

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

Wednesday, October 26, 2022  
4:00 p.m.

Abernathy's Farm  
21016 ECR 165, Altus, OK 73521

*\*Prior to the Board meeting, members of the Board and staff from ODAFF will tour Dean Smith's Pepper Farm, tour Triple S Farms, attend the Gubernatorial Agriculture Forum, tour Horn Canna Farm, lunch at McCollum Market, tour Sesaco Corporation, and tour Producers Cooperative Oil Mill. Board Members, staff, tour guides, and the public may discuss program issues during the tour; no votes or action will be taken during the events.*

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of September 15, 2022.
6. Consideration and Proposed Action on Division Reports
  - A. Administrative Services – Dan Ridings  
Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.
  - B. Laboratory Services – Wade Krivanek  
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
  - C. Forestry Services – Mark Goeller  
Summary of activities and accomplishments in resource protection and rural fire defense, forest management and regeneration, water quality, urban forestry, forestry education and law enforcement. Includes statistics on wildfires and law enforcement activity and narrative of forestry program highlights for the month.
  - D. Consumer Protection Services – Kenny Naylor  
Addresses stop sale orders on insect and disease infested crops, phytosanitary certificates issued, insect survey summaries, pesticide registration updates, pesticide inspections, seed program and seed laboratory updates, weights and measures reports, scanner inspections, grain warehouses and meetings attended by division personnel.

- E. Animal Industry Services – Rod Hall, DVM  
Addresses information and activities of staff related to control and eradication of animal diseases affecting livestock and livestock market audits. It also addresses emergency response preparation and education for response to any outbreak of foreign, emerging and/or eradicated disease.
- F. Wildlife Services – Scott Alls  
Summary of activities and accomplishments in wildlife damage management to protect state resources such as agriculture, property, natural resources, and public health and safety from wildlife damage and wildlife threats.
- G. Agricultural Statistics – Troy Marshall  
Addresses the current crop conditions and livestock inventory numbers. Also included is a report on the number of information requests received, reports released during the previous month, reports to be released during the current month, and the meetings attended by Division personnel during the previous month.
- H. Market Development Services – Meriruth Cohenour  
Summary of the accomplishments, projects and events of Ag in the Classroom, Agritourism, Communications, Domestic Marketing (Made in Oklahoma, Made in Oklahoma Coalition), Diversified Marketing (Farmers Market, Specialty Crop Block Grants, Farm to School), International Marketing, Market News and Rural Economic Development.
- I. Agricultural Environmental Management Services – Teena Gunter  
Executive summary that addresses Swine Feeding Operations, registered poultry feeding operations and poultry waste applicators, National Pollutant Discharge Elimination System (NPDES), plus agricultural composting facilities, and Commercial Pet Breeders and Shelters. Includes numbers and statistics on complaint investigations, technical assistance contacts, inspections, enforcement/compliance activities and seminars/meetings attended by Division personnel for the month.
- J. Office of General Counsel – Teena Gunter  
Summarizes activities of the division, including rules, collections, legal research, meetings, support for programs, contracts, employment issues, open records requests, farming and ranching incorporations, and informal and formal enforcement actions before the Board, district court, and federal court.
- K. Food Safety Services – Scott Yates  
Addresses the inspection of meat, poultry, egg, and milk processing facilities to determine compliance with regulatory standards.
- L. Ag Communications and Outreach Update – Audrey Ochsner

7. Consideration and Proposed Action on Purchases/Contracts
8. Consideration and Proposed Action on Cases Resolved by Stipulations

**Agricultural Environmental Management Services**

**Rodney Abernathy, 29943 Cherokee Street, Bokoshe, Oklahoma  
Hollie Farms, P. O. Box 271, Bokoshe, Oklahoma**

**Consumer Protection Services**

**Cate's Recycling, 8800 New Sapulpa Road, Sapulpa, Oklahoma  
Grass Monkey Lawn & Tree, 620 W. Hancock, Muskogee, Oklahoma  
Love's Country Stores, Inc., 301 N. Louis Tittle, Mangum, Oklahoma  
Noah Exclusive Products, 897 CR 1310, Chickasha, Oklahoma  
Outdoor Creations Management, 16085 Rolling Hills Rd. Yukon, Oklahoma**

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

9. Next Board meeting scheduled for **Wednesday, December 7, 2022**, Oklahoma City, Oklahoma.
10. Old Business
11. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.
12. Adjournment

*\*Members of the Board and staff from ODAFF will tour Dean Smith's Pepper Farm, tour Triple S Farms, attend the Gubernatorial Agricultural Forum, tour Horn Canna Farm, lunch at McCollom Market, tour Sesaco Corporation, and tour Producers Oil Mill prior to the Board meeting. On Wednesday, October 26, 2022, Ag Board will meet at Abernathy's farm, followed by dinner at Salt Fork Drafthouse. On Thursday, October 27, 2022, Ag Board members and staff will tour Martha Valley Farm, tour and have lunch at Plains Cotton Cooperative Association, and tour Altus Air Force Base. Board members, staff, tour guides, and the public may discuss program issues during the tour; no votes or action will be taken during the tour.*

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

Oklahoma City, Oklahoma  
September 15, 2022

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., September 15, 2022, in the Agriculture Building, Oklahoma City, Oklahoma. Written notice of this meeting was filed with the Secretary of State. A notice was posted at the Agriculture Building 24 hours prior to the meeting setting forth thereon the date, time, place and agenda for the meeting and an agenda was posted on the agency website.

**Members Present:** Joe Farris  
Blayne Arthur  
Clay Burtrum  
Nocona Cook

Member Absent: Brent Bolen

Others Present:

- Kandi Batts, Executive Secretary
- JanLee Rowlett, Deputy Commissioner
- Dan Ridings, Director, Administrative Services
- Wade Krivanek, Director, Laboratory Services
- Mark Goeller, Director, Forestry Services
- Kenny Naylor, Director, Consumer Protection Services
- Dr. Rod Hall, Director, Animal Industry Services
- Tyler Hicks, Wildlife Services
- Teena Gunter, Director, Agricultural Environmental Management Services & Office of General Counsel
- Scott Yates, Director, Food Safety Services
- Audrey Ochsner, Public Engagement Specialist
- Macy Perry, OU Law/ODAFF Legal Extern
- Grace Birdwell, OCU Law/ODAFF Legal Extern

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



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

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Abstain
Cook	Aye

The motion carried.

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

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Farris, to approve the following purchases/contracts as submitted and contained on pages 6 through 9.

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Farris, to approve the Proposed Action on Stipulations as submitted and contained on pages 10 through 12.

**Agricultural Environmental Management Services**

Amy Greteman, 225 N. Addison, Hinton, Oklahoma  
Joel Hancock, 51857 S. 630 Road, Colcord, Oklahoma  
Teng Her, 1010 Browning Road, Valliant, Oklahoma  
Elvis Poor, 14062 Liberty Hill Road, Cameron, Oklahoma  
Richard Pritchett, P. O. Box 369, Locus Grove, Oklahoma  
Anna Wallace, 9168 Liberty Run, Guthrie, Oklahoma

**Consumer Protection Services**

Agrilawn, 4001 S. Thomas Road, Oklahoma City, Oklahoma  
Circle K, 2316 W. Lindsey, Norman, Oklahoma  
Dollar General, 25239 OK-82, Park Hill, Oklahoma  
Dollar General, 811 N. Hazlett, FT. Cobb, Oklahoma  
Dollar General, 1500 N. Louis Tittle, Mangum, Oklahoma  
Dollar General, 914 N. Main, Frederick, Oklahoma  
Dollar General, 303 N. LL Males Ave., Cheyenne, Oklahoma  
Dollar General, 110 N. Bridge Road, Grandfield, Oklahoma  
Dollar General, 1102 N. 4<sup>TH</sup>, Sayre, Oklahoma  
Dollar General, 103 Nebraska, Cyril, Oklahoma  
Dollar General, 811 N. Hazlett, FT. Cobb, Oklahoma  
Dollar General, 2900 N. Broadway, Moore, Oklahoma  
Dollar General, 100 E. Central, Anadarko, Oklahoma  
Dollar General, 409 N. 11<sup>th</sup>, Hammon, Oklahoma  
Family Dollar, 602 N. US 277, Elgin, Oklahoma  
Arthur Graves, 306 Apache Street, Burns Flat, Oklahoma  
Romex Pest Control, 3825 N. W. 166<sup>TH</sup> Street Unit D4, Edmond, Oklahoma  
Spraying J, 1500 N. E. 5<sup>TH</sup>, Moore, Oklahoma  
Standlee Hay Company, Inc., 22349 Kimberly Road, STE E, Eden, Indiana  
Walgreens, 115 S. W. 3<sup>rd</sup>, Elk City, Oklahoma  
Zeng Green 1 LLC, 5821 Jesse Lane, Stillwater, Oklahoma

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

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Cook, to approve the Proposed Action on Consent Order as submitted and contained on pages 10 through 12.

**Consumer Protection Services**

**Jim's Pest Control, LLC, 840 Lori Lane, Vinita, Oklahoma**

**LSUA OKC DBA, Landscapes USA, 2101 S. Missouri Ave., Oklahoma City, Oklahoma**

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Farris, to approve the Proposed Action on Final Order as submitted and contained on pages 10 through 12.

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Farris, seconded by Mr. Cook, to approve the finding of emergency for Proposed Action on Emergency Rule.

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Cook, to approve the Proposed Action on Emergency Rules as submitted and contained on pages 13 through 27.

**AGRICULTURAL ENVIRONMENTAL MANAGEMENT SERVICES**

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

Chapter 17. Water Quality

Subchapter 5. Registered Poultry Feeding Operations

35:17-5-3. Registration, Nutrient Management Plan (NMP) required [AMENDED]

35:17-5-5. Nutrient Management Plan [AMENDED]

APPENDIX A. Nutrient Management Requirements When Using Poultry Litter and Other Nutrient Resources [NEW]

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

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

A motion was made by Mr. Cook, seconded by Mr. Farris, to approve the Proposed Action on 2023 Board of Agriculture Meeting Dates as submitted and contained on pages 28 and 29.

The vote was as follows:

Farris	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

There is no Old business presented for the Board to take action upon. Mr. Burtrum moved, Mr. Farris seconded, that the meeting be adjourned at 11:44 a.m.

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

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

# SEPTEMBER 15, 2022 BOARD MEETING

## **PURCHASES/CONTRACTS**

### **Administrative Services**

#### **\$30,324 – FY 2023 – Administration: Investigative Services – Offender Data Information System (ODIS)**

ODIS is a comprehensive law enforcement and municipal court records application that would bring municipal law enforcement agencies are required to report offender information into a central database that is maintained by OSBI. The stored information in this database gives all participants law enforcement access to offender information and prior histories. Failure to report offender information could result in no longer being able to use OSBI resources and services and that would be extremely detrimental to this unit as we work with OSBI on a regular basis, using their services for processing evidence and such. The total cost for this project is \$30,324 for year one with a recurring cost of \$18,804 for year two, with the majority of this money going to OMES and with a yearly fee of \$1,500 being paid to OSBI for 10 users to access the ODIS database and a \$600 one-time fee for OSBI activation.

#### **\$594,000 – FFY 2022 Senate Appropriation Congressional Directed Spending (CDS) –**

ODAFF received a congressional earmark from the United States Department of Agriculture – Animal Plant Health Inspection Service (USDA-APHIS) to establish a pathogen monitoring platform by aggregating a variety of data sources and public health events. This funding requires ODAFF to work directly with Oklahoma State University Center for Health Sciences (OSU-CHS) and for the purposes of this project, OSU-CHS is doing business as Prairie One Solutions. If not approved, this funding would be declined and returned to USDA-APHIS for further consideration and possible re-appropriation.

#### **\$42,250 - FY23 Oklahoma Management Enterprise Services (OMES) – Risk Management**

Requesting an additional \$42,250 for the purchase of insurance for liability, vehicle, equipment, agency contents, tort and Directors & Officers. \$77,000 was previously approved at our May 2022 Board Meeting. OMES Risk Management notified the agency continued market deteriorations due to losses globally, regionally, and locally are impacting current renewals. The State of Oklahoma's losses during FY2022 further increased the State's negative loss development within the program causing further pressure for additional premiums and increased deductibles to the State. This resulted in a substantial increase for ODAFF coverage. Without this coverage the agency would be uninsured and unable to fulfill its statutory mission.

### **Animal Industry**

**\$150,000.00** – This is a pass through from the legislature for Animal Industry Services to administer these funds to incentivize rural food animal veterinarians. If this is denied, we won't be able to issue grants to rural food animal veterinarians which will decrease services to Ag producers.

Oklahoma State University College of Veterinary Medicine - \$2,850,000.00 – This pass through agreement is accepted by both ODAFF and OSU-CVM for the purpose of enhancing the education of veterinary students at OSU-CVM. The parties acknowledge that ultimately this will improve the practice of veterinary medicine in the state and support for Oklahoma agriculture. If this is denied the funds won't be dispersed to OSU Veterinary Medicine which will result in a decreased ability to educate students.

Oklahoma State University College of Veterinary Medicine - \$4,000,000.00 – Appropriations Senate Bill 1098- Pass through from the legislature to go towards OSU College of Veterinary Medicine. If this is denied the funds won't be dispersed to OSU College of Veterinary Medicine which will result in a decreased ability to educate students, which will have a negative impact to the agriculture industry.

Oklahoma State University - \$1,500,000.00 – Appropriations Senate Bill 1098- Pass through from the legislature to go towards Oklahoma Animal Disease Diagnostic Laboratory. If this is denied the Diagnostic Laboratory won't be able to purchase needed equipment or maintain current equipment which will result in decreased ability to provide accurate and timely disease testing results to Oklahoma agriculture producers.

Carter Chevrolet- \$42,879.00 – Homeland Security granted Animal Industry Services the funds to purchase a 2023 Silverado 3500 HD DREW Crew Cab Model CC30943 to pull agriculture equipment.

Allflex- \$36,439.25 – Purchase of AWR300 kits which includes cases and readers. Purchasing with Cooperative Agreement Supplemental funds through our ADT Cooperative Agreement.

### **Consumer Protection Services**

#### **FY2023 Kelly Registration System (KRS)—KRS maintenance agreement, ACH reimbursement and inspection program fees--\$25,000.00**

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

This is additional money request to assure that there is enough money to cover the KRS maintenance contracts and ACH reimbursements which vary by year. The AXH reimbursements are monies paid by KRS to ODAFF for licenses, tonnage and registrations that were initially completed in the online system using an ACH transaction. The persons/companies later canceled the payments, so Kelly did not receive payment for what they had already paid to ODAFF. ODAFF has since collected the money from these entities and needs to repay KRS for the overpayment. Also, pays the maintenance fee for a subcontracted online inspection program for MI Corporation.

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

This money is an overpayment by KRS and needs to be returned. We do not have an inspection program for field staff to use when conducting their inspections.

### **Food Safety Services**

#### **USDA/Food Safety & Inspection Services – \$30,000.00**

Contract for USDA/FAIM to perform duties when Food Safety Meat Inspection have issues with their federal computers and to replace computers and printers with new ones when issues arise. Also, ordering new computers for new inspection. All funds are reimbursed 50% with Cooperative Agreement with USDA/FSIS.

## **Forestry Services**

**FY23 – \$10,000 Southern Pine Beetle Federal Grant**

Aerial detection for Southern Pine Beetle (SPB). Ensures early detection and treatment to limit the insect's spread and possible timber stand infestation. Justification: SPB is a very invasive insect and this prevention program protects forest health, forest industry investments, landowner investments, and future revenue. (Federal Grant)

**FY23 – \$78,000 Aerial Detection Contract Forestry Services' Protection Area**

Detection of wildfires in the Forestry Services Protection Area is primarily accomplished utilizing fixed-wing aircraft provided through a contract with a private vendor. This contract will require detection on high fire danger days in the East Central and Southeast Areas with an option for call-when-needed detection services in the Northeast Area. Justification: Without this contract new wildfires will go undetected for a longer period resulting in larger fire sizes, increased numbers of response personnel needed to control the wildfire, and possible increased loss of life, residences, and natural resources.

**FY23 - \$4,650 Southern Pine Beetle Prevention Program - John and Karen Vardyan**

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

**FY 23 - \$19,000 Soil Media for Forest Regeneration Center**

Purchase soil media to grow containerized seedlings at the Forest Regeneration Center and Forest Tree Improvement Center. Justification: Soil media is needed to grow seedlings for conservation plantings such as wetland restoration and reforestation projects. Landowners with challenging planting sites request container seedlings and without the soil media, OFS would not be able to provide them.

**FY 23 - \$8,000 Storage Totes for Forest Tree Improvement Center**

Purchase 250 ventilated totes to dry cones in kiln for seed production at the Forest Tree Improvement Center. The cones must be dried in totes to facilitate seed release for conservation seedlings. Justification: Without these totes pine seed would not be available and FTIC would not be able to provide conservation pine seedlings.

**FY23- \$122,928 Agriculture Trailer Communications Equipment**

This funding is provided to the State of Oklahoma as part of the FY 2020 (FEMA/DHS) Homeland Security Grant Program for the purchase of radio and satellite communications equipment for the Agriculture Trailer. This equipment will upgrade the Ag Trailer to allow communications with response agencies during disaster response. Justification: This communication's equipment is needed to equip the Ag Trailer for response and communications during natural and man-made disasters.

**FY 23 - \$15,000 GIS Specialist Computer**

A new computer needs to be purchased for OFS' GIS Specialist. Justification: This computer is vital for the ability to run the programs necessary for geospatial analysis which is especially important in terms of emergency response in the event of wildfires and other disasters. The consequence of being unable to update the current computer is the geospatial information will be unable to be produced in a timely manner during a wildfire event where time is of the essence. This purchase will be made using federal grant dollars.

FY 23 - \$6,000 Equipment Rental for Forest Tree Improvement Center  
Rent articulating and tracks boom lifts to collect pinecones at the Forest Tree Improvement Center.  
Seed collection is required to grow conservation seedlings and conduct genetic testing.  
Justification: Without the lifts, seed collection from the seed orchard would not be possible.

### **Market Development Services**

FY 2023 – Oklahoma Local Ag Summit – facility rental – Funded entirely by Specialty Crop Block Grant - \$25,000.00

FY 2023 – Board of Regents of the University of Oklahoma Health Sciences Center on behalf of Oklahoma Nutrition Information & Education Project (ONIE) – contractual services – Oklahoma Local Ag Summit – Funded entirely by Specialty Crop Block Grant - \$18,000.00

FY 2023 – USDA has provided a Specialty Crop Block Grant to ODAFF with the objective to solely enhance the competitiveness of specialty crops. ODAFF is one of eight grant partners included in this award. Effective: 9/30/22 - 9/29/25 - \$576,587.52.

#### **USDA Specialty Crop Block Grants - \$576,587.52**

This project is entirely funded by the USDA Specialty Crop Block Grant Program. The purpose of this grant is to enhance the competitiveness of specialty crops in the state. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the specialty crop industry through the economic impact, but also runs the risk of not being awarded money from the USDA Specialty Crop Block Grant Program in the future.

FY2023 – J&S Land LLC/Jerry & Barbara Bonner-Stephens – Ag Enhancement and Diversification Grant - \$5,000.00

FY2023 – Oklahoma Cattlemen’s Foundation – Ag Enhancement and Diversification Ag Event Grant - \$10,000.00

FY2023 – Ag in the Classroom educational resources – Red Dirt Symbols & Rt. 66 Magazine - \$8,000.00

### **Wildlife Services**

\$ 29,040 - ODAFF Wildlife Services is requesting approval for the OKC Landfill Agreement regarding the removal of nuisance birds. Not approving this purchase would result in a human health and safety hazard for the public.

\$ 3,310 - ODAFF Wildlife Services is requesting approval for the General Services Administration Agreement regarding the removal of feral pigeons. Not approving this purchase would result in a human health and safety hazard for the public.



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

**APPROVAL OF CASES**

ON THIS 15<sup>th</sup> day of September 2022, the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture those certain cases summarized on Exhibit A hereto which cases have been resolved by stipulation or consent order. The attached Exhibit A summarizes each action by case name, case number, case type and amount received as a stipulated administrative penalty or by consent order.

**ACCORDINGLY, IT IS THEREFORE ORDERED** by the State Board of Agriculture that the resolution of each of the cases summarized on Exhibit A hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for each such case; and that the penalty imposed by each such stipulation or consent order is hereby adopted and incorporated herein by reference to Exhibit A hereto.

WITNESS My Hand and Official Seal this 15<sup>th</sup> day of September 2022.

  
Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**September 15, 2022**

**Cases Resolved by Stipulation**

**Agricultural Environmental Management Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Amy Greteman	OGC-22-128	AEMS	\$400.00
Joel Hancock	OGC-22-336	AEMS	\$200.00
Teng Her	OGC-22-334	AEMS	\$400.00
Elvis Poor	OGC-22-333	AEMS	\$400.00
Richard Pritchett	OGC-22-338	AEMS	\$400.00
Anna Wallace	OGC-21-682	AEMS	\$800.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Agrilawn	OGC-22-444	CPS	\$1,000.00
Circle K	OGC-22-082	CPS	\$375.00
Dollar General	OGC-20-557	CPS	\$300.00
Dollar General	OGC-22-118	CPS	\$1,200.00
Dollar General	OGC-22-119	CPS	\$1,200.00
Dollar General	OGC-22-211	CPS	\$525.00
Dollar General	OGC-22-221	CPS	\$375.00
Dollar General	OGC-22-222	CPS	\$900.00
Dollar General	OGC-22-236	CPS	\$900.00
Dollar General	OGC-22-353	CPS	\$450.00
Dollar General	OGC-22-354	CPS	\$2,000.00
Dollar General	OGC-22-355	CPS	\$1,500.00

Dollar General	OGC-22-364	CPS	\$675.00
Dollar General	OGC-22-365	CPS	\$900.00
Family Dollar	OGC-22-117	CPS	\$300.00
Arthur Graves	OGC-22-066	CPS	\$500.00
Romex Pest Control	OGC-22-395	CPS	\$1,000.00
Spraying J	OGC-22-023	CPS	\$250.00
Standlee Hay Company, Inc.	OGC-22-122	CPS	\$2,800.00
Walgreens	OGC-22-367	CPS	\$450.00
Zeng Green 1 LLC	OGC-22-145	CPS	\$2,500.00

**Cases Resolved by Consent Order**

**Consumer Protection Services**

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Jim's Pest Control, LLC	OGC-22-389	CPS	\$1,000.00
LSUA OKC DBA Landscapes USA	OGC-22-028	CPS	\$1,000.00

**Cases Resolved by Final Order**

**Consumer Protection Services**

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Bug Brigade	OGC-21-184	CPS	\$500.00
Bug Brigade	OGC-20-840	CPS	\$500.00
Cate's Recycling	OGC-21-314	CPS	\$1,000.00
Express Landscape & Lawn Care	OGC-21-157	CPS	\$500.00
Midwest Bed Bug Serv.	OGC-20-686	CPS	\$500.00
Scott Termite	OGC-19-958 & 20-111	CPS	\$16,850.00

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND  
FORESTRY**

**CHAPTER 17. WATER QUALITY**

**SUBCHAPTER 5. REGISTERED POULTRY FEEDING OPERATIONS**

**35:17-5-3. Registration, Nutrient Management Plan (NMP) required**

**(a) Registration.**

- (1) It shall be unlawful for any person to construct or operate a new poultry feeding operation without first registering with the State Board of Agriculture.
- (2) Every poultry feeding operation shall be required to reregister annually by January 1 to operate.
- (3) Any poultry feeding operation that has a valid license pursuant to the Oklahoma Concentrated Animal Feeding Operations Act shall not be required to register pursuant to the Oklahoma Registered Poultry Feeding Operations Act.
- (4) The owner or operator of a poultry feeding operation not classified as a poultry feeding operation may register if the owner elects to come under the provisions of the Oklahoma Registered Poultry Feeding Operations Act and the rules of the State Board of Agriculture.

**(b) Nutrient Management Plan.**

- (1) Every poultry feeding operation shall obtain or apply for an approved NMP addressing both nitrogen and phosphorus.
- (2) All new operators of poultry feeding operations shall obtain or apply for a NMP prior to construction of the facility. The NMP shall be completed and implemented within one year of application.
- (3) The NMP shall be prepared by USDA NRCS or an entity approved by the Oklahoma Department of Agriculture, Food, and Forestry.
- (4) Plans shall be reviewed and updated at least every six (6) years from the date the NMP was obtained. Plans ~~may~~ shall also be reviewed and updated in the following circumstances:
  - (A) ~~When a change in the Oklahoma Department of Agriculture, Food, and Forestry changes the waste utilization standards occurs and upon notification by the Oklahoma Department of Agriculture, Food, and Forestry; and or~~
  - (B) ~~Upon recommendation~~ notification of the Oklahoma Department of Agriculture, Food, and Forestry.
- (5) ~~Plans~~ The NMP shall be updated prior to the expansion of a facility.
- (6) Implementation of the NMP shall occur within ninety (90) days of receipt of the NMP unless otherwise determined by the Oklahoma Department of Agriculture, Food, and Forestry. In no event shall the poultry feeding operation land apply poultry waste in excess of the ~~current USDA NRCS 590 Standard, unless the Oklahoma Department of Agriculture, Food, and Forestry approves other standards~~ contained in Appendix A.

**35:17-5-5. Nutrient Management Plan**

- (a) The NMP shall comply with all requirements contained in Appendix A and shall contain, at a minimum, the following:

- (1) A description of poultry waste handling procedures and availability of equipment and type of equipment to be used.
- (2) The calculations and assumptions used for determining land application rates.
- (3) All nutrient analysis data, including soil and poultry waste testing.
- (4) Legal description of lands to be used by an operation for land application.
- (5) Soils map with description and type or series.
- (6) Land application rates of poultry waste shall be based on the available nitrogen and phosphorus content of the poultry waste and soil test results.
- (7) The procedures documented in the NMP shall ensure that the handling and utilization of poultry waste complies with the following requirements:
  - (A) Adequate poultry waste storage shall be provided. Poultry waste shall not be stored without adequate protection from rainfall and runoff. All new poultry feeding operations shall make provisions for storage of poultry waste prior to operating. Exceptions to storage requirements for poultry waste in emergency situations shall be granted on a case by case basis. Exceptions shall include but not be limited to allowing a contract poultry grower to take such actions as are necessary to meet requirements imposed on a grower by an integrator. However, in all situations growers shall be required to take all actions feasible to prevent pollution from stored poultry waste.
  - (B) Poultry waste shall not be applied to land when the ground is saturated or during rainfall events. Poultry waste shall not be applied to land when the ground is frozen or snow covered except in conformance with the NMP.
  - (C) Poultry waste shall only be applied to suitable land at appropriate times and rates as specified by the NMP. Runoff of poultry waste from the application site is prohibited.
  - (D) All practices necessary to minimize movement of poultry waste to watercourses shall be utilized and documented in the NMP.
  - (E) Edge of field, grassed strips shall separate water courses from runoff which may be carrying eroded soil and poultry waste.
  - (F) Poultry waste application shall be prohibited on land subject to excessive erosion.
  - (G) Land application rates of poultry waste shall provide controls for runoff as appropriate for site conditions.
  - (H) Poultry waste shall only be applied ~~only~~ by a certified poultry waste applicator.
- (b) The NMP shall also include a method for the disposal of carcasses. The NMP shall include provisions for disposal of carcasses associated with normal mortality and shall include provisions for emergency disposal when a major disease outbreak or other emergency results in deaths significantly higher than normal mortality rates. Accepted methods of carcass disposal include:
  - (1) Rendering
    - (A) Disposal of all carcasses shall occur within a reasonable period of time as approved by the State Department of Agriculture.
    - (B) Storage facilities shall be sealed or have lids and maintained so as to prevent pests and odors.

- (2) Burial shall only be allowed as a method of carcass disposal if no reasonable alternative exists and specific measures and practices are identified which will be utilized to protect the ground and surface waters of the State.
- (3) Composting by methods as approved in the NMP.
- (4) Incineration shall only be used as a method of carcass disposal if the poultry feeding operation has a valid air quality permit from the Oklahoma Department of Environmental Quality, Air Quality Division, if required.
- (c) Storage and land application of poultry waste shall not cause a discharge or runoff of significant pollutants to waters of the State or cause a water quality violation to waters of the State.
- (d) The operator shall notify the State Department of Agriculture within twenty-four (24) hours of a discharge.

## **APPENDIX A**

### **Nutrient Management Plan Requirements**

#### **DEFINITION**

Managing the amount, source, placement, form, and timing of the application of poultry litter and nutrients and soil amendments for optimum plant growth and protecting the environment.

#### **PURPOSES**

- To budget and supply nutrients for plant production.
- To properly utilize manure or organic by-products as a beneficial plant nutrient source.
- To minimize agricultural nonpoint source pollution of surface and ground water resources.
- To maintain or improve the physical, chemical, and biological condition of soil.

#### **CRITERIA**

##### **General Criteria Applicable to All Purposes**

A nutrient budget for nitrogen (N), phosphorus (P), and potassium (K) shall be developed that considers all potential sources of nutrients (Tables 1 and 2).

Realistic yield goals shall be established using guidance outlined in Oklahoma State University Extension (OSU) Fact Sheet F-2225, OSU Soil Test Interpretations (<https://extension.okstate.edu/fact-sheets/osu-soil-test-interpretations.html>). A realistic yield goal is generally the average of three highest yields over the last five years. Rates of nutrient application established by OSU shall be the basis for nutrient recommendations. For new crops or varieties, industry yield recommendations may be used until documented yield information is available.

Plans for nutrient management shall specify the form, source, amount, timing, and method of application for each field to achieve realistic production goals and minimize the loss of nutrients to erosion, runoff, volatilization, and leaching.

Using effluent water for irrigating crops and grasses can increase salt concentrations in the soil creating a negative impact on plant growth. OSU Factsheet PSS-2245 (<https://extension.okstate.edu/fact-sheets/using-lagoon-effluent-as-fertilizer.html>) contains guidance for irrigating with effluent water.

##### **SOIL AND TISSUE SAMPLING LABORATORY ANALYSIS (TESTING)**

Nutrient planning shall be based on current soil test results developed in accordance with OSU guidance.

