

ARKANSAS STATE PLANT BOARD

Minutes

December 10, 2024

9:30 a.m.

Acting Chair Bruce Alford called the quarterly board meeting to order.

Members present: Bruce Alford, Sammy Angel, Kyle Baltz, Jon Bierbaum, George Dunklin, David Gammill, Dr. Ken Korth, Reynold Meyer, Matthew Miles, Robin Ralston, Travis Senter, Dr. Nathan Slaton, Sam Stuckey, Caleb Wall, David Wallace, Jr.

Member(s) present via Zoom: Garrett Frost, Nathan Reed

Member(s) absent: Robert Throne

Scott Bray, Director, Plant Industries Division, and other Arkansas Department of Agriculture staff were in attendance.

1. Opening comments and introductions

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

2. Discuss board officers and elect a chairman

Alford asked for nominations for a new chair to replace the previous Chair Matthew Marsh who is no longer on the board.

Moved by Gammill, seconded by Angel to elect Reynold Meyer as the new chair.

Motion carried.

Meyer proceeded with the meeting as the new chair.

Stuckey announced he is stepping down from serving as Secretary of the Plant Board and would like to nominate Kyle Baltz to serve as secretary.

Moved by Stuckey, seconded by Wallace to elect Kyle Baltz as the new secretary.

Motion carried.

3. Consider minutes of the September 5, 2024, Plant Board meeting

Moved by Stuckey, seconded by Senter, to approve the Plant Board meeting minutes as presented.

Motion carried.

4. Unpaid civil penalty collections update

Scott Bray, Director, Plant Industries Division, discussed the process for unpaid civil penalties. Bray stated there was a procurement process to hire a law firm to serve as the collector of unpaid civil penalties. Approximately 20% was collected. We are currently in the process of procurement and developing the Request for Quotation (RFQ). Once the RFQ is approved, a department committee will review and score the recipients and a law firm will be chosen.

Bray stated there are several programs within the division that assess civil penalties. The fertilizer, hemp, seed, and pest control programs are fully collected. Currently there are outstanding civil penalty assessments in the Bureau of Standards program and the pesticides program. From 2017 to date, the Bureau of Standards program is approximately 80% collected, with a total of \$105,000 past due. The pesticide program is approximately 50% collected, with a total of approximately \$247,000 past due. Bray stated as soon as a new law firm is hired, they will begin trying to collect the past due civil penalties.

5. Pest Control Program

Committee Chair Dr. Korth summarized the minutes of the November 25, 2024, Pest Control Committee meeting. **Attachment 5A**

One informal resolution agreement for a pest control incident was presented by staff. NW Pest Management - major level violations for one registered agent making pesticide applications that were inconsistent with product label and could have resulted in multiple human exposure events and agreed to an informal resolution of \$3,600.00 dollars. The committee recommends the board approve the resolution agreement.

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Motion made and seconded by Angel to approve the resolution agreement as presented.

Motion carried.

Moved by Gammill, seconded by Senter to approve the Pest Control Committee meeting minutes as presented.

Motion carried.

Dr. Korth presented the pest control exam results for approval. Attachment 5B

Moved by Dunklin, seconded by Stucky to approve the pest control exam results for the months of September – November 2024, as presented.

Motion carried.

6. Pesticide Program

Susie Nichols, Pesticide Section Manager, gave a year end update on pesticide activities. The Department hosted 3 pesticide collection events on October 28 – 30, with a total of 16,291 pounds of pesticide waste collected from Washington, Carroll, Madison, Benton, Boone, Newton, Marion, and Baxter counties. Additional collection events are being planned.

Update on worker protection application exclusion zone. EPA finalized this rule to protect farm workers and bystanders from pesticide exposure. The rule went into effect December 2, 2024.

Update on endangered species herbicide strategy. In August 2024, EPA released a final herbicide strategy for endangered species. The Department has received the first label for registration containing this new language.

Update on enforcement. There are a total of 224 complaints. Staff is continuing to finalize complaints from 2024.

Licensing. The section has issued 13 2,4-D hardship permits, 26 bulk dealer permits, 33 commercial applicator technician permits, 292 farm commercial licenses, 127 custom permits, 3 tree injector permits, 710 individual commercial applicator licenses, 456 noncommercial applicator licenses, 2 licenses for private applicator

with pilot authorization, 466 restricted use pesticide dealer licenses, 259 private applicator 1 year license, 3,204 private applicator 5 year licenses.

Nichols clarified there is a private applicator with pilot authorization license that would cover an airplane or drone on a farmer's private land. Only 2 licenses were issued in 2024.

7. Bureau of Standards Program

Committee Chair Ralston summarized the minutes of the November 19, 2024, Pesticide Committee meeting. **Attachment 7**

Fifty civil penalties were presented to the committee for review and recommendation to the board:

22 for expired or no decal – Table 1

16 first offense

5 second offense

1 third offense

4 for misrepresentation of pricing – Table 2

2 first offense

1 second offense

1 third offense

21 for water contamination in fuel – Table 3

21 first offense

3 for expired registration of service agency – Table 4

1 first offense

1 second offense

1 third offense

The committee recommends approval of these civil penalty recommendations.

Moved by Ralston, seconded by Senter to approve the civil penalty assessments as presented.

Motion carried.

5 warning letters – Table 5

Service company failed to properly affix approved security seals on the calibration mechanism. No civil penalties assessed.

The committee recommends approval of the 5 warning letters.

Moved by Ralston, seconded by Alford to approve the 5 warning letters as presented.

Motion carried.

Moved by Ralston, seconded by Senter to approve the Bureau of Standards Committee meeting minutes as presented.

Motion carried.

8. Boll Weevil Eradication Program

Committee Chair Stuckey stated the Boll Weevil Subcommittee met November 12, 2024.

