SL to 120 acres in the North 120 field for burndown on May 01, 2021. The evidence shows this application drifted off target onto Mr. Murphy's corn. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF21-0047 Garry Dale Heigle (No Training Certificate - Paraquat)**

The Plant Board alleged Mr. Garry Dale Heigle, Private Applicator, made a ground application of Willowood Paraquat 3SL to 120 acres in the North 120 field for burndown on May 01, 2021. The evidence shows Mr. Heigle could not produce an EPA approved Paraquat training required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0106 Dusty Hoskyn (Drift)**

The Plant Board alleged Mr. Dusty Hoskyn, Private Applicator, made a postemergence ground application of Facet L and Stam M4 to 37 acres of rice in the HiHo2 field on June 15, 2021. The evidence shows this application drifted off target onto Mr. Thurman's tomato plants. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0106 Dusty Hoskyn (Buffer Zone)**

The Plant Board alleged Mr. Dusty Hoskyn, Private Applicator, made a postemergence ground application of Facet L and Stam M4 to 37 acres of rice in the HiHo2 field on June 15, 2021. The evidence shows the application was made within approximately 668 feet (0.127 miles) of Mr. Thurman's tomato plants which would be inside the ¼ mile buffer zone requirement for Quinclorac. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0142 Danny Owen Gipson (Record Keeping – Class H)**

The Plant Board alleged Mr. Danny Owen Gipson, Private Applicator, made a postemergence ground application of Engenia and Sentriss to 70 acres of soybeans in the Shop field on May 27, 2021. The evidence shows Mr. Gipson failed to keep the proper records by not recording the total amount applied, having a copy of the product label, and the Sensitive Areas, Sensitive Crops, and Residential Awareness. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0163 Donald Ray Plummer (Buffer Zone)**

The Plant Board alleged Mr. Donald Ray Plummer, Commercial Applicator, made an application of Ag Saver Glyphosate to 46 acres of soybeans in the L01 field for Mr. Don Kittler on June 04, 2021. The evidence shows the application was made within approximately 60 feet of Mr. Lynch's rice; which would be inside the 100 foot buffer zone requirement for AGSaver Glyphosate 41% Plus. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0462 Boren (Bo) Holthoff (Off Label Tank Mix – Class H)**

The Plant Board alleged Mr. Boren (Bo) Holthoff, Private Applicator, made a ground application of Xtendimax to 45 acres of soybeans in the Air Stripe field for burndown on April 24, 2021. Records indicate the required buffering agent and drift reduction agent were not included in the tank mix. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF22-0032 Josh Aukes (Off Label Tank Mix)**

The Plant Board alleged Mr. Josh Aukes, Commercial Applicator, made a postemergence aerial application of Facet L Herbicide, Stealth Herbicide, and Command 3ME to 344 acres of rice in the R-11 field for Don Kittler Farms on April 28, 2022. Stealth Herbicide is not listed as an approved tank-mix partner on the Facet L Herbicide and Command 3ME Herbicide Product Labels. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF22-0032 Aaron Aukes (Off Label Tank Mix)**

The Plant Board alleged Mr. Aaron Aukes, Commercial Applicator, made a postemergence aerial application of Facet L Herbicide, Stealth Herbicide, and Command 3ME to 30.00 acres of rice in the R-9 field for Don Kittler Farms on May 01, 2022. Stealth Herbicide is not listed as an approved tank-mix partner on the Facet L Herbicide and Command 3ME Herbicide Product Labels. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF22-0054 Wesley A. Greer (Drift - Paraquat)**

The Plant Board alleged Mr. Wesley A. Greer, Private Applicator, made a pre-emergence ground application of Paraquat 43.2%, Caparol 4L, Cotoran 4L, and Grizzly Too to ~38 acres of cotton in the M-1105 "Black Farm" field on May 15, 2022. The evidence shows this application drifted off target onto Mr. Mikel's corn. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF22-0054 Wesley A. Greer (No Training Certificate - Paraquat)**

The Plant Board alleged Mr. Wesley A. Greer, Private Applicator, made a pre-emergence ground application of Paraquat 43.2%, Caparol 4L, Cotoran 4L, and Grizzly Too to ~38 acres of cotton in the M-1105 "Black Farm" field on May 15, 2022. The evidence shows Mr. Greer could not produce an EPA approved Paraquat Training Certificate required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

## **SIGNED CONSENT AGREEMENTS**

### **CF21-0142 Nutrien Ag Solutions, Inc. - Manila (Sale of Unregistered Product – Class H)**

The Plant Board alleged Nutrien Ag Solutions, Inc. in Manila AR, Restricted Use Pesticide Dealer, sold an unregistered Engenia (EPA Reg. #7969-345) to DMS Farms, Mr. Danny Gipson on May 13, 2021. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Nutrien Ag Solutions, Inc. in Manila agrees to a Civil Penalty of \$400 for settlement of the allegation.

### **CF21-0437 Levi Hukill (No License)**

The Plant Board alleged Mr. Levi Hukill, Commercial Applicator, made a ground application of Vastlan (EPA Reg. #62719-687) and Opensight (EPA Reg. #62719-597) to .10 acres of shrubs for OGE on June 18, 2021. The evidence shows Mr. Hukill was not duly licensed by the Plant Board as a Commercial Applicator or Commercial Applicator Technician at the time of application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hukill agrees to a Civil Penalty of \$600 for settlement of the allegation.

### **CF21-0487 Lonnie Gibson Jr. (Drift – Class F)**

The Plant Board alleged Mr. Lonnie Gibson Jr. made an application of an unknown product containing 2,4-D to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Jackson's cotton. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Gibson agrees to a Civil Penalty of \$600 for settlement of the allegation.

### **CF21-0487 Lonnie Gibson Jr. (No License – Class F)**

The Plant Board alleged Mr. Lonnie Gibson Jr. made an application of an unknown product containing 2,4-D to cotton on an unknown date. The evidence shows Mr. Gibson was not licensed as a Private Applicator by the Arkansas Department of Agriculture at the time of application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Gibson agrees to a Civil Penalty of \$250 for settlement of the allegation.

### **CF21-0487 Lonnie Gibson Jr. (Failure to Provide Records – Class F)**

The Plant Board alleged Mr. Lonnie Gibson Jr. made an application of an unknown product containing 2,4-D to cotton on an unknown date. The evidence shows Mr. Gibson failed to provide records for the 2,4-D application as required when requested. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Gibson agrees to a Civil Penalty of \$300 for settlement of the allegation.

**CF22-0262 Scotty Fitzgerald (No License – Class H)**

The Plant Board alleged Mr. Scotty Fitzgerald made a postemergence ground application of Engenia, Avatar, Volacept, Zidua, Traverse D, and Navigator to 176 acres of soybeans in the Airport field on June 06, 2022. The evidence shows Mr. Fitzgerald was not duly licensed by the Plant Board as a Private Applicator at the time of the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Fitzgerald agrees to a Civil Penalty of \$250 for settlement of the allegation.

**CONSENT AGREEMENTS**

**Delivery Receipt – No Response after 30 days or hand delivery**

**CF20-0372 John Brian Allen (Use During Prohibited Period – Class H)**

The Plant Board alleged Mr. John Brian Allen, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26<sup>th</sup> through October 31<sup>st</sup>. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Allen was offered a Consent Agreement in the amount of \$3,125 and did not respond to this allegation.

**CF20-0372 John Brian Allen (Failure to Provide Records – Class H)**

The Plant Board alleged Mr. John Brian Allen, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Allen failed to provide records for the dicamba application as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Allen was offered a Consent Agreement in the amount of \$3,125 and did not respond to this allegation.

**CF21-0045 Timmy Wayne Ford (Drift)**

The Plant Board alleged Mr. Timmy Wayne Ford made a ground application of Parazone, Flumioxazin, and Outlook to 35 acres of peanuts at planting in the Walton Farms field on May 16, 2021. The evidence shows this application drifted off target onto Mr. Thompson's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Ford was offered a Consent Agreement in the amount of \$400 and did not respond to this allegation.

**CF21-0045 Timmy Wayne Ford (No License)**

The Plant Board alleged Mr. Timmy Wayne Ford made a ground application of Parazone, Flumioxazin, and Outlook to 35 acres of peanuts at planting in the Walton Farms field on May 16, 2021. The evidence shows Mr. Timmy Wayne Ford is not duly licensed by the Plant Board as a Private Applicator. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Ford was offered a Consent Agreement in the amount of \$250 and did not respond to this allegation.

**CF21-0045 Timmy Wayne Ford (No Training Certificate - Paraquat)**

The Plant Board alleged Mr. Timmy Wayne Ford made a ground application of Parazone, Flumioxazin, and Outlook to 35 acres of peanuts at planting in the Walton Farms field on May 16, 2021. The evidence shows Mr. Timmy Wayne Ford could not provide an EPA approved training required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Ford was offered a Consent Agreement in the amount of \$400 and did not respond to this allegation.

**CF21-0045 Timmy Wayne Ford (Off Label Rate)**

The Plant Board alleged Mr. Timmy Wayne Ford made a ground application of Parazone, Flumioxazin, and Outlook to 35 acres of peanuts at planting in the Walton Farms field on May 16, 2021. The evidence shows an application rate for Parazone of 1 qt./acre (32 fl. oz./acre) which is above the labeled rate of 10.8 fl. oz./acre for Parazone. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Ford was offered a Consent Agreement in the amount of \$400 and did not respond to this allegation.

**CF21-0163 Donald Ray Plummer (Drift)**

The Plant Board alleged Mr. Donald Ray Plummer, Commercial Applicator, made an aerial application of Ag Saver Glyphosate to 46 acres of soybeans in the L01 field for Mr. Don Kittler on June 04, 2021. The evidence shows this application drifted off target onto Mr. Lynch's rice. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Plummer was offered a Consent Agreement in the amount of \$600 and did not respond to this allegation.