Soil samples shall be taken at least as often as the Registered Poultry Feeding Operations Act requires. Non-cultivated fields should be sampled during the dormant season. Fields used for cultivation should be sampled after harvest or before planting. Do not sample immediately after lime, fertilizer, or manure applications. Soil sampling shall occur prior to the first land application of the calendar year.

The OSU County Extension Service Office is available to assist with the soil testing process. Additional information concerning soil sampling can be found in the OSU Extension Fact Sheet F-2207, How to Get a Good Soil Sample (<https://extension.okstate.edu/fact-sheets/how-to-get-a-good-soil-sample.html>).

If a soil test laboratory other than OSU is used, the lab shall use the same phosphorus and potassium extractant (Mehlich-3) as used by the OSU lab and nutrient recommendations will be the same as those used by OSU. The soi

testing laboratory shall be a member of the North American Proficiency Testing Program or Agricultural Laboratory Proficiency Program.

Soil testing shall include analysis for any nutrients for which specific information is needed to develop the nutrient management plan (e.g., pH, N, P, and K). Additional information concerning soil testing can be found in the OSU Extension Fact Sheet F-2225, OSU Soil Test Interpretations and Fact Sheet F-2901, Procedures Used by OSU Soil, Water, and Forage Analytical Laboratory.

#### **ADDITIONAL CRITERIA TO BUDGET AND SUPPLY NUTRIENTS FOR PLANT PRODUCTION**

Plant nutrient removal rates can be found in Table 3. Nutrient removal rates for crops or forage combinations not listed in Table 3 may be calculated using the USDA Crop Nutrient Tool (<https://plantsorig.sc.egov.usda.gov/npk/main>).

Do not apply nutrients in the following situations:

- Animal manure shall not be land applied within 500 feet of the corner of an occupied residence not owned or operated by the feeding operation.
- Animal manure shall not be land applied within 300 feet of an existing public or private drinking water well.
- To areas within 100 feet of a perennial stream, pond, well, or sinkhole, unless an established buffer strip is present. The width of the buffer strip shall be used as a setback distance for application purposes. The buffer strip shall meet the requirements for design and maintenance established in the appropriate United States Department of Agriculture Natural Resources Conservation Service (NRCS) or OSU buffer standard and specification.
- To areas within 50 feet of an intermittent stream unless an established buffer strip is present. The width of the buffer strip shall be used as a setback distance for application purposes. The buffer strip must meet the requirements for design and maintenance established in the appropriate NRCS or OSU buffer standard and specification.
- To fields with > 15% slope.
- To soils less than 10 inches in depth to parent material.
- On soils that are frequently flooded.
- On soils that are frozen, snow covered, or water saturated (including periods of heavy rain when water ponding has occurred on the soil surface).
- On soils where the rock fragments in the surface layer are 3 to 10 inches in diameter and exceed 50% by volume.
- On soils where the rock fragments in the soil surface layer are > 10 inches in diameter and exceed 25% by volume.
- On soils where the rock fragments are > 10 inches in diameter which covers > 3% of the soil surface and the slope is > 8%. (Soil map unit name will include the description of Extremely Stoney, Extremely Bouldery, Extremely Rubbly, or Very Rubbly)
- On areas eroding at levels greater than the soil loss tolerance, "T", from wind or water erosion or active gullies unless following a conservation plan that will reduce erosion below "T". Use current NRCS soil loss prediction methods.
- On soils that are occasionally flooded. Manure may be applied between June 20 and September 20 on soils classified as occasionally flooded. Manure may also be applied to soils classified as occasionally flooded between February 1 and April 20 if the area is established to cool season grasses four inches in height at the time of application. In no case will manure be applied when the soil is water saturated or when ponding has occurred on the soil surface after periods of heavy rain.



### **Organic Nutrient Application Rates**

Timing and method of nutrient application shall correspond as closely as possible with plant nutrient uptake characteristics, cropping system limitations, weather and climatic conditions, availability of nutrients in manure, and field accessibility. Nutrient materials will be applied uniformly to the area. The application rate for liquid manure shall not create runoff and shall minimize ponding.

The application rate shall be based on the most limiting application based on Nitrogen (N) and Phosphorus (P). The following shall also be used when applying manure or organic by-products:

- **N Application** – The amount of N applied from manure shall not exceed the annual crop requirement for N. In some situations, additional N from inorganic/commercial sources may be required to supplement the organic sources. Manure may be applied to a legume crop at a rate equal to the estimated N removal in the harvested plant biomass.
- **P Application** – The maximum planned rates of P application shall be determined using a P assessment.

### **Field Risk Assessment**

When applications of manure or other organic by-products are planned, a field-specific assessment of the potential for P and N transport from the site shall be completed as detailed below. (Tables 4 and 5)

### **Additional Criteria to Minimize Agricultural Non-Point Source Pollution of Surface and Ground Water Resources**

Nutrient application rates are limited for certain water bodies in watersheds identified by the Oklahoma Department of Environmental Quality (ODEQ) as Nutrient Limited Watersheds and Nutrient Vulnerable Groundwaters in the Oklahoma Administrative Code (OAC) 252:30 of the Oklahoma Water Quality Standards. (Tables 5 and 6)

### **PLANS AND SPECIFICATIONS**

Plans and specifications shall be in keeping with Appendix A and shall describe the requirements for implementing a practice to achieve its intended purpose, using nutrients to achieve production goals and to prevent or minimize water quality impairment.

The following components shall be included in the nutrient management plan as applicable:

- Aerial photograph or map and a soil map of the site.
- Plant production sequence or crop rotation,
- Results of soil, plant, water, manure, and/or organic by-product sample analyses.
- Realistic yield goals for the crops in the rotation based on OSU guidance.
- Recommended nutrient rates, timing, form, and method of application and incorporation.
- Guidance for implementation, operation, maintenance, recordkeeping, and
- Completed nutrient budget for N, P, and K for the rotation or crop sequence.

If increases in soil phosphorus levels are expected, plans shall document:

- The soil phosphorus levels at which it may be desirable to convert to phosphorus based implementation.
- The relationship between soil phosphorus levels and potential for phosphorus transport from the field.
- The potential for soil phosphorus drawdown from the production and harvesting of crops, and
- The management activities or techniques used to reduce the potential for phosphorus loss.

When applicable, plans shall include other practices or management activities as determined by specific regulation, program requirements, or producer goals.

**TABLE 1: Nitrogen Requirements**

*The nitrogen requirement is calculated by subtracting the soil test nitrogen value from the nitrogen required for a selected crop and yield goal.*

Established Bermudagrass		Cool Season Grasses (Fescue, Orchard)		Established Old World Bluestem		Established Weeping Lovegrass	
N Required lbs/ac	Yield Goal tons/ac	N Required lbs/ac	Yield Goal tons/ac	N Required lbs/ac	Yield Goal tons/ac	N Required lbs/ac	Yield Goal tons/ac
50	1	60	1	35	1	35	1
100	2	120	2	70	2	70	2
150	3	180	3	110	3	110	3
200	4	240	4	150	4	160	4
260	5	300	5	200	5	220	5
320	6						
400	7						

Virgin Native Hay Meadow		Small Grains for Grazing		Canola		Forage Sorghum or Corn Silage		
N Required lbs/ac	Yield Goal lbs/ac	N Required lbs/ac	Yield Goal tons/ac	N Required lbs/ac	Yield Goal lbs/ac	N Required lbs/ac	Yield Goal	
							Silage tons/ac	Hay tons/ac
0	1.0	30	0.5	50	1000	45	5	2.5
50	1.5	60	1.0	75	1500	90	10	5.0
100	1.6	90	1.5	100	2000	135	15	7.5
		120	2.0	125	2500	185	20	10.0
		150	2.5	150	3000	240	25	12.5
		180	3.0	175	3500	300	30	15.0

	Wheat	Barley	Oat	Corn		Grain Sorghum		Cotton	
N Required lbs/ac	Yield Goal bu/ac			N Required lbs/ac	Yield Goal lbs/ac	N Required lbs/ac	Yield Goal bu/ac	N Required lbs/ac	Yield Goal bales/ac
30	15	20	25	40	40	30	2000	30	0.50
40	20	25	35	50	50	40	2500	45	0.75
60	30	35	55	60	60	50	3000	60	1.00
80	40	50	70	85	85	70	4000	75	1.25
100	50	60	90	110	100	85	4500	90	1.50
125	60	75	105	130	120	100	5000	105	1.75
155	70	90	125	190	160	160	7000	120	2.00
185	80	100	140	215	180	195	8000	135	2.25
240	100	125	175	240	200	230	9000	150	2.50
				300	250			165	3.00
				360	300			180	3.50

Alfalfa	Peanuts	Soybeans	Mungbeans, Cowpeas, Guar
10 to 20 lbs/ac for establishment. None needed for maintenance	10 to 20 lbs/ac with P and K	10 to 20 lbs/ac with P and K	10 to 20 lbs/ac with P and K

### Nitrogen Requirements

#### Nitrogen Recommendations for Establishing Grass

Soil Test N <sup>1/</sup>	Native Grass / Bluestem Establishments	All Other Grass Establishments
	N Required lbs/ac	
0	0	40
1	0	39
2	0	38
3	0	37
4	0	36
5	0	35
6	0	34
7	0	33
8	0	32
9	0	31
10	0	30
11	0	29
12	0	28
13	0	27
14	0	26
15	0	25
16	0	24
17	0	23
18	0	22
19	0	21
20	0	20
21+	0	0

<sup>1/</sup> Nitrogen soil test values are only valid if test is within the last 60 days; therefore, assume nitrogen soil test of zero (0) when old tests are used.

Note: For recommendations on maintenance of grass stands for long-term deferment programs (e.g., CRP) follow the guidance in Tables 1, 2, 3 of this Appendix A.

**TABLE 2: Phosphorus Requirements**

P Soil Test Index	Established Bermudagrass		Established Cool Season Grasses		Established Old World Bluestem		Established Weeping Lovegrass	
	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency
0	75	50	80	30	60	50	60	50
10	60	65	60	50	40	70	50	70
20	40	80	40	70	30	85	40	85
40	20	95	20	95	20	95	20	95
65+	0	100	0	100	0	100	0	100

P Soil Test Index	Virgin Native Hay Meadows		Small Grains for Grazing		Legumes in Pasture		Canola	
	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency
0	40	50	80	25	75	50	80	25
10	20	80	60	45	60	65	60	45
20	0	95	40	80	40	80	40	80
40	0	100	20	90	20	95	20	90
65+	0	100	0	100	0	100	0	100

P Soil Test Index	Small Grains		Grain Sorghum		Corn		Cotton	
	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency
0	80	25	60	40	80	30	75	55
10	60	45	50	60	60	60	60	70
20	40	80	40	80	40	80	45	85
40	20	90	20	95	20	95	30	95
65+	0	100	0	100	0	100	0	100

P Soil Test Index	Alfalfa		Peanuts		Soybeans		Mungbean, Cowpeas, Guar	
	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency
0	200	20	80	40	70	40	70	40
10	150	50	60	60	50	60	50	60
20	100	70	40	80	30	80	30	80
40	60	90	20	95	20	95	20	95
65+	0	100	0	100	0	100	0	100

### Phosphorus Requirements

#### Phosphorus Recommendations for Establishing Grass

P Soil Test Index	Bermudagrass Establishments	Fescue and Cool Season Grass Establishments	Bluestem and Lovegrass Establishments	Native Grass Establishments
	P <sub>2</sub> O <sub>5</sub> lbs/ac			
0	40	40	40	40
1	40	40	40	38
2	40	40	40	36
3	40	40	40	34
4	40	40	40	32
5	40	40	40	30
6	40	40	40	28
7	40	40	40	26
8	40	40	40	24
9	40	40	40	22
10	40	40	40	20
11-20	40	40	30	0
21-40	30	30	20	0
41-48	20	20	0	0
49+	0	0	0	0

Note: For recommendations on maintenance of grass stands for long-term deferment programs (e.g., CRP) follow the guidance in Tables 1, 2, 3 of this Appendix A.

P Soil Test Index	Forage Sorghum or Corn Silage	
	P <sub>2</sub> O <sub>5</sub> lbs/ac	Percent Sufficiency
0	100	30
10	75	60
20	45	80
40	25	95
65+	0	100

**TABLE 3: Crop Nutrient Removal \***

% of Dry Material Harvested						
Forage as Hay Crop			% Moisture (default)	% N	% P	% K
Bermuda			9.05	1.37	0.19	1.55
Tall Fescue			12.50	1.71	0.30	1.96
Native Hay			9.50	1.52	0.22	1.45
Alfalfa			9.65	2.79	0.26	2.12
Ryegrass			12.74	1.49	0.20	1.42
Wheatgrass			10.85	1.34	0.07	
Clovers			11.99	2.63	0.27	2.35
Eastern Gamagrass			10.85	1.51	0.10	3.06
% of Dry Material Harvested						
Crop	Unit	Weight/Unit	% Moisture (default)	% N	% P	% K
Barley	grain	48 lbs/bu	11.72	2.11	0.42	0.54
	straw	72 lbs/bu	11.25	0.69	0.10	1.79
Corn	grain	56 lbs/bu	13.52	1.64	0.31	0.34
	stove	56 lbs/bu	13.30	0.98	0.10	1.50
Oats	grain	32 lbs/bu	10.67	2.09	0.38	0.46
	straw	64 lbs/bu	9.68	0.71	0.09	2.39
Rye	grain	56 lbs/bu	11.88	2.14	0.38	0.52
	straw	84 lbs/bu	9.07	0.50	0.09	0.97
Sorghum	grain	56 lbs/bu	11.18	1.87	0.33	0.39
	stove	56 lbs/bu	8.13	0.67	0.13	0.73
Soybeans	beans	97 lbs/bu	10.12	6.57	0.67	1.54
	straw	75 lbs/bu	11.07	0.83	0.06	0.57
Wheat	grain	60 lbs/bu	11.68	2.30	0.43	0.49
	straw	92.48 lbs/bu	9.22	0.64	0.06	1.17
Cotton	lint & seed	500 lbs/bale	7.80	3.30	0.41	0.49
	burs & stalks	3 lbs/lb of lint	7.70	0.99		

\* These crop nutrient removal figures come from the NRCS Agricultural Waste Management Field Handbook, Chapter 6, Role of Plants in Waste Management (Table 6-6). The handbook lists additional crops not listed above. These numbers represent average figures taken from multiple sources and are nutrients removed in the harvested portion of the crop. These figures can be used as guidance for waste management planning purposes. Actual waste application will be based on soil test.

**Example calculation to estimate nutrients removed**

**Bermuda:** Yield 3 tons/ac forage = 6000 lbs/ac hay

$(6000 \text{ lbs} - (6000 \text{ lbs} \times 0.0905 (\% \text{ moisture}))) \times 0.0019 (\% \text{P/lb}) = 10.37 \text{ lbs/ac phosphorus in hay}$

$(6000 \text{ lbs} - (6000 \text{ lbs} \times 0.0905 (\% \text{ moisture}))) \times 0.0137 (\% \text{N/lb}) = 75.01 \text{ lbs/ac nitrogen in hay}$

$(6000 \text{ lbs} - (6000 \text{ lbs} \times 0.0905 (\% \text{ moisture}))) \times 0.0155 (\% \text{K/lb}) = 84.57.0 \text{ lbs/ac potassium in hay}$

**Wheat:** Yield 40 bu/ac = 60 lbs/bu x 40 bu = 2400 lbs of grain

40 bu/ac x 92.48 lbs/bu straw = 3,699.2 lbs/ac straw produced

1 ton/ac straw baled and removed from field = 1 ton/ac x 2000 lbs = 2000 lbs of straw/ac Grain:

$(2400 \text{ lbs/ac} - (2400 \text{ lbs/ac} \times 0.1168 (\% \text{ moisture}))) \times 0.0230 (\% \text{N/lb}) = 48.75 \text{ lbs/ac Nitrogen in grain}$

$(2400 \text{ lbs/ac} - (2400 \text{ lbs/ac} \times 0.1168 (\% \text{ moisture}))) \times 0.0043 (\% \text{P/lb}) = 9.11 \text{ lbs/ac Phosphorus in grain}$

$(2400 \text{ lbs/ac} - (2400 \text{ lbs/ac} \times 0.1168 (\% \text{ moisture}))) \times 0.0049 (\% \text{K/lb}) = 10.39 \text{ lbs/ac Potassium in grain}$

**Straw:**  $(2000 \text{ lbs/ac} - (2000 \text{ lbs/ac} \times 0.0922 (\% \text{ moisture}))) \times 0.0064 (\% \text{N lb}) = 11.62 \text{ lbs/ac Nitrogen in straw}$

$(2000 \text{ lbs/ac} - (2000 \text{ lbs/ac} \times 0.0922 (\% \text{ moisture}))) \times 0.0006 (\% \text{P lb}) = 1.09 \text{ lbs/ac Phosphorus in straw}$

$(2000 \text{ lbs/ac} - (2000 \text{ lbs/ac} \times 0.0922 (\% \text{ moisture}))) \times 0.0057 (\% \text{K/lb}) = 10.35 \text{ lbs/ac Potassium in straw}$

**Total Nutrient Removed = 60.37 lbs/ac N removed, 10.2 lbs/ac P removed, 20.74 lbs/ac K removed**

**Table 4: Annual Manure Application Rates for Non-Nutrient Limited Watersheds and Non-Nutrient Vulnerable Groundwaters**

Rating	Soil Test P Index	0 – 8% Slope	8 to 15% Slope	0 to 15% Slope
		Soil > 20" Deep	Soil > 20" Deep	Soil 10" to 20" Deep
*Low	0 – 65	Full Rate	Full Rate Split Application	Half Rate
*Moderate	66 – 250	Full Rate	Half Rate	Half Rate
*High	251 – 400	Half Rate	Half Rate	Half Rate
*Very High	> 400	Plant Removal <sup>1</sup>	Plant Removal <sup>1</sup>	Plant Removal <sup>1</sup>
*Severe	*	No Application	No Application	No Application

Rating	Soil Test P Index	Rocks >10" in diameter which cover >3% of the soils surface and <8% slope
*Low	0 – 65	Half Rate
*Moderate	66 – 250	Half Rate
*High	251 – 400	Half Rate
*Very High	> 400	Plant Removal <sup>1</sup>
*Severe	*	No Application

<sup>1</sup> Note – It may not be feasible to calibrate equipment and make manure applications at the Plant Removal rate.



**Table 5: Annual Manure Application Rates for Nutrient Limited Watersheds**

Rating	Soil Test P Index	0 – 8% Slope	8 to 15% Slope	0 to 15% Slope
		Soil > 20" Deep	Soil > 20" Deep	Soil 10" to 20" Deep
*Low	0 – 65	Full Rate	Full Rate Split Application	Half Rate
*Moderate	66 – 120	Full Rate	Half Rate	Half Rate
*High	121 – 300	Half Rate	Half Rate	Half Rate
*Severe	> 300	No Application	No Application	No Application

Rating	Soil Test P Index	Rocks >10" in diameter which cover >3% of the soils surface and <8% slope
*Low	0 – 65	Half Rate
*Moderate	66 – 120	Half Rate
*High	121 – 300	Half Rate
*Severe	> 300	No Application

\* See Severe Rating - No Application listed below. Check for specific site characteristics which may deem the field inadequate for manure application from the list below.

Annual manure application rates are listed below.

#### **Manure Application Rates**

**Full Rate – Not to exceed the Nitrogen requirement of the crop and the following  $P_2O_5$  rates:**

1. 200 lbs  $P_2O_5$  per acre when surface applied.
2. 300 lbs  $P_2O_5$  per acre when application is by sprinkler irrigation and managed to prevent runoff from the field.
3. 400 lbs  $P_2O_5$  per acre if injected or incorporated below the soil surface.

**Half Rate – Not to exceed the Nitrogen requirement of the crop and the following  $P_2O_5$  rates:**

1. 100 lbs  $P_2O_5$  per acre when surface applied.
2. 150 lbs  $P_2O_5$  per acre when application is by sprinkler irrigation and managed to prevent runoff from the field.
3. 200 lbs  $P_2O_5$  per acre if injected or incorporated below the soil surface.

#### **Split Application –**

1. Nitrogen- Not to exceed the Nitrogen requirement of the crop, applied during the growing season
2. Phosphorus- Application will be no more than  $\frac{1}{2}$  the allowed  $P_2O_5$  rate per application at least 30 days apart.

**Severe Rating - No Manure Application.**

**Table 6: Mitigation for Nutrient Vulnerable Groundwaters**

Leaching Index (LI)	Groundwater Vulnerability Rating	Mitigating Activities	RATING
0 - 5	High	One (1) activity	LOW
	Very High	One (1) activity	
5 - 10	High	Two (2) activities	MODERATE
	Very High	Two (2) activities	
10+	High	Three (3) activities	HIGH
	Very High	Four (4) activities	

**MITIGATING ACTIVITIES:**

- Delay nitrogen application until plants are actively growing (4" minimum height)
- Apply split applications of 50% of the total nitrogen needs
- Seasonal nitrogen requirements for actively growing plants shall be split to provide no more than 40 lbs of actual nitrogen every 4 – 6 weeks. Warm season plants – apply ≤ 40 lbs/acre Nitrogen during early spring (green up), after first cutting or grazing (late May – early June), or late summer. Cool season plants- apply ≤40 lbs/ac in the fall at planting. Add the remaining recommended amount in early spring (Feb – March).
- Nitrogen will not be applied during expected heavy rainfall months (April, May, and June) on warm season plants.
- Lower realistic yield expectation by 25%
- Use enhanced efficiency fertilizer products (sulfur coated urea products, polymer coated fertilizers, uncoated slow release fertilizers).
- Utilize nitrogen release strip and GreenSeeker sensors to make mid-season nitrogen applications
- Use precision agricultural technologies to precisely apply variable rates of nitrogen fertilizer.
- Utilize annual soil testing.
- Banding nitrogen applications.
- Use legume crops and cover crops to provide nitrogen through biological fixation and nutrient recycling.

## **2023 BOARD MEETING DATES**

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, JAN 25, 2023 10:00 AM AT

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

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A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, MAR 08, 2023 10:00 AM AT

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

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A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, APR 19, 2023 10:00 AM AT

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

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A REGULAR MEETING HAS BEEN SCHEDULED FOR:

**THURSDAY**, JUN 01, 2023 10:00 AM AT

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

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A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, JUL 19, 2023 10:00 AM AT

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

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A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, AUG 30, 2023 10:00 AM AT

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

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A REGULAR MEETING HAS BEEN SCHEDULED FOR:

**TUESDAY, OCT 17, 2023 10:00 AM AT**

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

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A REGULAR MEETING HAS BEEN SCHEDULED FOR:

**WEDNESDAY, DEC 06, 2023 10:00 AM AT**

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

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

## **October 26, 2022, Board Report**

### **Administrative Services**

# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES

AUGUST 2022



OKLAHOMA



INVESTIGATIONS		AUGUST	YTD	FYTD
LIVESTOCK		6	33	9
FIRE		1	30	7
PROPERTY		2	18	7
TIMBER			5	0
AGENCY ASSISTS	ODAFF		4	0
AGENCY ASSISTS	EXTERNAL	3	14	5
OTHER		3	15	4
TOTAL INVESTIGATIONS OPENED		15	119	32
CLOSED PENDING ADDITIONAL INFORMATION		5	31	6
NO CRIME		4	18	7
NO PROSECUTION			0	0
CLOSED - ASSIST CASE		1	9	2
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		1	7	1
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		11	65	16
COUNTS FILED		2	25	2
VALUE OF LOSSES - ALL CRIMES		\$139,530	\$1,494,237	\$254,900
RECOVERED LOSSES - ALL CRIMES		\$72,000	\$835,270	\$133,820
NUMBER OF CATTLE REPORTED STOLEN		135	209	146
NUMBER OF CATTLE RECOVERED		8	31	16

# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES SEPTEMBER 2022



INVESTIGATIONS		SEPTEMBER	YTD	FYTD
LIVESTOCK		4	37	13
FIRE		2	32	9
PROPERTY		3	21	10
TIMBER			5	0
AGENCY ASSISTS	ODAFF		4	0
AGENCY ASSISTS	EXTERNAL	1	15	6
OTHER		4	19	8
TOTAL INVESTIGATIONS OPENED		14	133	46
CLOSED PENDING ADDITIONAL INFORMATION		12	43	18
NO CRIME		10	28	17
NO PROSECUTION			0	0
CLOSED - ASSIST CASE		2	11	4
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		7	14	8
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		31	96	47
COUNTS FILED		39	64	41
VALUE OF LOSSES - ALL CRIMES		\$318,116	\$1,812,353	\$573,016
RECOVERED LOSSES - ALL CRIMES		\$232,621	\$1,067,891	\$366,441
NUMBER OF CATTLE REPORTED STOLEN		3	212	149
NUMBER OF CATTLE RECOVERED		10	41	26

# Administrative Services

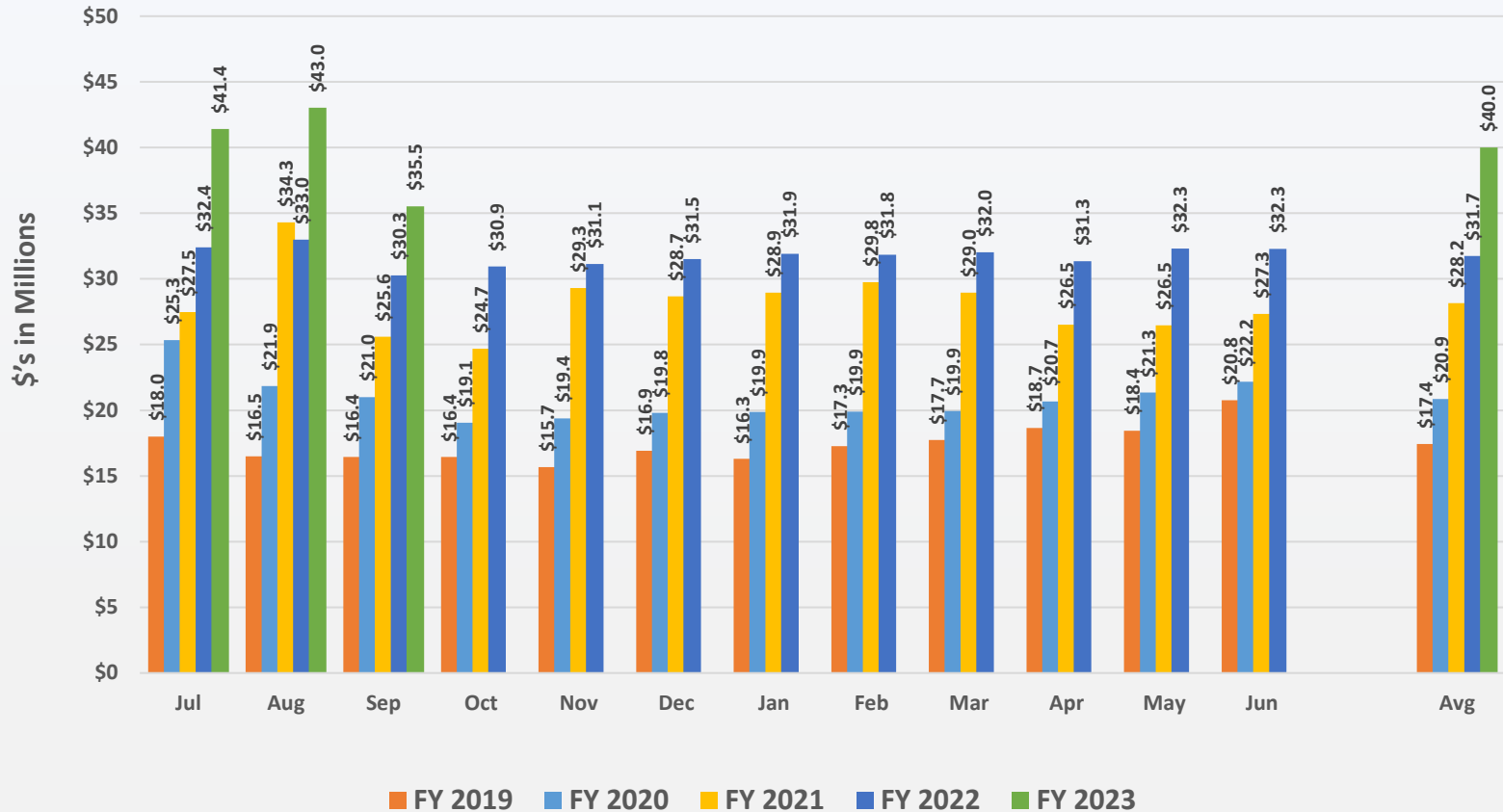
- Fiscal year 2024 Preliminary Budget & Strategic Plan has been submitted.
- Staff vacancy in Finance
  - Grant Accountant resigned
  - Plan to reclassify it to an Accountant II position
- Auto Vehicle Locators, (AVL), are now installed on 101 of our vehicles which is approximately 32.3% of our fleet.