Stuckey stated the July 9, 2024, Boll Weevil Subcommittee meeting minutes were presented to the subcommittee for review and approval. A motion to approve minutes went unopposed. **Attachment 8**

The subcommittee also reviewed the following:

- Updated projected cashflow was presented and approved.
- Total cotton acres for 2024 are 613,418 acres. 484,000 acres were reported in 2023.
- 99% of assessments have been collected.
- Discussed 2024 entities that still owe assessment fees and that have liens applied.

The subcommittee approved that \$1.00 per acre from last year's assessments will be invested in three CDs to help with upcoming 2024 rebates.

Regina Coleman gave a report on collections in the state.

Moved by Stuckey, seconded by Angel to approve the July 9, 2024, Boll Weevil Subcommittee meeting minutes as presented.

Motion carried.

Moved by Stuckey, seconded by Angel to approve the report of the November 12, 2024, Boll Weevil Subcommittee meeting.

Motion carried.

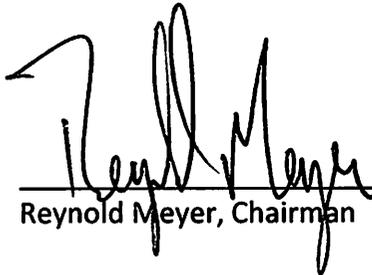
9. Other business

Inoussa Zaki, Chief Fiscal Officer, presented July 1, 2024 – September 30, 2024, fiscal report. **Attachment 9**

Zaki stated the Plant Industries Division began the fiscal year with a fund balance of approximately \$18,000,000 with approximately \$11,000,000 in total expenditures, with a little over \$17,000,000 in reserve.

10. Date for the next quarterly board meeting. The next quarterly board meeting is scheduled for March 18, 2025, at 9:30 a.m.

Meeting adjourned.



Reynold Meyer, Chairman



Kyle Baltz, Secretary

Attachment 5A

Minutes for Pest Control Committee Meeting
November 25, 2024
Little Rock, Arkansas

Present via Zoom were:

Dr. Ken Korth – Committee	Travis Senter
Chair David Gammill	Robert Throne
Jon Bierbaum	George Duncan
Bruce Alford	Seth Dunlap, ADA
Kyle Baltz	Brandi Reynolds, ADA
Garrett Frost	Lexie Felton, ADA

Ken Korth opens the meeting and mentions there is only one item on the agenda.

Seth Dunlap presents a pesticide resolution agreement for NW Pest Management operated by David Delzell.

- 12 violations of application of the product were noted
- Uncalibrated Sprayer was used by agent Christina Hendrickson in shorts and a tank top
- 5 gallons were noted being used in one apartment
- PPE was not used

NW Pest Management agreed that the agent was grossly negligent and agreed to a \$300 civil penalty per violation.

Seth Dunlap responded that this is on the lenient side for punishment.

Garrett Frost asked if this was a typical dollar level for the violation. Seth responded that \$300 is the amount allowed for in an informal resolution by staff for a major-level label violation.

Bruce Alford motions to accept the proposed resolution. Travis Senter seconded. The motion passes unanimously.

Bruce Alford motions to adjourn and Kyle Baltz seconds. The meeting adjourns.



Dr. Ken Korth
Committee Chairman



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:

NW Pest Management Inc., David Delzell, and Christina Hendrickson

RESOLUTION OF PEST CONTROL INCIDENT

This resolution of a pest control incident is entered into by the Arkansas Department of Agriculture (Department) and NW Pest Management Inc., David Delzell, and Christina Hendrickson (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 NW Pest Management Inc. employs Respondents David Delzell, and Christina Hendrickson.
2. Respondent NW Pest Management Inc. is represented by David Delzell.
3. Respondent David Delzell holds a Classification 1 Termite and Other Structural Pest Control license, Classification 2 Household Pest and Rodent Control license, and Classification 3 General Fumigation licenses with the Department's Pest Control Program; and is the immediate supervisor for Respondent NW Pest Management Inc.
4. Respondent Christina Hendrickson is a Registered Agent for Respondent NW Pest Management Inc.
5. On September 30, 2024, the Department's Pest Control Program staff inspected Whitney Gulli's apartment located at 401 North 8th St. in Flippin, Arkansas at the Hillside Apartments unit number 18. Department staff secured video footage showing Respondent Christina Hendrickson using an uncalibrated hand-held sprayer wearing shorts and a tank top to apply Talstar P (EPA Reg. 279-3206) to areas throughout the apartment that could have resulted in a human exposure event to a pesticide and where application by the product label was not permitted. Service records indicated that this type of application continued to take place in 4 other units on September 26, 2024.

6. The product label for Talstar P (EPA Reg. 279-3206) states in part the following:

"All pesticide handlers (mixers, loaders and applicators) must wear long-sleeved shirt and long pants, socks, shoes and chemical-resistant gloves. After the product is diluted in accordance with label directions for use, and/or when mixing and loading using a closed spray tank transfer system (such as an in-line injector system), shirt, pants, socks, shoes and water-proof gloves are sufficient.

Restrictions

Do not apply this product in a way that will contact any person or pet either directly or through drift.

Do not apply a broadcast application to interior surfaces of homes.

Do not apply to pets, food crops, or sources of electricity.

Firewood is not burned for one month after treatment.

Use only in well-ventilated areas.

Do not use edible crops

During any application to overhead areas within the structure, cover surfaces below with plastic sheeting or similar material, except for soil surfaces in crawlspaces.

Do not allow spray to contact food, foodstuffs, food contacting surfaces, food utensils or water supplies.

Thoroughly wash dishes and food handling utensils with soap and water if they become contaminated by application of this product.

Do not treat areas where food is exposed.