**CF21-0462 Douglas Lance Hill (No License – Class H)**

The Plant Board alleged Mr. Douglas Lance Hill, Private Applicator, made a postemergence ground application of Engenia and Verified to 80 acres of soybeans in the Airport 80 field on April 14, 2021. The evidence shows Mr. Hill was not duly licensed by the Plant Board as a Private Applicator at the time of the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hill was offered a Consent Agreement in the amount of \$250 and did not respond to this allegation.

**CF22-0200 CAT AGRI Aviation, Inc. (Improper Pesticide Disposal)**

The Plant Board alleged CAT AGRI Aviation, Inc., Commercial Application Firm, failed to properly dispose of equipment rinsate and washwaters on July 14, 2022. The evidence shows the rinsate and washwaters improperly disposed of by CAT AGRI Aviation Inc. contaminated surface water. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. CAT AGRI Aviation, Inc. was offered a Consent Agreement in the amount of \$400 and did not respond to this allegation.

**MINUTES OF  
ARKANSAS STATE PLANT BOARD  
PESTICIDE COMMITTEE MEETING**

**November 14, 2023**

Committee Members Present: Chairman George Dunklin, Matthew Miles, Garrett Frost  
Committee Member via Zoom: Sam Angel, Matthew Marsh, Nathan Reed, Dr. Nathan Slaton  
Board Members Present via Zoom: Jon Bierbaum, Robert Thorne

Scott Bray, Plant Industries Division Director, Susie Nichols, Pesticide Section Agri Division Manager, and other Arkansas Department of Agriculture staff members and guests were present.

Chairman George Dunklin called the meeting to order at 09:34 A.M. and asked Pesticide Committee Members and all others attending to introduce themselves.

Chairman Dunklin introduced the next item on the agenda, which was the review of enforcement actions and turned the floor over to Susie Nichols, Pesticide Section Agri Division Manager.

Nichols presented the enforcement actions (Attachment 1). The following enforcement actions were presented as uncontested warning letters:

- Enforcement actions # 1) through 13)

Committee Member Matthew Miles made a motion to accept department staff's recommendation on enforcement actions # 1) through 13), seconded by Committee Member Garrett Frost. Motion Carried.

The following enforcement actions were presented as signed consent agreements:

- Enforcement actions # 14) through 19)

Committee Member Garrett Frost made a motion to accept department staff's recommendation on enforcement actions # 14) through 19), seconded by Committee Member Matthew Miles. Motion carried.

The following enforcement actions were presented as consent agreements with no response after 30 day or attempted hand delivery:

- Enforcement actions # 20) through 28)

An inquiry was made regarding the process the Department has in place for consent agreements with no response and consequences of non-payment of penalties, discussion followed.

Committee Member Garrett Frost made a motion to accept department staff's recommendation on enforcement actions # 20) through 28), seconded by Committee Member Matthew Miles. Motion carried.

Chairman Dunklin suggested to provide the new Board Members with an explanation of the enforcement process and Nichols agreed to provide the Board Members at the next meeting with the needed information.

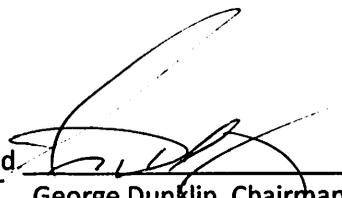
Chairman Dunklin asked if there was any other business to come before the Pesticide Committee.

Chairman of the Full Board Matthew Marsh asked if there was any information regarding the Endangered Species Pilot Project, discussion followed. Marsh suggested adding the subject of the Endangered Species Pilot Project to the December Board Meeting in hopes of having more clarification regarding the project by then.

Chairman Dunklin asked if there was anyone else with other business to come before the Pesticide Committee. There was none. He then asked for a motion to adjourn.

Committee Member Matthew Miles made the motion with a second by Committee Member Garrett Frost to adjourn. Motion Carried.

Meeting was adjourned.

Signed   
George Dunklin, Chairman  
Pesticide Committee

## Pesticide Committee Meeting - November 14, 2023 at 9:30 a.m.

### WARNING LETTERS

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3	21-0047	Garry Dale Heigle	May 1, 2021	Drift	Level I Minor	Warning Letter
4	21-0047	Garry Dale Heigle	May 1, 2021	No Training Certificate - Paraquat	Level I Minor	Warning Letter
5	21-0106	Dusty Hoskyn	June 15, 2021	Drift	Level I Minor	Warning Letter
6	21-0106	Dusty Hoskyn	June 15, 2021	Buffer Zone	Level I Minor	Warning Letter
7	21-0142	Danny Owen Gipson	May 27, 2021	Record Keeping - Class H	Level I Minor	Warning Letter
8	21-0163	Donald Ray Plummer	June 4, 2021	Buffer Zone	Level I Minor	Warning Letter
9	21-0462	Boren (Bo) Holthoff	April 24, 2021	Off Label Tank Mix - Class H	Level I Minor	Warning Letter
10	22-0032	Josh Aukes	April 28, 2022	Off Label Tank Mix	Level I Minor	Warning Letter
11	22-0032	Aaron Aukes	May 1, 2022	Off Label Tank Mix	Level I Minor	Warning Letter
12	22-0054	Wesley A Greer	May 15, 2022	Drift - Paraquat	Level I Minor	Warning Letter
13	22-0054	Wesley A Greer	May 15, 2022	No Training Certificate - Paraquat	Level I Minor	Warning Letter

### SIGNED CONSENT AGREEMENTS

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15	21-0437	Levi Hukill	June 18, 2021	No License	Level I	\$600
16	21-0487	Lonnie Gibson Jr.	Unknown	Drift - Class F	Level II	\$600
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18	21-0487	Lonnie Gibson Jr.	Unknown	Failure to Provide Records - Class F	Level I	\$300
19	22-0262	Scotty Fitzgerald	June 6, 2022	No License - Class H	Level I	\$250

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**CONSENT AGREEMENTS**  
**DELIVERY RECEIPT - NO RESPONSE AFTER 30 DAYS or ATTEMPTED HAND DELIVERY**

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22	21-0045	Timmy Wayne Ford	May 16, 2021	Drift	Level I	\$400
23	21-0045	Timmy Wayne Ford	May 16, 2021	No License	Level I	\$250
24	21-0045	Timmy Wayne Ford	May 16, 2021	No Training Certificate - Paraquat	Level I	\$400
25	21-0045	Timmy Wayne Ford	May 16, 2021	Off Label Rate	Level I	\$400
26	21-0163	Donald Ray Plummer	June 4, 2021	Drift	Level II	\$600
27	21-0462	Douglas Lance Hill	April 14, 2021	No License - Class H	Level I	\$250
28	22-0200	CAT AGRI Aviation, Inc.	July 14, 2022	Improper Pesticide Disposal	Level I	\$400

Class F = all 2,4-D and 2,4-D containing pesticides      Class H = all pesticides containing dicamba

**Pesticide Committee Meeting**  
**November 14, 2023**  
**09:30 A.M.**

**WARNING LETTERS**

**CF20-0086 Christopher J. Parker (Drift – Class H)**

The Plant Board alleged Mr. Christopher J. Parker, Private Applicator, made a ground application of Makaze and Strut to 2 acres (turn roads) in the South County Rd 650 field for burndown on April 06, 2020. The evidence shows this application drifted off target onto Ms. Hudson's lawn and trees. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF20-0086 Christopher J. Parker (Buffer Zone)**

The Plant Board alleged Mr. Christopher J. Parker, Private Applicator, made a ground application of Makaze and Strut to 2 acres (turn roads) in the South County Rd 650 field for burndown on April 06, 2020. The evidence shows the application was made within approximately 15 feet of Ms. Hudson's lawn and trees which would be inside the 100 foot buffer zone requirement for Makaze. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF21-0047 Garry Dale Heigle (Drift)**

The Plant Board alleged Mr. Garry Dale Heigle, Private Applicator, made a ground application of Willowood Paraquat 3SL to 120 acres in the North 120 field for burndown on May 01, 2021. The evidence shows this application drifted off target onto Mr. Murphy's corn. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF21-0047 Garry Dale Heigle (No Training Certificate - Paraquat)**

The Plant Board alleged Mr. Garry Dale Heigle, Private Applicator, made a ground application of Willowood Paraquat 3SL to 120 acres in the North 120 field for burndown on May 01, 2021. The evidence shows Mr. Heigle could not produce an EPA approved Paraquat training required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0106 Dusty Hoskyn (Drift)**

The Plant Board alleged Mr. Dusty Hoskyn, Private Applicator, made a postemergence ground application of Facet L and Stam M4 to 37 acres of rice in the HiHo2 field on June 15, 2021. The evidence shows this application drifted off target onto Mr. Thurman's tomato plants. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0106 Dusty Hoskyn (Buffer Zone)**

The Plant Board alleged Mr. Dusty Hoskyn, Private Applicator, made a postemergence ground application of Facet L and Stam M4 to 37 acres of rice in the HiHo2 field on June 15, 2021. The evidence shows the application was made within approximately 668 feet (0.127 miles) of Mr. Thurman's tomato plants which would be inside the ¼ mile buffer zone requirement for Quinclorac. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0142 Danny Owen Gipson (Record Keeping – Class H)**

The Plant Board alleged Mr. Danny Owen Gipson, Private Applicator, made a postemergence ground application of Engenia and Sentriss to 70 acres of soybeans in the Shop field on May 27, 2021. The evidence shows Mr. Gipson failed to keep the proper records by not recording the total amount applied, having a copy of the product label, and the Sensitive Areas, Sensitive Crops, and Residential Awareness. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0163 Donald Ray Plummer (Buffer Zone)**

The Plant Board alleged Mr. Donald Ray Plummer, Commercial Applicator, made an application of Ag Saver Glyphosate to 46 acres of soybeans in the L01 field for Mr. Don Kittler on June 04, 2021. The evidence shows the application was made within approximately 60 feet of Mr. Lynch's rice; which would be inside the 100 foot buffer zone requirement for AGSaver Glyphosate 41% Plus. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