# Administrative Services

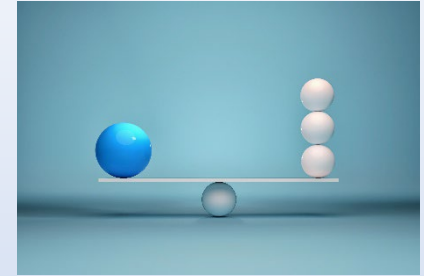
- Current Projects/Reports:
  - Budget Hearing Template due 11/04/2022
  - Indirect Cost Proposal due 12/31/2022

# Available Cash at Month End per Allotment Budget & Available Cash Report Fiscal Year 2019-2023 Months Ending: July 2018 – September 2022



*Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,217,496 as of 9/30/2022.*

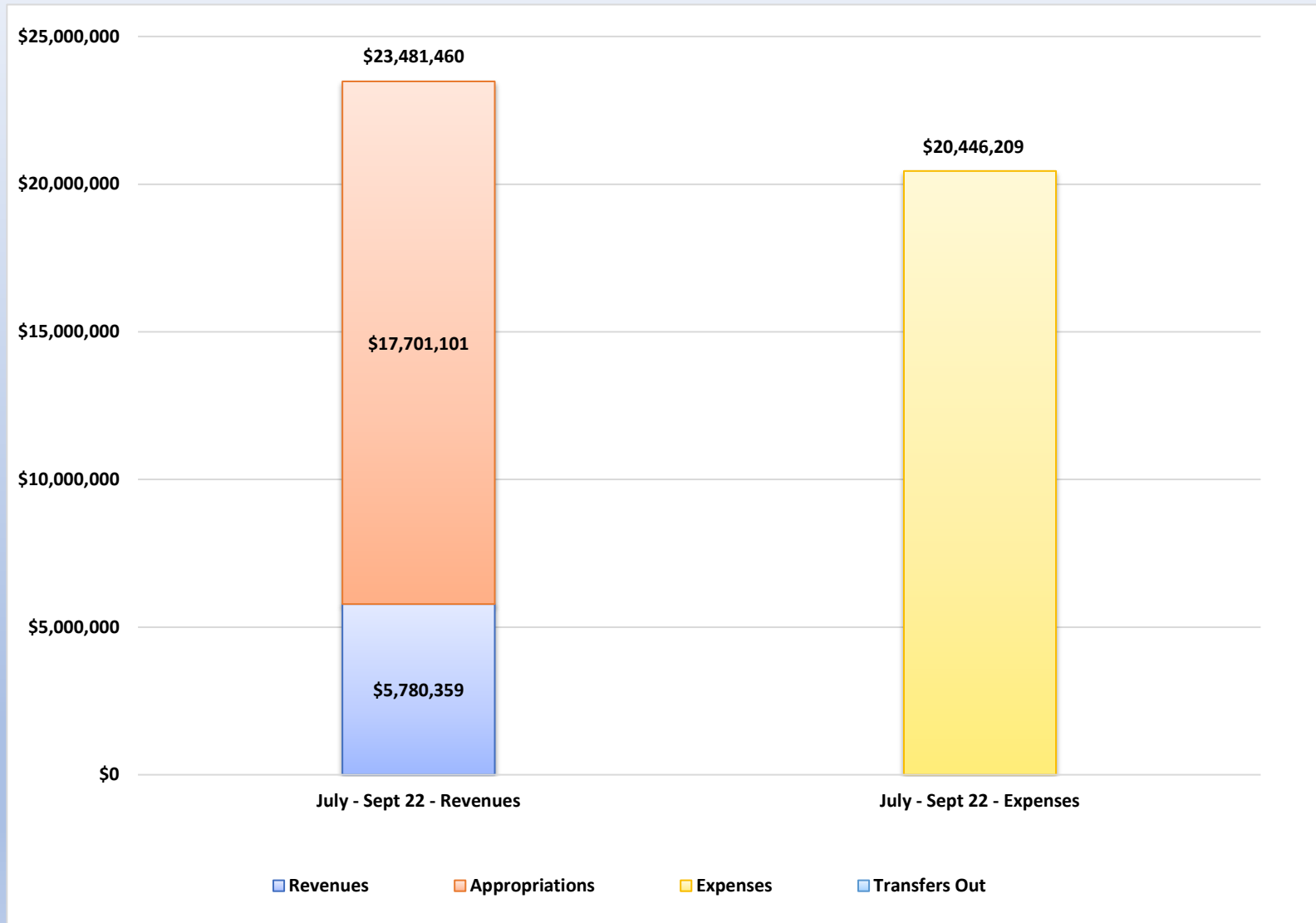
# Administrative Services - Finance



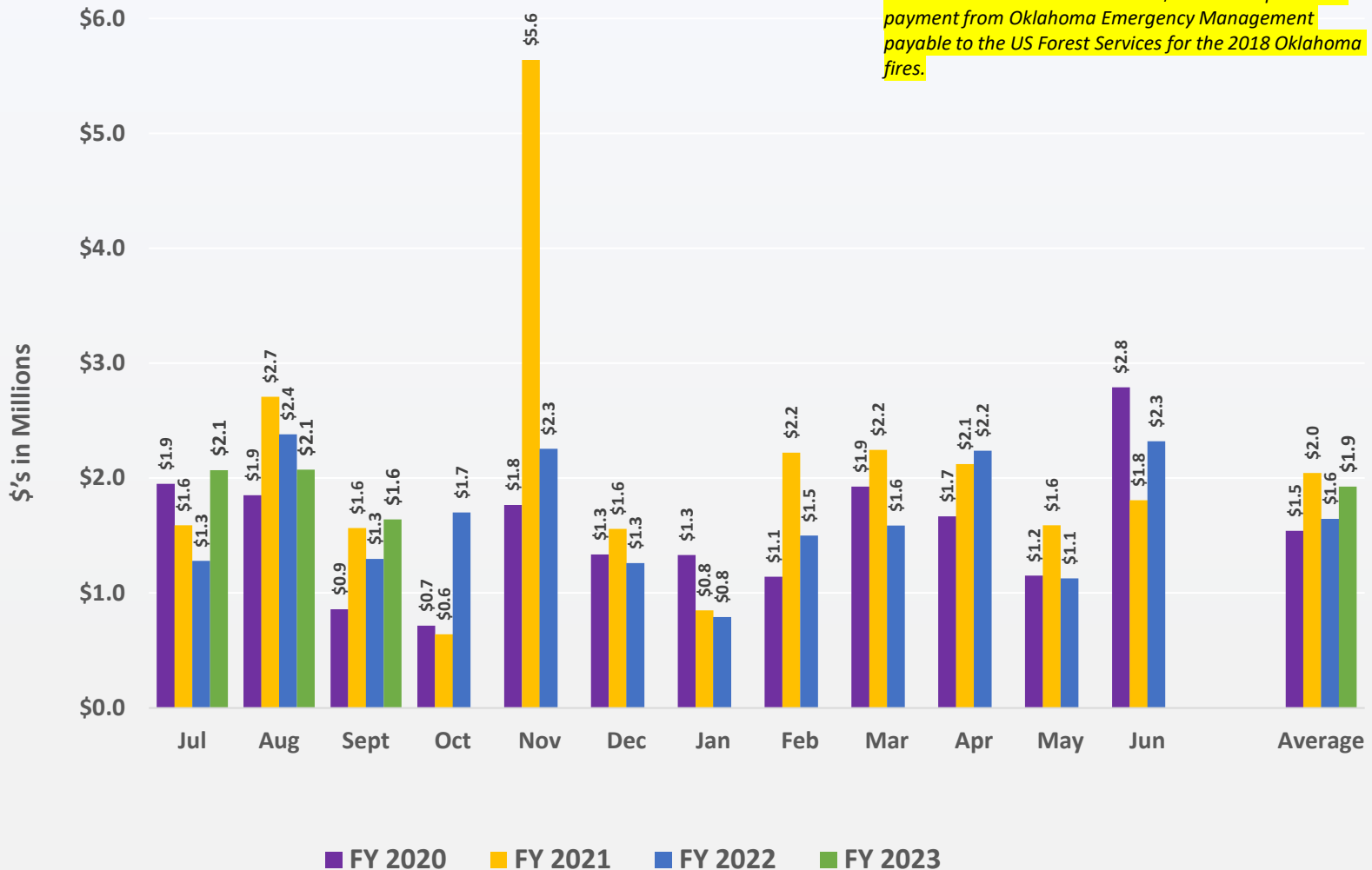
- Cash balance as of 9/30/2022 was \$35.5 million compared to \$30.3 million as of 9/30/2021.
  - Increase of \$5.2 million from the prior year and is primarily attributed to the following:
    - Increase in appropriations and appropriated cash for increases in Legislative directed payments
    - Timing of grant receipts

# Total Revenues, Expenses, Transfers In & Out

## July – September 2022



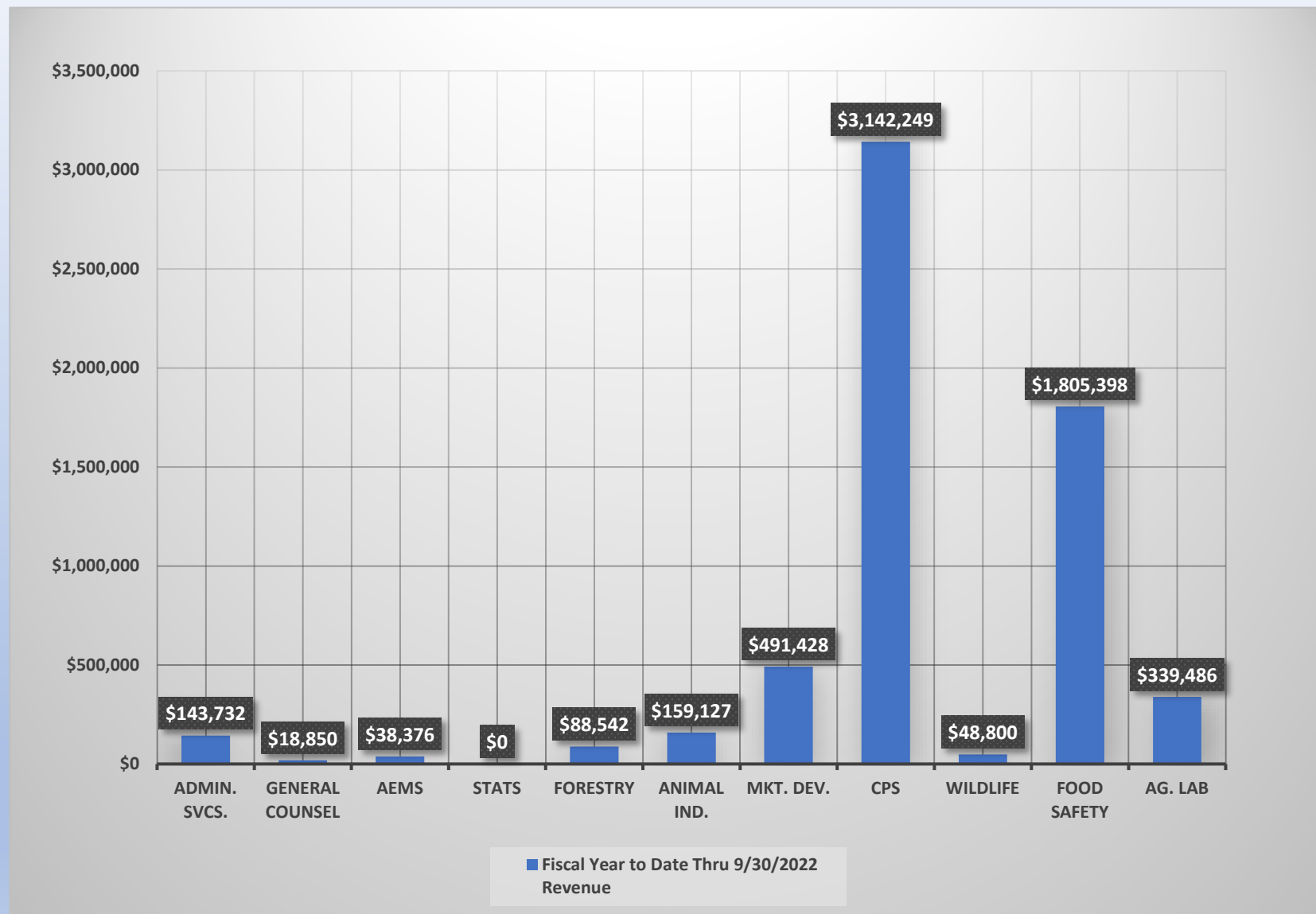
# Total Revenue by Month July 2019 – September 2022



# Revenue By Division September 2022

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY		
PROGRAM REVENUE SUMMARY		
9/30/2022		
Division	September 2022 Revenue	Fiscal Year to Date Thru 9/30/2022 Revenue
Admin. Svcs.	130,033	143,732
General Counsel	1,625	18,850
AEMS	11,792	38,376
Stats	-	-
Forestry	32,675	88,542
Animal Ind.	39,986	159,127
Mkt. Dev.	111,830	491,428
CPS	801,878	3,142,249
Wildlife	6,400	48,800
Food Safety	694,648	1,805,398
Ag. Lab	208,167	339,486
Other (Transfers out of Clearing Account)	(413,344)	(532,334)
<b>DIVISION TOTAL</b> (see division receipts graph below)	<b>1,625,690</b>	<b>5,743,654</b>
Commodity Storage Indemnity	13,345	36,705
Appropriations	3,095,517	17,701,101
<b>AGENCY TOTAL</b>	<b>4,734,552</b>	<b>23,481,460</b>

## Revenue By Division July - September 2022



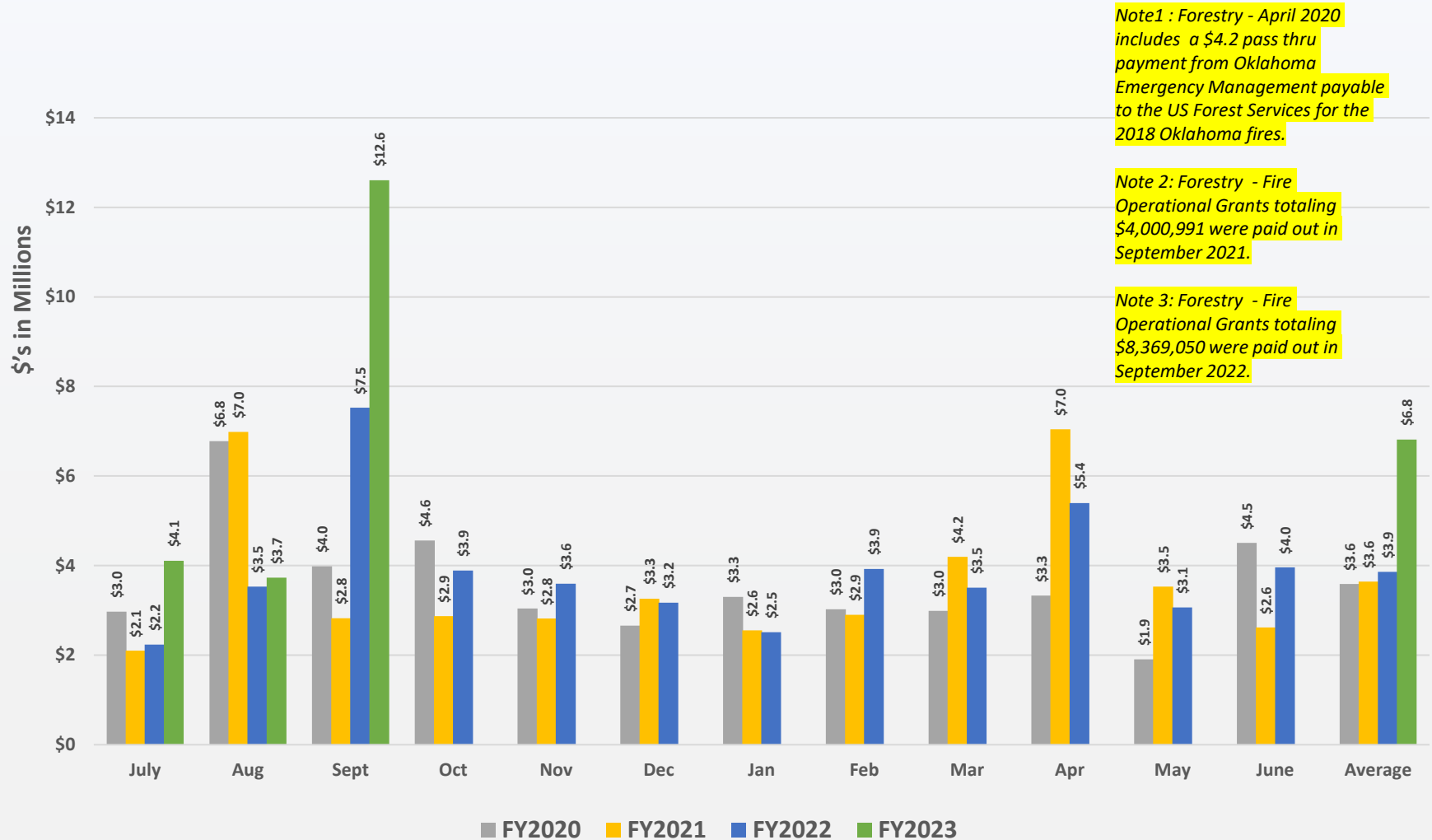
# Administrative Services - Finance

- Revenues (excluding appropriations) for July thru August 2022 was \$5.78 million.
- This was an increase of \$823,571 from July - September 2021 and was primarily due to the timing of payments received.





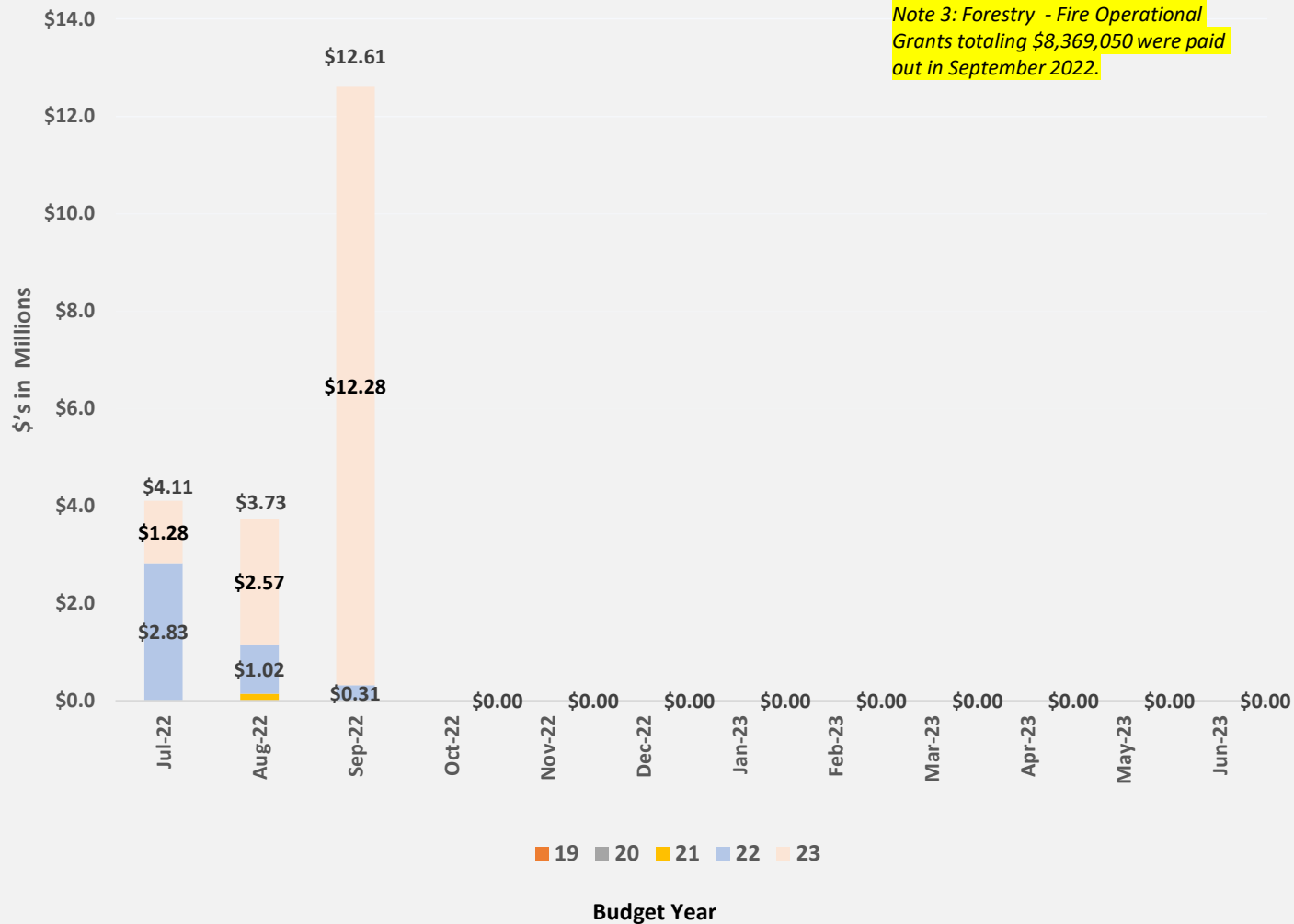
# Total Expenses by Month July 2019 – September 2022



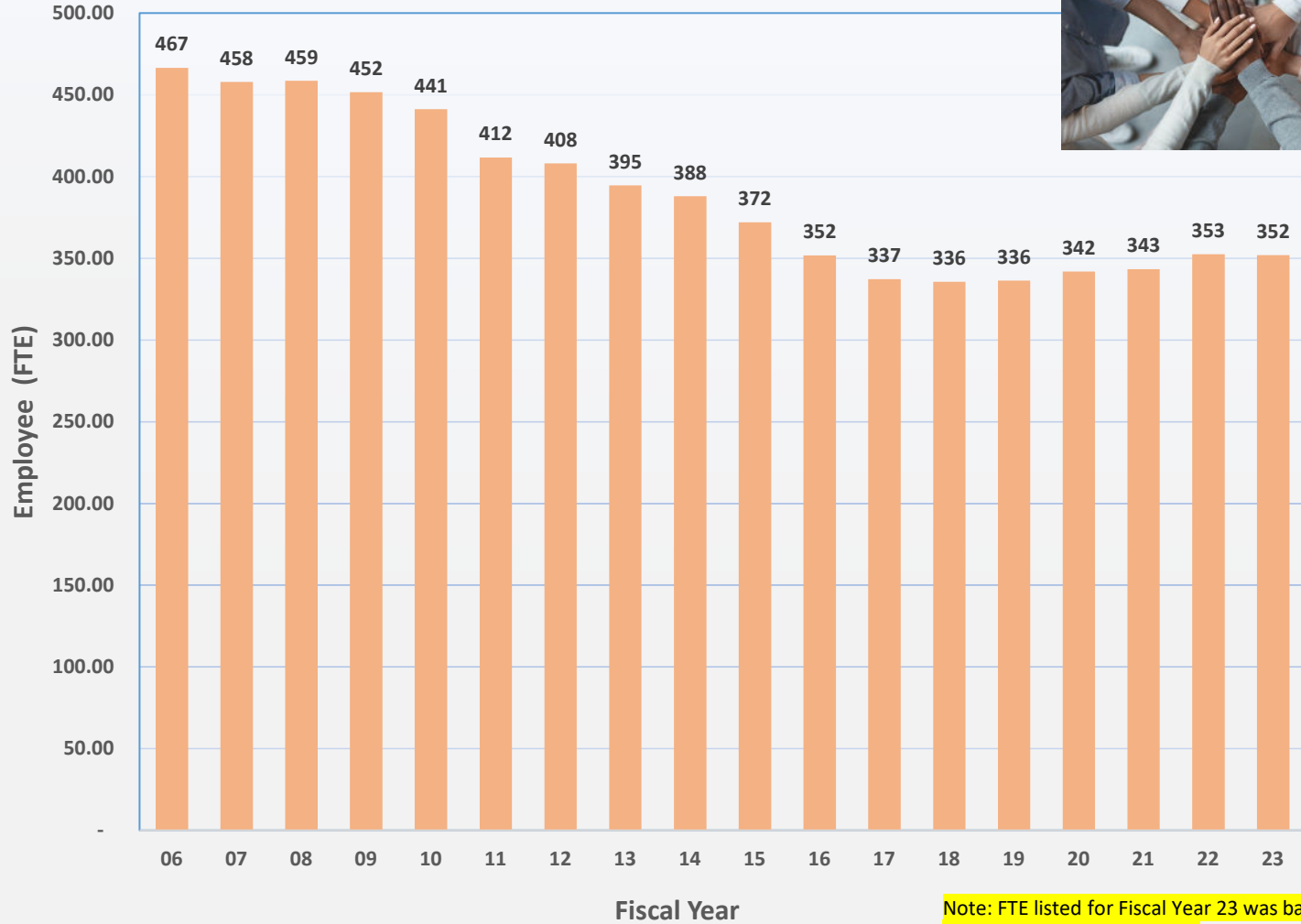
# Administrative Services - Finance

- The expenses for July – August 2022 were \$20.4 million
  - This is an increase of \$7.15 million from July - August 2021
    - Fire Operational Grants totaling \$8,369,050 were paid out in September 2022. This was an increase of approximately \$4 million.
    - Increase in the amount of Legislative directed payments
      - Payments to incorporated municipalities affected by extreme weather events during 2/7/2021 – 2/21/2021.
    - Timing of payments to OSU
    - Increase in vehicle fuel costs

## FY 2023 Total Expenses by Month with Budget Year

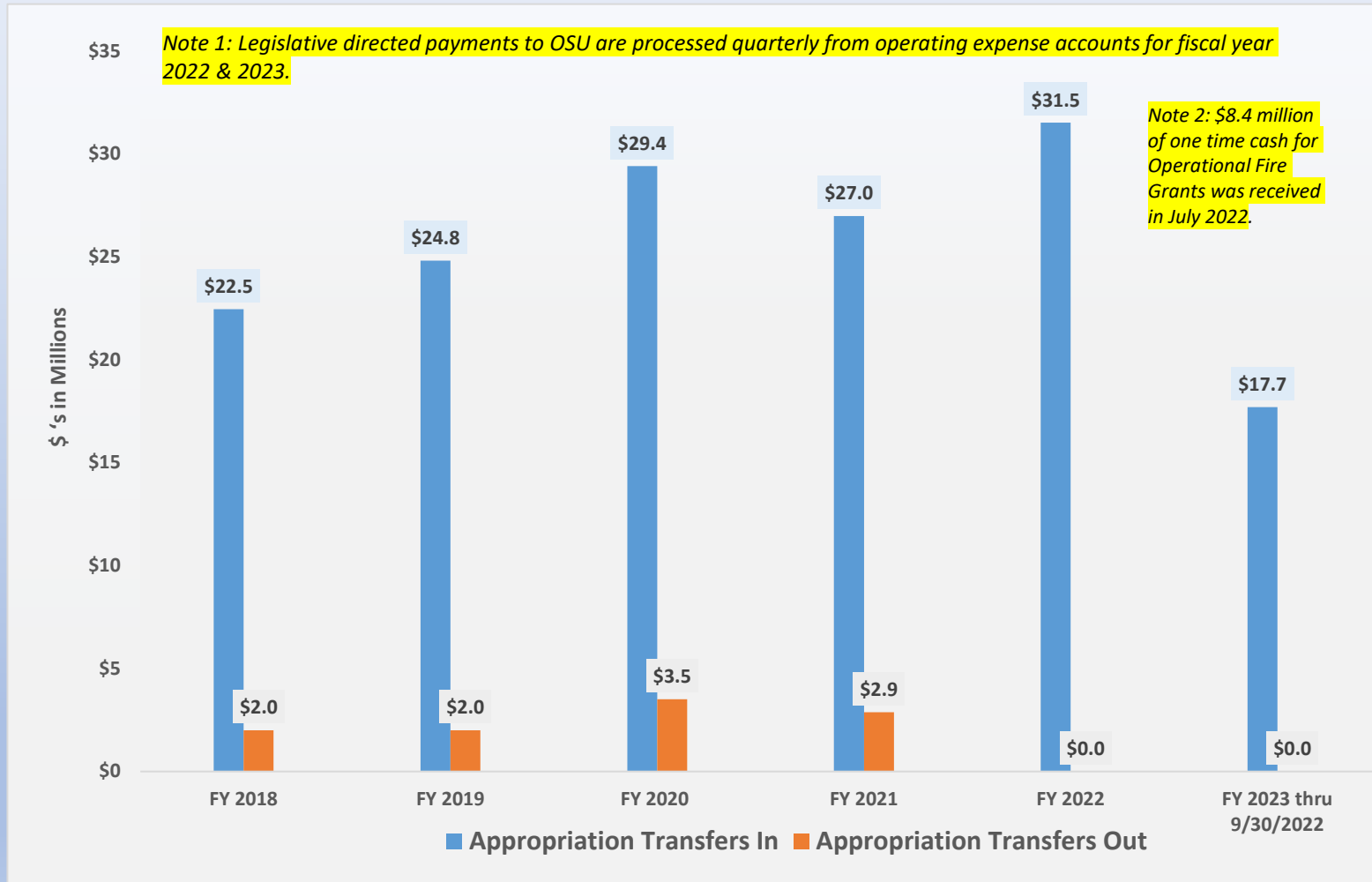


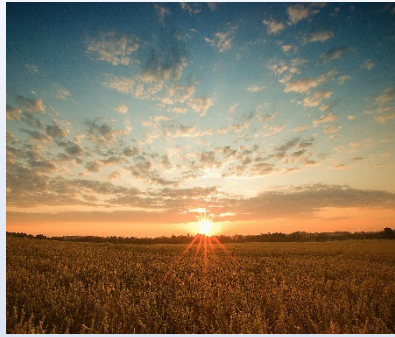
# Employee FTE Totals Fiscal Year FY 2006 – FY 2023



Note: FTE listed for Fiscal Year 23 was based on the FTE as of 10/14/2022.