During indoor surface applications do not allow dripping or run-off to occur.

Do not allow people or pets on treated surfaces until spray has dried.

Let surfaces dry before allowing people and pets to contact surfaces.

Do not apply this product in patient rooms or in any rooms while occupied by the elderly or infirm.

Do not apply in classrooms when in use.

Do not apply when occupants are present in the immediate area in institutions such as libraries, sports facilities, etc."

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 \$3,600.00, 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 26, 2024, 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

David DelZell, License Holder Representative
NW Pest Management Inc.

Scott Bray

Signature
11/4/24

Date

DAVID DELZELL

Signature
NOV-1-24

Date

FIRST NAME	LAST NAME	Email	Course ID	Date of Exam	Score
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Month of Nov 2024

Phillip	Innis	pinnis@rentokil-terminix.com	CLASS2HOUSE	11/2/2024	78
Phillip	Innis	pinnis@rentokil-terminix.com	CORE	11/2/2024	91
Alana	Abshure	alanaabshure@gmail.com	CLASS4-9TURF	11/7/2024	78
Isiah	Jones	ewoolley@moxiepestcontrol.com	CLASS2HOUSE	11/3/2024	75
Channin	Tacito	channintacito@gmail.com	CORE	11/8/2024	94
David	Finkbeiner	dgf2003@hotmail.com	CLASS4-9TURF	11/15/2024	86
Cory	Dicks	tlgcmaint@gmail.com	CLASS6-10GOLF	11/18/2024	64
Caroline	Kohnert	zack.peterson@plunketts.net	CLASS2HOUSE	11/18/2024	86
Drake	Adamson	drakeadamson2@gmail.com	CLASS2HOUSE	11/18/2024	48
Drake	Adamson	drakeadamson2@gmail.com	CORE	11/18/2024	74
Caroline	Kohnert	zack.peterson@plunketts.net	CORE	11/18/2024	98
John	Harrod	bharrod@eldocountryclub.com	CORE	11/18/2024	75
Steven	Woody	answeredpestmanagement@gmail.com	CLASS2HOUSE	11/21/2024	66
Brandon	Woolsey	b.woolsey@palisadepest.com	CLASS1TERM	11/22/2024	76

FIRST NAME	LAST NAME	Email	Course_id	Date They Took	Score
Jerry	Tharp	jerry.tharp@gulfpac.com	CLASS8FOODF	10/4/2024	84 pass
Christian	Cook	Christiancook2018@gmail.com	CLASS2HOUSE	10/1/2024	81 pass
David	Finkbeiner	dgf2003@hotmail.com	CLASS2HOUSE	10/4/2024	79 pass
Zachary	Martin	rubblepestar.zach@gmail.com	CORE	10/4/2024	81 pass
Jerry	Tharp	jerry.tharp@gulfpac.com	CORE	10/4/2024	94 pass
Jerry	Tharp	jerry.tharp@gulfpac.com	CLASS7FOODM	10/4/2024	92 pass
Brady	Abbott	bradyabbott1221@gmail.com	CLASS2HOUSE	10/8/2024	72 fail
Reid	Briney	reidbriney@blessingsgolf.com	CLASS6GOLF	10/11/2024	70 pass
Terando	Chilton	josh@chiltonsinc.com	CORE	10/10/2024	72 pass
AARON	POWELL	scottpowell73@icloud.com	CLASS4TURF	10/10/2024	84 pass
Reese	Travis	Reese.travis@smail.astate.edu	CORE	10/13/2024	86 pass
Chantry	Palmer	cj@mynatureguard.com	CLASS1TERM	10/15/2024	61 fail
Reese	Travis	Reese.travis@smail.astate.edu	CLASS4TURF	10/15/2024	74 fail
Casey	Thompson	casey0785@yahoo.com	CLASS6-10GOLF	10/22/2024	50 fail
Reese	Travis	Reese.travis@smail.astate.edu	CLASS5WEED	10/22/2024	93 pass
Justin	Shoup	justin@extermco.com	CLASS4-9TURF	10/22/2024	56 fail
Britani	Gray	britanigray@gmail.com	CLASS2HOUSE	10/24/2024	70 fail
Latoya	Cullins	jbwhitley@riceland.com	CLASS7FOODM	10/25/2024	68 fail
David	Finkbeiner	dgf2003@hotmail.com	CORE	10/25/2024	95 pass
David	Gonzalez	dgonz0211@gmail.com	CORE	10/26/2024	83 pass
Britani	Gray	britanigray@gmail.com	CLASS1TERM	10/31/2024	85 pass
Blake	Dobson	ckannada@producersrice.com	CORE	10/31/2024	84 pass

EXAM DATE:										
9/9/24		B								
LAST NAME	FIRST NAME	A	Class		COMPANY NAME	COMPANY ADDRESS	CITY	ST	ZIP	
		S								
		I								
		C	Basic Score	Class Score						
Baker	Bryan	N		2	59%	Hyde's Termite and Pest	1104 N 31 1/2 St	Paragould	AR	72450
Marchant	Samuel	Y	95%	1	94%	Orkin	1767 Charismatic Dr.	Prairie Grove	AR	72753
				2	70%					
Jeffries	Steven	Y	86%	1	81%	Orkin	1701 S. Pine St.	Cabot	AR	72023
				2	43%					
Davis	Jason	Y	87%	1	87%	N/A	1120 A Newell Pkwy	Montgomery	AL	36110
				2	64%					
Newby	Jason	Y	90%	2	61%	Fairway Lawns	10401 Colonel Glenn Rd	Little Rock	AR	72204