### **CF21-0462 Boren (Bo) Holthoff (Off Label Tank Mix – Class H)**

The Plant Board alleged Mr. Boren (Bo) Holthoff, Private Applicator, made a ground application of Xtendimax to 45 acres of soybeans in the Air Stripe field for burndown on April 24, 2021. Records indicate the required buffering agent and drift reduction agent were not included in the tank mix. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF22-0032 Josh Aukes (Off Label Tank Mix)**

The Plant Board alleged Mr. Josh Aukes, Commercial Applicator, made a postemergence aerial application of Facet L Herbicide, Stealth Herbicide, and Command 3ME to 344 acres of rice in the R-11 field for Don Kittler Farms on April 28, 2022. Stealth Herbicide is not listed as an approved tank-mix partner on the Facet L Herbicide and Command 3ME Herbicide Product Labels. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF22-0032 Aaron Aukes (Off Label Tank Mix)**

The Plant Board alleged Mr. Aaron Aukes, Commercial Applicator, made a postemergence aerial application of Facet L Herbicide, Stealth Herbicide, and Command 3ME to 30.00 acres of rice in the R-9 field for Don Kittler Farms on May 01, 2022. Stealth Herbicide is not listed as an approved tank-mix partner on the Facet L Herbicide and Command 3ME Herbicide Product Labels. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF22-0054 Wesley A. Greer (Drift - Paraquat)**

The Plant Board alleged Mr. Wesley A. Greer, Private Applicator, made a pre-emergence ground application of Paraquat 43.2%, Caparol 4L, Cotoran 4L, and Grizzly Too to ~38 acres of cotton in the M-1105 "Black Farm" field on May 15, 2022. The evidence shows this application drifted off target onto Mr. Mikel's corn. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

**CF22-0054 Wesley A. Greer (No Training Certificate - Paraquat)**

The Plant Board alleged Mr. Wesley A. Greer, Private Applicator, made a pre-emergence ground application of Paraquat 43.2%, Caparol 4L, Cotoran 4L, and Grizzly Too to ~38 acres of cotton in the M-1105 "Black Farm" field on May 15, 2022. The evidence shows Mr. Greer could not produce an EPA approved Paraquat Training Certificate required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Minor violation. The proposed enforcement action for this violation is a Warning Letter.

## **SIGNED CONSENT AGREEMENTS**

### **CF21-0142 Nutrien Ag Solutions, Inc. - Manila (Sale of Unregistered Product – Class H)**

The Plant Board alleged Nutrien Ag Solutions, Inc. in Manila AR, Restricted Use Pesticide Dealer, sold an unregistered Engenia (EPA Reg. #7969-345) to DMS Farms, Mr. Danny Gipson on May 13, 2021. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Nutrien Ag Solutions, Inc. in Manila agrees to a Civil Penalty of \$400 for settlement of the allegation.

### **CF21-0437 Levi Hukill (No License)**

The Plant Board alleged Mr. Levi Hukill, Commercial Applicator, made a ground application of Vastlan (EPA Reg. #62719-687) and Opensight (EPA Reg. #62719-597) to .10 acres of shrubs for OGE on June 18, 2021. The evidence shows Mr. Hukill was not duly licensed by the Plant Board as a Commercial Applicator or Commercial Applicator Technician at the time of application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hukill agrees to a Civil Penalty of \$600 for settlement of the allegation.

### **CF21-0487 Lonnie Gibson Jr. (Drift – Class F)**

The Plant Board alleged Mr. Lonnie Gibson Jr. made an application of an unknown product containing 2,4-D to cotton on an unknown date. The evidence shows this application drifted off target onto Mr. Jackson's cotton. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Gibson agrees to a Civil Penalty of \$600 for settlement of the allegation.

### **CF21-0487 Lonnie Gibson Jr. (No License – Class F)**

The Plant Board alleged Mr. Lonnie Gibson Jr. made an application of an unknown product containing 2,4-D to cotton on an unknown date. The evidence shows Mr. Gibson was not licensed as a Private Applicator by the Arkansas Department of Agriculture at the time of application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Gibson agrees to a Civil Penalty of \$250 for settlement of the allegation.

### **CF21-0487 Lonnie Gibson Jr. (Failure to Provide Records – Class F)**

The Plant Board alleged Mr. Lonnie Gibson Jr. made an application of an unknown product containing 2,4-D to cotton on an unknown date. The evidence shows Mr. Gibson failed to provide records for the 2,4-D application as required when requested. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Gibson agrees to a Civil Penalty of \$300 for settlement of the allegation.

**CF22-0262 Scotty Fitzgerald (No License – Class H)**

The Plant Board alleged Mr. Scotty Fitzgerald made a postemergence ground application of Engenia, Avatar, Volacept, Zidua, Traverse D, and Navigator to 176 acres of soybeans in the Airport field on June 06, 2022. The evidence shows Mr. Fitzgerald was not duly licensed by the Plant Board as a Private Applicator at the time of the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Fitzgerald agrees to a Civil Penalty of \$250 for settlement of the allegation.

**CONSENT AGREEMENTS**

**Delivery Receipt – No Response after 30 days or hand delivery**

**CF20-0372 John Brian Allen (Use During Prohibited Period – Class H)**

The Plant Board alleged Mr. John Brian Allen, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows the application was made during the prohibited period of May 26<sup>th</sup> through October 31<sup>st</sup>. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Allen was offered a Consent Agreement in the amount of \$3,125 and did not respond to this allegation.

**CF20-0372 John Brian Allen (Failure to Provide Records – Class H)**

The Plant Board alleged Mr. John Brian Allen, Private Applicator, made a postemergence application of an unknown product containing dicamba to soybeans on an unknown date. The evidence shows Mr. Allen failed to provide records for the dicamba application as required. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Egregious Eligible violation. Mr. Allen was offered a Consent Agreement in the amount of \$3,125 and did not respond to this allegation.

**CF21-0045 Timmy Wayne Ford (Drift)**

The Plant Board alleged Mr. Timmy Wayne Ford made a ground application of Parazone, Flumioxazin, and Outlook to 35 acres of peanuts at planting in the Walton Farms field on May 16, 2021. The evidence shows this application drifted off target onto Mr. Thompson's property. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Ford was offered a Consent Agreement in the amount of \$400 and did not respond to this allegation.

**CF21-0045 Timmy Wayne Ford (No License)**

The Plant Board alleged Mr. Timmy Wayne Ford made a ground application of Parazone, Flumioxazin, and Outlook to 35 acres of peanuts at planting in the Walton Farms field on May 16, 2021. The evidence shows Mr. Timmy Wayne Ford is not duly licensed by the Plant Board as a Private Applicator. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Ford was offered a Consent Agreement in the amount of \$250 and did not respond to this allegation.

**CF21-0045 Timmy Wayne Ford (No Training Certificate - Paraquat)**

The Plant Board alleged Mr. Timmy Wayne Ford made a ground application of Parazone, Flumioxazin, and Outlook to 35 acres of peanuts at planting in the Walton Farms field on May 16, 2021. The evidence shows Mr. Timmy Wayne Ford could not provide an EPA approved training required for the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Ford was offered a Consent Agreement in the amount of \$400 and did not respond to this allegation.

**CF21-0045 Timmy Wayne Ford (Off Label Rate)**

The Plant Board alleged Mr. Timmy Wayne Ford made a ground application of Parazone, Flumioxazin, and Outlook to 35 acres of peanuts at planting in the Walton Farms field on May 16, 2021. The evidence shows an application rate for Parazone of 1 qt./acre (32 fl. oz./acre) which is above the labeled rate of 10.8 fl. oz./acre for Parazone. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Ford was offered a Consent Agreement in the amount of \$400 and did not respond to this allegation.

**CF21-0163 Donald Ray Plummer (Drift)**

The Plant Board alleged Mr. Donald Ray Plummer, Commercial Applicator, made an aerial application of Ag Saver Glyphosate to 46 acres of soybeans in the L01 field for Mr. Don Kittler on June 04, 2021. The evidence shows this application drifted off target onto Mr. Lynch's rice. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level II Major violation. Mr. Plummer was offered a Consent Agreement in the amount of \$600 and did not respond to this allegation.

**CF21-0462 Douglas Lance Hill (No License – Class H)**

The Plant Board alleged Mr. Douglas Lance Hill, Private Applicator, made a postemergence ground application of Engenia and Verified to 80 acres of soybeans in the Airport 80 field on April 14, 2021. The evidence shows Mr. Hill was not duly licensed by the Plant Board as a Private Applicator at the time of the application. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. Mr. Hill was offered a Consent Agreement in the amount of \$250 and did not respond to this allegation.

**CF22-0200 CAT AGRI Aviation, Inc. (Improper Pesticide Disposal)**

The Plant Board alleged CAT AGRI Aviation, Inc., Commercial Application Firm, failed to properly dispose of equipment rinsate and washwaters on July 14, 2022. The evidence shows the rinsate and washwaters improperly disposed of by CAT AGRI Aviation Inc. contaminated surface water. The Arkansas State Plant Board's Pesticide Enforcement Response Regulation's Penalty Matrix defines this violation as a Level I Major violation. CAT AGRI Aviation, Inc. was offered a Consent Agreement in the amount of \$400 and did not respond to this allegation.

## (Attachment 4C)

Arkansas State Plant Board Meeting- December 5, 2023

Abandoned Pesticide Disposal Program Update:

The Plant Industries Division hosted Abandoned Pesticide Collection events in Craighead, Poinsett, and Mississippi counties the first week of November.

The total pounds of pesticide waste collected for each event were:

- Craighead County: 168,000 pounds
- Poinsett County: 130,000 pounds
- Mississippi County: 201,000 pounds

Since 2005, the Agricultural Abandoned Pesticide Program has overseen the collection and disposal of **6,368,037 pounds** of unwanted pesticides in counties across Arkansas.