# Appropriations FY 2018 - thru September 2022





## Administrative Services – Commodity Storage Indemnity

Commodity Storage Indemnity			
Investment Report			
As of September 30, 2022			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,217,496.17
<u>FY-2023 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest		\$13,345.02	\$36,705.07
Reinsurance			-
ODAFF Support Services			-
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	\$13,345.02	\$36,705.07
		=====	=====

Oklahoma Department of Agriculture, Food & Forestry					
Monthly Budget Report - Budget Year 2023					
As of September 30, 2022					
Fiscal Year 2023 Annual Budget to Actuals for Budget Year 2023 thru September 30, 2022					
Object Code	Account Description	Annual Budget	2023 Budget Year Expenditures for 7/1/22 - 9/30/22	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	18,789,464	3,296,144	22,076,419	(6,583,099)
512	Insur.Prem-Hlth-Life,etc	5,973,536	962,627	288,605	4,722,304
513	FICA-Retirement Contributions	4,734,582	779,335	-	3,955,247
515	Professional Services	3,100,583	294,373	1,765,866	1,040,345
519	Inter/Intra Agy Pmt-Pers Svcs	30,000	6,260	23,707	33
521	Travel - Reimbursements	328,702	38,179	-	290,523
522	Travel - Agency Direct Pmts	365,898	65,340	-	300,558
531	Misc. Administrative Expenses	1,158,520	131,680	314,748	712,092
532	Rent Expense	679,033	101,095	464,664	113,274
533	Maintenance & Repair Expense	1,408,060	192,739	457,098	758,223
534	Specialized Sup & Mat.Expense	1,585,410	254,340	737,096	593,974
535	Production,Safety,Security Exp	198,956	10,250	-	188,706
536	General Operating Expenses	271,710	33,111	-	238,599
537	Shop Expense	575,246	58,925	114,712	401,609
541	Office Furniture & Equipment	2,525,326	59,210	394,038	2,072,078
542	Library Equipment-Resources	932	-	-	932
543	Lease Purchases	1,703,720	567,085	1,131,223	5,412
544	Livestock-Poultry		10,053	-	(10,053)
553	Refunds,Idemnities,Restitution	20,000	-	-	20,000
554	Program Reimb,Litigation Costs	4,811,358	8,722,510	1,232,260	(5,143,412)
555	Pmts-Local Gov't,Non-Profits	15,952,049	846,075	4,972,193	10,133,780
559	Assistance Pymts to Agencies	8,248,687	-	3,000,000	5,248,687
564	Merchandise For Resale	140,000	-	-	140,000
601	AFP Encumbrances	-	-	1,924,328	(1,924,328)
810	Req Only	-	-	1,233,763	(1,233,763)
	<b>Operating Totals</b>	<b>72,601,772</b>	<b>16,429,331</b>	<b>40,130,720</b>	<b>16,041,721</b>

Oklahoma Department of Agriculture, Food & Forestry					
Monthly Budget Report - Budget Year 2023					
As of September 30, 2022					
Fiscal Year 2023 Annual Budget to Actuals for Budget Year 2023 thru August 30, 2022					
Class Funding	Class Fund Description	Annual Budget	2023 Budget Year Expenditures for 7/1/22 - 9/30/22	Encumbrances & Pre Encumbrances	Available Budget
19011	Carryover	-	-	248,257	(248,257)
19201	GRF - Duties	-	-	136,243	(136,243)
19301	GRF - Duties	37,146,198	4,231,085	23,707,946	9,207,167
20500	Rural Fire Defense Eqp Rev Fd	140,000	-	40,500	99,500
21000	Agriculture Revolving Fund	22,481,728	3,435,578	13,424,267	5,621,883
22500	Enhancement & Diversificatn Fnd	150,000	10,833	25,167	114,000
23000	Okla Pet Overpopulation Fund	13,000	-	13,000	-
23500	Animal Friendly Revolving Fund	13,000	-	13,000	-
24000	Unwanted Pesticide Disp Fund	350,000	-	350,000	-
24500	Rural Fire Revolving Fund	800,000	-	349,183	450,817
25600	Ok Viticulture Enology Revl Fd	350,000	18,000	12,750	319,250
26200	Poultry Grading Revolving Fund	1,049,479	177,925	727,989	143,565
28500	Milk & Milk Prod Inspec Rev Fd	379,817	55,859	260,058	63,901
28600	Ag In The Classroom Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	-	-	100,000
42000	Specialty Crop Federal Funds	690,000	14,100	495,140	180,760
43000	Farm and Ranch Stress Alliance	500,000	121,664	327,221	51,116
57604	Duties	8,414,550	8,364,287	-	50,263
	<b>Totals</b>	<b>72,601,772</b>	<b>16,429,331</b>	<b>40,130,719</b>	<b>16,041,722</b>



**OCTOBER 2022 BOARD REPORT  
AGRICULTURE LABORATORY SERVICES  
(August and September 2022 Activities)**

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

In August the QA Manager conducted an internal audit for the Food and Dairy Section. The audit was conducted to ensure that the overall quality of the Section is maintained and to direct improvements to areas that require it.

The QA Manager has been assisting in validating results for the General Chemistry Section to ensure results are reported out in a timely manner.

In September the QA Manager and the Technical Manager attended a two-day ISO 17025:2017 Internal Auditing Training course. Training consisted of preparing and conducting audits and how to interpret ISO 17025:2017 standards and apply them to the laboratory.

The QA Section has started its yearly internal audit for the General Chemistry Section.

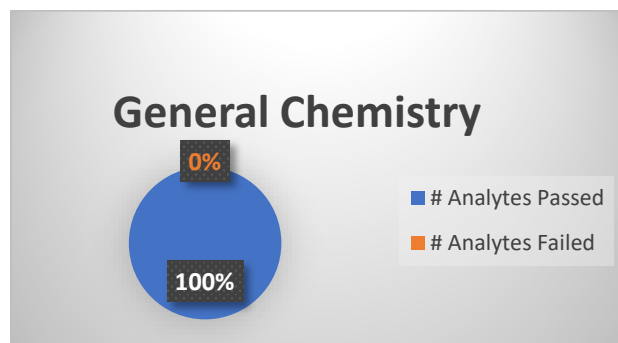
Laboratory Administrative Staff and General Chemistry Supervisor had an in person meeting with Consumer Protection Services (CPS) to discuss new equipment, sample load and testing.

The Inorganic Section passed supplemental PT for Total Phosphorous to ensure all analytes remain on the laboratory's scope by its' accrediting body, DEQ.

**PT Results for August**

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

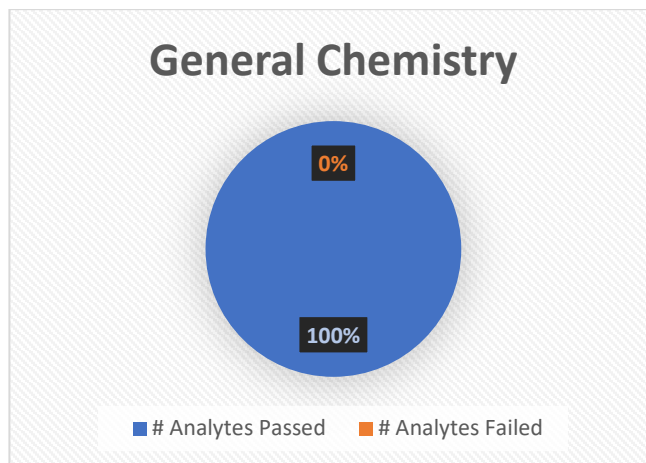
General Chemistry	
# Analytes Results Received	11
# Analytes Passed	11
# Analytes Failed	0



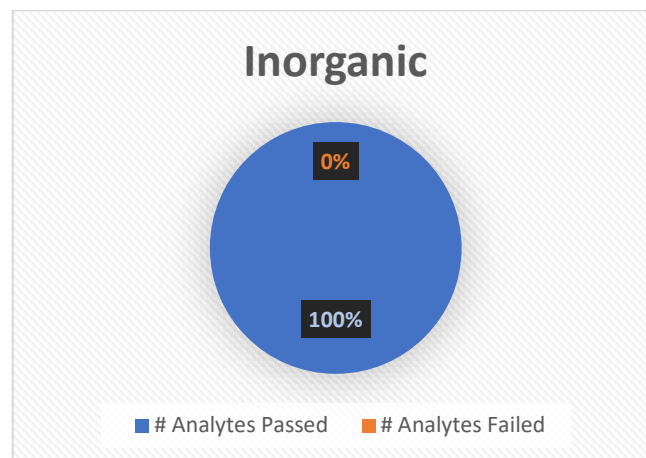
## PT Results for September

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

General Chemistry	
# Analytes Results Received	11
# Analytes Passed	11
# Analytes Failed	0



Inorganic	
# Analytes Results Received	1
# Analytes Passed	1
# Analytes Failed	0

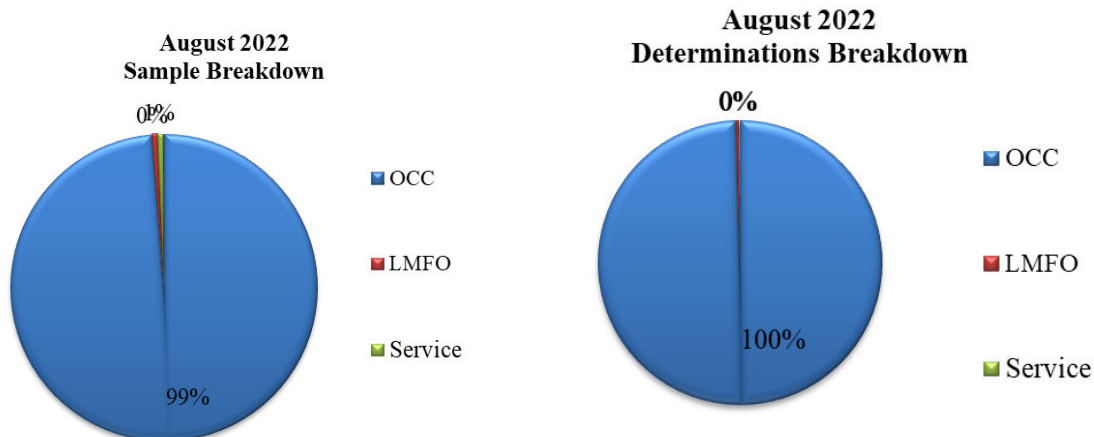


**INORGANIC SECTION:** (Elena Lyon, Environmental/Chemical Laboratory Scientist IV)

In August of 2022 the Inorganic Chemistry Section completed 159 samples consisting of 1641 determinations, with the following breakdown:

**August 2022 Inorganic Breakdown**

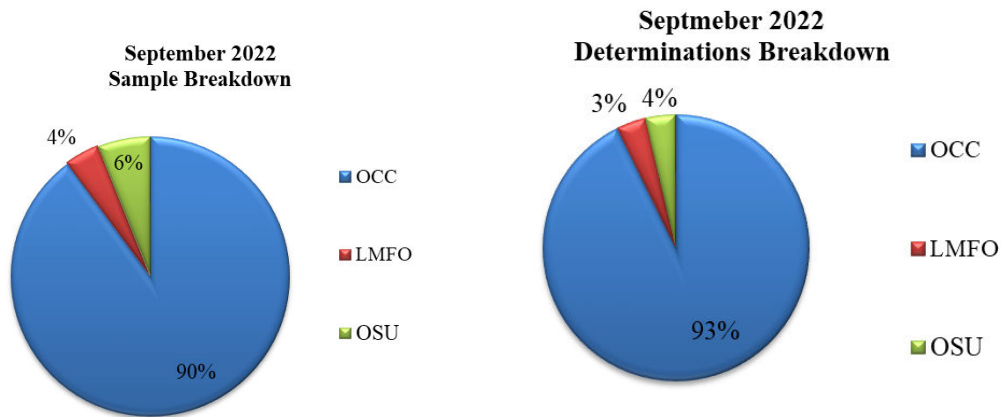
Customer	Samples	Determinations
OCC	157	1634
LMFO	1	6
Service	1	1
<b>Total</b>	<b>159</b>	<b>1641</b>



In September of 2022 the Inorganic Chemistry Section completed 198 samples consisting of 1318 determinations, with the following breakdown:

**September 2022 Inorganic Breakdown**

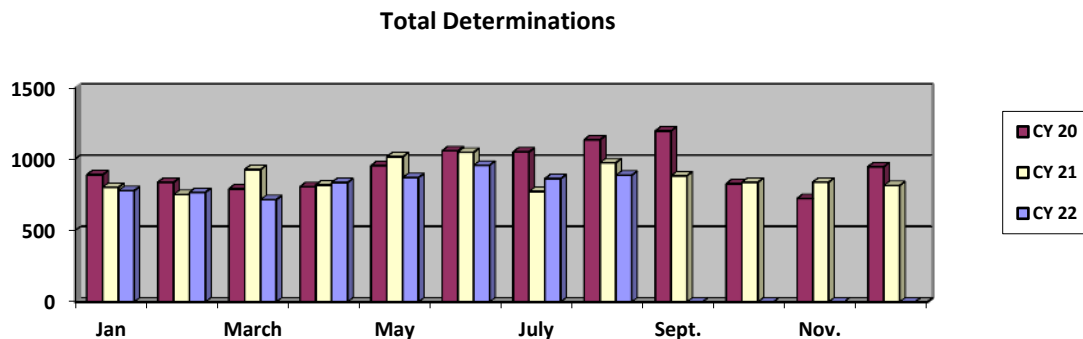
Customer	Samples	Determinations
OCC	178	1222
LMFO	8	48
OSU	12	48
<b>Total</b>	<b>198</b>	<b>1318</b>



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

The month of August was a typical testing month for the Section. Six dairies were not tested and two dairies are currently dry. The phosphatase machine which tests for pasteurization failed and Food Safety was able to purchase the Section a new machine.

Demolition of the autoclave started on September 12th, and should be completed in two to three weeks. The new autoclave is scheduled to be shipped on November 3<sup>rd</sup>.



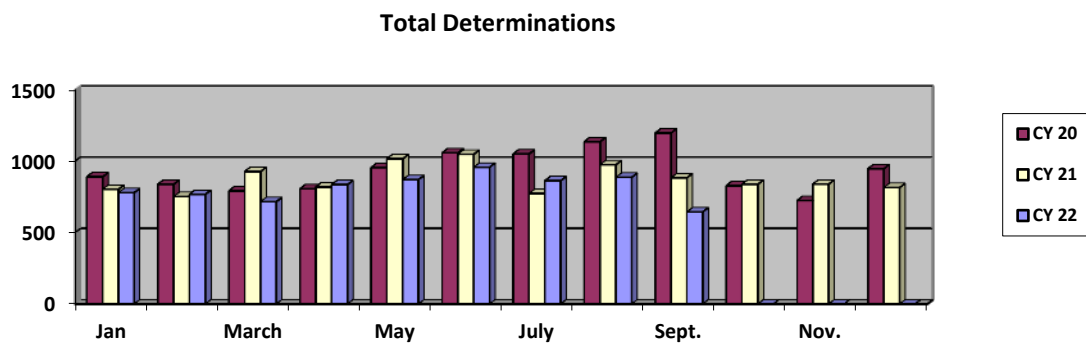


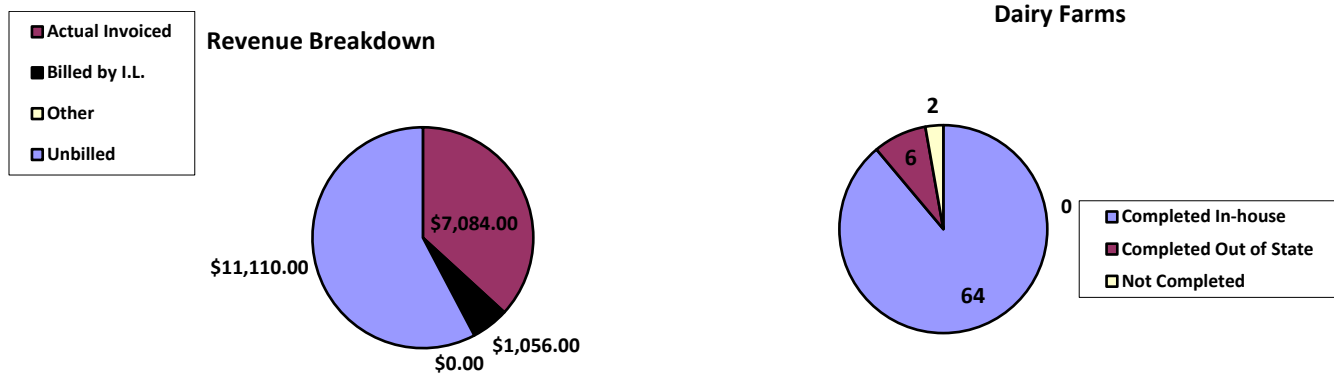
The month of September was not a typical testing month for the Section. Two dairies were not tested, one of those due to a positive Aflatoxin test result and two dairies are currently dry. It was unusual that there were four positive antibiotic tests during the month when the Section usually has one or two a year. One positive was found at an Oklahoma plant, the aflatoxin and two samples were found at an out of state plant and one was found through routine testing in the Section.

Meat samples were not tested for three weeks due to construction on the new autoclave. The construction area will not be completed when the new autoclave is scheduled to be delivered. A plastic sheet will be installed to contain as much dust and debris as possible so the Section still can continue to receive and test samples.

The Section is currently working on a food sample submitted by the Health Department that has been linked to several Salmonella cases. The Section has had a presumptive positive on the initial PCR screening and is isolating a colony for confirmation. After confirmation, an isolated colony will be submitted to the Health Department in Stillwater for serotyping.

The Section currently has only two analysts after one analyst was promoted to the Agricultural Environmental Management Division. The position has been opened and is accepting applicants until October 12<sup>th</sup>.





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

Activity in the Section remained steady during August. Records indicate the Section received a total of 163 samples for testing. Wheat, rye, oats and other small grains were the majority of crops tested while mostly turf and native grasses made up the remaining balance.

The Board of Directors of the Oklahoma Crop Improvement Association, as well as Oklahoma Genetics Incorporated, held their quarterly meetings on August 16<sup>th</sup> in the Laboratory conference room. Officials with the Oklahoma Crop Improvement Association are reporting a significant increase of seed lots being rejected during field inspection due to the presence of a prohibited noxious weed, field bindweed, and other weed species in certified wheat this year. Up to now germination results have been limited to illustrate overall germination quality.

Sample records indicate that a total of 201 seed samples were received in September. Overall sampling of small grains has dropped significantly when compared to previous years. Crops tested consisted primarily of wheat, canola and fall season grass.

Testing conducted on official samples resulted in Seed Law violations being discovered. Seven tons of rye and 1,200 pounds of annual ryegrass were placed under stop sale following the discovery of noxious weeds in excess of the allowed tolerances as well as labeling infractions.

While most germination results for certified wheat seed are showing good quality there are several areas of the state that were negatively impacted due to heavy rainfall during harvest. Early germination results from these areas are showing low germination quality due to sprout damage. In an effort to ensure adequate inventory of many of the newer wheat varieties, officials with the Oklahoma Crop Improvement Association were issued a special permit to allow the sale of certified wheat seed to be sold below the minimum standard 70% for the 2022 fall planting season.

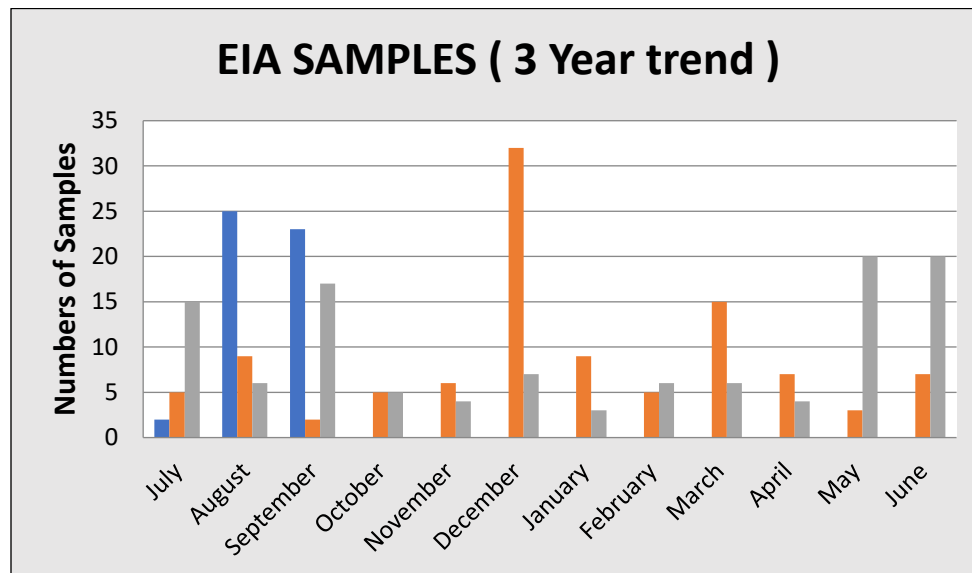
**SEROLOGY SECTION:** (Pete Bourns, Laboratory Scientist IV)

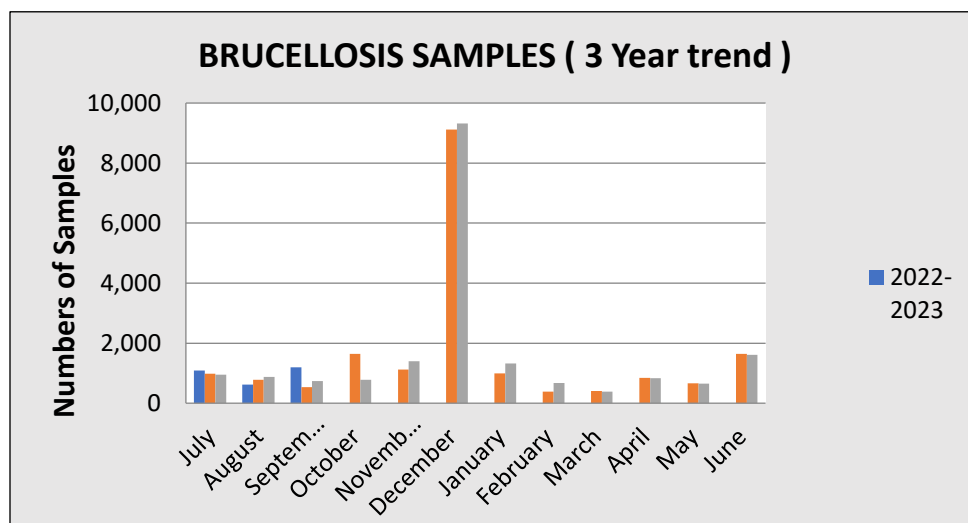
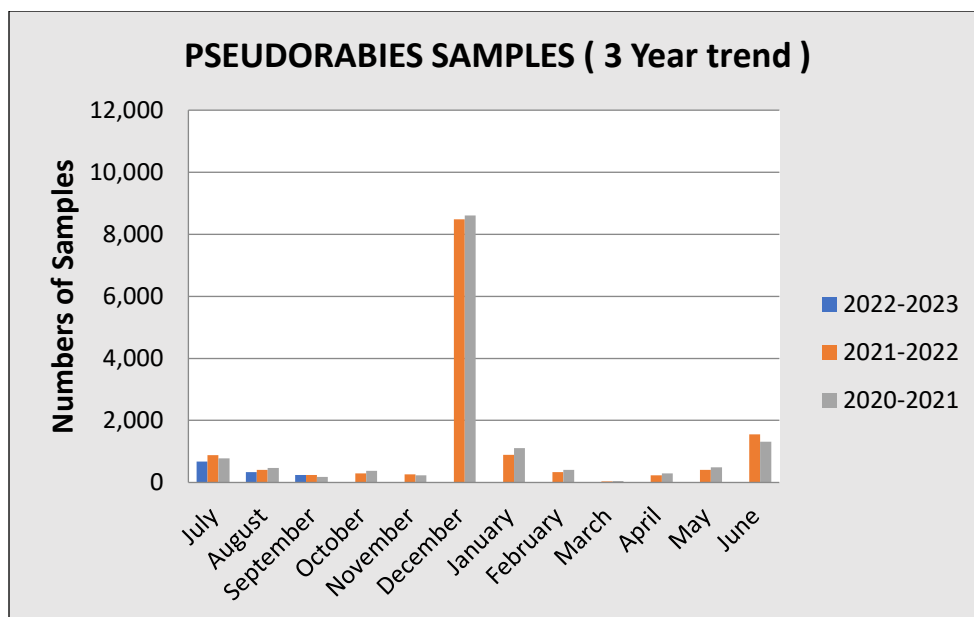
August

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2022	1093	333	25
2021	981	408	468
2020	620	780	871

September

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2022	1200	243	23
2021	539	244	2
2020	738	182	17





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

August was a slow month due to low volume of samples. However with the completion of the acid hoods the Section was able to have a substantial increase in the number of determinations. We are also using the available time to continue training our new chemist and lab tech.

Vitamin A testing was brought current in August. Hollie Harris is making great strides training and should be able to run unsupervised by the end of September assuming we are able to get enough variation of samples coming in over the course of the month.



We are still trying to clean up a backlog of ICP samples associated with the acid hood work but that will be completed by mid-September. Aside from the impact of these backlogged samples we have been able to keep our turnaround times in the 12-13 day average. We are well positioned for sampling and testing to get back in to full swing.

Overview of Section numbers for the month of August:

	<b>Feed</b>	<b>Fertilizer</b>	<b>Lime</b>	<b>Total</b>
<b>Samples Received</b>	64	54	1	119
<b>Samples Completed</b>	61	55	0	115
<b>Determinations</b>	257	130	0	387
<b>Violations</b>	14	4	0	18
<b>Violation %</b>	5.44%	3.08%	0%	4.65%

September continued to be slow due to low volume of submitted samples. However we were able to have a substantial increase in the number of determinations made. We have also managed to clear out all of our backlogged samples of old ICP analytes. We are using the available time to continue training our new staff and cross training all employees and improve processes.

Our turnaround times were up this month due to clearing out all of the old samples being held for ICP. We still kept our feed (15.06 days average) and fertilizer (17.4 day average) turnarounds under our target of 18 days. Lime (29.8 days average) exceeded the target turnaround time but this was primarily due to a single sample being held for ICP results requested when the acid hoods were down. Additional lime sample turnaround times were extended slightly due to ICP analysis but were close to the 10 day target. We are getting most passing analyses completed within 7 days.

We will continue to work with CPS in order to increase our sample numbers which will continue to drive our overall numbers up.

Overview of Section numbers for the month of September:

	<b>Feed</b>	<b>Fertilizer</b>	<b>Lime</b>	<b>Total</b>
<b>Samples Received</b>	77	28	8	113
<b>Samples Completed</b>	87	53	8	148
<b>Determinations</b>	422	156	58	636
<b>Violations</b>	30	15	1	46
<b>Violation %</b>	7.11%	9.62%	1.72%	7.23%

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

This month, the Section received and installed a nitrogen generator. Unfortunately, the generator performed fine for one week and showed problems with the compressor. The company is replacing the faulty compressor which is currently under warranty. The Section started to receive hemp samples and also received and completed some complaint marijuana samples.

**Section samples completed:**

The Section completed 42 samples this month. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT).

	Number	Test	Det.	Average TAT (days)
Residue Vegetation	24	56	374	41
Residue Soil	2	4	26	50
Residue Swab	2	2	40	47
Proficiency Test	5	5	38	27
Hemp	6	6	6	8
Concentrate	3	6	8	14

Average Residue  
Turnaround Time: 42 days

Average Formulation  
Turnaround Time: 92 days

Hemp Turnaround Time: 8 days

Totals		
# of Samples	# of Tests	# of Determinations
42	81	492

**Samples the Section received by month:**

The Section received 66 samples this month which is nearly 24% higher compared to last month. Majority of the sample received are for residue analysis (see Fig A).

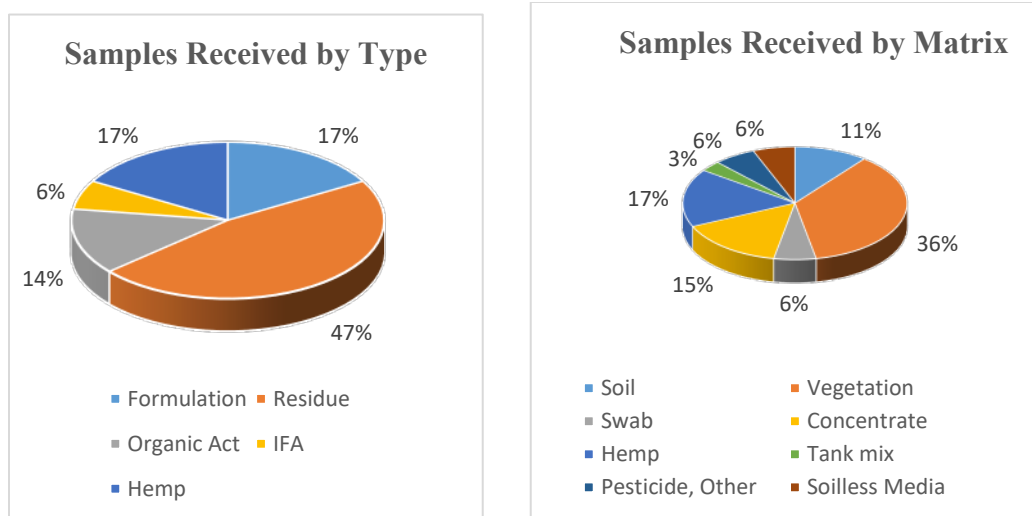


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right)

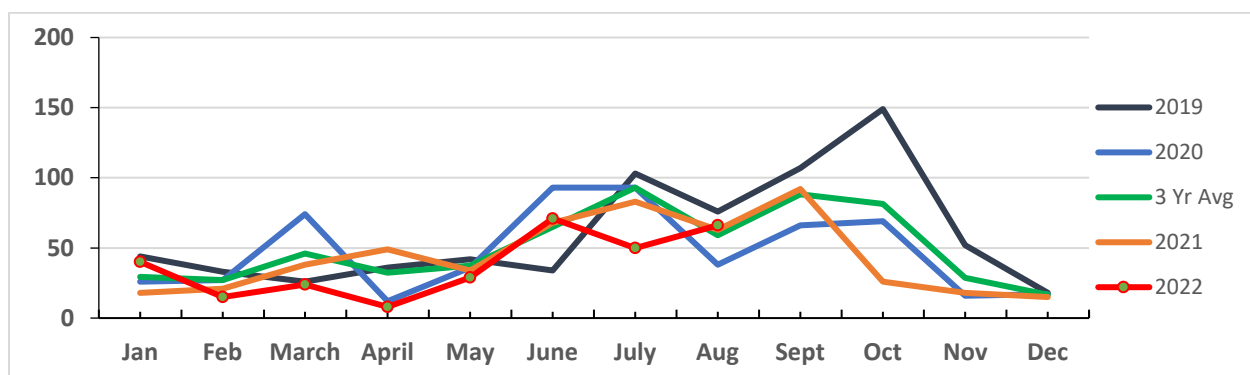


Fig B. Graph showing the number of samples received by the section each month.

### Determinations the Section completed by month:

This month, the Section completed 492 determinations which is 74% higher compared to last month.

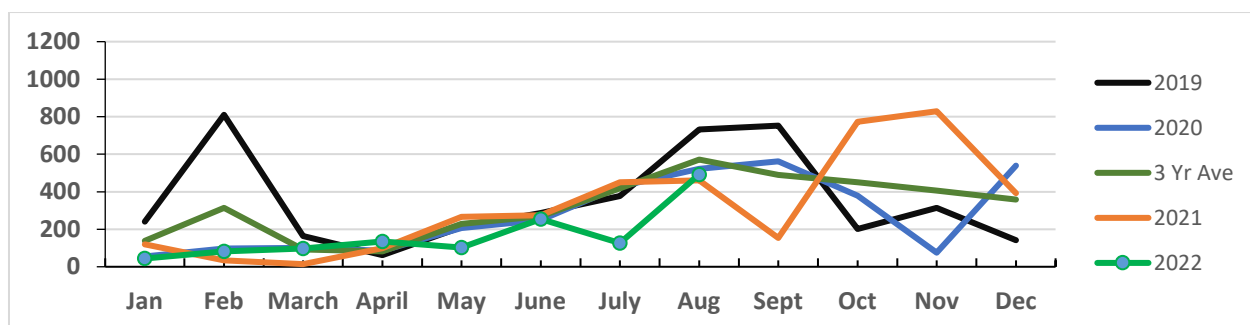


Fig C. Graph showing the number of determinations completed each month.