FIRST NAME	LAST NAME	Email	Course_id	Date They To	Score
Nahun	Hernandez Cuevaz	hdzn@hotmail.com	CLASS4TURF	9/3/2024	80
Preston	Clark	preston.clark14@yahoo.com	CLASS2HOUSE	9/8/2024	80
Lowell	Steed	lowellsteed@outlook.com	CLASS2HOUSE	9/9/2024	63
Lowell	Steed	lowellsteed@outlook.com	CORE	9/9/2024	88
Travis	Perrow	travisperrow@yahoo.com	CLASS4TURF	9/11/2024	64
Matthew	Froggatte	zack.peterson@plunketts.net	CLASS2HOUSE	9/12/2024	71
Seth	Strange	brent.brady@rentokil.com	CLASS2HOUSE	9/13/2024	75
Ronald	Amick	ronaldamickfd17@gmail.com	CLASS2HOUSE	9/14/2024	53
Daniel	Allen	allenpestmanagement@gmail.com	CLASS1TERM	9/17/2024	91
Daniel	Allen	allenpestmanagement@gmail.com	CORE	9/17/2024	94
Cory	Mathis	mathis.cory@yahoo.com	CLASS2HOUSE	9/18/2024	59
Cory	Mathis	mathis.cory@yahoo.com	CORE	9/18/2024	82
Hunter	Travis	huntertravis94@gmail.com	CORE	9/19/2024	95
Hunter	Travis	huntertravis94@gmail.com	CLASS5WEED	9/20/2024	88
Dustin	Zimmer	dustin.zimmer@fairwaylawns.com	CLASS4TURF	9/25/2024	60
Jack	Pace	jackpace9193@gmail.com	CLASS4TURF	9/23/2024	86
Gregory	Vanderbilt	gregory.tvanderbilt@gmail.com	CORE	9/29/2024	91
Gregory	Vanderbilt	gregory.tvanderbilt@gmail.com	CLASS5WEED	9/30/2024	84
Amanda	Kelly	akelly@tritonfumigation.com	CLASS3GENFUM	9/30/2024	94

**Minutes of
Arkansas State Plant Board
Bureau of Standards Committee Meeting
November 19, 2024
9:30 a.m.**

Committee Members Present

Via Zoom: Robin Ralston, Bruce Alford, Sam Stuckey, Reynold Meyer, Travis Senter, Robert Thorne, Kristin Walter, Scott Bray

Staff Present: Nikhil Soman, Sheila Carter, Nick Heird

Guest Present:

Chairman Robin Ralston called the meeting to order at 9:30 a.m. Those in attendance stated their name and affiliation.

Chairman Robin Ralston stated the purpose of the meeting was to review first, second and third offense violations and penalties. Chairman 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 August 2024 to October 2024:

- In Attachment 1 – Table 1 cases for Expired and or No Decal(s) there are 16 (Sixteen) First Offenses and 5 (Five) Second Offenses and 1 (One) Third Offense on Pump(s), Scale(s) or Meter(s). These are First Offenses with a \$350 penalty each, Second Offenses with a \$800 penalty each and Third Offenses with a \$1,350 penalty each.

A motion was made by Sam Stuckey seconded by Robert Thorne to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 1 – Table 2 – cases for Misrepresentation of Pricing there are 2 (Two) First Offenses with a \$350 penalty each 1 (One) Second Offenses with a \$800 penalty each and 1 (One) Third Offense with a \$1,350 penalty each.

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

- In Attachment 1 – Table 3 – case for Water Contamination Limits there are 21 (Twenty-one) First Offense. These are First Offenses with a \$200 penalty each.

A motion was made by Sam Stuckey seconded by Robert Thorne to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

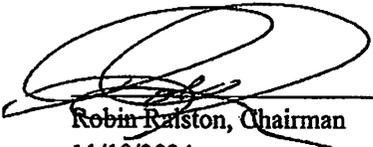
- In Attachment 1 – Table 4 – case for Expired Registration of a Service Agency there are 1 (One) First Offense with a \$500 penalty each, 1 (One) Second Offense with a \$800 penalty each, 1 (One) Third Offense with a \$1,350 penalty each.

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

- In Attachment 1 – Table 5 – case for Warning Letter there are 5 (Five) Failed to Properly affix, approved security seal on the calibration mechanism. These are First Warnings with a \$0.00 penalty each.

A motion was made by Sam Stuckey seconded by Travis Senter to approve the proposed warning against the alleged violators. Committee voted motion passed unanimously.

There being no additional business, a motion was made by Reynold Meyer and seconded by Travis Senter to adjourn.