Photo: Poinsett County Collection Event

(Attachment 5A)

**Total of 55 Civil Penalties were issued in period July 2023 to October 2023:**

**VIOLATIONS**

**Thirty-Three for No Decal or Expired Annual Decal Attachment 1**

- Thirty-One First Offense - Table 1
- Two Second Offense - Table 2

**Four for Misrepresentation of Pricing Attachment 2**

- One Sixth Offense - Table 3
- One Seventh Offense - Table 4
- One Eighth Offense - Table 5
- One Ninth Offense - Table 6

**Seventeen for Water Contamination Attachment 3**

- Sixteen First Offense - Table 7
- One Second Offense - Table 8

**One for Flashpoint Failure Attachment 4**

- One First Offense - Table 9

**OTHER BUSINESS**

Memo to Waive Civil penalty in Case BS 23-0003 and reduce the amount in Case 23-0004

## Attachment 1

**TABLE 1 - Violation of A.C.A § 4-18-344 NO ANNUAL OR EXPIRED INSPECTION DECAL - THIRTY ONE FIRST OFFENSE**

Case File	Business Name	Address	City	Inspection Date	Device	Civil Penalty
BS 24-0085	Superstop	7300 S University	Little Rock	July 25, 2023	Pump(s)	\$350
BS 24-0086	Circle K	6420 S University	Little Rock	July 26, 2023	Pump(s)	\$350
BS 24-0087	Quick C Store	12106 Sardis Rd	Mabelvale	July 26, 2023	Pump(s)	\$350
BS 24-0088	SQRL Service Station	1 N Main St	Mount Pleasant	July 26, 2023	Pump(s)	\$350
BS 24-0089	I 30 Gas Max Superstore	612 E Roosevelt	Little Rock	August 2, 2023	Pump(s)	\$350
BS 24-0090	Super Galleria	5103 Asher Av	Little Rock	August 9, 2023	Pump(s)	\$350
BS 24-0091	Quick MA	2608 S Maple	Little Rock	August 15, 2023	Pump(s)	\$350
BS 24-0092	Doublebees	10705 Rodney Parham	Little Rock	August 23, 2023	Pump(s)	\$350
BS 24-0093	Southern Edge Truckstop	5803 S Olive St	Pine Bluff	August 11, 2023	Pump(s)	\$350
BS 24-0094	BP Broadway Deli & Pizza	400 W Broadway	West Memphis	August 28, 2023	Pump(s)	\$350
BS 24-0096	SR Quick Mart Exxon	5001 Dollarway Rd	Pine Bluff	September 11, 2023	Pump(s)	\$350
BS 24-0097	Pick N Pay	716 E 9th St	Little Rock	August 29, 2023	Pump(s)	\$350
BS 24-0098	Flash Market (Exxon)	1728 Hwy 69	Trumann	August 14, 2023	Pump(s)	\$350
BS 24-0099	Tops Bar BQ	3320 - I55	Marion	August 22, 2023	Scale(s)	\$350
BS 24-0100	67 Woodyard	26382 Hwy 67	Malvern	August 23, 2023	Scale(s)	\$350
BS 24-0101	Cobb Recycling	919 Gaines Av	Hot Springs	August 28, 2023	Scale(s)	\$350
BS 24-0102	Exxon	555 Hwy 365	Mayflower	August 14, 2023	Pump(s)	\$350
BS 24-0118	Food Express	732 Fayetteville Av	Alma	September 22, 2023	Pump(s)	\$350

### Attachment 1

Case File	Business Name	Address	City	Inspection Date	Device	Civil Penalty
BS 24-0119	Caseys	545 E Dave Ward	Conway	September 19, 2023	Pump(s)	\$350
BS 24-0120	Crystal Hill Food Mart	6116 Crystal Hill rd	NLR	June 28, 2023	Pump(s)	\$350
BS 24-0121	Alam/Van Buren Smoke & Gas	4918 Alma Hwy	Van Buren	September 26, 2023	Pump(s)	\$350
BS 24-0106	Terry Powells Grocery	310 E Greenwood	Hope	June 19, 2023	Pump(s)	\$350
BS 24-0127	Scottys	5602 Hwy 71 S	Cove	September 12, 2023	Pump(s)	\$350
BS 24-0128	Westrock Landing	11800 Maumelle Harbor	Roland	September 13, 2023	Pump(s)	\$350
BS 24-0129	Raj Gas and Oil	114 Hwy 9W	Clinton	September 19, 2023	Pump(s)	\$350
BS 24-0130	Reaves Food Store	2092 Hwy 330	Shirley	September 20, 2023	Pump(s)	\$350
BS 24-0131	Center Point Store	Hwy 26 & 278	Center Point	September 26, 2023	Pump(s)	\$350
BS 24-0133	Coal Hill County Store	401 Hwy 64 E	Coal Hill	October 4, 2023	Pump(s)	\$350
BS 24-0137	Marshall Exxon	804 Hwy 65	Marshall	September 26, 2023	Pump(s)	\$350
BS 24-0138	Ridge Mart	4700 Camp Robinson	NLR	October 10, 2023	Pump(s)	\$350
BS 24-0139	PJ's Country Store	9499 Hwy 70	Marion	October 13, 2023	Pump(s)	\$350

**Attachment 1**

**TABLE 2 - Violation of A.C.A § 4-18-344 NO ANNUAL OR EXPIRED INSPECTION DECAL - TWO SECOND OFFENSE**

<b>Case File</b>	<b>Business Name</b>	<b>Address</b>	<b>City</b>	<b>Date of Inspection</b>	<b>Device</b>	<b>Civil Penalty</b>
BS 24-0095	Sheraz Market	100 S Main St	Grady	August 23, 2023	Pump(s)	\$800
				May 30, 2023		
BS 24-0140	Marshall Exxon	804 Hwy 65	Marshall	October 17, 2023	Pump(s)	\$800
				September 26, 2023		

**Attachment 2**

**TABLE 3 - Violation of A.C.A § 4-18-316 MISREPRESENTATION OF PRICING - ONE SIXTH OFFENSE**

Case File	Business Name	Address	City	Inspection Date	Items Overcharged	Store Accuracy Rate	Civil Penalty
BS 24-0122	Family Dollar	1302 Thompson St	Springdale	July 18, 2023	36	26%	\$2,000
				June 21, 2023			
				June 9, 2023			
				May 26, 2023			
				April 17, 2023			
				March 24, 2023			

**TABLE 4 - Violation of A.C.A § 4-18-316 MISREPRESENTATION OF PRICING - ONE SEVENTH OFFENSE**

Case File	Business Name	Address	City	Inspection Date	Items Overcharged	Store Accuracy Rate	Civil Penalty
BS 24-0123	Family Dollar	1302 N Thompson St	Springdale	July 28, 2023	20	60%	\$2,000

**TABLE 5 - Violation of A.C.A § 4-18-316 MISREPRESENTATION OF PRICING - ONE EIGHTH OFFENSE**

Case File	Business Name	Address	City	Inspection Date	Items Overcharged	Store Accuracy Rate	Civil Penalty
BS 24-0124	Family Dollar	1302 N Thompson St	Springdale	August 10, 2023	12	76%	\$2,000

**TABLE 6 - Violation of A.C.A § 4-18-316 MISREPRESENTATION OF PRICING - ONE NINTH OFFENSE**

Case File	Business Name	Address	City	Inspection Date	Items Overcharged	Store Accuracy Rate	Civil Penalty
BS 24-0125	Family Dollar	1302 N Thompson St	Springdale	August 22, 2023	10	80%	\$2,000

Attachment 3

TABLE 7 - Violation of A.C.A § 4-108-204 (b)(1)(A) and 4-108-207 WATER CONTAMINATION LIMITS NON ETHANOL (1 inch) DIESEL (1 inch) ETHANOL Fuel (1/4 inch) - SIXTEEN FIRST OFFENSE								
Case File	Business Name	Address	City	Date of Inspection	Fuel Type	Location	Water inch(s)	Civil Penalty
BS 24-0104	Murphy USA	5501 S 24th St	Fort smith	June 20, 2023	Hwy Diesel	Storage Tank	1.5	\$200
BS 24-0105	Terry Powells Grocery	310 E Greenwood	Hope	June 19, 2023	Regular E0	Storage Tank	3.0	\$200
BS 24-0107	Benton Food & Gas	3821 Edison	Benton	June 20, 2023	Hwy Diesel	Storage Tank	3.25	\$200
BS 24-0108	DNJ Holding DBA/Tabs	2101 S Main	Hope	June 20, 2023	Hwy Diesel	Storage Tank	1.5	\$200
BS 24-0109	Circle K	9723 Maumelle Blvd	NLR	June 21, 2023	Premium Unleaded	Storage Tank	0.5	\$200
BS 24-0110	Highland Exxon Gas Express	2920 E Highland	Jonesboro	June 21, 2023	Hwy Diesel	Storage Tank	2.5	\$200
BS 24-0111	Crystal Hill Food Mart	6116 Crystal Hill Rd	NLR	June 28, 2023	Premium Unleaded E10	Storage Tank	3.25	\$200
BS 24-0112	Good Stop by Caseys	3401 JFK Blvd	NLR	July 25, 2023	Premium Plus E10	Storage Tank	2.5	\$200
BS 24-0113	Our Community Market	1901 Wright Av	Little Rock	August 9, 2023	Midgrade E10	Storage Tank	2.75	\$200
BS 24-0114	Our Community Market	1901 Wright Av	Little Rock	August 9, 2023	Premium E10	Storage Tank	2.0	\$200
BS 24-0115	BJs Express 2	1215 S Airbase Hwy	Gosnell	August 14, 2023	Regular Unleaded	Storage Tank	2.0	\$200
BS 24-0116	Y Express	1501 S Thompson	Springdale	August 28, 2023	Hwy Diesel	Storage Tank	1.5	\$200
BS 24-0117	AZ Express	1500 W Keiser Av	Osceola	August 28, 2023	Hwy Diesel	Storage Tank	1.5	\$200
BS 24-0126	Dip Food & Gas	3821 Edison Av	Benton	September 26, 2023	Hwy Diesel	Storage Tank	2.75	\$200
BS 24-0134	Jordans Quick Mart	804 E Eight St	Danville	October 4, 2023	Hwy Diesel	Storage Tank	3.25	\$200
BS 24-0136	7T Kwik Stop	109 Hwy 10E	Ola	October 3, 2023	Hwy Diesel	Storage Tank	4.0	\$200