In the month of September, the Section continued to deal with the faulty nitrogen generator. The generator shows the same issue after replacing the compressor. We are working with the company on a solution. The Section continued routine work this month. The General Chemistry Section assisted with running boron tests on some swab samples by using the ICP.

**Section samples completed:**

The Section completed 76 samples this month. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT).

	Number	Test	Det.	Average TAT (days)
Residue Vegetation	17	29	186	69
Residue Water	30	116	697	95
Residue Swab	2	4	14	45
Proficiency Test	5	5	38	27
Hemp	7	7	7	9
Concentrate	2	4	5	29

Average Residue  
Turnaround Time: 69 days

Average Formulation  
Turnaround Time: 29 days

Hemp Turnaround Time: 9 days

Totals		
# of Samples	# of Tests	# of Determinations
76	179	936

**Samples the Section received by month:**

The Section received 38 samples this month which is nearly 65% lower compared to last month. Majority of the samples received are for residue analysis (see Fig A).

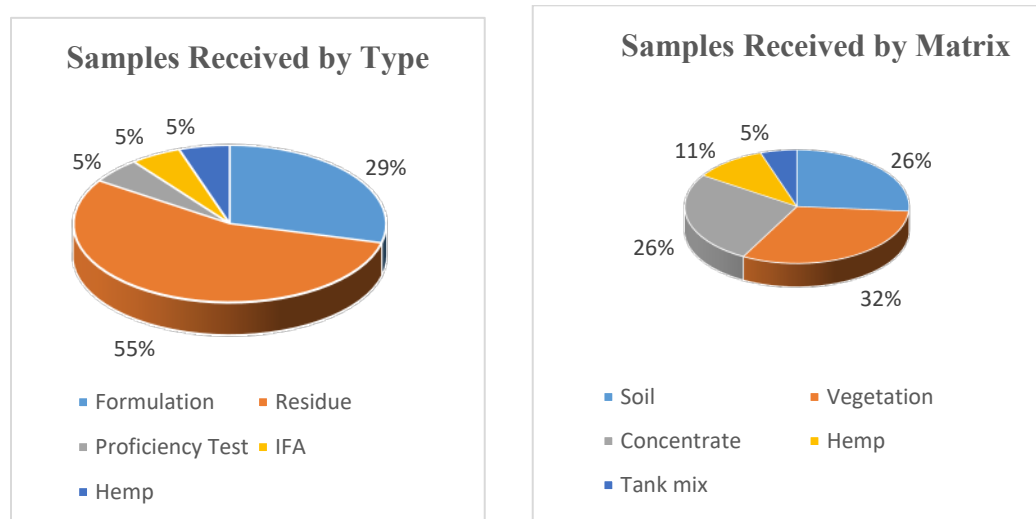


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right)

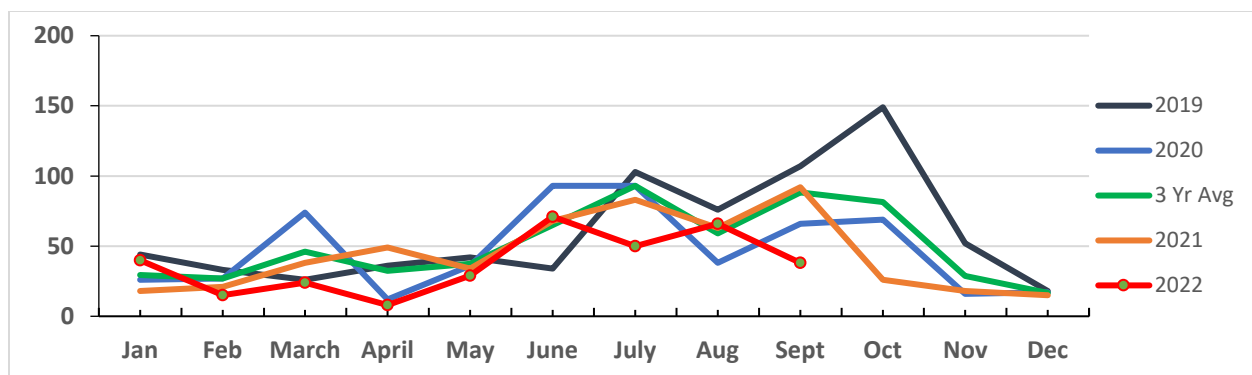


Fig B. Graph showing the number of samples received by the Section each month.

**Determinations the Section completed by month:**

This month, the Section completed 936 determinations which is the highest number of determinations the Section completed for this fiscal year. Most of the determinations are for environmental water samples.

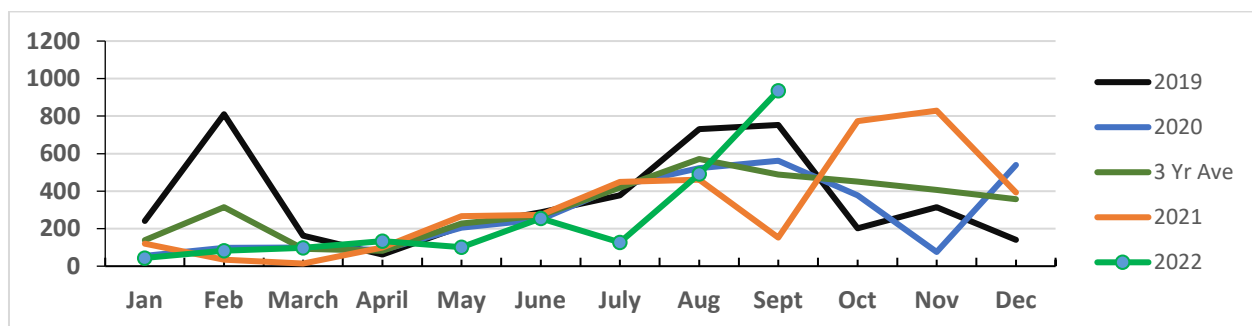


Fig C. Graph showing the number of determinations completed each month.

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

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

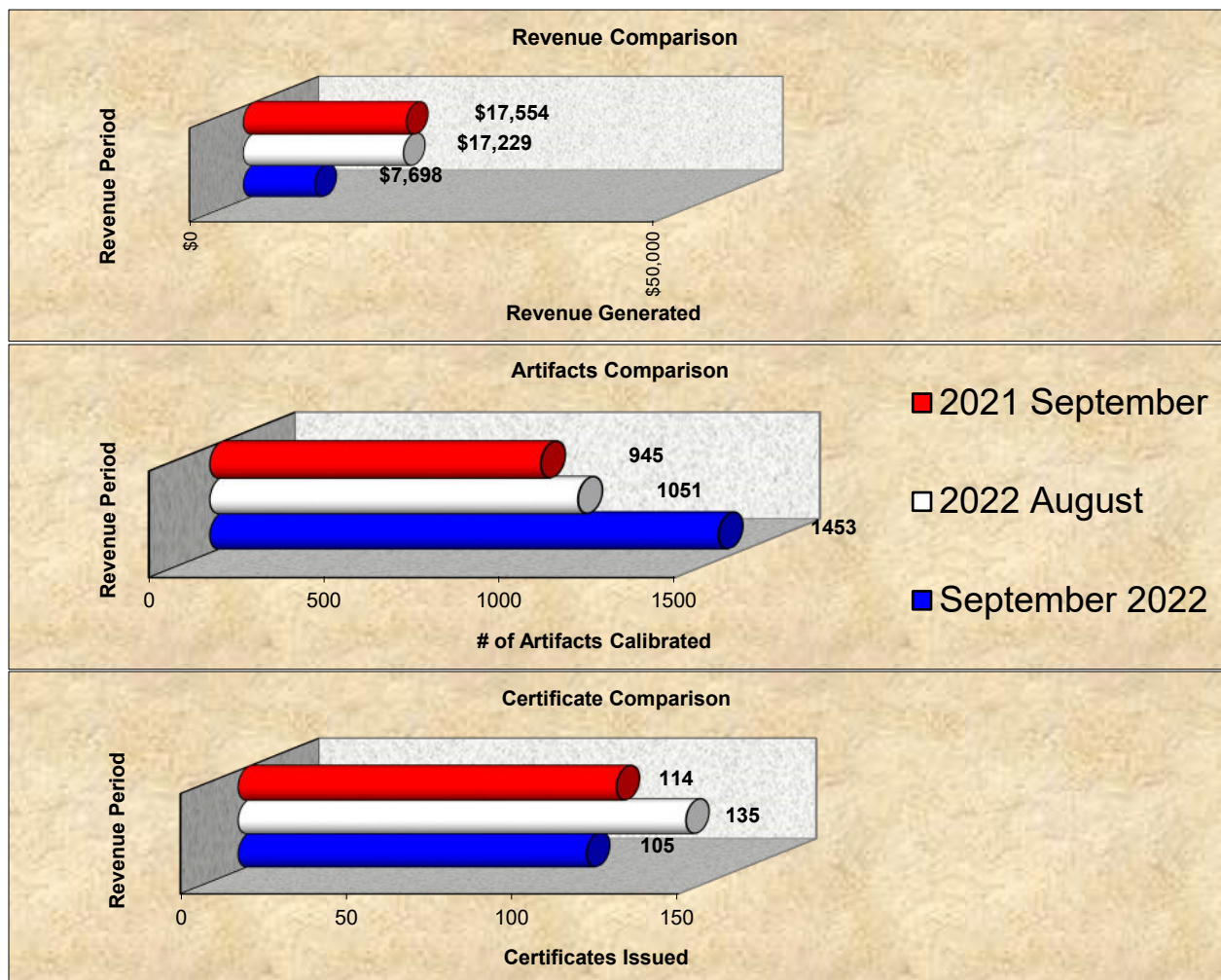
Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	3	\$1,680	10%	12	1%
In-State Customers	21	15,549	90%	1039	99%
Totals	24	\$17,229	100%	1051	100%

Total Fees not Charged		# Working Days Lead Time to Next Available Date for Calibration	
\$1,680		Mass I / II	38
Fees not Charged ODAFF CPS		Mass III	5
\$0		Volume	5

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

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	3	\$2,184.00	28%	52	4%
In-State Customers	14	\$5,514.00	72%	1401	96%
Totals	17	\$7,698.00	100%	1453	100%

Total Fees not Charged		# Working Days Lead Time to Next Available Date for Calibration
\$16,201.00	Mass I / II	20
Fees not Charged ODAFF CPS	Mass III	9
\$14,401	Volume	9



Respectfully Submitted,

A handwritten signature in blue ink, reading "Wade Krivanek". The signature is fluid and cursive, with the first name "Wade" and last name "Krivanek" clearly distinguishable.

Wade Krivanek  
Laboratory Director  
Laboratory Services Division

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

FEED SAMPLES	64
FEED DETERMINATIONS	257
POSSIBLE VIOLATIONS	14
 FERTILIZER SAMPLES	 54
FERTILIZER DETERMINATIONS	130
POSSIBLE VIOLATIONS	4
 LIME SAMPLES	 1
LIME DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
 PESTICIDE SAMPLES	 42
PESTICIDE DETERMINATIONS	492
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 159
DETERMINATIONS	1641
 STATE-FEDERAL VET. LAB. SAMPLES	 978
STATE-FEDERAL VET. LAB. DETERMINATIONS	1255
NUMBER POSITIVES	0
 SEED SAMPLES	 269
SEED DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
 BUREAU OF STANDARDS CERTIFICATES	 135
NUMBER OF STANDARDS CALIBRATED	1051
FEE CHARGES	\$17,229.00
 DAIRY SAMPLES	 451
DAIRY DETERMINATIONS	887
POSSIBLE VIOLATIONS	4
 <b>TOTAL SAMPLES</b>	 <b>2153</b>
<b>TOTAL DETERMINATIONS</b>	<b>5713</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>22</b>



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

FEED SAMPLES	77
FEED DETERMINATIONS	422
POSSIBLE VIOLATIONS	30
 FERTILIZER SAMPLES	 28
FERTILIZER DETERMINATIONS	156
POSSIBLE VIOLATIONS	15
 LIME SAMPLES	 8
LIME DETERMINATIONS	58
POSSIBLE VIOLATIONS	1
 PESTICIDE SAMPLES	 76
PESTICIDE DETERMINATIONS	936
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 198
DETERMINATIONS	1318
 STATE-FEDERAL VET. LAB. SAMPLES	 1466
STATE-FEDERAL VET. LAB. DETERMINATIONS	1857
NUMBER POSITIVES	0
 SEED SAMPLES	 296
SEED DETERMINATIONS	0
POSSIBLE VIOLATIONS	4
 BUREAU OF STANDARDS CERTIFICATES	 105
NUMBER OF STANDARDS CALIBRATED	1453
FEE CHARGES	\$7,698.00
 DAIRY SAMPLES	 451
DAIRY DETERMINATIONS	644
POSSIBLE VIOLATIONS	16
 <b>TOTAL SAMPLES</b>	 <b>2705</b>
<b>TOTAL DETERMINATIONS</b>	<b>6844</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>66</b>



# OKLAHOMA FORESTRY SERVICES BOARD REPORT

*Division Activities from August 27, 2022 – September 30, 2022*

Serving Oklahomans by conserving, enhancing, and protecting our lands and forest resources. Our board report is formatted to reflect the priorities of the National Cohesive Wildland Fire Management Strategy, which include Resilient Landscapes, Fire Adapted communities, and Wildfire Response.

## RESILIENT LANDSCAPES

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### URBAN AND COMMUNITY FORESTRY PROGRAM HIGHLIGHTS - *Improving the Forests Where We Live*

#### Program Highlights

August 23<sup>rd</sup> and 24<sup>th</sup>, Riley Coy, Ryan Oberst and Tony Pascall attended archery training in preparation for future youth forestry summer camps to obtain archery teaching credentials and funding/equipment to facilitate.





On August 25<sup>th</sup> and 26<sup>th</sup>, Riley Coy and Mark Bays assisted Keep Oklahoma Beautiful (KOB) with paint distribution around the state to communities who will use it to beautify historic buildings. This is a long-standing partnership between OFS and KOB.



On September 6<sup>th</sup>, Mark Bays represented Oklahoma at the United Kingdom's largest arboriculture conference. He was one of 21 people from around the world speaking at the Arboricultural Association's 55th Amenity Arboriculture Conference. The conference was held at Loughborough University in Leicestershire, central England. Mark spoke on the work he has done assisting the Oklahoma City National Memorial & Museum in preserving the Survivor Tree and shared his expertise with conference attendees.

While in England, Mark learned that he was to be recognized the following week by the National Association of State Foresters as the 2022 Lifetime Achievement Award recipient. NASF wrote, "In addition to introducing thousands of Oklahomans to forestry principles and forest management tools, Mark has worked closely with the Oklahoma City National Memorial and Museum for decades to share the story of the Survivor Tree, the American elm that miraculously survived the Oklahoma City bombing in 1995."

THE 55<sup>th</sup> NATIONAL AMENITY ARBORICULTURE CONFERENCE

# WHAT IS A TREE?

20 22

4-7 SEPTEMBER 2022

MARK BAYS SPEAKS ON TUESDAY 6 SEPTEMBER

## MARK BAYS

Oklahoma City's Survivor Tree

[TREES.ORG.UK/CONFERENCE22](https://trees.org.uk/conference22)

Find out more



On Friday September 14<sup>th</sup> Riley Coy presented on Urban Wood Utilization at the Oklahoma Municipal League Conference in Tulsa. There were approximately 600 conference attendees. There were 20 people in the breakout session about Urban Wood Utilization.



On September 26<sup>th</sup>, Mark Bays and Forester Riley Coy met with representatives of OMES and Manhattan Construction to discuss ongoing security improvement construction projects around the south capitol that are happening close to large existing oaks. Care will be taken to protect tree roots within the construction area. Soil enhancement such as aeration will be conducted in areas where moderate root disturbance occurs.



On Wednesday September 28<sup>th</sup> Riley Coy, Tony Pascall and Barbara Fuson collected Texas Live Oak (*Quercus fusiformis*) acorns at Quartz Mountain State Park. The seed will be sent to Texas for the drought tolerant species program as a partner of the southern states.

On Thursday September 29<sup>th</sup>, Riley Coy was interviewed by KOCO-5 Meteorologist Taylor Cox with about Fall foliage colors and drought stress on trees.

### **FOREST REGENERATION CENTER (FRC) & FOREST TREE IMPROVEMENT CENTER (FTIC)**

OFS Nursery Staff have been engaged in seedling cultural treatments, root-pruning pine seedlings at the nursery. Pruning the tap root approximately 5.5 to 6.0 inches below the soil will encourage the seedling to increase more lateral roots above the pruned area. This treatment will increase seedling survival after planting because of increased root mass. The seedlings will also be laterally pruned between the drill rows and top pruned, ensuring seedlings are uniform for tree planters.

The Nursery is beginning to collect native tree seed for 2023's seedling crop. The nursery collects many native oak species, black walnut, persimmon, rough leaf dogwood, sweetgum, and many more from now until the first of November.

The online Seedling Store began taking orders on October 3<sup>rd</sup>. The nursery assists customers interested in purchasing seedlings to continue or begin their management plan. Customers typically purchase seedlings for aesthetics, beautification, erosion control, wildlife, and water. The Store will receive calls and orders until March of 2023. The nursery will begin shipping customer orders from December-March. Thanks to Keith Merckx for assisting the nursery with our website and orders.

## COMMUNITY OUTREACH AND COMMUNICATIONS

### FORESTRY EDUCATION

On September 8<sup>th</sup>, Education Coordinator Tony Pascall and Forester Dieter Rudolph were accompanied by Keith Merckx at Santa Fe High School in Edmond to talk about jobs in the forestry sector with approximately 150 Seniors.



*Dieter and Tony address Edmond Santa Fe seniors*

On September 13<sup>th</sup>, Tony hosted the first Project Learning Tree Steering Committee meeting since 2015. The Steering Committee has thirteen members from diverse experience backgrounds who are interested in environmental education across the state and will help drive growth in Project Learning Tree Oklahoma.

On September 29<sup>th</sup>, Tony gave a report to the Oklahoma Forestry Association at their annual banquet on the state of PLT and forestry education in Oklahoma.

### FOREST HERITAGE CENTER (FHC)

The FHC is in full preparation mode for the 2022 Beavers Bend Folk Festival & Craft Show. The event includes turn-of-the-century crafts and demonstrations, folk music, and a barnyard petting zoo. Exhibitors and nearly 70 vendors will showcase crafts and skills such as woodturning, basket weaving, yarn spinning, quilting, papermaking and blacksmithing. Visitors to this event will learn the art of vintage craft-making and mountain music, all amidst the annual Fall colors.



## COMMUNICATIONS

Fire Public Information Officer Michelle Finch-Walker retired effective September 30<sup>th</sup> after 31 years of dedicated service to OFS. Michelle began her career with the division at the Forest Heritage Center and held many positions before settling into her final role as the primary contact for Oklahoma wildfire information. She also served as Public Information Officer at fires around the country assisting other agencies as requested.

## PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

### NORTHEAST AREA

#### Forest Protection Highlights:

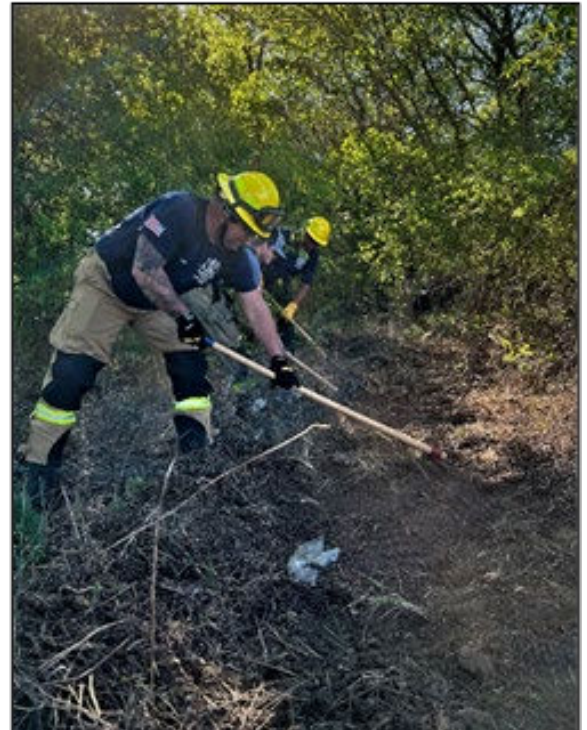
August 27<sup>th</sup> through September 30<sup>th</sup> the Northeast Area had seventeen fires that burned 432 acres in the Protection Area. NE Area Rangers also assisted with fires in the Southeast Area and responded outside of protection area.

September 16<sup>th</sup> – 18<sup>th</sup> OFS conducted an S-130/190 fire training for local fire departments in Kellyville, OK. Thirty-two firefighters attended the training presented by Forest Rangers Billy Riggs, Tony Hadley, Joe Leak, and Isaac Merchant. Forest Rangers Charles Kimble and Matt Waldrop attended an event at Maryetta school on the 27<sup>th</sup>, to talk about fire prevention with kids and have them meet Smokey Bear. On the 28<sup>th</sup> NE Area Rangers Doug Duncan and Billy Riggs attended a drone training held at the Tahlequah Area office.

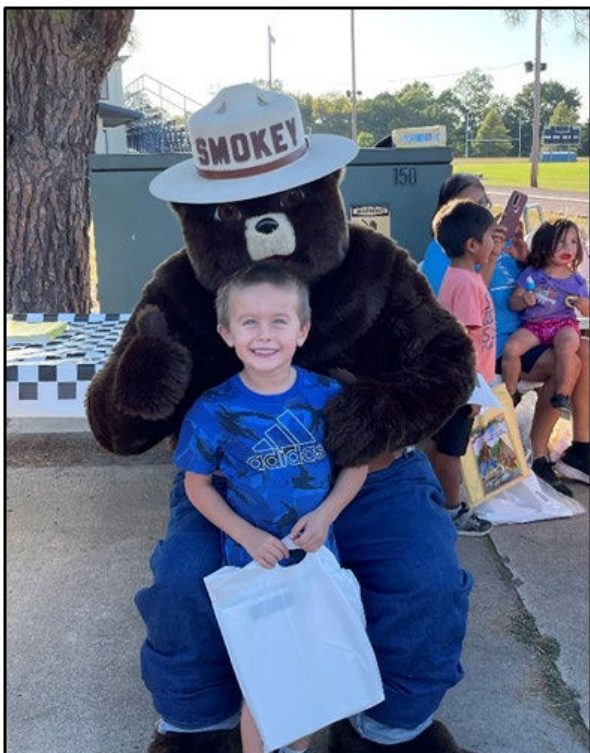
#### Forest Management/Program Highlights

Connie Robinson visited five landowners in Ottawa, Creek, and Osage Counties. She assisted two landowners in Delaware County regarding tree issues. Connie wrote five Forest Stewardship Plans in the reporting period: two in Osage County for 46 acres that focused on forest health and wildlife habitat, one in Ottawa County for 10 acres that focused on forest health and wildlife habitat, and one in Creek County for 35 acres that also focused on forest health.

Evan Long met with three landowners for issues regarding tree health and disease. He wrote two prescribed burn plans and assisted five individuals with management concerns. He also assisted with *Monarchs on the Mountain*, an event regarding ecology at Turkey Mountain Wilderness Area.



Kellyville Training Fireline Construction



*Smokey Bear with a fan at Maryetta School*

#### **Administration:**

Kaley Helton completed two CPO webinars covering Partnerships Between Procurement and Internal Customers and Vendor Debriefings earning continuing education units towards her Certified Procurement Officer certificate.

Several Forest Rangers met at the Tahlequah office with Forestry's Retirement Coordinator on Sept. 22 to discuss and gain a better understanding of their OPERS retirement plans.

#### **SOUTHEAST AREA**

##### **Forest Protection Highlights:**

- In Protection: 89 fires burned 2,640 acres in September. Two fires remain active at the end of the reporting period: Kern's Ranch fire at 3,350 acres and the Blue Hole Fire at 1,130 acres.
- JT Allen passed his drone remote pilot license exam
- First test flights completed on fires for the drone fire support program
- Bradley Walker, Bryden Walker, and Tama Lester were dispatched to fire assignments in Montana in September. Brock Hill and Steve Painter were on fire assignments in Texas.

##### **Forest Management/Programs Highlights:**

- Brock Hill conducted one landowner contact for the current period.
- Will Phifer had four landowner assists/contacts.
- JT Allen had eight landowner contacts.
- Tyler Hyatt had two landowner contacts

##### **Rx Assistance:**

- Davis Hazardous Fuel Reduction Burn 116 acres – J.D. Morris, Burn Boss

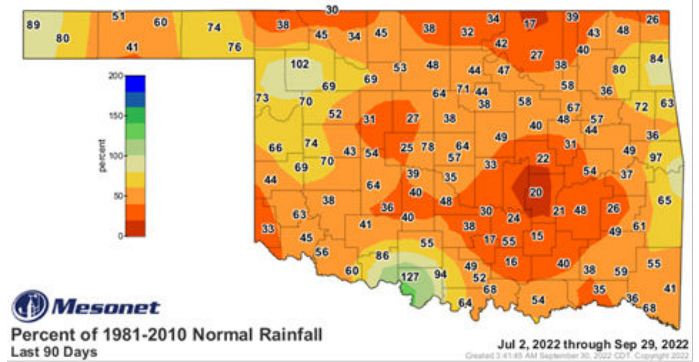
##### **Safety/Training Highlights:**

- Derik Gee, Steve Painter, Tony Macon and Chris Hutson taught S-130/190 wildland fire classes in Norman

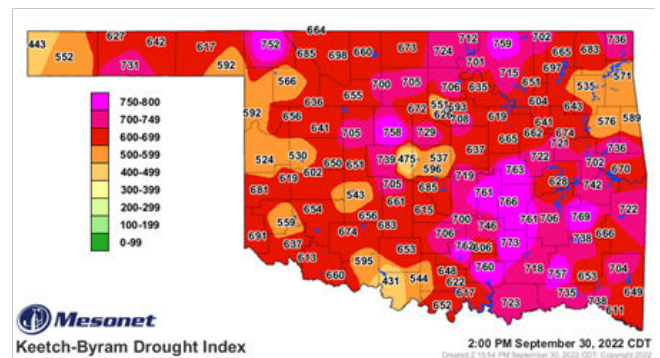
## WILDFIRE RESPONSE

### **Wildfire Activity & Outlook Executive Summary:**

La Niña conditions persist supporting a lengthy stretch of temperatures averaging above normal and rainfall continuing to fall behind. Currently, the statewide average rainfall for September ranks at the 6<sup>th</sup> driest in the last 102 years (since 1921). Most of Oklahoma is currently one-month separated from a wetting rain while areas in southeastern, as well as northwestern, Oklahoma have pushed past that mark and are 40-60 days separated. The 90-Day Percent of Normal Rainfall map to the right provides a good illustration for the current conditions across the Oklahoma landscape.



Hot and dry conditions through summer and continued warm and dry conditions entering autumn have sapped live fuel moisture with little available soil moisture in the root zone as drought conditions continue to intensify across the state. As a result, wildfire activity is on the rise with both OFS and local resources noting increased suppression difficulty and resistance to control efforts. The Keetch-Byram Drought Index (right) is one of the standards for gauging wildfire severity and suppression difficulty during the growing season where values over 600 translate to very damaging wildfires and heavy resource commitment.



### **Wildfire Response:**

As of September 30, 2022, OFS has been dispatched to 1,296 wildfire incidents, taking action on 1,092 wildfires that have burned 220,738 acres. Reported fire occurrence totals from combined agency reporting currently reflect that over 325,641 acres have burned in Oklahoma.

Prescribed fire activity has been paused with the development of notable drought conditions. To date in 2022, 37 Prescribed Fires have been successfully conducted treating 9,370.6 acres achieving both resource management and hazard fuels mitigation objectives. Recent fire activity has proven challenging with fire behavior rapidly transitioning to problematic and extreme fire behavior soon after time of ignition.



*Kerns Ranch Fire (Pushmataha County) 09/27/22*

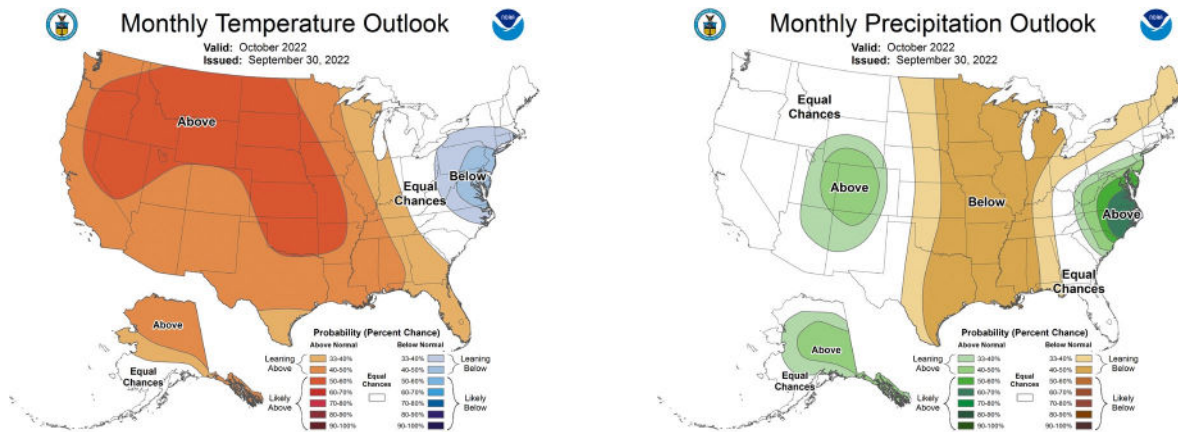


*Cedar Canyon Fire (Blaine County) 09/26/22*



### **Wildfire Outlook:**

Unfortunately, the current wildfire outlook is rather grim. Both near-term and extended forecast data continue to point to a warmer/drier regime into the autumn months. Climatologically, October is a more active weather month especially the latter half. There is forecast uncertainty that far out, but the current expectation is that it will favor troublesome fire weather as the La Niña drives on. In the near-term, a sagging jet stream does hold some promise for some relief in the Panhandle counties although no favorable signal is evident for the body of Oklahoma. The 30-Day Outlooks currently hold no encouragement.