Robin Raiston, Chairman
11/19/2024

TABLE 1 - Violation of A.C.A § 4-18-344 NO ANNUAL OR EXPIRED INSPECTION DECAL - TWENTY TWO VIOLATIONS							
Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0048	Quick Food Mart	5102 S University	Little Rock	June 25, 2024	Pump(s)	First	\$350
BS 25-0050	Quick MA	2608 S Maple	Little Rock	June 25, 2024	Pump(s)	First	\$350
BS 25-0052	Maumelle Food Mart	10920 Maumelle Blvd	North Little Rock	August 14, 2024	Pump(s)	First	\$350
BS 25-0054	Crystal Hill Exxon	Crystal Hill & I40	North Little Rock	August 13, 2024	Pump(s)	First	\$350
BS 25-0056	Love's Country Store	Hwy 19 & I30	Prescott	July 16, 2024	Pump(s)	First	\$350
BS 25-0059	Piggly Wiggly	785 California Av	Camden	July 26, 2024	Scale(s)	First	\$350
BS 25-0063	UPS Store	3820 Dave Ward	Conway	July 29, 2024	Scale(s)	First	\$350
BS 25-0067	Atwoods	2212 Queensway St	Searcy	August 14, 2024	Scale(s)	First	\$350
BS 25-0069	Kelley Mart	4101 Kelley Hwy	Fort Smith	August 6, 2024	Pump(s)	First	\$350
BS 25-0074	Neighborhood Mini Mart	8901 Jenny Lind Rd	Ft Smith	August 27, 2024	Pump(s)	First	\$350
BS 25-0077	Cash Saver	3639 E 9th St	Texarkana	September 16, 2024	Pump(s)	First	\$350
BS 25-0078	Southern Airways Express	418 Airport Dr	El Dorado	September 17, 2024	Scale(s)	First	\$350
BS 25-0079	Magnolia Municipal Airport	212 Airport 980	Magnolia	September 17, 2024	Meter(s)	First	\$350
BS 25-0080	Purifoy Grocery	Hwy 196	Genoa	September 17, 2024	Pump(s)	First	\$350
BS 25-0088	Badgers Market	340 S Main St	Eudora	September 26, 2024	Scale(s)	First	\$350
BS 25-0090	Crossroad Café & Store	1566 Hwy 41N	Winthrop	October 8, 2024	Pump(s)	First	\$350
BS 25-0061	Piggly Wiggly	785 California Av	Camden	August 22, 2024	Scale(s)	Second	\$800
BS 25-0065	UPS Store	3820 Dave Ward	Conway	August 14, 2024	Scale(s)	Second	\$800
BS 25-0068	Atwoods	2212 Queensway St	Searcy	August 29, 2024	Scale(s)	Second	\$800
BS 25-0075	Neighborhood Mini Mart	8901 Jenny Lind Rd	Ft Smith	September 18, 2024	Pump(s)	Second	\$800
BS 25-0089	Badgers Market	340 S Main St	Eudora	October 9, 2024	Scale(s)	Second	\$800
BS 25-0062	Emerson Quick Stop	402 N Elm	Emerson	August 21, 2024	Pump(s)	Third	\$1,350

TABLE 2 - Violation of A.C.A § 4-18-316 MISREPRESENTATION OF PRICING - FOUR VIOLATIONS (Required Accuracy 98%)							
Case File	Business Name	Address	City	Inspection Date	Accuracy Rate	Violation	Civil Penalty
BS 25-0066	Family Dollar	205 E Speedway St	Dermott	August 16, 2024	84%	First	\$350
BS 25-0082	Staples	2910 E Harding Av	Pine Bluff	September 27, 2024	60%	First	\$350
BS 25-0083	Staples	2910 E Harding Av	Pine Bluff	October 4, 2024	54%	Second	\$800
BS 25-0087	Staples	2911 E Harding Av	Pine Bluff	October 18, 2024	87%	Third	\$1,350

Table 3

TABLE 3 - 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) - TWENTY ONE VIOLATIONS									
Case File	Business Name	Address	City	Date of Inspection	Fuel Type	Location	Water inch(s)	Violation	Civil Penalty
BS 25-0039	PDQ East	2215 E Main	Russellville	June 26, 2024	E10 Regular Unleaded	Storage Tank	1.25	First	\$200
BS 25-0040	Eastside Superette	480 E 6th St	Waldron	July 2, 2024	Unleaded Plus	Storage Tank	1.38	First	\$200
BS 25-0041	71 Express Food Mart	Hwy 71 S	Mansfield	July 3, 2024	Premium Unleaded	Storage Tank	1.25	First	\$200
BS 25-0042	Superstop	6325 Stagecoach Rd	Little Rock	July 9, 2024	E10 Regular Unleaded	Storage Tank	0.75	First	\$200
BS 25-0043	EZ Mart	11724 Rainwood	Little Rock	July 16, 2024	E10 Premium Unleaded	Storage Tank	5.50	First	\$200
BS 25-0044	EZ Mart	11911 Mara Lynn	Little Rock	July 16, 2024	Hwy Diesel	Storage Tank	2.38	First	\$200
BS 25-0045	Murphy USA	8303 Rogers av	Fort Smith	July 31, 2024	E10 Premium Unleaded	Storage Tank	2.00	First	\$200
BS 25-0046	Pic N Tote Midland	5000 Midland Blvd	Fort Smith	August 6, 2024	Hwy Diesel	Storage Tank	2.00	First	\$200
BS 25-0047	Pic N Tote Midland	5000 Midland Blvd	Fort Smith	August 6, 2024	E0 Premium Unleaded	Storage Tank	1.50	First	\$200
BS 25-0049	Hydration Station	3316 Wheeler	Fort Smith	August 6, 2024	E0 Premium Unleaded	Storage Tank	5.50	First	\$200
BS 25-0051	Hydration Station	2500 S Zero	Fort Smith	August 14, 2024	E0 Regular Unleaded	Storage Tank	4.38	First	\$200
BS 25-0053	Oakcrest Market	2000 Phoenix Av	Fort Smith	August 27, 2024	E0 Premium Unleaded	Storage Tank	1.25	First	\$200
BS 25-0055	Pic N Tote	1923 Cavanaugh Rd	Fort Smith	August 27, 2024	E0 Premium Unleaded	Storage Tank	1.38	First	\$200
BS 25-0057	Jordans Kwik Stop	2335 N Washington St	Forrest City	July 16, 2024	E10 Premium Unleaded	Storage Tank	1.25	First	\$200
BS 25-0058	Flash Market	3400 N Washington St	Forrest City	August 26, 2024	Hwy Diesel	Storage Tank	2.00	First	\$200
BS 25-0060	Lucky Mart	2816 Hwy 77	Marion	August 23, 2024	E0 Premium Unleaded	Storage Tank	4.75	First	\$200
BS 25-0064	71 Express	5106 State Line Av	Texarkana	September 9, 2024	E0 Premium Nitro	Storage Tank	5.25	First	\$200
BS 25-0076	Duck In & Go	10501 US 63 S	Pine Bluff	September 4, 2024	Hwy Diesel	Storage Tank	4.25	First	\$200
BS 25-0081	Corning Gas & Deli	1010 W Main St	Corning	September 24, 2024	E10 Supreme Unleaded	Storage Tank	3.75	First	\$200
BS 25-0084	Gerrys Qwik Stop	4651 Hwy 62E	Mt Home	October 1, 2024	E0 Unleaded	Storage Tank	2.25	First	\$200
BS 25-0085	Murphy USA	50 Walmart Dr	Mt Home	October 1, 2024	E0 Premium Unleaded	Storage Tank	1.25	First	\$200