TABLE 8 - Violation of A.C.A § 4-108-204 (b)(1)(A) and 4-108-207 WATER CONTAMINATION LIMITS NON ETHANOL (1 inch) DIESEL (1 inch) ETHANOL Fuel (1/4 inch) - ONE SECOND OFFENSE								
Case File	Business Name	Address	City	Date of Inspection	Fuel Type	Location	Water inch(s)	Civil Penalty
BS 24-0135	Highland Exxon Gas Express	2920 E Highland	Jonesboro	September 25, 2023	Hwy Diesel	Nozzle	NA	\$500
				June 21, 2023		Storage Tank	2.5	

Attachement 4

TABLE 9 - Violation of A.C.A § 4-108-204 (b) (1) (A) and 4-108-207 ONE FLASHPOINT STOP SALES ( < 125 oF )

Case File	Business Name	Address	City	Sampling Date	FP	Stop Sale Date	Release Date	FP	Product
BS 24-0132	Jordans Kwik Stop	3915 E Highland	Jonesboro	July 25, 2023	68 °F	July 27, 2023	July 28, 2023	133 °F	Hwy Diesel



Sarah Huckabee Sanders  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598



Wes Ward  
Secretary of Agriculture

MEMO:

(Attachment 5B)

Date: September 25, 2023

Re: Request to waive civil penalty in Case BS 23-0003 and reduce the amount in Case BS 23-0004

The first and second violation notices were issued to Flash Market, 1645 E Main St, Magnolia, AR on February 21, 2023, and July 6, 2023, respectively. The notices were for not displaying current annual certification decal on the pump(s). The violation letters were sent by certified mail on July 12, 2023. The return receipts for the certified mail were signed by the store employee.

The above referenced Case files were approved, and the civil penalties were assessed at the Plant Board committee meeting held on August 24, 2023.

I was contacted by Sandra Loper from GPM investment, LLC on September 21, 2023. She informed me that GPM Investment, LLC had purchased the property in March 2023 and kindly requested us to waive the first violation. She claimed the previous owner (seller) did not inform GPM Investment, LLC of the February 2023 violation.

Sandra agreed to the violation in July 2023 when the second notice was issued.

After discussing with the field supervisor, we recommend the board would consider waiving the assessed civil penalty in Case BS 23-0003 and reduce the civil penalty in Case BS 23-0004 from \$800 to \$350.

Sincerely,  
Nikhil Soman  
Arkansas Department of Agriculture  
Plant Industries Division



# ARKANSAS DEPARTMENT OF AGRICULTURE



Sarah Huckabee Sanders  
Governor

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598

Wes Ward  
Secretary of Agriculture

## NOTICE OF VIOLATION

Case No. BS 24-0003

CERTIFIED MAIL: 7021 0950 0000 3076 8732

July 12, 2023

Flash Market  
1645 E. Main Street  
Magnolia, AR. 71753

To Whom It May Concern,

On February 21, 2023, Ron Phillips, with the Arkansas Bureau of Standards inspected Flash Market, 1645 E. Main Street, Magnolia, Arkansas. Inspections are authorized under Arkansas Code Annotated §4-18-312 (i) "The State Plant Board shall . . . have the authority to inspect and test commercial weights and measures kept, offered, or exposed for sale."

The inspection of the Pump(s) revealed no annual inspection decal, in violation of:

**A.C.A. § 4-18-322.**

***(a) (6) Sell or offer for sale any weight or measure for use in commerce, unless it bears an Arkansas Bureau of Standards approved seal or decal, if the seal or decal is applicable to the weight or measure;***

The requirements of relevant Arkansas law are stated below:

***(a) (1) Any person who by himself or herself, by his or her servant or agent, or as the servant or agent of another person, commits any of the acts enumerated in § 4-18-322 may be assessed by the State Plant Board a civil penalty of:***

***(A) Not less than one hundred dollars (\$100) nor more than six hundred dollars (\$600) for a first violation;***

***(B) Not less than four hundred dollars (\$400) nor more than one thousand two hundred dollars (\$1,200) for a second violation within three (3) years after the date of the first violation; and***

***(C) Not less than seven hundred dollars (\$700) nor more than two thousand dollars (\$2,000) for a third violation within three (3) years after the date of the first violation.***

***(2) For a violation to be considered as a second or subsequent offense, it must be a repeat of a violation as enumerated in § 4-18-322.***

This violation is within the penalty matrix resulting in a civil penalty of **\$350.00**. Per regulations A.C.A. § 4-18-323 (b) (1), if you wish to contest the civil penalty, you have ten (10) calendar days from receipt of this notice to file a request for an administrative conference. That 'informal conference' will be scheduled, and you may appear at the State Plant Board in Little Rock to engage in informal discussions aimed at resolving the matter. Or you may request a 'formal conference' before the Bureau of Standards Committee of the Plant Board and appear with legal counsel to plead your case.

If you agree to the proposed civil penalty, please **sign the enclosed Settlement Agreement and return it to this office** but **do not send any funds at this time**. The case will be presented to the Plant Board for approval at the next scheduled Board meeting in TBA.

You will be notified of the Board action and given final instructions on submitting the civil penalty if the proposed settlement is approved.

  
7/12/23

Nikhil Soman, Director  
Arkansas Bureau of Standards  
4608 W 61<sup>st</sup> Street, Little Rock, AR 72209  
501-570-1159  
bureau@agriculture.arkansas.gov  
www.aad.arkansas.gov/bureau-of-standards



Sarah Huckabee Sanders  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598



Wes Ward  
Secretary of Agriculture

## NOTICE OF SECOND VIOLATION

Case No. BS 24-0004

CERTIFIED MAIL: 7021 0950 0000 3076 8749

July 12, 2023

Flash Market  
1645 E. Main Street  
Magnolia, AR. 71753

To Whom It May Concern,

On July 6, 2023, Kenny Wooldridge, with the Arkansas Bureau of Standards inspected Flash Market, 1645 E. Main Street, Magnolia, Arkansas. Inspections are authorized under Arkansas Code Annotated §4-18-312 (i) "The State Plant Board shall . . . have the authority to inspect and test commercial weights and measures kept, offered, or exposed for sale."

The inspection of the Pump(s) revealed no annual inspection decal, in violation of:

**A.C.A. § 4-18-322.**

**(a) (6) Sell or offer for sale any weight or measure for use in commerce, unless it bears an Arkansas Bureau of Standards approved seal or decal, if the seal or decal is applicable to the weight or measure;**

The requirements of relevant Arkansas law are stated below:

**(a) (1) Any person who by himself or herself, by his or her servant or agent, or as the servant or agent of another person, commits any of the acts enumerated in § 4-18-322 may be assessed by the State Plant Board a civil penalty of:**

**(A) Not less than one hundred dollars (\$100) nor more than six hundred dollars (\$600) for a first violation;**

**(B) Not less than four hundred dollars (\$400) nor more than one thousand two hundred dollars (\$1,200) for a second violation within three (3) years after the date of the first violation; and**

**(C) Not less than seven hundred dollars (\$700) nor more than two thousand dollars (\$2,000) for a third violation within three (3) years after the date of the first violation.**

**(2) For a violation to be considered as a second or subsequent offense, it must be a repeat of a violation as enumerated in § 4-18-322.**

This violation is a second violation and within the penalty matrix resulting in a civil penalty of \$800.00. Per regulations A.C.A. § 4-18-323 (b) (1), if you wish to contest the civil penalty, you have ten (10) calendar days from receipt of this notice to file a request for an administrative conference. That 'informal conference' will be scheduled, and you may appear at the State Plant Board in Little Rock to engage in informal discussions aimed at resolving the matter. Or you may request a 'formal conference' before the Bureau of Standards Committee of the Plant Board and appear with legal counsel to plead your case.

If you agree to the proposed civil penalty, please **sign the enclosed Settlement Agreement and return it to this office** but **do not send any funds at this time**. The case will be presented to the Plant Board for approval at the next scheduled Board meeting in TBA.

You will be notified of the Board action and given final instructions on submitting the civil penalty if the proposed settlement is approved.

  
7/12/23.

Nikhil Soman, Director  
Arkansas Bureau of Standards  
4608 W 61<sup>st</sup> Street, Little Rock, AR 72209  
501-570-1159  
bureau@agriculture.arkansas.gov  
[www.aad.arkansas.gov/bureau-of-standards](http://www.aad.arkansas.gov/bureau-of-standards)

## Nikhil Soman

---

**From:** Sandra Loper <sloper@gpminvestments.com>  
**Sent:** Thursday, September 21, 2023 3:02 PM  
**To:** Nikhil Soman  
**Cc:** Tim Chesser; Sheila Carter  
**Subject:** RE: #17285 W&M Violation Case@BS24-0004

Thank you so much.

Thank you



**Sandra Loper** | Compliance Manager  
Business Support Center  
GPM Investments, LLC  
8565 Magellan Pkwy Suite 400  
Richmond, VA 23227

Tel (804) 730-1568 ext. 1146 | Tel-(800) 621-1013 ext.1146  
[www.gpminvestments.com](http://www.gpminvestments.com) | <https://www.facebook.com/fasmartshorestop/>

---

**From:** Nikhil Soman <nikhil.soman@agriculture.arkansas.gov>  
**Sent:** Thursday, September 21, 2023 3:52 PM  
**To:** Sandra Loper <sloper@gpminvestments.com>  
**Cc:** Tim Chesser <tim.chesser@agriculture.arkansas.gov>; Sheila Carter <Sheila.Carter@agriculture.arkansas.gov>  
**Subject:** RE: #17285 W&M Violation Case@BS24-0004

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sandra  
In that case, this is my suggestion. Since you were not aware of the February (First) violation, I will consider July second violation as first with a civil penalty of \$350. The noncompliant pumps were in service from March 2023 purchase date to July 2023. It is your responsibility to adhere to all State laws and regulations governing retail motor fuel dispensers. I will recommend my proposal to board members at the next meeting in December. Contact me if you have any questions. 501-570-1156.