### **STATE FORESTER ACTIVITIES from 1 September to 30 September:**

- Virtual Meeting with US Representative Frank Lucas' Deputy Chief of Staff to discuss wildfire issues that occurred in July near Mooreland
- Attended the September OFS "First Tuesday" Staff Meeting
- Virtual Meeting with Conservation Fund leadership to continue discussion regarding the possibility of land purchase for the first State Forest
- Attended the September meeting of the Oklahoma Rural Fire Coordinators
- Attended scheduled ODAFF Director's Meetings
- Attended one meetings of the National Operations Section Chief's Incident Management Remote Roundtable
- Attended one meetings of the National Incident Commander's Incident Management Remote Roundtable
- Attended the August NASF All State Foresters Monthly Policy conference call
- Participated in two virtual meetings as the Southern States representative to the USFS Community Wildfire Defense Grant Program Development Committee
- Met with Oklahoma Emergency Management Hazard Mitigation Staff to rewrite Forestry Services' portion of the State Hazard Mitigation Plan
- Attended one special meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Committee
- Virtually attended one Northern Rockies Geographic Area Coordination Center Weekly Update
- Virtually attend the September S-520 Advanced Incident Management Steering Committee Call
- Met with Andy James and Erin Robinson to discuss the status of USFS Grants and Forestry Services' budget
- Attend the September Board of Agriculture Meeting
- Attend the National Association of State Foresters' Annual Meeting in Skamania Washington
- Attended a meeting with Forestry Services' Fire Management Staff and Oklahoma Mesonet Staff to discuss Mesonet's fire weather products
- Attended the Oklahoma Forestry Association Annual Banquet in Idabel

Respectfully submitted,

Mark E. Goeller, State Forester/Director  
Oklahoma Forestry Services



OKLAHOMA

## CONSUMER PROTECTION SERVICES DIVISION

### OCTOBER 26, 2022 BOARD MEETING REPORT FOR AUGUST/SEPTEMBER/OCTOBER 2022

#### PESTICIDE SECTION

##### Pesticide Registration Activity

Pesticide registrations for August 1<sup>st</sup> to October 7<sup>th</sup> in 2022 are presented in the following chart. A total of 4271 products were registered, of the products registered 3942 were renewals and 329 were new. There were 204 products cancelled.



##### Pesticide Samples

Pesticide samples taken August-September 2022 are presented in the following chart. A total of 61 Residue, 27 Concentrate, 32 Documentary, and 4 Tank mix samples were taken.

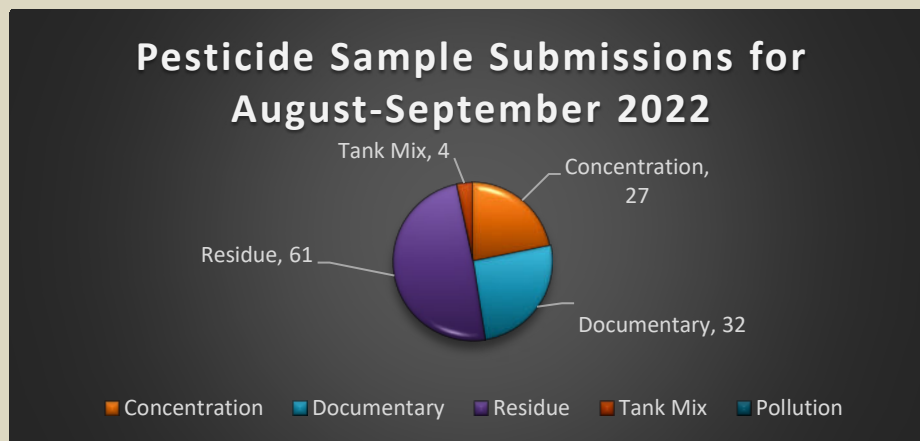


Table 1. Inspection Count for August - September 2022\*

Inspection Type	Number of Inspections		
	August	September	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	54	8	62
Pesticide Applicator Facility	48	22	70
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	19	6	25
Container Containment Inspection	4	0	4
Producer Establishment	6	1	7
Use	106	67	173
Termite	0	0	0
Wood	0	0	0
Pre-treat	0	3	3
Drift Investigation	0	0	0
Pesticide Label	3116	772	3888
Worker Protection	7	2	9
<b>Total</b>	<b>3360</b>	<b>881</b>	<b>4241</b>

\* Inspections not yet submitted at the time of this report will be reflected in the next board report

Along with the above inspections CPS inspectors also took 30 nonagricultural use samples, 51 agricultural use samples and 43 producer establishment samples for a total of 124 samples.

#### Licensing & Certification:

Service technician (ST) expiration reminders were sent via email on September 16, 2022 to all pesticide companies as a reminder to have their STs retest before the end of the year.

Service Techs Passed Exam: 1,393

Service Techs Expiring: 6,047

Service Techs with Companies (not taken exam): 2,625

CA categories expiring this year; 1B – Ag Animal, 2 – Forest, & 8 – Public Health

CEU renewal letters will be sent out by the end of October. This will be the first year that CEU letters will be sent both via email and by mail.

#### PSI Updates:

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

PSI has been notified of the increase in testing candidates due to all service technicians expiring at the end of 2022.

#### Pesticide Complaints

PESTICIDE COMPLAINTS	August 30, 2022 – October 7, 2022			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	7	5	12	5
MUSK THISTLE:	0			
PMR CASES:	10	0	0	0
CASES REFERRED TO OGC:	12			

#### **Plant Protection Program**

##### Phytosanitary Certificates

##### *Federal*

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

Commercial value of shipment \$1,250 or more:

3 Federal phytosanitary certificates issued @ \$106.00 each

Commercial value of shipment less than \$1,250:

7 Federal phytosanitary Certificates issued @ \$61.00 each

<b>Federal Phytosanitary Certificates (September 1, 2022 - September 30, 2022)</b>			
<b>Country</b>	<b>Product</b>	<b>Quantity</b>	<b>Phytos Issued</b>
Argentina	Peanut Seed	44 packets	1
Chile	Iris Rhizomes	190 Rhizomes	1
France	Barrelclover Seed	5 Grams	1
France	Wheat Seed	120 packets	1
Indonesia	Miscanthus Seed	2000 Kgs	1
The Netherlands	Barrelclover Seed	2 Grams	1
Republic of Korea	Agave Plants	15	1
Thailand	Miscanthus Seed	2000 Kgs	3

Companies applying for federal phytosanitary certificates:

International Ingredient:	4
OSU Biosciences:	3
Stout Gardens:	1
USDA:	1
Personal:	2

### *State*

State phytosanitary certificates Issued from September 1, 2022 – September 30, 2022  
84 phytosanitary certificates for 2,319 plants.



### Sweet Potato Weevil/Guava Root-Knot Nematode Trapping

We are currently in the process of trapping for Sweet Potato Weevil and Guava Root-Knot Nematode. This survey involves 1 inspector setting 11 traps across sweet potato fields in 3 counties. As we check traps for SPW, we are also taking field samples to test for Guava Root-Knot Nematode. These surveys will conclude in November.

### Phytophthora ramorum

Means Nursery in Oregon has had multiple positive finds of *P. ramorum*, but they are still allowed to ship plant material to Lowe's stores in Oklahoma via a USDA agreement. Due to the multiple positive finds at the nursery, states including Oklahoma have had to complete follow ups on the plant material shipped to their states. Additional resources have also been allocated to follow up on shipments of susceptible plant material from Means Nursery when a notification has been received from the facility so that they can be inspected and sampled if necessary, for *P. ramorum*.

We have also completed our last compliance survey at Park Hill Nursery, where a positive *P. ramorum* find happened in 2019. The results of all samples are back and out of the 330 samples taken in September all have come back negative. The negative samples mean we have finished our 3-year compliance survey and the nursery will be considered negative for *P. ramorum*. USDA APHIS PPQ released Park Hill Nursery on October 11, 2022 from their compliance agreement.

### HISSC conference – Louisville, KY

Kaci, Joe, Bryce, Richie, and Gersende, CPS staff got the opportunity to attend the Horticulture Inspection Society – Southern Chapter (HISSC) inspector training conference in Louisville, KY in late September. Inspectors received training in Pest ID of ornamentals, updates on Spotted Lanternfly, Asian Longhorn Beetle, Greenhouse Biological Control issues, Sampling Protocols, and many other topics, as well as updates related to each state belonging to the Southern Chapter.

Additionally, we observed Emerald Ash Borer damage firsthand while traveling on our way back from Kentucky, as well as specimens of Tree of Heaven in the states we passed through.

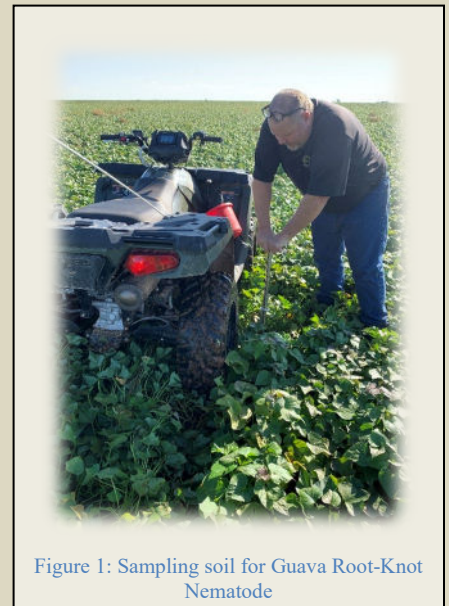


Figure 1: Sampling soil for Guava Root-Knot Nematode



Figure 2: Inspector looking at a diseased tree at HISSC.

### Japanese Beetle Trapping and Survey

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

The traps have been checked twice in June, twice in July, and once in August and September. Traps are in the process of being removed this month. So far, 3 beetles have been found in Cleveland County (this county is already positive as beetles have been found here before).

### Hemp

- Hemp harvest is underway, but it has decreased from prior years. Harvest should continue until the end of November and then license renewal will begin.
- CPS investigated an OMMA processor who was also processing hemp without a license. We worked with OMMA on this investigation and found several violations during the joint inspection. We sent product samples to Kentucky for extensive testing. The Kentucky lab found that one of the products contained over 175mg of psychoactive cannabinoids which according to the lab has the potential to incapacitate an adult
- All ODAFF inspectors are now Certified USDA Hemp Sampling Agents and have undergone the approved USDA hemp sampling training.

### Apiary

Caroline Nelson, Apiary Program Administrator, will be speaking at the Oklahoma State Beekeepers Association Fall Conference meeting on October 29, 2022. She will discuss the Oklahoma Apiary Act, how to register hives, pesticide reporting, the 2023 USDA Honeybee Survey, etc.

## **AGRICULTURE RESOURCE SECTION**

### **Weights and Measures Program**

The large capacity scale technicians tested 232 Vehicle scales and 16 scales were rejected.

CPS inspectors checked a total of 2092 small scales and 43 platform scales, 115 of the scales were rejected. There were 61 random pack inspections and 184 standard pack inspections conducted that resulted in 19 companies receiving letters of warning and 2 company's receiving a Stop Sale. Additionally, 175 price verification inspections were conducted at various retailers that resulted in 17 companies receiving letters of warning.

A total of 8 scale companies received a letter of warning for not properly servicing scales, 1 laundry business received a letter of warning for possessing a not approved scale, 1 company



received a letter of warning for split-weighing and 1 door to door company received a letter of warning for conducting business without an approved brochure from our office.

Our 2022 Service Agent License renewal processing is over 96% completed, two companies canceled their licenses, and twelve Stop Work orders were sent out.

## Feed Program

### Program Performance

During this reporting period there were a total of 87 official feed samples analyzed, with 442 feed determinations made from these samples. These determinations resulted in the issuance of 11 violations for feed or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Many of these violations were issued for products deficient in Crude Fiber. Other violation includes Crude Fat, Crude Protein, Vitamin A, Phosphorus, Potassium, and Salt. Eight stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Five stop sales were issued for products deficient in Vitamin A. One stop sale was issued for a product excessive in Crude Fiber. One stop sale was issued for a product deficient in Crude Protein. One stop sale was issued for a product deficient in Copper.

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

**Table 1. Feed Notice of Label Violation Summary September 2022- August 2022**

Nutritional Guarantee	Number of Label Violations		
	September <sup>1</sup>	August <sup>2</sup>	Two Month Total
Crude Protein	1	8	9
Non-protein Nitrogen	0	0	0
Crude Fat	2	2	4
Crude Fiber	3	1	4
Calcium	0	0	0
Phosphorus	1	0	1
Salt	1	1	2
Magnesium	0	0	0
Potassium	1	0	1
Copper	0	0	0
Iron	0	0	0
Zinc	0	0	0
Vitamin A	2	0	2
Medicated Feed	0	0	0
<b>Total</b>	<b>11</b>	<b>12</b>	<b>23</b>

<sup>1</sup> 87 feed samples analyzed with 442 determinations; <sup>2</sup> 54 feed samples analyzed with 198 determinations



**Table 2. Feed Stop Sale Summary September 2022- August 2022**

Nutritional Guarantee	Number of Stop Sales		
	September <sup>1</sup>	August <sup>2</sup>	Two Month Total
Crude Protein	1	1	2
Non-protein Nitrogen	0	0	0
Crude Fat	0	1	1
Crude Fiber	1	0	1
Calcium	0	0	0
Phosphorus	0	0	0
Salt	0	1	1
Manganese	0	0	0
Potassium	0	0	0
Copper	1	0	1
Zinc	0	0	0
Vitamin A	5	3	8
Medicated Feed	0	0	0
<b>Total</b>	<b>8</b>	<b>6</b>	<b>14</b>

<sup>1</sup> 87 feed samples analyzed with 442 determinations; <sup>2</sup> 54 feed samples analyzed with 198 determinations

## Fertilizer Program

### Program Performance

Below you will find the performance numbers for the fertilizer, agricultural lime, and soil amendment programs for the time-period of August 25<sup>th</sup> to October 1<sup>st</sup>, 2022.

Type of Sample	Number	Deficiency Penalties
Fertilizer	38	3 (3 Stop-Sales)
Lime	11	0

Type of Investigation	Number
Anhydrous Ammonia Nurse Tanks	0 (0 Tanks)
Anhydrous Ammonia Storage Tanks	1 (2 Tanks)
Dry Bulk Fertilizer Facility	12
Liquid Bulk Fertilizer Facility	12
Pre-Site Facility	0

## Basic Inspector Training for Feed and Fertilizer

CPS hosted the 2022 Basic Inspector Training Seminar for feed and fertilizer in Oklahoma City on September 20-22, 2022. This training seminar hosted 70 agricultural field inspectors from 21 states, including CPS field staff. The objective of the seminar was to

provide inspector training on basic sampling methodology and inspection procedures used in the feed and fertilizer programs. The seminar is supported by AAFCO and AAPFCO who provided trainers for their programs and by ODAFF who arranged for the meeting facilities.



Figure 4: Feed bag sampling station



Figure 3: Attendees for the Basic Inspector Training.

The three-day event consisted of two days of classroom training over regulations, labeling requirements, professional development, and proper sampling protocols. The third day of the training was conducted onsite at two Oklahoma facilities to show practical application of the sampling methods in the field, as well as safety and good manufacturing practices. The host facilities for this event were provided by Wheeler Brothers Grain and CHS Inc. in Kingfisher. We appreciate their hospitality.



Figure 6: Liquid fertilizer sampling station



Figure 5: Bulk Fertilizer Sampling

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



Kenny M. Naylor



**OKLAHOMA**  
**Agriculture, Food**  
**and Forestry**



Oklahoma Department of Agriculture, Food and Forestry  
Animal Industry Services Board Report  
October 27, 2022  
Activities August 27, 2022 – September 30, 2022

**Animal Disease Traceability:**

During the Oklahoma State Fair and the Tulsa State Fair our office staff, Livestock Inspectors, and staff veterinarians inspected documentation for animal ID and movement at the State Fair of Oklahoma. Animals were inspected from across the nation and even Canada. Education is working as we had very few issues and compliance was good.

On August 30, Dr. Gorczyca and I met with a delegation of Israeli veterinarians and producers to discuss the traceability framework in Oklahoma. There are international communications between USDA and Israel to export beef stockers to Israel.

On September 1 I participated in a virtual meeting with several Board members of US CattleTrace, as well as Cattlemen's Association leaders and Farm Bureau leaders from Oklahoma, Texas, Kansas, and Florida. US CattleTrace is looking for ways to continue to promote and expand their voluntary, passive traceability program.

During this time, we have released VET-CVI for Oklahoma licensed and accredited veterinarians to use to issue electronic Certificates of Veterinary Inspection. We have had a good response so far and currently have 80 registered users.

On September 29, Dr. Gorczyca, Dr. Ruby, and I participated in a GlobalVetLink webinar to get updates on the platform.

We continue to distribute the free RFID tags to interested veterinarians and producers. During this time, we shipped 14,600 tags to veterinarians and producers. We also have a limited number of RFID tag readers that are available for loan.

Brucellosis Vaccination records are very valuable to our traceability program because they almost always document the location of the heifer's birth. Marissa has been working to process the backlog of the records and now has all the records from May 2021 to the current time in our database.

**Aquaculture:**

Assigned aquaculture inspections have been completed with no issues found. We have had 2 licensees that we were unable to contact to schedule an inspection. They will have to be inspected before we will approve their license renewal for calendar year 2023.

**Biologics:**

There was no significant activity in this program during this time.

### Cattle Programs:

#### **Brucellosis:**

The only remaining reservoir of *B abortus* in the U.S. is in elk and bison in the Greater Yellowstone Park area. Those states have Designated Surveillance Areas, where the disease in wildlife occasionally spills over into domestic cattle and bison.

While there is very little need to test for *B abortus* any longer, this means we have very little or no surveillance for *Brucella suis* (Swine Brucellosis) which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. *B suis* can, and does, infect cattle.

#### **Tuberculosis:**

We currently have no TB affected herds in Oklahoma.

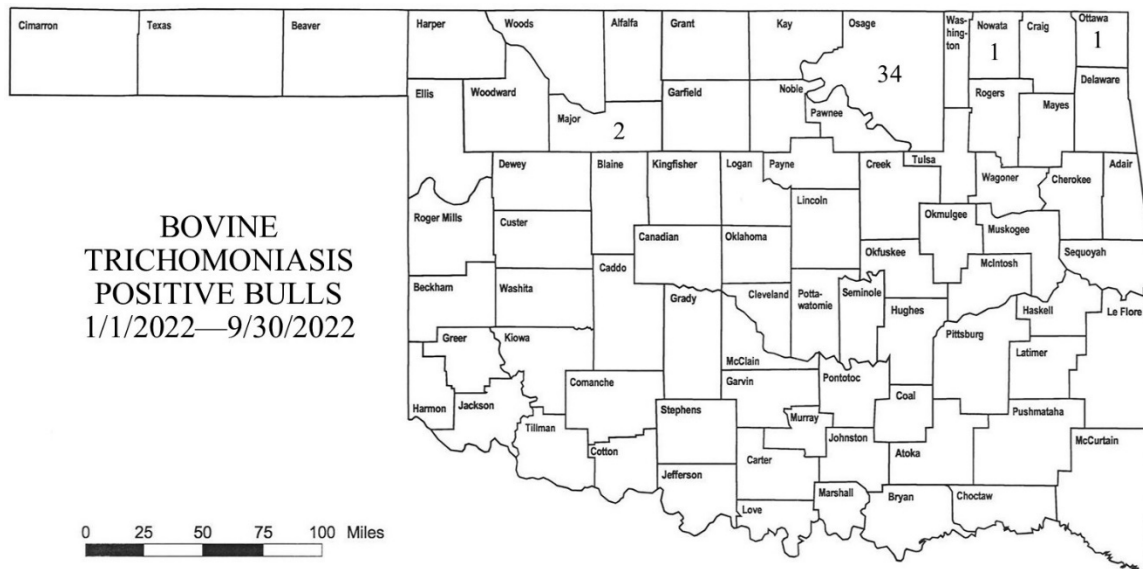
Testing in trace out herds that had purchased animals exposed to the positive bull in Osage County continues.

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

For the reporting period we received 13 positive reports with 2 reports corresponding to previously positive premises. During the past 5 years and the same reporting period we have essentially the same numbers with a slight and steady decrease in previously identified premises and thus a slight increase in new premise identified.

#### **Trichomoniasis:**

During this period there were 1,095 Oklahoma bulls tested for Trichomoniasis with no positive individuals.



11,445 bulls tested / 38 positive = 0.33% positive

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

**Emergency Management:**

On September 6-8, Dr. Gorczyca and I attended the US SHIP House of Delegation meeting in Bloomington, MN.

On September 28, Dr. Gorczyca presented over Foreign Animal Disease Investigation and Response to the OSU CVM Disaster and Emergency Management course.

During this timeframe, Dr. Gorczyca submitted NADPRP grant proposals to provide FAD outbreak response training and outreach to emergency managers and other stakeholders to increase awareness of high consequence animal diseases that could affect Oklahoma agriculture. She is also working on a proposal to develop FMD vaccination plans to make current plans operational to determine the best ways to vaccinate FMD susceptible species in the face of an outbreak. She has also been asked to participate as a NADPRP grant reviewer and will begin reviewing submitted proposals in October.

**Equine Programs:**

There are no reported cases or quarantines for CEM in Oklahoma

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

There are no known Piroplasmosis cases or traces in Oklahoma.

We have noticed an increase in reported cases of neurologic conditions in horses. Late summer into fall is when we typically see West Nile Virus cases in horses, and we have been notified of several positive horses. We've had two horses diagnosed with rabies, and several were not diagnosed. I suspect they had WNV but had not had time for antibodies to form so the blood test would be positive.

We continue to provide a service to veterinarians if they have neurologic equine patients and will submit two blood samples and a deep nasal swab to OADDL we will pay OADDL for testing for WNV, Equine Herpes Virus, and Eastern Equine Encephalomyelitis. It's a valuable program for horse owners, veterinarians, and us to get surveillance for those diseases, but we have been unable to find dedicated funding for it.

**Farmed Cervidae Programs:**

On July 28, 2022 a Whitetail Deer herd in Wisconsin was depopulated and tested for Chronic Wasting Disease. AIS was alerted that a significant number of those deer were confirmed positive for CWD. On September 21, 2022, letters were sent to our Farmed Cervidae Producers who had purchased deer from the Wisconsin herd that may have been on that premises between the potential exposure period of 7-24-2016 and 8-17-2021.

On September 9, 2022, AIS was alerted that a Whitetail Deer tested positive for CWD just south of the Cimarron County border in Texas. On September 12, 2022, a notice was sent via E-mail, to all of the Farmed Cervidae Producers in Oklahoma that included the ODAFF press release information and a list of USDA recommended biosecurity practices.

All future applicants for a farmed cervidae license will receive a copy of the recommended biosecurity practices in an effort to keep their herd as safe as possible from CWD and other transmissible diseases.

There have been reports of Epizootic Hemorrhagic Disease and Blue Tongue affecting some of our cervidae herds.

**Feral Swine:**

There was no new activity to report during this time.

**Foreign Animal Disease:**

During this time, we had five FAD investigations. One cow from Leflore County, one cow from Mayes County, one hog from Payne County, a one horse from Woodward County had vesicular type lesions in and around their mouth. One flock of chickens showed some moderate death loss and were sampled to be tested for Avian Influenza. Fortunately, none of them were caused by a FAD.

The Highly Pathogenic Avian Influenza (HPAI) outbreak is continuing. As of October 13, there are 42 affected states and 528 confirmed affected premises with HPAI. 47.4 million birds that have died or been destroyed due to this virus incursion. We are preparing ourselves to deal with more cases this fall and winter.

Due to the ongoing HPAI outbreak, we have worked with ODAFF Communications to push information about the disease and ways to prevent it via our social media outlets, as well as sending multiple emails to veterinarians, OSU Extension, Ag Educators, and other agriculture related people and groups.

We continue to be part of three separate working groups that are planning to respond to African Swine Fever in case the disease makes it to the USA. This has gained greater significance due to the finding of ASF in the Dominican Republic and Haiti.

**Livestock Market Audits:**

During this period, staff issued a livestock market license to Dustin Baker of Gans, Oklahoma. Mr. Baker's D & D Auction Barn, LLC held their first sale on Saturday, September 10<sup>th</sup>. The state's newest auction market initially plans to host a sale on the second Saturday of each month but has indicated they may add another sale as the business expands. No other market applications were received this month, although packets were requested by a of couple individuals interested in sale barn ownership. This period also allowed for a market orientation as well as several custodial account reviews.

**Livestock Auction Market Activities**

Auction market licenses issued	1
Auction market licenses pending	0
Market custodial audits completed	5
Auction market complaints investigated	0
Fines collected	0

Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

**Outreach:**

On August 29-30 a young pre veterinary student named Callie Graham spent the days with us. She works for a mixed animal practice in Coalgate but wanted to see what regulatory medicine looks like.

On September 5 I submitted my reports for the Oklahoma Veterinary Medical Association's Board of Directors meeting and for the quarterly newsletter The Communique.

On September 14 we hosted a meeting with our AIS veterinarians and USDA Veterinary Services veterinarians and animal health technicians.

Oklahoma State Fair Birthing Center is an exhibit of agricultural animals giving birth in full display for the public to observe. It is supported by the Oklahoma Veterinary Medical Association and the State Fair of Oklahoma. This display requires a lot of manpower with volunteers from the veterinary profession, veterinary and pre-vet students, Registered Veterinary Technicians and RVT students, and OSU extension. Each year for nearly 20 year this is the fairs favorite exhibit. It is a great opportunity to educate the public in a small way about agriculture, where some of their food comes from, and to show that agriculture producers care about their livestock.

On September 15<sup>th</sup> Dr. Stone was interviewed about the birthing center and the importance of agriculture for Channel 4 News and Channel 25 Fox News Oklahoma. On September 16, Dr. Ruby assisted the Canadian County Sherriff's Office with determining body condition scores of horses that were part of an animal neglect investigation.

On September 26 our field staff was in for a quarterly meeting. We went over changes in livestock markets, poultry sales, and other duties they perform routinely. We discussed HPAI, African Swine Fever, and other disease issues. We worked with IT to get their laptop computers updated with additional memory and improved hard drives. This cost around \$100 each but saved ODAFF close to \$800 each by not having to purchase new laptops. We also completed installation of Automotive Vehicle Locators on all our AIS vehicles.

On September 29 I did an interview with KOCO TV regarding the surge in livestock rabies cases we saw in September.

**Poultry Programs:**

There have been 8 sick or dead birds submitted for our sick bird/dead bird program since the last board report, for a total of 114 cases this year.

On September 23, Dr. Ruby, Sherrie Davis, and I attended a virtual meeting of the Tri State Poultry Health Advisory Committee.

**Public Health**

On September 29<sup>th</sup> our AIS veterinarians met to discuss changing our rules on canine brucellosis. This is a potentially zoonotic disease that seems to be increasing in prevalence in Oklahoma. In the past year we received 39 positive reports representing 8 owners. 31 were from a single owner in Oklahoma.

**Rabies in Livestock:**

The quarantines on the sow who was exposed to a rabid skunk and the horses that were exposed to a rabid horse were released.

During this time, we were notified of two horses and two cattle that were tested for rabies and found to be positive.

**Sheep and Goat Programs:**

There was no significant activity during this time.

**Swine Programs:**

On September 6-8 Dr. Gorczyca-Southerland and I attended the second annual United States Swine Health Improvement Plan (US SHIP) House of Delegates conference in Minneapolis, MN. US SHIP is a cooperative effort between the swine industry, USDA, and States to develop a nationwide surveillance program similar to the successful National Poultry Improvement Plan.

**Miscellaneous:**

We were notified that of the seven shortage areas we nominated for the Veterinary Medical Loan Repayment Program, three veterinarians were offered grants that will provide \$25,000 per year for three years to relieve their veterinary school debt. We are in the process now of identifying shortage areas and making nominations for next year.

We are working with general counsel on the process to make potential rule and statute changes.

Respectfully,

A handwritten signature in black ink that reads "Rod Hall DVM". The signature is written in a cursive, flowing style.

Rod Hall, DVM

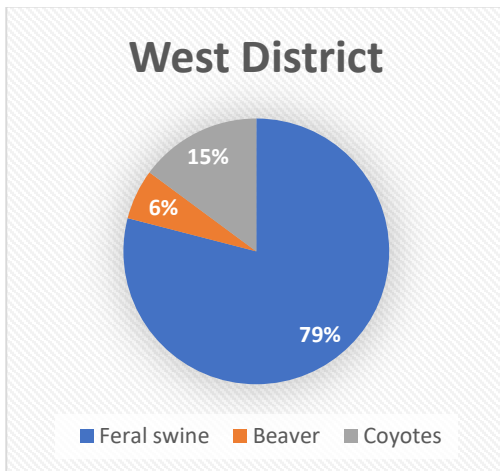


**Oklahoma Department of Agriculture, Food, and Forestry**  
**Wildlife Services Division**  
**Board Report for September 2022 Activities**

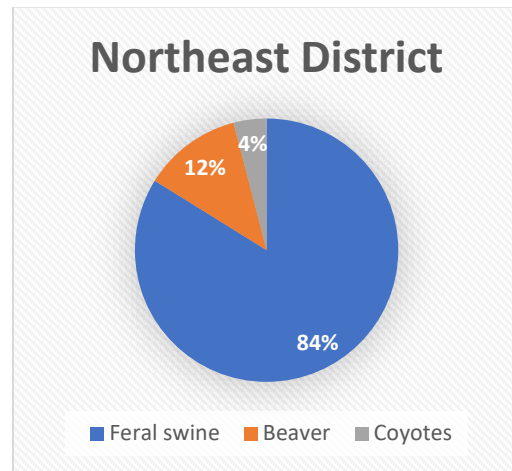
**Introduction**

Wildlife Services (WS) responds to damage complaints caused by wildlife to resources or property throughout Oklahoma. WS Specialists conduct operational damage management programs for many of the complaints they receive to resolve these wildlife damage problems. During this period, these projects were conducted on 482 properties with an estimated 954,433 acres of land under agreement. Additionally, WS helped 191 persons and entities with technical assistance which involved providing information to cooperators so they can resolve problems themselves. Cooperators reported and WS Specialists verified wildlife damage of \$258,829 during this period. Beaver damages accounted for losses totaling \$71,841. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$14,725. Feral swine damages accounted for losses totaling \$166,225, while other species of wildlife were responsible for \$6,038 in damages to property, agriculture, and livestock.