TABLE 4 - Violation of A.C.A § 4-18-322(a)(8) (2005) Unauthorized to perform Annual Calibration in the State with Expired Registration-THREE VIOLATIONS

Case File	Business Name	Address	Date of Violation	Violation Location	Violation	Civil Penalty
BS 25-0086	NAS Petroleum Services	115 S Main St, Spiro, OK	October 17, 2024	Valero HP Food Mart, 6217 Hwy 271, Ft Smith, AR	First	\$500
BS 25-0091	NAS Petroleum Services	115 S Main St, Spiro, OK	October 22, 2024	Sunshine Big D, 2001 Midland Blvd, Ft Smith, AR	Second	\$800
BS 25-0092	NAS Petroleum Services	115 S Main St, Spiro, OK	October 22, 2024	Pointer Express, 3915 Kibler Rd, Ft Smith, AR	Third	\$1,350

TABLE 5 - FIVE WARNING LETTERS: Violation of A.C.A § 4-18-344 (d)(1) and (d)(3) (2005) Failed to properly affix approved security seal and or decal to the device					
Case File	Business Name	Address	City	Date of Violation	Violation Location
NA	GT Michelli Co Inc	2231 N Lowell	Springdale	August 28, 2024	Bomgaars, 211 N Maestri Rd, Springdale
NA	GT Michelli Co Inc	2231 N Lowell	Springdale	July 9, 2024	Thompsons Ace Hardware, 920 Hwy 62 & 65N, Harrison
NA	System Scale Corporation	8101 Industry Dr	NLR	August 28, 2024	UPS Store, 3820 Dave Ward Dr, Conway
NA	System Scale Corporation	8101 Industry Dr	NLR	August 28, 2024	New Dragon Asian Mkt, 625 Salem Rd, Conway
NA	Four State Food Equipment	1424 E St Louis St	Springfield, MO	September 25, 2024	Town & Country Supermarket, 224 W Church St, Salem

Total of 50 Civil Penalties were issued in period August 2024 to October 2024:

Attachment 1 - Violations

Twenty-Two for No Decal or Expired Annual Decal Table 1

Sixteen First Offense

Five Second Offense

One Third Offense

Four for Misrepresentation of Pricing Table 2

Two First Offense

One Second Offense

One Third Offense

Twenty-One for Water Contamination in the Fuel Table 3

Twenty-One First Offense

Three for Expired Registration of Service Agency Table 4

One First Offense

One Second Offense

One Third Offense

Five Warning Letters to Registered Service Agencies Table 5

For failing to properly affix approved decals and/or security seals on the calibration mechanism. No Civil Penalties were assessed.

Attachment 8

ARKANSAS COTTON GROWER'S ORGANIZATION, INC.

BOARD MEETING MINUTES

July 9, 2024

**ARKANSAS DEPARTMENT OF AGRICULTURE
LITTLE ROCK, AR.**

Members present were Chairman Joe Mencer, Vice Chairman Pace Hindsley, Secretary Gregg Garner, Benton Felts, Ramey Stiles, and Sam Stuckey. Travis Senter was not present.

Also present were Regina Coleman, Executive Director for ABWEF; Katie Watts, Administrative Assistant for ABWEF; Melissa Cary, Landmark PLC; Mark Stoll, Arkansas Department of Agriculture; and Barrett Belew, CPA Assurance Partner with Hogan Taylor LLP.

Vice Chairman Pace Hindsley called the meeting to order at 9:59 a.m. Vice Chairman Hindsley opened the meeting with a prayer.

Mr. Stuckey moved to approve the minutes from the February 7, 2024, Board Meeting and the March 26, 2024, Virtual Board Meeting. Mr. Garner seconded. Motion carried.

Mr. Belew with Hogan Taylor presented the 2023 audited financial statements. He stated that the Foundation had a clean audit report. He discussed the change in reporting standards for leases greater than 12 months shown as an asset and liability on financials to represent all lease payments. Mr. Garner made a motion to approve the audit. Mr. Stiles seconded. Motion carried.

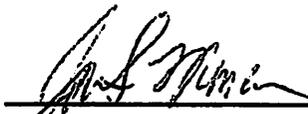
Ms. Cary presented the June Financial Statements. Cash and CDs at the end of June were \$3.1 million. Grower assessment receivable was \$1.49 Million. Rebate checks of approximately \$485,000 for the 2023 acres were mailed in April. Mr. Stiles made a motion to approve the financial statements as presented. Mr. Garner seconded. Motion carried.

Mrs. Coleman presented the 2024 Projected Cash Flow and acres. The estimated budget was originally prepared using 550,000 acres. The updated cash flow projection reflected an increase to 611,500 acres. Other changes to the 2024 budget included an increase in capital equipment for the purchase of an additional truck and an increase in the National Boll Weevil Protection Fund due to the acreage increase. Mr. Stuckey moved to approve the purchase of a new truck. Mr. Garner seconded. Motion carried. Mr. Garner moved to approve the amended budget and Mr. Stiles seconded. Motion carried.