Nikhil

---

**From:** Sandra Loper <[sloper@gpminvestments.com](mailto:sloper@gpminvestments.com)>  
**Sent:** Thursday, September 21, 2023 1:49 PM  
**To:** Nikhil Soman <[nikhil.soman@agriculture.arkansas.gov](mailto:nikhil.soman@agriculture.arkansas.gov)>  
**Cc:** Sandra Loper <[sloper@gpminvestments.com](mailto:sloper@gpminvestments.com)>  
**Subject:** RE: #17285 W&M Violation Case@BS24-0004  
**Importance:** High

Hello,

We did not acquire this site or any TEG sites until March 2023. The visit on July 6<sup>th</sup> is the first time we were made aware of any issues. We fixed the issues within 6 days of that visit.

Thank you



**Sandra Loper** | Compliance Manager

Business Support Center  
GPM Investments, LLC  
8565 Magellan Pkwy Suite 400  
Richmond, VA 23227

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[www.gpminvestments.com](http://www.gpminvestments.com) | <https://www.facebook.com/fasmartshorestop/>

---

**From:** Sandra Loper  
**Sent:** Thursday, September 21, 2023 2:05 PM  
**To:** Nikhil Soman <[nikhil.soman@agriculture.arkansas.gov](mailto:nikhil.soman@agriculture.arkansas.gov)>  
**Subject:** RE: #17285 W&M Violation Case@BS24-0004

I understand your concern as I am also concerned. I wasn't made aware that there was a first visit in February. I believe that the store did not tell anyone until the July visit and that is why Maintenance fixed them so soon after that visit.

I have asked about this to find out what happened.

I appreciate your help.

Thank you



**Sandra Loper** | Compliance Manager

Business Support Center  
GPM Investments, LLC  
8565 Magellan Pkwy Suite 400  
Richmond, VA 23227

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---

**From:** Nikhil Soman <[nikhil.soman@agriculture.arkansas.gov](mailto:nikhil.soman@agriculture.arkansas.gov)>  
**Sent:** Thursday, September 21, 2023 1:46 PM  
**To:** Sandra Loper <[sloper@gpminvestments.com](mailto:sloper@gpminvestments.com)>  
**Subject:** RE: #17285 W&M Violation Case@BS24-0004

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sandra  
The 2<sup>nd</sup> violation and subsequent civil penalty was approved by the board members at the recently concluded Board meeting. Unfortunately, the approved penalties cannot be reduced. It is concerning to me that it took 5 months from the 1<sup>st</sup> issued notice in February 2023 to get the pumps in compliance.

Regards

Nikhil Soman

**From:** Sandra Loper <[sloper@gpminvestments.com](mailto:sloper@gpminvestments.com)>  
**Sent:** Thursday, September 21, 2023 12:21 PM  
**To:** AAD Bureau <[bureau@agriculture.arkansas.gov](mailto:bureau@agriculture.arkansas.gov)>  
**Cc:** Sandra Loper <[sloper@gpminvestments.com](mailto:sloper@gpminvestments.com)>  
**Subject:** #17285 W&M Violation Case@BS24-0004  
**Importance:** High

Hello Mr. Soman,

I just received the attached violation and fines on Tuesday the 19th. Please also see attached the meter calibration test report from 7-12-23. T&P did the calibration on 7-12-23 and stickered the pumps. Arkoma went to the site on Tuesday 9-19-23 and checked that all dispensers did indeed have the current stickers.

Would you possibly consider reducing the fines here?

Thank you



**Sandra Loper** | Compliance Manager  
Business Support Center  
GPM Investments, LLC  
8565 Magellan Pkwy Suite 400  
Richmond, VA 23227

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Minutes of  
Arkansas State Plant Board  
Bureau of Standards Committee Meeting  
November 14, 2023  
1:30 p.m.

(Attachment 5C)

Committee Members Present Chair Robin Ralston, Bruce Alford, Reynold Meyer

Via Zoom: Travis Senter, Sam Stuckey

Staff Present: Nikhil Soman, Sheila Carter, Tim Chesser, Wilford Jones, Alexzander Maldonado & Scott Bray

Guest Present: Linda Alford, Jill Meyer & Cindy McCuin Arkansas Oil Marketers

---

Chair Robin Ralston called the meeting to order at 1:47 p.m. Those in attendance stated their name and affiliation.

Chair Robin Ralston stated the purpose of the meeting was to review first, second and third offense violations and penalties. Chair Ralston turned the floor over to Bureau of Standards Director, Nikhil Soman.

Nikhil Soman presented the committee for review and approval are the following cases from July 2023 to October 2023:

- In Attachment 1 - Tables 1-2 - cases for Expired and or No Decal(s) there are 31 (thirty-one) First Offenses 2 (two) Second Offenses on Pump(s), Scale(s) or Meter(s). These are First Offenses with a \$350 penalty each, Second Offenses with a \$800 penalty each.

A motion was made by Reynold Meyer seconded by Bruce Alford to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 2 - Table 3-6 - cases for Misrepresentation of Pricing there are 1 (one) Sixth Offense, 1 (one) Seventh Offense 1 (one) Eighth Offense 1 (one) Ninth Offense. These Offenses are a \$2000 penalty each.

A motion was made by Bruce Alford and seconded by Reynold Meyer to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 3 -Tables 7-8- cases for Water Contamination Limits there are 16 (Sixteen) First Offenses 1 (one) Second Offense 1. These are First Offenses with a \$200 penalty each, Second Offenses with a \$500 penalty each.

A motion was made by Bruce Alford and seconded by Reynold Meyer to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

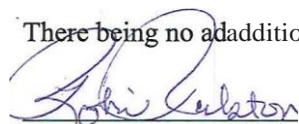
- In Attachment 4 - Table 9 - case for Flashpoint Stop Sales there are 1 (one) First Offense. These are First Offenses with a \$200 penalty each.

A motion was made by Bruce Alford and seconded by Reynold Meyer to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Other Business discussion of Request to waive penalty in Case BS 23-0003 and reduce the amount in Case BS 23-0004 for Flash Market in Magnolia.

A motion was made by Bruce Alford and seconded by Reynold Meyer to approve the proposed request to waive first offense because there was a new owner of the store and former owner did not inform them of the prior penalty and to present it to the full board for approval. Committee voted motion passed unanimously.

~~There being no additional business,~~ a motion was made by Bruce Alford and seconded by Reynold Meyer to adjourn.



Rob Ralston, Chair

11/14/2023



(Attachment 6A)

# ARKANSAS BOLL WEEVIL ERADICATION FOUNDATION COMMITTEE

**November 16,  
2023**

**10:00 a.m.**

**Arkansas  
Department of  
Agriculture**

**Little Rock, Ar**

- **Welcome, Introduction by Chairman Joe Mencer**
- **Approval of the previous meeting minutes**
- **Financial Report presented by Melissa Cary, Landmark PLLC**
- **Legal Matters update presented by Cal McCastlain with Wright, Lindsey & Jennings LLP**
- **Program update presented by Regina Coleman, Executive Director**
- **Other Business, concerns from grower**
- **Set next meeting date.**
- **Adjourn**

ARKANSAS COTTON GROWER'S  
ORGANIZATION, INC.

BOARD MEETING MINUTES

July 13<sup>th</sup>, 2023

ARKANSAS STATE PLANT BOARD  
LITTLE ROCK, AR.

Members present were Chairman Joe Mencer, Vice Chairman Matt Hyneman, Scott Bray, Benton Felts, Pace Hindsley, Gregg Garner, Ramey Stiles, and Sam Stuckey.

Also present were Regina Coleman, Executive Director for ABWEF; Shauna Griffin, Administrative Assistant for ABWEF; Melissa Cary, Landmark PLC; Andrew Grobmeyer, Ag Council; Robert Morgan and Barrett Belew, Hogan Taylor LLP; and Mark Stoll and Linda Luebke, Arkansas Department of Agriculture Plant Division.

Chairman Joe Mencer called the meeting to order at 10:02 a.m.

Chairman Mencer welcomed Mr. Sam Stuckey to the board committee. Members introduced themselves and gave a brief crop report for their zone.

Mr. Hindsley moved to approve the minutes from the February 16, 2023, meeting and April 21, 2023, meeting. Mr. Hyneman seconded. Motion carried.

Mr. Belew with Hogan Taylor presented the 2022 audit results. The Financial Committee met earlier and reviewed the audit report. Mr. Belew reported that an adjustment was made for the ERC credit. He also reported no internal control weaknesses were found and that the company continues with a clean audit report for 2022. Mr. Garner and Mr. Hyneman moved to approve the audit. Mr. Hindsley seconded. Motion carried.

Ms. Cary gave the June financial update. Cash on hand was \$3,055,106 and prepaid insurance \$37,291. The Statement of Activities showed operating expenses were \$979,897. Interest income received through June was \$20,239, compared to last year's interest of approximately \$4,000. There was a brief discussion regarding additional investments in CDs. Mrs. Coleman will follow up with information on rates. Mr. Hyneman made a motion to approve the financial report. Mr. Hindsley seconded. Motion carried.

Mrs. Coleman gave the program update. She stated that 485,490.9 had been reported by the June 30<sup>th</sup> deadline and approximately 2,000 traps had been deployed. Total assessment statewide is expected to be \$1,456,472 based on current acres.

Cotton Pest Study trapping began on June 8<sup>th</sup>. Mrs. Coleman reported that a total of 144 traps were deployed in forty-eight fields in six counties in the Southeast Zone. The cooperative agreement with the Department of Agriculture and the Foundation will run through September of this year. Trapping will be conducted in another zone next season.

Truck purchases approved in the February meeting have not yet been obtained due to the unavailability of the specific work trucks needed for the Foundation requirements. Mr. Hindsley made a motion to purchase two trucks and trade in three trucks as soon as trucks were available. Mr. Hyneman seconded. Motion carried.