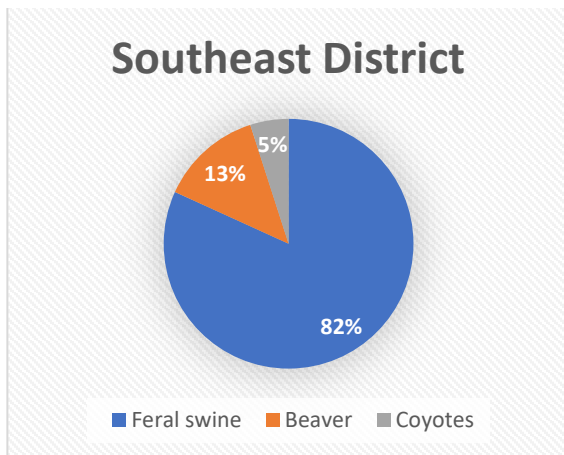
**Providing Wildlife Services**



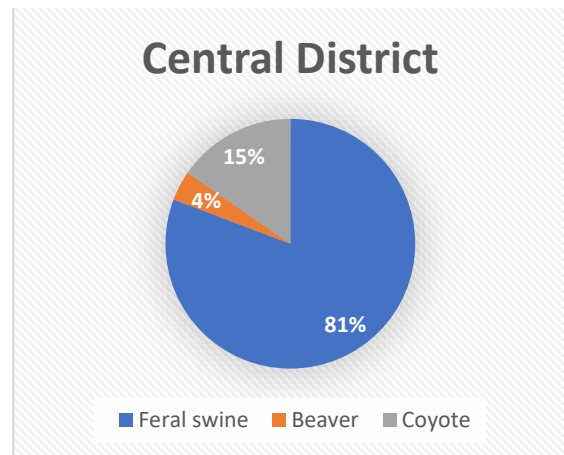
*Figure 1: Species Removed in West District by percentage during September 2022*



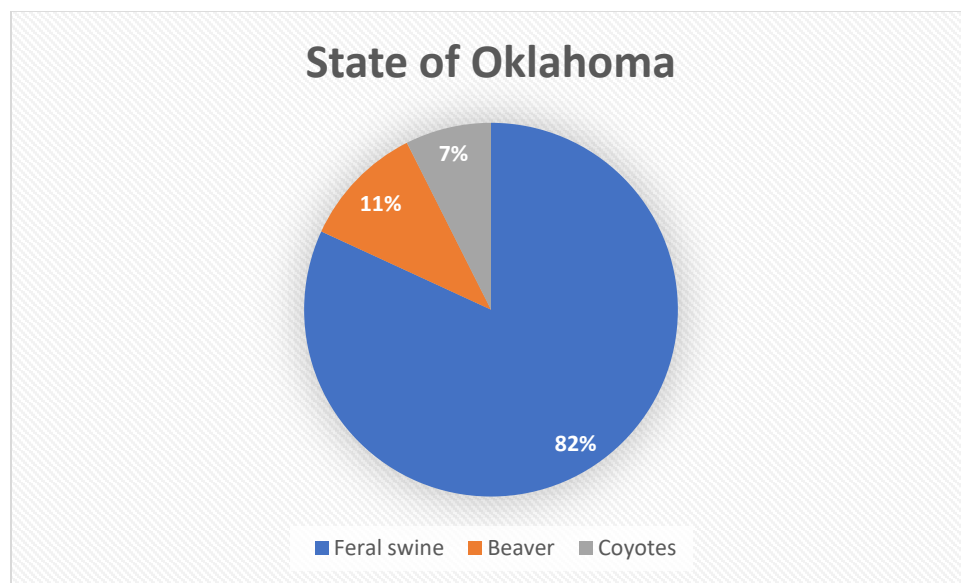
*Figure 2: Species Removed in the Northeast District by percentage during September 2022*



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



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



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

### **Coyote Damage Management**

**Craig County** rancher contacted WS with coyote predation on livestock. The rancher reported losing two newborn calves valued \$1,500. A WS Specialist responded to the request and verified that coyotes were responsible for the damage reported. The Specialist used the Fixed Wing Aerial Program to successfully remove seven coyotes from the calving pasture. Work is complete at

this time and the rancher was instructed about night penning methods and environmental changes that can be utilized to prevent future losses.

**Texas County** landowner requested assistance with coyotes depredating on his calves. The producer reported that coyotes predated on one calf valued at \$1,000. The Wildlife Specialist assigned to Texas County examined the carcass and verified that coyotes were responsible for the loss. Damage management efforts were successful in removing eleven coyotes from the property. Control efforts continue to help further reduce the threat to the cooperator's calves.

**Beckham County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued at \$882. The Wildlife Specialist assigned to Beckham County responded to the request and examined the carcass and confirmed that coyotes were responsible for the loss of the calf. The Specialist used snares, foot-hold traps, and shooting to remove eight coyotes. Control efforts continue to prevent additional losses.

**Blaine County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes killed two calves valued at \$1,762. The Wildlife Specialist assigned to Blaine County responded to the request and examined one of the carcasses and confirmed that coyotes were responsible for the loss of the calf. Control efforts have removed five coyotes and are continuing at this time to further reduce predation losses to coyotes for the producer.

**Stephens County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued at \$882. The Wildlife Specialist assigned to Stephens County responded to the request and examined the carcass and confirmed that coyotes were responsible for the loss of the calf. The Specialist used snares and foot-hold traps to remove ten coyotes. Control efforts continue to prevent additional losses.

**Pushmataha County** cooperator called WS for assistance with coyote predation to his poultry operation with a reported estimation of \$700 in losses. Coyote damages was verified and foot-hold traps were placed. Two coyotes were removed to alleviate the predation on their poultry. This project is still being monitored to assure the cooperator that the issue is resolved.

### **Feral Swine Damage Management**

A property owner in **Canadian County** contacted WS with concerns with feral swine damage. WS verified the feral swine damage to his 100 acre hayfield was estimated at \$7500. Pre-baiting efforts were started and a live trap was set at the bait site. Twenty-two feral swine were removed from the property with work is still ongoing at this time.

A **Cleveland County** property owner contacted WS with a request for help from feral swine damaging his property. After visiting the location, damage to his 80 acre hayfield was verified and estimated at \$5000. Pre-baiting was started and a live trap was set. Currently four feral swine have been removed from the property and work is ongoing at this time.

**Osage County** landowner contacted WS requesting assistance with feral swine. The landowner reported that feral swine had destroyed freshly cut round bales in a haystack on his property. A WS Specialist responded to the request and verified that the extensive damage to the hay was caused by feral swine. The feral swine had jumped on top of the bales and tore through the net

wrap and shredded the bales from the top down. It was determined that they were after wheat that had been in the area cut. The damages were assessed by the Specialist and there were 90 bales that were destroyed by the feral swine. Being the 4th worst summer drought on Oklahoma history the bales were given a estimated value of \$100/bale. The total damage done was estimated at \$9,000. The Specialist utilized a remote activated trap on the property and was able to remove the entire sounder of thirty-one feral swine from the damaged area. Work continues at this time with ten additional feral swine being caught on the property and another large sounder is expected to be captured in the near future.



*Figure 6: Damage to hay bales in Osage County*

**Kaw Wildlife Management Area (KWMA)** contacted WS with regards to concerns about the presence of feral swine on the property. The biologist on the KWMA had reported approximately one acre of damage in a wheat field, valued at approximately \$130. A WS Specialist responded to the call and confirmed the damage reported was from feral swine. A live trap was placed on the property and eighteen feral swine were caught using the trap. Work is continuing at this time and the property owner was advised of environmental changes that could help prevent future problems.

**Washington County** farmer contacted WS requesting assistance with a feral swine damage to their soybean field. A WS Specialist responded to the request and verified approximately 40 acres of damage to the farmers soybean field. The Specialist utilized a remote activated trap on the property to remove sixteen feral swine from the immediate damage area. Trapping efforts have concluded at this time with further monitoring efforts continuing on the property.

**Harmon County** landowner contacted WS needing assistance with feral swine rooting in his pastures. The landowner estimated that feral swine had rooted up six acres valued at \$800 in damages. The Wildlife Specialist assigned to Harmon County responded to the request and verified the damage. A live trap was utilized to remove thirty-one feral swine from the property. No additional damage has occurred and the feral swine population in the area is being monitored to determine if additional management is needed.

**Custer County** landowner contacted WS needing assistance with feral swine damaging his stored haybales. The Wildlife Specialist assigned to Custer County responded to the request and verified the damage valued at \$550. A live trap was utilized to remove sixty-two feral swine from the property. No additional damage has occurred and the feral swine population in the area is being monitored to determine if additional management is needed.

**Major County** farmer requested assistance with feral swine causing damage in his wheat fields and pastures, damaging twenty acres of wheat valued at \$1,300 and ten acres of pasture valued at \$500. The Wildlife Specialist assigned to Major County responded to the request and his field inspection verified feral swine were responsible for the damages to the wheat fields and pasture. The Specialist utilized a live trap to remove forty-seven swine from the property. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

**Kiowa County** landowner contacted WS needing assistance with feral swine damaging his wheat fields. The landowner estimated the damage the fields to be \$2,000. The Wildlife Specialist assigned to Kiowa County responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove twenty-nine feral swine from the property. No additional damage has occurred and feral swine population in the area is being monitored to determine if additional management is needed.

**Atoka County** rancher called WS for assistance with feral swine damage to his cattle pastures. Ws was able to confirm the damage estimated at \$6,000. After pre-baiting, a remote camera trap was placed and fourty-three feral swine were removed over a two-week period. This project concluded and no further damages have been reported.

**Love County** farmer called WS for assistance with feral swine on thier farm property causing minimal damages; however, the farmer was preparing to plant wheat and knew the feral swine would cause damage to the crop as soon as it was planted. Feral swine activity was confirmed on the property and a remote camera trap was placed after pre-baiting. Five feral swine were removed and this project is still being monitored.

### **Aerial Operations**

Aerial operations were conducted in **Roger Mills County** in the Upper Red River Project. Operations were conducted on roughly 7,000 acres in Roger Mills County. The helicopter was utilized for 4.2 hours with the removal of forty-nine feral swine. Additional flight operations are planned in this area to further reduce populations and damage associated with feral swine.

Aerial operations were conducted in **Ellis County** in response to landowners' request to reduce the damage associated with feral swine around milo, wheat, and pastures. The helicopter was utilized for 3.8 flying hours to remove thirty-two feral swine from the area. Additional aerial operations are planned in these areas to further reduce damage associated with feral hogs.

## **Beaver Damage Management**

**Nowata County** landowner contacted WS reporting that beaver were responsible for burrowing several large holes into his pond's dam, girdling several large trees, damaging his boat dock, and flooding the spillway of the pond. Total damage to the property was valued at \$18,000. A WS Specialist responded to the request and verified that beaver was responsible for the damage reported. The Specialist was able to utilize shooting and conibear traps to remove the beavers. The landowner was instructed on environmental changes and exclusion methods that can be used to help prevent future problems.

**Cherokee County** landowner requested assistance with beavers that had plugged a tinhorn on his property. A WS Specialist verified that beavers were present and were responsible for an estimated \$400 in damage. Body-grip traps were used to remove a pair of beavers from the drainage area and work is complete at this time.

**Custer County** landowner contacted WS for assistance with beaver that were responsible for damming up the creek on his property and flooding his pasture. The landowner estimated the damage to the pasture to be valued at \$500. The Specialist for Custer County responded and verified beaver were responsible for damage. The Specialist was successful in removing the beavers from the creek to help reduce any additional damage to pasture

**Logan County** landowner contacted WS for assistance with beaver that were responsible for girdling and cutting down trees on his property. The landowner estimated the damage to the trees to be valued at \$1,000. The Specialist for Logan County responded and verified beaver were responsible for the damage. The Specialist was successful in removing the four beavers from the pond to help reduce any additional damage to standing trees around his pond.

**Blaine County** Road Commissioner contacted WS for assistance with beaver causing damage on one of the districts roads. The Specialist for Blaine County responded and verified beaver were responsible for \$2,000 in damages to the road and culvert structure. The Specialist used conibear traps to remove five beavers from the adjacent creek. Control efforts are completed at this time.

**Garfield County** landowner contacted WS for assistance with beaver that were responsible for burrowing into his pond dam on his property. The landowner estimated the damage to the pasture to be valued at \$2,000. The Specialist for Garfield County responded and verified beaver were responsible for damage. The Specialist was able to remove the beavers from the pond to reduce any additional damage to the pond dam structure.

**Coal County** cooperator called WS for assistance for beaver damage to his stock pond. The damages were verified and estimated at \$3,300. Conibear traps were placed and nine beavers have been removed from the property. This project is still being monitored.

**McClain County** rancher contacted WS for assistance with beavers causing damage to his stock pond. Beaver damage was verified and estimated at \$1,000 to the pond dam. Conibear traps were placed and three beavers were removed. This project has concluded with no further damage or beaver sign found in the stock pond.

**Love County** farmer called WS for assistance with beavers building a dam along a waterway

which was caused flooding issues on some of the farm fields. Flooding damage was estimated at \$750. The dam was removed by hand to alleviate the flooding and conibear traps were placed to capture the beavers. Three beavers have been removed to date and this project is still being monitored.

### **Special Projects**

The National Wildlife Research Center (NWRC) in Fort Collins, Colorado requested WS' assistance with a research project to determine how the Corona Virus affects different species of wildlife and how it spreads to other wildlife from host carriers. WS' involvement in this project was to capture live wildlife specimens that the project is focused on. The two species of wildlife that were chosen to capture was the Nine-banded armadillo and the Virginia opossum. WS was able to capture six armadillos and eleven opossums with live cage traps. The research specimens are now currently at the NWRC for the next phase of the project.

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

County	Beaver	Coyote	Feral swine	District
Adair	8			NE
Alfalfa				W
Atoka	1		21	SE
Beaver		6		W
Beckham	2	4		W
Blaine		1	1	W
Bryan	11		83	SE
Caddo	5			W
Canadian			21	C
Carter		5		SE
Cherokee	2			NE
Choctaw	6			SE
Cimarron				W
Cleveland				C
Coal	19		9	SE
Comanche			18	W
Cotton				W
Craig		17		NE
Creek		1	31	NE
Custer		9	65	W
Delaware			1	NE
Dewey			43	W
Ellis	1	13	31	W
Garfield		4		W

Garvin		1		SE
Grady			9	W
Grant	2	2		W
Greer			81	W
Harmon			32	W
Harper				W
Haskell	1			NE
Hughes		13	7	SE
Jackson		1		W
Jefferson			12	SE
Johnston			125	SE
Kay	3		26	NE
Kingfisher				W
Kiowa				W
Latimer	5		9	SE
Leflore	4		31	SE
Lincoln			28	NE
Logan	4	6	2	W
Love	1		14	SE
Major		4	47	W
Marshall				SE
Mayes			13	SE
McClain	5		4	SE
McCurtain	1		12	SE
McIntosh			74	NE
Murray		2	7	SE
Muskogee			20	NE
Noble			45	NE
Nowata	2	12	13	NE
Okfuskee			4	NE
Oklahoma	1	4		C
Okmulgee	13		21	NE
Osage	47		172	NE
Ottawa	1		44	NE
Pawnee			79	NE
Payne				NE
Pittsburg		3	28	SE
Pontotoc	14		14	SE
Pottawatomie				C
Pushmataha	5	3	34	SE



Roger Mills				W
Rogers				NE
Seminole	1		22	SE
Sequoyah				NE
Stephens	11		5	W
Texas		20		W
Tillman		3	19	W
Tulsa	7			NE
Wagoner	6		33	NE
Washington			32	NE
Washita				W
Woods	4			W
Woodward			35	W
<b>TOTAL</b>	<b>193</b>	<b>134</b>	<b>1477</b>	

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

Respectfully submitted,

Scott Alls  
Division Director  
Wildlife Services Division

**September 2022 Activity Report  
for  
October 2022 Board Meeting  
  
Agricultural Statistics Division**

**General**

Rainfall totals in the **first week of September** in Oklahoma averaged 0.83 of an inch. According to the August 30th US Drought Monitor Report, drought conditions were rated 100 percent abnormally dry to exceptional drought, unchanged from the previous week. Additionally, 99 percent of the state was in the moderate drought to exceptional drought category, unchanged from the previous week. Statewide, temperatures averaged in the upper 70's. Topsoil moisture conditions were rated mostly short to adequate, while subsoil moisture conditions were rated short to very short.

Rainfall totals in the **second week of September** in Oklahoma averaged 0.11 of an inch. According to the September 6th US Drought Monitor Report, drought conditions were rated 100 percent abnormally dry to exceptional drought, unchanged from the previous week. Additionally, 97 percent of the state was in the moderate drought to exceptional drought category, down 2 points from the previous week. Statewide, temperatures averaged in the lower 70's. Topsoil moisture conditions were rated mostly short to adequate, while subsoil moisture conditions were rated short to very short.

Rainfall totals in the **third week of September** in Oklahoma averaged 0.01 of an inch. According to the September 13th US Drought Monitor Report, drought conditions were rated 100 percent abnormally dry to exceptional drought, unchanged from the previous week. Additionally, 97 percent of the state was in the moderate drought to exceptional drought category, unchanged from the previous week. Statewide, temperatures averaged in the upper 70's. Topsoil and subsoil moisture conditions were rated mostly short to very short.

Rainfall totals in in the **fourth week of September** Oklahoma averaged 0.02 of an inch. According to the September 20th US Drought Monitor Report, drought conditions were rated 100 percent abnormally dry to exceptional drought, unchanged from the previous week. Additionally, 99 percent of the state was in the moderate drought to exceptional drought category, up 2 percent from the previous week. Statewide, temperatures averaged in the upper 70's. Topsoil and subsoil moisture conditions were rated mostly short to very short.

**Small Grains:** Winter wheat planted reached 21 percent, down 5 points from both the previous year and normal.

**Row Crops:** Corn dented reached 96 percent, down 1 point from the previous year but unchanged from normal. Corn mature reached 72 percent, down 6 points from the previous year but unchanged from normal. Corn harvested reached 31 percent, up 5 points from the previous year and down 2 points from normal. Sorghum coloring reached 89 percent, down 4 points from the previous year but unchanged from normal. Sorghum mature reached 53 percent, down 3 points from the previous year but up 2 points from normal. Sorghum harvested reached 13 percent, up 4 points from the previous year but down 5 points from normal. Soybeans setting

pods reached 88 percent, up 1 point from the previous year but down 1 point from normal. Soybeans dropping leaves reached 33 percent, unchanged from the previous year but up 6 points from normal. Peanuts mature reached 53 percent, up 4 points from the previous year and up 8 points from normal. Cotton bolls opening reached 61 percent, down 5 points from the previous year but up 3 points from normal.

**Hay:** The fourth cutting of alfalfa hay reached 71 percent, down 6 points from the previous year and down 10 points from normal. The fifth cutting of alfalfa hay reached 12 percent, up 1 point from the previous year and up 8 points from normal. The third cutting of other hay reached 65 percent, up 21 points from the previous year and up 23 points from normal. The fourth cutting of other hay reached 6 percent.

**Pasture and Livestock:** Pasture and range condition was rated at 75 percent poor to very poor. Livestock condition was rated at 77 percent fair to good.

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

Survey	Enumerated by:	Survey Dates
Small Grain CAPS	DCC	8/1 – 10/7
September Ag Yield	DCC	8/30 – 9/7
September Crops APS	DCC	8/30 – 9/17
Cotton Ginnings	DCC	9/15 – 9/16
CA Dept Irrigation Survey	DCC	9/15 – 10/14
Pecan AP	DCC	9/28 – 10/4
October Ag Yield	DCC	9/29 – 10/5
Ag Labor	DCC	10/19 – 11/4
November Ag Yield	DCC	10/29 – 11/4

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

Oklahoma Upland cotton production is forecast at 220 thousand bales, 68 percent lower than 2021. Yield averaged 341 pounds per acre, compared with 756 pounds last year. Acreage harvested, at 310 thousand acres, is down 30 percent from last year.

Oklahoma corn production is forecast at 38.1 million bushels, down 14 percent from the previous year. Statewide yields averaged 125 bushels per acre, 25.0 bushels lower than 2021. Acres harvested for grain, at 305 thousand, is up 3 percent from last year.

Oklahoma sorghum production is forecast at 11.2 million bushels, down 46 percent from last year. Yield averaged 31.0 bushels per acre, down 23.0 bushels from the previous year. Acres harvested, at 360 thousand acres, is 5 percent lower than 2021

Oklahoma soybean production is forecast at 8.40 million bushels, down 32 percent from last year. Yield is expected to average 16.0 bushels per acre, compared with 23.0 bushels in 2021. Harvested acreage, at 525 thousand acres, is 2 percent lower than last year

Oklahoma peanut production is forecast at 3 percent lower than last year, at 64.6 million pounds. Yield is forecast at 3,800 pounds per acre, down 650 pounds from 2021. Harvested acres are up 13 percent from last year to 17.0 thousand acres.

Oklahoma hay productions is forecast at 3.43 million tons, down 31 percent from last year. Yield is expected to average 1.2 tons per acre, down .52 tons per acre from 2021. Harvested acres, at 2.92 million acres, is down 1 percent from last year.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 15.

**Releases for September:**

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

**Relating Dates:**

September 1, 2022  
September 1, 2022  
September 1, 2022  
September 15, 2022  
September 1, 2022  
September 1, 2022

**Release Dates:**

September 12, 2022  
September 23, 2022  
September 29, 2022  
September 30, 2022  
September 30, 2022  
September 30, 2022

**Releases for October:**

Crop Production  
Cattle on Feed  
National Conservation Practice Adoption  
Agricultural Prices

**Relating Dates:**

October 1, 2022  
October 1, 2022  
2021 Crop Year  
October 15, 2022

**Release Dates**

October 12, 2022  
October 21, 2022  
October 28, 2022  
October 31, 2022

**Meetings and Events:**

Lincoln County CCD Roadside meeting  
Bacone College Meeting  
OSU College of Ag Career Fair  
Langston University Career Fair  
AYC Session 2

**Date:**

September 7, 2022  
September 21, 2022  
September 22, 2022  
September 27, 2022  
September 28, 2022

**Location:**

Chandler, OK  
Muskogee, OK  
Stillwater, OK  
Langston, OK  
Stillwater, OK

Respectfully Submitted,



Troy Marshall

# MARKET DEVELOPMENT SERVICES

October 26, 2022

Report to the State Board of Agriculture

## AG IN THE CLASSROOM

### AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 483
- Total Number of Pre-service Teachers Impacted: 20
- Total Number of Extension Educators Impacted: 3
- Total Number of Students Directly Impacted by Coordinators: 1,148
- Total Number of Resources Given: 8,070
- Total Number of Teachers/PreService Teachers Resources Given to: 155
- Total Number of PreK-12th Grade Students Resources Given to: 8,040

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

- The AITC website had 20,102 visits and 16,016 unique pageview visits.
- The AITC monthly email is delivered to 16,308 accounts.
- The AITC Facebook page now has 9,001 followers.
- The AITC Twitter page now has 589 followers.
- Oklahoma AITC Instagram account now has 662 followers.
- Oklahoma AITC Pinterest account now has 213 followers.
- The AITC YouTube channel now has 8,737 views.

### Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
1 4th/5th grade teacher - Misty Smith at Belfonte Schools	Zoom	AITC Website, lessons, and resources	N/A
20 pre-service teachers at Oklahoma University	Oklahoma University	Soil, Plants, & Animals activities	Barn full of resources for each pre-service teacher
1 counselor from Ripley Elementary	Zoom	AITC Website, lessons, and resources	N/A

### Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
20 2nd grade students	Holmes Elementary Sapulpa LT GOV read Gradys in the Silo book to 2nd Grade Mrs. Chapman's class	Read an Accurate Ag Book Week	1 of each tear sheet, bookmarks, Dirt Book, Grady in the Silo book, 3 Coloring books, barn, poster set, farm to school, did you know poster set
PreK-6th grade approx 400 students	Morrison Ag Day 2022	Betsy the Cow and Making Butter	N/A
Over 17,000 students throughout Oklahoma	Classrooms, 4-H Clubs, FFA Chapters, & FCCLA Chapters throughout Oklahoma	AITC Read An Accurate Ag Book Week	Many classrooms were given an Accurate Ag book that was read in their classroom
100 students (3rd-5th grade) from Justice Elementary, Mountain View - Gotebo Schools, and a home school	Oklahoma State Fair Academy	Welcoming students to the Oklahoma State Fair	A 25 pack of Elementary Tear sheets: Beef, Cotton, Wheat, Swine, Alpaca
150 students (3rd -5th grade) from Pauls Valley Intermediate School, Dale Elementary, Monroe Elementary, and Canton Elementary	Oklahoma State Fair Academy	Welcoming students to the Oklahoma State Fair	A 25 pack of Elementary Tear sheets: Beef, Cotton, Wheat, Swine, Alpaca
150 students (3rd - 5th grade) from Rising High Christian Academy, Asher Public Schools, Sky Ranch Elementary, Calumet Elementary, Willard 5th & 6th grade Center	Oklahoma State Fair Academy	Welcoming students to the Oklahoma State Fair	A 25 pack of Elementary Tear sheets: Beef, Cotton, Wheat, Swine, Alpaca
100 students (3rd-5th grade) from Monroe	Oklahoma State Fair Academy	Welcoming students to the Oklahoma State Fair	A 25 pack of Elementary Tear sheets: Beef, Cotton,

Elementary, Alex Elementary, and a home school			Wheat, Swine, Alpaca
2 - 1 adult, 1 student	TSF AITC Workshops	Beanie Babies	Crop Talk Reader
5 - 3 adults, 2 students	TSF AITC Workshops	Beanie Babies	Crop Talk Reader
3 - 1 adult, 2 students	TSF AITC Workshops	Making Butter	Does Chocolate Milk come from Brown Cows Tear Sheet; Dairy Tear Sheet; Beef or Dairy Reader
11 - 5 adults, 6 students	TSF AITC Workshops	Making Butter	Does Chocolate Milk come from Brown Cows Tear Sheet; Dairy Tear Sheet; Beef or Dairy Reader
7 - 3 adults, 4 students	TSF AITC Workshops	Beanie Babies	Crop Talk Reader
150 students, 12 teachers	Washita Conservation District Outdoor Days	Made butter	Dairy Tear Sheets for students; Soil, Plants, & Animals for each teacher

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

Locations where Resources are Mailed or Delivered	
Lynn Wood Elementary, Broken Arrow	Gore Lower Elementary
Woodland Public School	Stuart Schools
Guthrie Upper Elementary School	MOU Homeschool
Cushing High School	Oklahoma Union School
Fort Townson Public School	Coalgate Public School
Pocola Elementary School	Piedmont Intermediate School
Sparks Academy	Bristow Middle School
Tishomingo High School	Rainbow Fleet Early Education Center
Mannford Upper Elementary	Shidler Public Schools
Belfonte Public Schools	Quinton Public Schools
Tahlequah Middle School	Jay Upper Elementary
Banner Schools, El Reno	Laverne Public Schools

Newcastle Early Childhood Center	Creekwood Elementary, Broken Arrow
Duke Schools	Oologah Lower Elementary
Hinton Public Schools	Konawa Schools
MacArthur Middle School, Lawton	Stringtown Public School
YMCA Child Development Center	Buffalo Valley Schools
Elevateus Academy, South Hill, VA	Ketchum Elementary School
Messiah Lutheran School, OKC	Wapanucka Public School
Enid High School	Ripley Elementary
Park Road Elementary, Chandler	Altus Elementary
Zarrow International School, Tulsa	Idabel Central Elementary
Allen Public School	Carl Albert Middle School, Midwest City
Central Elementary, Idabel	Stillwater Christian School
Mission Elementary, Anadarko	Lone Grove Middle School
Lakeside High School, McAlester	Arrowhead Elementary School, Broken Arrow
All Saints, Broken Arrow	Wright City School
North Rock Creek, Shawnee	Sayre Head Start
Oklahoma Christian Academy, Edmond	Tulsa County 4-H
Prague Middle School	Cotton County 4-H
Classical Conversations S OKC	Westwood Elementary, Stillwater
OSU Extension, Newkirk 4-H	Kiamichi Tech Center
Prairie Vale Elementary, Edmond	Stilwell Schools
Bell Elementary School, Stilwell	Metropolitan Environmental Trust, Tulsa
Edmond Doyle Elementary	Empire Elementary School, Duncan
Maryetta Schools	Davenport Elementary
Hobart Head Start	John K Hubbard Elementary, Noble
Pioneer Technology Center	Wayside Elementary School, Bartlesville
Garfield Elementary School, Enid	Hayes Elementary, Enid
Velma-Alma School	Carla Pritchard with the North Central Child Care



	License Board
Meg Stangl - OSU Alumni	Ginger Reimer - Oklahoma Soybean Board
Melonie Androstic - Penn State Extension	Union Public Schools, Tulsa
Davenport Elementary	Perkins-Tryon Schools
Iowa Tribe Head Start	Frederick Elementary

### Ag in the Classroom- Other Events

Event	Highlights
Oklahoma Ag in the Classroom Read an Accurate Ag Book Week (Sept 6th-9th)	<p>We are excited to announce that Read an Accurate Ag Book week was a huge success!</p> <p><b>Registered Participants:</b></p> <ul style="list-style-type: none"> <li>*241 classroom teachers</li> <li>*70 FFA Chapters</li> <li>*13 FCCLA Chapters</li> <li>*29 4-H clubs</li> <li>*Participants from ALL 77 Oklahoma counties</li> </ul> <p><b>Volunteer Readers:</b></p> <ul style="list-style-type: none"> <li>*Lieutenant Governor Matt Pinnell</li> <li>*Secretary of Agriculture Blayne Arthur</li> <li>*29 Oklahoma Legislators</li> <li>*Over 40 volunteers (that we were able to count!)</li> </ul> <p>During Read an Accurate Ag Book Week, over 17,000 students heard accurate ag books and learned about agriculture.</p> <p><b>Bushel of Accurate Ag Book WINNERS:</b></p> <ol style="list-style-type: none"> <li>1. 4-H Club — Glenco 4-H</li> <li>2. FCCLA Chapter — Tushka FCCLA</li> <li>3. FFA Chapter — Ketchum FFA</li> <li>4. Teacher — Shannon Gosney (Fairview Public Schools)</li> <li>5. Teacher — Amber Bussey (Erick Public Schools)</li> </ol>
Pork Council Grants	Grant applications have been received and have been sent out to a committee to be judged.
National Ag in the Classroom Conference Committee	Emily Ague was asked to chair the 2023 National Ag in the Classroom Conference Committee. In this role, she will schedule and lead monthly meetings, keep the National Conference planning on track with the planning calendar, and help make important decisions regarding the 2023 conference in Orlando, Florida.