Mrs. Coleman provided a program update. She discussed the 2024 Assessment Summary report, providing a breakdown of acres and collection by zone through July 8th. Mrs. Coleman provided an update on the current maturity dates of CD's which are in place for operating reserves and emergency funding in the event of a weevil outbreak. Mr. Stuckey moved to have Mrs. Coleman handle the CD renewals and new CDs as needed. Mr. Garner seconded. Motion carried.

The next meeting is scheduled for November 12, 2024, beginning at 10:00 a.m. The Personnel Committee meeting will be held at 9:00 a.m.

With no further business, the meeting adjourned at 10:42 a.m.



Joe Mencer, Chairman



Pace Hindsley, Vice Chairman

Attachment 9

**ARKANSAS DEPARTMENT OF AGRICULTURE
PLANT INDUSTRIES
OPERATING FUNDS
FINANCIAL REPORT
FOR THE PERIOD JULY 1, 2024 - SEPTEMBER 30, 2024**

	General Revenue	Plant Board Special Revenue Funds	Pesticide / Plant Disposal Fund	Other Special Purpose Plant Board Funds	Industrial Hemp Program	Total	Actual Fiscal Year 24	Fiscal Year 25 Budget	percentage of Budget Received or Consumed compared to FY24 actual
Cash Resources Provided (Receipts)									
Cash Beginning Balance, July 1, 2024	-	17,445,709	501,157	17,430	82,043	18,046,340	18,330,828	18,046,340	
General Revenue	642,241	-	-	-	-	642,241	2,423,928	2,629,319	26%
Special Revenue:	-	-	-	-	-	-	-	-	
Seed Testing Fees	-	-	-	-	-	-	(110)	88,101	0%
Pest Control Inspection/Licensing	-	1,877,064	8,355	-	-	1,885,419	9,601,556	9,191,187	20%
Hemp Permit Fees	-	-	-	-	5,450	5,450	13,800	54,400	39%
Fees Collected	-	8,610	-	-	-	8,610	-	-	
Less: Treasurer of State Service Charges	-	(28,296)	(125)	-	(82)	(28,503)	(150,764)	(144,684)	19%
Net Special Revenue	-	1,857,379	8,230	-	5,368	1,870,977	9,464,483	9,189,004	20%
Federal Grant Reimbursements	-	192,631	-	-	-	192,631	1,155,238	1,417,513	17%
Marketing & Redistribution Sale Proceeds	-	-	-	-	-	-	168	14,483	0%
Pcard Incentive Proceeds	-	5,402	-	-	-	5,402	5,052	-	
Motor Vehicle Program Proceeds	-	-	-	-	-	-	208,746	-	
Miscellaneous Revenue	-	1,600	-	-	-	1,600	122,426	59,503	1%
Interest	-	-	-	-	-	-	-	-	
Transfers In	-	600,000	-	-	-	600,000	650,470	470,000	92%
Total Resources Provided	642,241	20,102,721	509,387	17,430	87,411	21,359,190	32,381,337	31,626,162	
Cash Expenditures									
Salary and Personnel Expense	528,306	1,710,615	-	-	-	2,238,921	8,932,998	9,402,636	25%
Maintenance & Operations:									
Communication & Transportation of Commodities	2,736	8,685	-	-	-	11,421	72,426	-	16%
Printing & Advertising	830	1,453	-	-	-	2,283	22,450	-	10%
Repairing & Servicing	6,560	5,841	-	-	125	12,525	216,029	-	6%
Utilities & Rent	7,656	25,551	-	-	-	33,207	62,618	-	53%
Travel & Subsistence	18,631	21,219	-	-	652	40,502	184,477	-	22%
Professional Services & Fees	601	85,750	-	-	-	86,351	106,251	-	81%
Insurance & Bonds	79	31,619	-	-	-	31,697	31,996	-	99%
Other Expenses & Services	3,429	83,673	-	-	-	87,101	908,078	-	10%
Commodities, Materials, & Supplies	22,481	108,232	-	-	-	130,713	476,247	-	27%
Refunds Taxes & Claims	-	20	-	-	-	20	15	-	133%
Subtotal Maintenance & Operations	63,003	372,040	-	-	777	435,820	2,080,888	-	21%
Debt Service	-	135,000	-	-	-	135,000	-	-	
Assistance, Grants, & Aid	-	44,087	-	-	-	44,087	229,301	394,140	19%
Capital Outlay	-	25,274	-	-	-	25,274	309,788	685,000	6%
Other Expenses	0	(85)	-	-	-	(85)	298	-	
Total Expenditures	591,309	2,286,932	-	-	777	2,879,018	11,552,974	15,158,456	25%
Other Items:									
Transfers for Claims	48,417	1,017,635	-	-	-	1,066,052	-	-	
Net Effect of Change in Accounts Receivable Balance	-	1,105	-	-	-	1,105	-	-	
Net Effect of Change in Accounts Payable Balance	-	290	-	-	-	290	-	-	
Cash Ending Balance, September 30, 2024	2,516	16,789,549	509,387	17,430	86,634	17,415,516			