Mr. Bray, Plant Industries Division Director, Arkansas Department of Agriculture, gave a report on the legislative changes concerning the Foundation Board as a statutory committee of the Arkansas Department of Agriculture. The representation requirements for the committee, because of the legislative changes, will be one member from each zone with a maximum of eight members. Mr. Stuckey, Arkansas Plant Board Member, replaced Mr. Bray on the Foundation Board and Committee. Mr. Hyneman announced his intention to resign from the Foundation Board of Directors and will send his formal resignation to the Governor's office.

Next meeting is scheduled for November 16<sup>th</sup>, 2023.

Meeting Adjourned at 11:52

---

Joe Mencer, Chairman

DRAFT

**Arkansas State Plant Board**  
**Arkansas Boll Weevil Eradication Foundation**

(Attachment 6C)

**2023 Assessment Summary**

**Current As Of 11/14/2023 4:34:58 PM**

	<b>SOUTHWEST</b>	<b>SOUTHEAST</b>	<b>CENTRAL</b>	<b>RIDGE</b>	<b>DELTA</b>	<b>STATEWIDE</b>
<b>Total Acres per Zone</b>	3,916.6	112,973.0	133,792.2	82,059.8	152,893.8	485,635.4
<b>Total Assessment per Zone</b>	\$11,749.80	\$338,916.93	\$401,377.50	\$246,177.41	\$458,684.57	\$1,456,906.20
<b>Total Penalties by Zone</b>	\$67.90	\$9,223.70	\$1,598.10	\$1,066.16	\$12,825.84	\$24,781.70
<b>Credits From 2022</b>	\$0.00	\$0.90	\$0.40	\$0.00	\$11.40	\$12.70
<b>SubTotal Paid by Zone</b>	\$11,817.70	\$348,258.03	\$403,375.20	\$247,244.57	\$471,259.81	\$1,481,955.30
<b>Surcharge Paid by Zone</b>	\$0.00	\$806.72	\$321.34	\$172.64	\$380.68	\$1,681.38
<b>Total Paid by Zone</b>	\$11,817.70	\$349,064.75	\$403,696.54	\$247,417.21	\$471,640.49	\$1,483,636.68
<b>Balance Due by Zone</b>	\$0.00	(\$925.02)	(\$721.34)	(\$173.64)	(\$141.48)	(\$1,961.48)
<b>Percent Received</b>	100.00 %	100.27 %	100.18 %	100.07 %	100.03 %	100.13 %

(Attachment 6D)

**Arkansas Boll Weevil Eradication Foundation  
(a d/b/a of Arkansas Cotton Grower's Organization, Inc.)**

**FINANCIAL STATEMENTS**

**October 31, 2023**





The Board of Directors  
Arkansas Cotton Grower's Organization, Inc.  
d/b/a Arkansas Boll Weevil Eradication Foundation

Management is responsible for the accompanying financial statements of Arkansas Boll Weevil Eradication Foundation (the Foundation), a d/b/a of Arkansas Cotton Grower's Organization, Inc., which comprise the statement of financial position as of October 31, 2023, and the related statement of activities for the ten months then ended in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

Management has elected to omit substantially all of the disclosures and the statement of cash flows required by accounting principles generally accepted in the United States of America. If the omitted disclosures and statement of cash flows were included in the financial statements, they might influence the user's conclusions about the Foundation's financial position, changes in net assets, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to Arkansas Cotton Grower's Organization, Inc. d/b/a Arkansas Boll Weevil Eradication Foundation.

*Landmark PLC*

November 13, 2023  
Little Rock, Arkansas

**Arkansas Boll Weevil Eradication Foundation  
(a d/b/a of Arkansas Cotton Grower's Organization, Inc.)**

**Financial Statements**

# Arkansas Boll Weevil Eradication Foundation

## STATEMENT OF FINANCIAL POSITION

October 31, 2023

### ASSETS

#### Current Assets

Cash and cash equivalents	\$ 3,911,675
Prepaid insurance	23,303
Accounts receivable - ERC	91,951
Plant Board receivable	6,002
Grower assessment receivable	16,833

**Total Current Assets** 4,049,763

#### Property and Equipment

Vehicles	333,623
Equipment	6,595
Computer hardware & software	85,628
Office furniture and equipment	11,141
Website development	48,874
Less: Accumulated depreciation	<u>(283,222)</u>

**Total Property and Equipment, Net** 202,639

**TOTAL ASSETS** \$ 4,252,402

### LIABILITIES AND NET ASSETS

#### Current Liabilities

Retirement contribution payable	\$ 1,478
State withholding payable	878
SUTA payable	264

**Total Current Liabilities** 2,620

#### Net Assets - Without donor restrictions

Net assets	3,835,367
Change in net assets	<u>414,416</u>

**Total Net Assets - Without donor restrictions** 4,249,783

**TOTAL LIABILITIES AND NET ASSETS** \$ 4,252,402

## Arkansas Boll Weevil Eradication Foundation

### STATEMENT OF ACTIVITIES For the Ten Months Ended October 31, 2023

	Actual	Budget	Variance
<b>REVENUE AND OTHER SUPPORT:</b>			
Assessments	\$ 998,134	\$ 1,456,500	\$ (458,366)
Assessments - Delta	458,685	-	458,685
Assessment Adjustments	(3,798)	-	(3,798)
Interest income	34,053	-	34,053
Penalties	20,891	-	20,891
Other income - ERC	98,568	-	98,568
Gain/ Loss on Disposal of Assets	54,613	-	54,613
<b>Total Revenue and Other Support</b>	1,661,146	1,456,500	204,646
 <b>OPERATING EXPENSES</b>			
Salaries and benefits	369,696	383,654	(13,957)
Building and facility	7,042	6,667	375
Depreciation	42,371	42,371	-
Insurance expense	34,771	37,500	(2,729)
Vehicle expense	49,561	62,500	(12,939)
Utilities	4,723	4,167	556
Utilities - telephone	4,020	7,500	(3,480)
Office supplies and expense	10,953	18,333	(7,381)
Rent	8,800	12,000	(3,200)
Professional fees	87,737	128,167	(40,430)
Data management	13,708	15,000	(1,292)
Travel	7,531	6,682	849
Rebate checks to Growers	598,326	601,245	(2,919)
Other operating expenses	7,492	7,083	408
<b>Total Operating Expenses</b>	1,246,731	1,332,869	(86,138)
<b>CHANGE IN NET ASSETS - WITHOUT DONOR RESTRICTIONS</b>	\$ 414,416	\$ 123,631	\$ 290,784

# Arkansas Boll Weevil Eradication Foundation

## STATEMENT OF FUNCTIONAL EXPENSES For the Ten Months Ended October 31, 2023

	Program Activities	Management and General	Total Operating Expenses
Salaries, benefits & payroll taxes	\$ 258,788	\$ 110,909	\$ 369,696
Vehicle maintenance & gasoline	49,561	-	49,561
Insurance	29,555	5,216	34,771
Utilities & telephone	2,186	6,557	8,743
Depreciaton	37,287	5,085	42,371
Data management	-	13,708	13,708
Professional fees	-	87,737	87,737
Travel & meals	1,130	6,401	7,531
Office supplies	9,310	1,643	10,953
Rent	2,200	6,600	8,800
Rebate to Grower's	598,326		598,326
Other operating expenses	12,135	2,398	14,533
National Boll Weevil protection	-	-	-
<b>Total operating expenses</b>	<b>\$ 1,000,477</b>	<b>\$ 246,254</b>	<b>\$ 1,246,731</b>

**BY-LAWS  
OF  
ARKANSAS COTTON GROWER'S ORGANIZATION, INC.  
AS OF NOVEMBER 16, 2023**

THE FOLLOWING BY-LAWS REFLECT AMENDMENTS THROUGH NOVEMBER 16, 2023.

**ARTICLE I  
OFFICE(S) OF THE CORPORATION**

1.01. NAME. The name of the Corporation is: Arkansas Cotton Grower's Organization, Inc.

1.02. PRINCIPAL OFFICE. The principal office shall be 2428 Hyw 49, West Helena, Arkansas 72390.

1.03. OTHER OFFICES. The Corporation may have offices at such other places as the Board of Directors may designate or as the needs of the Corporation may require from time to time.

**ARTICLE II  
MEMBERS**

2.01. CLASS OF MEMBERS. There shall be only one class of member with each member entitled to only one (1) vote. Members of the Corporation shall be all cotton growers in a boll weevil eradication zone(s), as designated pursuant to the Arkansas Boll Weevil Suppression Eradication Act (Ark. Code Ann. §§ 2-16-601 et seq.). The Corporation shall be managed by its Board of Directors as provided in Article III.

2.02. MEETINGS. Called meetings of the Members of the Corporation shall be scheduled by the Board of Directors. Notice of the called meeting shall be in such form and manner as the Board of Directors determines to be most economical and efficient.

**ARTICLE III  
BOARD OF DIRECTORS**

3.01. GENERAL POWERS; DUTIES. The affairs of the Corporation shall be managed by its Board of Directors. The Board of Directors shall have the duty to see that the purposes of the Corporation, as set forth in the Articles of Incorporation and Mission Statement of the Corporation, as amended from time to time, are furthered and accomplished, to the best of its ability. The initial Mission Statement of the Corporation is as follows:

To carry out programs of boll weevil eradication, suppression and containment, and for the purpose of being the certified cotton growers' organization pursuant to Ark. Code Ann. § 2-16-601 et seq.

3.02. Number and Election. There shall be at least five (5), but no more than seven (7), Directors of the Board of Directors, all of which shall be practical cotton growers, actively or principally engaged, currently or previously, in the production of cotton, to be appointed by the Governor of the State of Arkansas and confirmed by the Arkansas Senate. Additionally, the co-chairs of the University of Arkansas Boll Weevil Eradication Technical Advisory Committee shall serve as ex officio members of the Board of Directors in an advisory capacity.