**ARKANSAS DEPARTMENT OF AGRICULTURE
PLANT INDUSTRIES
SPECIAL REVENUE FUNDS
FINANCIAL REPORT**

FOR THE PERIOD JULY 1, 2024 - SEPTEMBER 30, 2024

	Plant Board Fund	Pesticide / Plant Disposal Fund	Other Special Purpose Plant Board Funds	Industrial Hemp Program	Total	FY24 Actual	Fiscal Year 25 Budget	Percentage of Budget Received or Consumed compared to FY24
Cash Resources Provided (Receipts)								
Cash Beginning Balance, July 1, 2024	17,445,709	501,157	17,430	82,043	18,046,340	18,330,826	18,046,340	
General Revenue	-	-	-	-	-	-	-	
Special Revenue:								
Seed Testing Fees	-	-	-	-	-	(110)	105,117	0%
Pest Control Inspection/Licensing	1,877,064	8,355	-	-	1,885,419	9,601,556	9,237,015	20%
Hemp Permit Fees	-	-	-	5,450	5,450	13,800	52,350	39%
Fees Collected	8,610	-	-	-	8,610	-	-	
Less: Treasurer of State Service Charges	(28,296)	(125)	-	(82)	(28,503)	(150,764)	(147,675)	19%
Net Special Revenue	1,857,379	8,230	-	5,368	1,870,977	9,464,483	9,246,807	
Federal Grant Reimbursements	192,631	-	-	-	192,631	1,155,238	1,352,156	17%
Marketing & Redistribution Sale Proceeds	-	-	-	-	-	50	275,372	0%
Permit Incentive Proceeds	5,402	-	-	-	5,402	5,052	7,140	
Motor Vehicle Program Proceeds	-	-	-	-	-	208,746	304,149	
Miscellaneous Revenue	1,600	-	-	-	1,600	122,426	142,088	1%
Interest	-	-	-	-	-	-	-	
Transfers In	600,000	-	-	-	600,000	646,919	575,000	93%
Total Resources Provided	20,102,721	509,387	17,430	87,411	20,716,949	29,933,740	29,949,051	
Cash Expenditures								
Salary and Personnel Expense	1,710,615	-	-	-	1,710,615	6,868,731	7,052,569	25%
Maintenance & Operations:								
Communication & Transportation of Commodities	8,685	-	-	-	8,685	63,521		14%
Printing & Advertising	1,453	-	-	-	1,453	19,773		7%
Repairing & Servicing	5,841	-	-	125	5,966	163,477		4%
Utilities & Rent	25,551	-	-	-	25,551	46,372		55%
Travel & Subsistence	21,219	-	-	652	21,871	149,928		15%
Professional Services & Fees	85,750	-	-	-	85,750	104,644		82%
Insurance & Bonds	31,619	-	-	-	31,619	31,996		99%
Other Expenses & Services	83,673	-	-	-	83,673	895,002		9%
Commodities, Materials, & Supplies	108,232	-	-	-	108,232	402,229		27%
Refunds Taxes & Claims	20	-	-	-	20	15		
Subtotal Maintenance & Operations	372,040	-	-	777	372,817	1,876,956	4,252,974	20%
Debt Service	135,000	-	-	-	135,000	-	-	
Assistance, Grants, & Aid	44,087	-	-	-	44,087	229,301	394,140	19%
Capital Outlay	25,274	-	-	-	25,274	309,788	885,000	8%
Other Expenses	(85)	-	-	-	(85)	298		
Total Expenditures	2,286,932	-	-	777	2,287,709	9,285,076	12,584,683	25%
Other Items:								
Transfers for Claims	1,017,635	-	-	-	1,017,635	-	-	
Net Effect of Change in Accounts Receivable	1,105	-	-	-	1,105	-	-	
Net Effect of Change in Accounts Payable	290	-	-	-	290	-	-	
Cash Ending Balance, September 30, 2024	16,799,549	509,387	17,430	85,634	17,413,000			

**ARKANSAS DEPARTMENT OF AGRICULTURE
PLANT INDUSTRIES
GENERAL REVENUE FUNDS
FINANCIAL REPORT
FOR THE PERIOD JULY 1, 2024 - SEPTEMBER 30, 2024**

	General Revenue	Total	FY24 Actual	Fiscal Year 25 Budget	Percentage of Budget Received or Consumed compared to FY24 actual
Cash Resources Provided (Receipts)					
Cash Beginning Balance, July 1, 2024	-	-	-	-	
General Revenue	642,241	642,241	2,423,928	2,629,319	26%
Special Revenue:	-	-	-		
Seed Testing Fees	-	-	-		
Pest Control Inspection/Licensing	-	-	-		
Boll Weevil Fees	-	-	-		
Fees Collected	-	-	-		
Less: Treasurer of State Service Charges	-	-	-		
Net Special Revenue	-	-	-		
Federal Grant Reimbursements	-	-	-	-	#DIV/0!
Marketing & Redistribution Sale Proceeds	-	-	118	569	0%
Permit Incentive Proceeds	-	-	-	75	
Motor Vehicle Program Proceeds	-	-	-	-	
Miscellaneous Revenue	-	-	-	2,668	#DIV/0!
Interest	-	-	-		
Transfers In	-	-	3,550		
Total Resources Provided	642,241	642,241	2,427,596	2,632,632	
Cash Expenditures					
Salary and Personnel Expense	528,306	528,306	2,064,267	2,350,067	26%
Maintenance & Operations:					
Communication & Transportation of Commodities	2,736	2,736	8,905		31%
Printing & Advertising	830	830	2,678		31%
Repairing & Servicing	6,560	6,560	52,552		12%
Utilities & Rent	7,656	7,656	16,246		47%
Travel & Subsistence	18,631	18,631	34,549		54%
Professional Services & Fees	601	601	1,607		37%
Insurance & Bonds	79	79	-		#DIV/0!
Other Expenses & Services	3,429	3,429	13,077		26%
Commodities, Materials, & Supplies	22,481	22,481	74,018		30%
Refunds Taxes & Claims	-	-	-		#DIV/0!
Subtotal Maintenance & Operations	63,003	63,003	203,631	223,706	31%
Assistance, Grants, & Aid	-	-	-		
Capital Outlay	-	-	-		
Other Expenses	0	0	(0)		
Total Expenditures	591,309.12	591,309	2,267,899	2,573,773	26%
Other Items:					
Transfers for Claims	48,417	48,417			
Net Effect of Change in Accounts Receivable	-	-			
Net Effect of Change in Accounts Payable	-	-			
Cash Ending Balance, September 30, 2024	2,516	2,516			