3.03. Eradication Zone Representation. Beginning July 1, 2023, the Foundation's Board of Directors shall be composed of:

- (i) At least one (1) Director who resides within the Southeast Boll Weevil Eradication Zone as it existed on January 1, 2023;
- (ii) At least one (1) Director who resides within the Southwest Boll Weevil Eradication Zone as it existed on January 1, 2023;
- (iii) At least one (1) Director who resides within the Central Boll Weevil Eradication Zone as it existed on January 1, 2023;
- (iv) At least one (1) Director who resides within the Northeast Ridge Boll Weevil Eradication Zone as it existed on January 1, 2023; and
- (v) At least one (1) Director who resides within the Northeast Delta Boll Weevil Eradication Zone as it existed on January 1, 2023.

The Governor of the State of Arkansas may appoint up to two (2) additional Directors under Ark. Code Ann. § 2-16-612(c)(1). As vacancies occur, or in the case of additional appointments, said positions shall be filled in a manner that will, to the extent possible, ensure the proportional representation of the eradication zones as required in Ark. Code Ann. § 2-16-612 (g)(3)(A). Directors' terms shall be for five (5) years, except that on July 1, 2023, the terms shall be staggered so that, to the extent possible, an equal number of Directors' terms shall expire each year.

Pursuant to new code section Ark. Code Ann. § 2-16-612(h), this Board of Directors is also a subcommittee of the Arkansas State Plant Board.

3.04. PLACE OF MEETING. Meeting of the Board of Directors, regular or special, may be held either within or without the State of Arkansas.

3.05. MEETINGS. The Board of Directors shall hold regular or special meetings at such times as the Board of Directors may determine, but no less often than annually. Written, telegraphic, personal or telephone notice of regular meetings of the Board of Directors shall be given to each Director at least one day before the meeting. Special meetings of the Board of Directors may be called by any member of the Board of Directors.

3.06. EMERGENCY MEETINGS. The President may call an emergency meeting of the Board of Directors as the President deems necessary. The President shall notify the Board of Directors of an emergency meeting as circumstances allow. Emergency meetings may be conducted, or Directors may attend, by teleconference.

3.07. QUORUM. A majority of the number of Directors shall constitute a quorum for the transaction of business. The act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors unless otherwise provided by law. If a quorum shall not be present at any meeting of the Board of Directors, the Directors may adjourn the meeting from time to time, without notice except by an announcement at the meeting, until a quorum shall be present.

#### **ARTICLE IV WAIVER OF NOTICE**

4.01. WAIVER. Whenever any notice is required to be given to any Director of the Corporation as provided by law or by these By-laws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

#### **ARTICLE V OFFICERS**

5.01. ENUMERATION. The Board of Directors may elect officers, consisting of a Chairman, a Vice-Chairman, a Secretary, a Treasurer, and such other officers as the Board of Directors shall, in its discretion, deem necessary. Each of the officers shall be elected by the Board of Directors at its Annual Meeting, following the nomination of candidates by an Officer Nominating Committee to be selected by the Chairman of the Board. Two or more offices may be held by the same person, except the offices of President and Secretary may not be held by the same person. If the appointment of officers is not made at the Annual Meeting of the Board of Directors, appointment may be made as soon after the regularly-scheduled Annual Meeting as is conveniently possible. New offices may be created and filled at any meeting, annual or special.

5.02. TERM. Officers shall hold offices for the times and periods and solely at the desire of the Board of Directors. Such officers shall have the authority and exercise the powers and perform the duties as prescribed from time to time by the Board of Directors and prescribed by these By-laws.

5.03. REMOVAL. The officers shall hold office until the Board of Directors advises such officers that they have been removed by the Board of Directors, which can occur at any time, with or without cause. Any vacancy occurring in any office shall be filled by the Board of Directors.

5.04. CHAIRMAN - DUTIES. The Chairman shall:

(a) See that all orders and resolutions of the Board of Directors are carried into effect.

(b) Preside at all meetings of the Board of Directors.

(c) Have the authority to sign, with the Secretary of the Corporation and when so authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which he has been authorized by the Board of Directors to execute on behalf of the Corporation except where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or agent of the Corporation.

5.05. VICE CHAIRMAN DUTIES. At the request of the Chairman or in the event of his inability or refusal to act, the Vice Chairman shall perform the duties of the Chairman, and when so acting shall have all the powers of and be subject to all the restrictions upon the Chairman.

5.06. TREASURER - DUTIES. If expressly required by resolution of the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors may require. The cost of such bond shall be paid by the Corporation. He shall, in general, perform all of the duties incident to the office of treasurer and such other duties as from time to time may be assigned to him by the Chairman of the Board of Directors.

5.07. SECRETARY - DUTIES. The Secretary shall, in general, perform all duties incidental to the office of secretary and such other duties as from time to time may be assigned to him by the Chairman or by the Board of Directors.

5.08. ASSISTANT SECRETARIES AND ASSISTANT TREASURERS - DUTIES. Assistant Treasurers shall, if required by the Board of Directors, give bond for the faithful discharge of their duties in such sums and with such sureties as the Board of Directors shall require. The Assistant Secretaries and Assistant Treasurers, in general, shall perform duties as shall be assigned to them by the Secretary or the Treasurer, respectively, or by the Chairman, the Board of Directors, or the Chairman of the Board of Directors.

## **ARTICLE VI CONTRACTS, CHECKS, DEPOSITS, AND FUNDS**

6.01. CONTRACTS. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to officers so authorized by these By-laws to enter into any contract or to execute and to deliver any instrument in the name of and on behalf of the Corporation and such authority may be general or be confined to specific business.

6.02. CHECKS AND DRAFTS. All checks, drafts or orders for the payment of money, notes or other evidence of indebtedness issued in the name of the Corporation may be signed by such officers of the Corporation and in such manner as authorized by the Board of Directors.

6.03. DEPOSITS. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

6.04. GIFTS. The Board of Directors may accept on behalf of the Corporation any contribution, gift or bequest or devise for the general purpose or for any special purpose of the Corporation.

## **ARTICLE VII MISCELLANEOUS**

7.01. BOOKS AND RECORDS. The Corporation shall keep correct and complete books and records of account and shall also keep minutes of meetings of the Board of Directors, annual and special.

7.02. FISCAL YEAR. The fiscal year of the Corporation shall be on a calendar year basis.

## **ARTICLE VIII AMENDMENTS**

8.01. BY BOARD OF DIRECTORS. The power to alter, amend or repeal these By-laws or to adopt new By-laws is invested in the Board of Directors.

## **ARTICLE IX SECTION HEADINGS; MISCELLANEOUS**

9.01. The section headings are for convenience and are not a part of these By-laws. Any conflict between the section headings and any part of these By-laws shall be resolved in favor of the By-laws.

9.02. The use of "his" or "her" shall have no specific meaning, and is included herein merely for convenience. "His" can also apply to a female, and vice-versa, in that is the intention and purpose of the Corporation to be gender neutral.

**CERTIFICATION**

I, \_\_\_\_\_, Secretary of Arkansas Cotton Grower's Organization, Inc., hereby certify that the foregoing instrument is a true and correct copy of the Bylaws of the Corporation.

\_\_\_\_\_  
Secretary

**SEE ATTACHED RESOLUTION  
ADOPTED NOVEMBER 16, 2023**

AMENDMENT TO BY-LAWS  
OF  
ARKANSAS COTTON GROWER'S ORGANIZATION, INC.  
D/B/A  
ARKANSAS BOLL WEEVIL ERADICATION FOUNDATION (the "Foundation")

RESOLUTION

WHEREAS,

- A. In its 2023 General Session, the Arkansas Legislature made certain changes to Ark. Code Ann. §2-16-612 that prescribes the requirements for the Foundation's Board of Directors.
- B. As of the date of this Resolution the Foundation's By-Laws do not reflect those changes.
- C. The Foundation desires to amend its By-Laws to reflect the current statutory requirements for its Board of Directors.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Foundation's By-Laws are hereby amended as follows:

- I. Section 1.02 is amended to reflect the current principal office as being located at 2428 Hywy 49, West Helena, AR 72390.
- II. Section 3.02 is deleted in its entirety and replaced with the following:

3.02. Number and Election. There shall be at least five (5), but no more than seven (7), Directors of the Board of Directors, all of which shall be practical cotton growers, actively or principally engaged, currently or previously, in the production of cotton, to be appointed by the Governor of the State of Arkansas and confirmed by the Arkansas Senate. Additionally, the co-chairs of the University of Arkansas Boll Weevil Eradication Technical Advisory Committee shall serve as ex officio members of the Board of Directors in an advisory capacity.
- III. Section 3.03 is deleted in its entirety and replaced with the following:

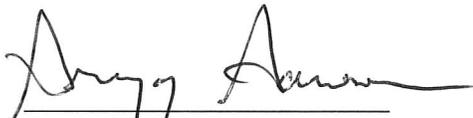
3.03. Eradication Zone Representation. Beginning July 1, 2023, the Foundation's Board of Directors shall be composed of:
  - (i) At least one (1) Director who resides within the Southeast Boll Weevil Eradication Zone as it existed on January 1, 2023;
  - (ii) At least one (1) Director who resides within the Southwest Boll Weevil Eradication Zone as it existed on January 1, 2023;
  - (iii) At least one (1) Director who resides within the Central Boll Weevil Eradication Zone as it existed on January 1, 2023;

- (iv) At least one (1) Director who resides within the Northeast Ridge Boll Weevil Eradication Zone as it existed on January 1, 2023; and
- (v) At least one (1) Director who resides within the Northeast Delta Boll Weevil Eradication Zone as it existed on January 1, 2023.

The Governor of the State of Arkansas may appoint up to two (2) additional Directors under Ark. Code Ann. § 2-16-612(c)(1). As vacancies occur, or in the case of additional appointments, said positions shall be filled in a manner that will, to the extent possible, ensure the proportional representation of the eradication zones as required in Ark. Code Ann. § 2-16-612 (g)(3)(A). Directors' terms shall be for five (5) years, except that on July 1, 2023, the terms shall be staggered so that, to the extent possible, an equal number of Directors' terms shall expire each year.

Pursuant to new code section Ark. Code Ann. § 2-16-612(h), this Board of Directors is also a subcommittee of the Arkansas State Plant Board.

I certify that the above Resolution was duly adopted on November 16, 2023.

  
Secretary