## **AGRITOURISM**

### **Agritourism - Site Visits**

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Eastside Market	OKC	Farmers Markets	Dropped off OK Grown bags
Carmichael's Pumpkin Patch	Bixby	Pumpkin Picking	Visited with Drew. Photoshoot and dropped off pumpkin tear sheets
Pleasant Valley Farms	Sand Springs	Pumpkin Picking	Visited with Drew. Photoshoot and dropped off pumpkin tear sheets
Livesay Orchards	Porter	Pumpkin Picking	Visited with Drew. Photoshoot. Conversations about attending NAFDMA, moving the donut trailer to new location, photo ops
Annabelle's Fun Farm	Welch	Pumpkin Picking	Photoshoot. Several new additions. Dropped off pumpkin tear sheets and extra liability signs
Parkhurst Pumpkin Patch	Arcadia	Pumpkin Picking	Photoshoot. Paula is interested in speaking at OKLAS
Stonecloud Stillwater Patio & Taproom	Stillwater	Brewery	Dropping off new OK Craft Beer Trails.
Haystack Adventures	Elk City	Mazes	Dropped off fall brochures and pumpkin picking activity sheets.
P Bar Farms	Hydro	Mazes	Dropped off fall brochures and pumpkin picking activity.
The Patch at Spring Creek	Gracemont	Pumpkin Picking	Dropped off fall brochures and pumpkin picking activity.
Walnut Woods	Edmond	Pumpkin Picking	Photoshoot. Dropped off pumpkin picking activity sheets.
Chester's Party Barn	Piedmont	Pumpkin Picking	Photoshoot. Added a new slide and other activities.
Lakeview Market	Yukon	Pumpkin Picking	Photoshoot. Brand new farm to agritourism.
Dark Water Ranch	Ninnekah	Pumpkin Picking	Dropped off fall brochures and pumpkin picking activities.
Lazy S Ranch	Frederick	Hunting	Visited with Kirk about hunting venue and customer base.

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

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Sugar Bee Blooms	NE OK	Horticulture	Site visit, signed up and added to agritourism, u-pick flower farm with hopes to do pumpkins and other attractions in the next few years
Sweet Pickens Pumpkin Patch	Altus	Pumpkin Picking	New farm in southwest OK. Growing their own pumpkins, lots of potential for growth.
Dancing Skeleton Meadery	Sapulpa	Vineyards/Winery	Open with a tasting room and distributing across the state.
Lazy S Ranch Guest House	Frederick	Country Stay	Added new country stay. Addition to the Lazy S Ranch hunting venue. Offering a variety of country stay experiences on the farm.

### **Agritourism - Other Activities**

- Multiple phone conversations with Erin at Fresh RX about SNAP
- Zoom consults/meetings: Weekly Oklahoma Local Ag Collaborative (OLAC) workshop meetings, Biweekly OKLAS Planning Meeting with ONIE, TasteAdvisor wine app updates

meeting, weekly social media meetings with Drew Vogt, Freestyle wine trail app promotion meeting

- Attended Harvest Hosts webinar
- Presented about agritourism at the Retired Educators Meeting in Lincoln County
- Designed new ads for Oklahoma Travel Guide and Oklahoma Outdoor Guide
- Dropped off Fall Guides to Stroud Tourism
- Designed new sign for Oklahoma Christmas Tree Growers and Forestry Services
- Interview about fall activities with Radio Oklahoma Ag Network
- OLAC Board meeting
- Sent out two online newsletters about fall venues and opening dates
- Meeting with Oklahoma FFA Foundation about Agritourism giveaway for OKFFA Gala
- Phone consultations with Hunting Venues: Rocky Top Ranch (Lamar) Ben Ranch Cabins/Hunting (Ralston) Cherokee Spur Ranch (Afton) Moore Farms (Pryor) Moore's Flying M Ranch (Inola) Windsong Adventures Outdoor Entertainment (Adair) Buffalo Waller Hunting (Ponca City) Chain Ranch Sportsman Club (Canton) Gloss Mountains Outfitters (Waynoka), Stonecloud Stillwater Patio and Taproom (Stillwater) Windmill Outfitters Hunting (Arnett) Croton Creek Guest Ranch (Cheyenne) Fortress of Faith (Temple) Hat Top Ranch (Duncan) Law Dawg Hunting (Cogar)
- Phone consultations with fall venues: Platter Flats Pumpkin (Calera) Patch Daze In A Maze (Marshall) 3J Farm (Blanchard) Hillbilly Haven (Oklahoma City) Rustic Acres Farm (Mason) The Lodge at Taylor Ranch (Pawhuska) Happy Days Pumpkin Patch (Terral)

## **FARM TO SCHOOL**

### Visits Made:

- School visits for Read An Accurate Ag Book – Apple Creek, Kelley & Houchin
- School Garden Contest Presentation – Cleveland Elementary – Best Community Collaboration.
- Rainbow Fleet Professional Development at Horace Mann Elementary – ECE school gardens
- Red Bud Farm – School Garden Grant Activities with kiddos
- School Garden Grant School Visit and Garden activities with After School Program
- School Garden Contest Presentation - Rosa Parks – Best Overall Garden
- School Garden Contest Presentation - Terra Verde – Best Startup Garden

### Resource Requests

- 4 cookbooks, 8 posters

### Events

- Ag Day in Morrison

### Other Activities

- OK Childhood Hunger Webinar – Sept. 13th

### Active Partners

- Farm Bureau Women's Leadership Team
- Hunger Free Oklahoma
- Dept. of Human Services (LFPA Cooperative Agreement)

- Healthy Schools Oklahoma
- ODAFF Food Safety
- Cooking for Kids – OSU
- Oklahoma Master Gardeners – Shelley Mitchell
- National Western Heritage Museum – Gretchen Jeans
- OK History Center – Sarah Dumas

## **INTERNATIONAL**

Activity	Action	Location
Certificate of Free Sale	<ul style="list-style-type: none"> <li>• Biz Z</li> <li>• QSM</li> </ul>	
Food Export	<ul style="list-style-type: none"> <li>• Activity Coordinator duties for the PLMA Buyers Mission November 12-13<sup>th</sup></li> <li>• Kicked off recruitment for upcoming Focused Trade Mission to the Caribbean Feb 7-9<sup>th</sup></li> <li>• The following are the assigned projects for 2023:               <ol style="list-style-type: none"> <li>1. Focused Trade Mission to Caribbean Feb7-9</li> <li>2. Focused Trade Mission to Australia for Private Label &amp; Retail May 1-3</li> <li>3. Buyers Mission to NRA May 19-21</li> <li>4. Food Show Plus! Taipei Jun 14-17</li> </ol> </li> <li>• Assisting on the follow:               <ol style="list-style-type: none"> <li>1. Buyers Mission Expo West March 8-9</li> <li>2. Buyers Mission to SIAL America (new show) March 27-28</li> <li>3. Buyers Mission Expo East Sept 20-21</li> <li>4. Focused Trade Mission to Japan October 24-26</li> </ol> </li> <li>• Served on the selection committee for Food Export Travel and Hotel Coordinator</li> </ul>	
USLGE	<ul style="list-style-type: none"> <li>• Cattlemen’s Congress planning is underway. Dec 31-Jan 14<sup>th</sup></li> <li>• This will be the 2<sup>nd</sup> year for the International program and we plan to utilize USLGE to plan a focused trade mission in April time frame from some of the leads generated at Congress.</li> <li>• The International program website: <a href="http://International»Cattlemen'sCongress(cattlemenscongress.com)"><u>International » Cattlemen's Congress (cattlemenscongress.com)</u></a></li> </ul>	
Foreign Agriculture Service (FAS)	<ul style="list-style-type: none"> <li>• Spotlight on Iraq</li> </ul>	
GIT ( Governor’s International Team)/ODEC	<ul style="list-style-type: none"> <li>• Oklahoma Consular Summit Oct 18-19<sup>th</sup> in OKC and the World Trade Conference Oct 20<sup>th</sup> in Tulsa</li> </ul>	

## **MADE IN OKLAHOMA COALITION**

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

<b>Type</b>	<b>\$ Spent and Information</b>	<b>Highlights</b>
MIO Featured Monthly Recipes in Tulsa World and Oklahoman	\$500/month each	Featured press release and 1-2 showcased recipes in food section
Marketing, Consulting and Graphics Retainer with Krush	\$6,750	Social media posts, digital presence, analytics, management of content and creation of digital footprint, graphic design, etc.
MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 & 9 in OKC	OKC – 10 appearances Tulsa – 4 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
FY23 Media Campaign Reporting	<a href="https://docs.google.com/spreadsheets/d/1HUhkBRVkrGKwZf6ZZvyyTPeUTBx4I1-lprDwzDgnPwM/edit#gid=378323568">https://docs.google.com/spreadsheets/d/1HUhkBRVkrGKwZf6ZZvyyTPeUTBx4I1-lprDwzDgnPwM/edit#gid=378323568</a>	Here is a link to our original Google sheet workbook that we've been updating as the campaigns have evolved. You can toggle between all the logistical info for the co-op campaign such as the featured recipes per block, the annual media schedule, media budget, and the campaign spend tracker. It is a live link so it will be updated throughout the months as we continue our Co-Op campaigns
Restaurant of the Month	Each month staff, along with Food Service Committee present the restaurant with their award and eat lunch as a group at their establishment.	<b>August</b> – Florence’s Restaurant, OKC  <b>September</b> – Sunnyside Diner, OKC and Edmond  <b>October</b> – Granny’s Kitchen, Stillwater, MWC, Edmond
Social Media Stats	Staff, and MIO media committee plan social content each month with our advertising agency, Krush Digital Marketing.	Twitter: 5,542 Instagram: 5,158 Facebook: 25,082 Pinterest: 2,354
Edible OKC Giveaways	\$100/giveaway	Each month MIO partners with Edible OKC to give away a \$100 gift card to our restaurant of the month.
MIO Monthly Newsletter		○ 1800 distribution list
OK Living Partnership highlighting MIO Recipes	Highlights 2-3 MIO recipes per month - Free publication to electric coop members	MIO provides recipe content and OK Living does the ad design

Recipes of the Month	MIO recipes are developed each month highlighting member company products.	<p>August –</p> <ul style="list-style-type: none"> <li>- Loaded Breakfast Burritos</li> <li>- 1,2,3 Peach Cobbler</li> <li>- Slow cooked sausage and peppers</li> </ul> <p>September –</p> <ul style="list-style-type: none"> <li>- Sheet Pan Steak Fajitas</li> <li>- Cowboy Queso</li> <li>- Easy Baked Rigatoni</li> <li>- Rich Mocha Brownies</li> </ul> <p>October –</p> <ul style="list-style-type: none"> <li>- Pumpkin Pecan Pancakes</li> <li>- Cheeseburger Sheet Pan Sliders</li> <li>- Cranberry Orange Bread</li> </ul>
August Retailer of the Month	Harps	Statewide locations
September Retailer of the Month	Doc's Country Marts	Bixby, Glenpool, Coweta
October Retailer of the Month	FireLake Discount Foods	Shawnee, Tecumseh and McLoud

#### **Made in Oklahoma Coalition – Other Activities**

<b>Activity</b>	<b>Information</b>
MIO Recipe Photography Shoot - August 29 <sup>th</sup>	Staff acted as the creative director for the MIO fall recipe photo shoot and coordinated with food stylist and food photographer to make sure MIO's needs were met. 8 recipes were shot in total.
Groundbreaking Ceremony at Crest Foods East Edmond - August 30 <sup>th</sup>	Staff and MIO Coalition leadership were invited to attend the ground breaking ceremony of the newest Crest Foods store in East Edmond. Governor Kevin Stitt spoke at the event and touted the partnership between Crest Foods and MIO. Crest has the second highest grocery market share in OK behind WalMart.
Associate Wholesale Grocers Fall Food Show - September 8 <sup>th</sup>	Staff and MIO members that have products in AWG worked the Made in Oklahoma booth at the trade show. Grocers from across the state attended this show and were exposed to the MIO products carried by AWG. Staff also spoke to specific store groups about the benefits of partnering with MIO.
MIO September Membership Meeting	Staff and MIO president Courtney Talbot led the monthly membership meeting. The September meeting was held via zoom due to member request.
Restaurant of the Month Visit to Sunnyside Diner - September 13 <sup>th</sup>	Staff, MIO Food Service Committee Leadership and MIO members attended the restaurant of the month visit to Sunnyside Diner in OKC. It was a great opportunity for members to get together and discuss promotions as well as for us to recognize our restaurant partner for all their hard work.
MIO Shopper Sweepstakes and in-store Demo at Doc's Country Mart, Bixby - September 16 <sup>th</sup>	Staff worked with the store manager at the Doc's Bixby location to set up a shopper sweepstakes event that was publicized on both Doc's and MIO's social media accounts. The winner got over \$800 worth of free groceries paid for by Doc's and MIO.
Oklahoma State Fair - September 15-25 <sup>th</sup>	Staff assisted Jenna Brinlee, MIO Program Coordinator throughout the duration of the fair whenever needed by helping staff the MIO store.
Panelist at Retail Confectioners International Annual Meeting - September 20 <sup>th</sup>	Staff was asked by MIO board member Brian Jackson of Woody Candy Co. to be a panelist for a discussion about the MIO Coalition during the Retail Confectioners International Annual meeting, which was held in OKC this year. In addition to myself, Secretary Arthur, Zach Williamson with Trucker Treats, and Jared Miller with Miller Pecan Company also spoke.
Inaugural Meeting of Board of Trustees for Oklahoma Grocers Education Foundation - September 20 <sup>th</sup>	Staff was asked to join the Board of Trustees for the Oklahoma Grocers Educational Foundation. This was our first meeting of the year where we learned about expectations and events that we put on throughout the year. This foundation raises money for scholarships for students in the OK grocery industry.

MIO Spotlight at Beach Boys Concert benefitting RFBO - September 24 <sup>th</sup>	Staff was asked to speak about the impact of the MIO Coalition at the Beach Boys Concert benefitting the Regional Food Bank's Food for Kids Program. Fellow MIO member, John Occhipinti with Okola-homa Soda Company organized the concert and asked MIO to be a part of it by speaking and having an informational booth.
OK Café at Tulsa State Fair - Sept. 29- Oct. 8 <sup>th</sup>	Staff assisted with the OK Café throughout the duration of the Tulsa State Fair by helping set up the café and coordinating with vendors to order product and ensure we stay fully stocked on all menu items.
MIO Recipe Photography Session - October 3 <sup>rd</sup>	Staff acted as the creative director for the MIO winter/spring recipe photo shoot and coordinated with food stylist and food photographer to make sure MIO's needs were met. 8 recipes were shot in total.
October MIO Meeting at ODAFF - October 7 <sup>th</sup>	Staff and MIO president Courtney Talbot led the monthly membership meeting. The October meeting was held in-person at the Oklahoma Department of Agriculture.
Meeting with Thunder Marketing Team and Chef Andrew - October 13 <sup>th</sup>	Staff organized the partnership with the Oklahoma City Thunder and Paycom center for FY23. MIO will have a presence at 5 games throughout the season with a booth on the concourse as well as the MIO Court Cart, a locally focused dining concept.  MIO is also the highlight of Thunder Media Day on October 20 <sup>th</sup> where Chef Andrew will showcase locally made products on the menu and provide opportunities for members to speak about the partnership between our organizations.

## **MADE IN OKLAHOMA PROGRAM**

<b>Events</b>	<b>Date</b>	<b>Location</b>	<b>Details</b>
Oklahoma State Fair	Sept. 15-25	Bennett Event Center, Oklahoma State Fairgrounds	We had record setting sales from the MIO Store this year – up by \$40,000 compared to 2021.
Tulsa State Fair, Vendor Area	Sept. 29-Oct. 9	Exchange Building, Tulsa State Fairgrounds	We contracted out 48 booths to companies of the Made in Oklahoma Program. Feedback has been great, as the vendors appreciated being able to participate and seemed to have a profitable fair.
Tulsa State Fair, OK Cafe	Sept. 29-Oct 9	Lower Ford Truck Arena, Tulsa State Fairgrounds	This was the third year of the OK Café, which has proven to be a big success! Daily duties included cooking/preparing food, serving, managing cash registers, coordinating volunteers and more.
Stockyards Stampede	Oct. 15	Stockyards (OKC)	11 participated in Made in Oklahoma Market at Stockyards Stampede

**New Producers:**

- 50 new Producer applications came in during September and October, all are under review

**Other Made in Oklahoma Activities:**

- MIO Store at Oklahoma State Fair
- Made in Oklahoma area at Tulsa State Fair
- OK Café at Tulsa State Fair
- Social Media
  - Worked with intern to develop an extensive social media campaign to promote both the Oklahoma State Fair and Tulsa State Fair. This included developing content for Facebook and Instagram stories, reels and hard posts.

**MARKET NEWS SERVICES****August 26, 2022 - October 11, 2022**

- **Grain Report:**

	<b>August 26, 2022</b>	<b>October 11, 2022</b>	<b>DIFFERENCE</b>
<b>WHEAT: (bu)</b>	\$7.73-\$8.53	\$8.81-\$9.62	\$1.08 to \$1.09 Higher
<b>MILO: (bu)</b>	\$6.39-\$6.81	\$6.93-\$7.53	\$0.54 to \$0.72 Higher
<b>SOYBEANS: (bu)</b>	\$13.71-\$15.17	\$12.86-\$13.61	\$0.85 to \$1.56 Lower
<b>CORN: (bu)</b>	\$6.64-\$7.90	\$6.93-\$8.43	\$0.29 Higher to \$0.53 Lower
<b>COTTON: (lb)</b>	122.12 cents	88.36 cents	37.76 cents Lower

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

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

- (10-12-21) \$141.00-176.00 Wtd. Avg \$158.50
- (10-11-22) \$172.00-187.00 Wtd. Avg. \$179.50

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

- (10-12-21) \$132.00-154.00 Wtd. Avg \$143.00
- (10-11-22) \$155.00-167.50 Wtd. Avg. \$161.25

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 9,850 subscribers August 26, 2022-October 11, 2022 (**up from 242 subscribers last report**).



- **Voice Messaging System:**
  - The market news voice messaging system during
  - Monthly Total: August 26, 2022–October 11, 2022 **8,758 Accessed Times**
  - Compared to Last Month: July 11, 2022–August 26, 2022 **8,701 Accessed Times**
  - Compared to Last Month: **Accessed Times-is UP 57 on accessed times**
- **Oklahoma Agriculture Market News**
  - **Facebook Page**
    - Likes/Followers 362
    - **UP 17 Likes/Followers**
    - People reached through pasted month: 810 people
- **Oklahoma Hay Directory**
  - Hay Directory
    - Currently have 35 producers that have hay
    - 10 producers added during this past month
    - 4 producers sold out of hay this past month
- **Hay Report**

**This Month:** August 26, 2022 – October 11, 2022 Hay Traded 12,005

**Last Year** August 26, 2021 – October 11, 2021 Hay Traded 3,230

**UP 8,775 Bales Reported**

## OKLAHOMA HAY MARKET REPORT

**9-27-22**

**Receipts: 2,804 Last Reported: 1,645 Year Ago: 0**

Compared to the last report: As hay gets tighter and drought continues to worsen in our state, the farmers continue to bale up their other crops to sell as hay. We are already seeing hay coming in from all parts of the country. According to the Oklahoma Mesonet exceptional drought is at 13.6 percent, Extreme drought is now at 53.9 percent, severe drought has reached 89.2 percent, Moderate drought is at 98.9 percent, and abnormally dry conditions are at 99.9 percent.

\*\*\* The next report release will be on October 14th \*\*\*

<b>Central</b>				
<b>Alfalfa: Supreme (Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	238	275.00	275.00	Delivered
<b>Alfalfa: Supreme (Ask/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		245.00	F.O.B	
<b>Alfalfa: Supreme (Ask/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		225.00	F.O.B	
<b>Alfalfa: Premium (Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	154	250.00	250.00	Delivered
<b>Milo: Good (Ask/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		150.00	F.O.B	
<b>Soybean: Good (Ask/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used

Large Round	170.00	F.O.B
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**North Central**

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	72	90.00	90.00	F.O.B

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Square	98	11.00	11.00	F.O.B

**Bermuda Grass: Good/Premium (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	150	80.00	80.00	F.O.B

**Milo: Good (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	272	140.00 140.00		Delivered

**Northeastern**

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	204	280.00	280.00	Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	136	270.00	270.00	Delivered

**Milo: Good (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	68	175.00 175.00		Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	200	65.00	65.00	Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	272	60.00	60.00	Delivered

**Northwestern**

**Alfalfa: Supreme (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		225.00		F.O.B

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	136	275.00	275.00	Delivered

**Grass: Good/Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	260	175.00 175.00		Delivered

**Grass: Fair (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	102	90.00	90.00	Delivered CRP

**Milo: Good (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	272	125.00 125.00		Delivered

**Mixed Grass: Good/Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	102	150.00	150.00	F.O.B

**West**

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		200.00		F.O.B

**Mixed Grass: Good/Premium (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round		75.00		F.O.B



Oklahoma Department of Agriculture,  
Food, and Forestry  
October 26, 2022 Board Report for the  
Agricultural Environmental  
Management Services Division  
August 01 – October 2, 2022

## AEMS Division Activities

- AEMS Representative participated in multiple Illinois River Watershed working group calls.
- AEMS Representative participated in the Oklahoma Water Reuse Project (OWRAP) subcommittee meeting (9/1); provided feedback on regulatory brainstorming efforts related to the water reuse project.
- The AgPDES permits (CAFO, Pesticide, Stormwater Construction) are with EPA for review. Public comment will follow upon receipt of approval.
- AEMS attended the Arkansas River Commission Compact Commission meeting held in West Siloam Springs.
- EPA inspected the Braum's processing dairy and facilities in relation to the August Fish Kill reported by DEQ; AEMS field staff was present for the inspection.
- AEMS Representative presented at the Oklahoma Compost and Sustainability Association (OCASA) Conference at the Will Rogers Gardens in Oklahoma City. The topic was an overview on the AEMS composting programs.

### AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 0
- Number of AgPDES PGP Authorizations this reporting period: 0
- Number of AgPDES CGP Authorizations this reporting period: 9

### Complaints and Inspections

A summary of the complaints received and investigated plus all the inspections and technical assistance conducted by the ODAFF AEMS Staff for this reporting period:

24	Complaints received and investigated this reporting period.
12	Complaints closed this reporting period.
Complaints Received - Breakdown	
Cattle - 2	
Swine – 1	
Poultry- 2	
Misc. Animal - 1	
Other – 2	
Animal Shelter 4	
Pet Breeder 13	
26	Year-to-date complaints received in FY 22 beginning FY 23
15	Year-to-date complaints closed in FY 22 beginning FY 23
137	LMFO/CAFO inspections, plus technical assistance.
261	Poultry inspections and technical assistance.
75	Pet Breeders/Shelters inspections and technical assistance.

### CAFO and LMFO Activities - Month and Fiscal Year 2023

	Aug 01- Oct 2 2022	FY 23 Total
Complaint or Compliance Follow-ups	7	12
Annual Inspections	112	155
Technical Assistance with Contacts	25	43
Site Visit/Review – No contact made	12	21

### Poultry Activities – Month and Fiscal Year 2023

	Aug 01- Oct 2 2022	FY 23 Total
Complaint or Compliance Follow-ups	5	7
Annual Poultry Inspections	28	32
Poultry Technical Assistance	233	365
Site Visit/Review – No contact made	79	181
Eucha-Spavinaw CNMP Written	15	25

### Pet Breeders Activities – Month and Fiscal Year 2023

	Aug 01- Oct 2 2022	FY 23 Total
Complaint or Compliance Follow-ups	35	48
Breeder/Shelter Technical Assistance provided w/owner/operator	75	90
Breeder/Shelter Annual Inspections	17	64
Breeder/shelter Close out	4	7

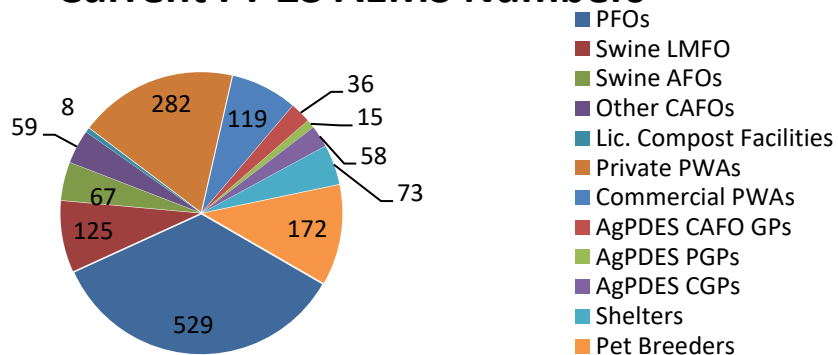
### AGPDES – Month and Fiscal Year 2023

	Aug 01-Oct 2 2022	FY 23 Total
Complaint or Compliance Follow-ups	2	2
Site Inspections (Annual or Compliance follow-up)	1	8
Technical Assistance provided with owner /operator	11	28

### Composting Activities – Month and Fiscal Year 2023

	Aug 01- Oct 2 2022	FY 23 Total
Complaint or Compliance Follow-ups	4	8
Site Inspections (Annual or Compliance follow-up)	4	10
Technical Assistance provided with owner /operator	4	9

### Current FY 23 AEMS Numbers



Respectively

*Teena G. Gunter*

Teena G. Gunter  
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE  
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
SEPTEMBER 2022 BOARD REPORT  
REGARDING AUGUST 29, 2022 THROUGH OCTOBER 7, 2022 ACTIVITIES  
OF THE  
OFFICE OF GENERAL COUNSEL**

**AMOUNT OF ADMINISTRATIVE FINES COLLECTED:**

Amount to Date (2022)	Amount of Fines for this Board Meeting
\$185,600.00 (Default \$19,850)	\$6,700.00
\$57,475.00	2021 Total (5/31-12/31/2021)

**CONTRACTS REVIEWED OR DRAFTED (46):**

Marketing: 18
AEMS: 1
Forestry: 5
AIS: 5
CPS: 2
Admin: 13
Food Safety: 2

**ADMINISTRATIVE HEARING PROCEEDINGS:**

Total Number of Open Cases: 95
Total Number of New Cases: 39
Total Number of Cases Closed: 25
NOVs Sent: 27

**OTHER ACTIONS AND PROCEEDINGS:**

<b><i>Kirk Marshall v. ODAFF</i></b> , Oklahoma County District Court Case No. CJ-2020-1347: Petition served. Time period tolled by Supreme Court Order until May 15, 2020. Answer drafted and prepared for filing. Application for Injunction Denied. Answer filed. Hearing held. Amended Petition filed by Plaintiff. Answer to Amended Petition filed. District Court Order AFFIRMED by Court of Civil Appeals. ODAFF Amended Motion to Dismiss pending.
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<b><i>Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry</i></b> , Pittsburg County District Court, Case No. CJ-2020-111: Lawsuit involves vehicle accident between plaintiff and ODAFF employee. Attorney General's Office is handling this claim.
<b><i>Upton's Naturals Co v. Stitt and Arthur</i></b> , District Court, W.D. Oklahoma, Case No. 5:20-cv-00938: Lawsuit against Governor Stitt and Secretary Arthur in their professional capacities. Upton's Naturals challenges a state law that prohibits food manufacturers from using terms like "hot dogs," "burgers," or "bacon" on labeling for meat-free products. The Attorney General's Office is handling this claim.
<b><i>William Grossman v. Lori Howard et al.</i></b> , Cherokee County District Court, Case No. CJ-2020-111: Lawsuit filed on the agency and Forestry Services for requesting damages for a car wreck that occurred during a prescribed burn. The prescribed burn was not performed by ODAFF and the agency was not involved with the circumstances. The Attorney General's Office is handling this claim.
<b><i>Spring Creek Coalition v. ODAFF and Trong</i></b> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<b><i>Spring Creek Coalition v. ODAFF and Phan, et al.</i></b> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed. Discovery ongoing. Responded to Motion for Summary.

### **MEETINGS:**

<b>Date</b>	<b>Activity</b>
August 29, 2022	OGC Staff
August 29, 2022	Nutrient Management Plan rules
August 29, 2022	AgPDES staff
August 30, 2022	Mi-Apps Forms
September 1, 2022	OWRAP Subgroup-Regulatory Drivers, Barriers, and Goals
September 1, 2022	Intern Interview
September 6, 2022	OBA GALPS
September 6, 2022	Directors
September 7, 2022	Oklahoma Wheat Commission
September 8, 2022	HISA/HIWA
September 8, 2022	Docket
September 13, 2022	Directors
September 14, 2022	OWRAP Subgroup-Organizational Strategies
September 14, 2022	Nutrient Management Plan rules
September 15, 2022	State Board of Agriculture
September 15, 2022	Commissioners of Land Office
September 19, 2022	Livestock Theft Offender Registry
September 20, 2022	Directors
September 21, 2022	Fence Laws
September 21, 2022	Drought Commission
September 21, 2022	EPA quarterly AgPDES

September 22, 2022	OWRAP Subgroup-Regulatory Drivers, Barriers, and Goals
September 27, 2022	NASDA
September 28, 2022	NASDA
September 29, 2022	NASDA
September 29, 2022	HISA
September 29, 2022	AgPDES
September 29, 2022	State Chamber
October 3, 2022	Directors
October 4, 2022	OBA GLPS
October 4, 2022	Meeting with Animal Industry
October 5, 2022	Inspection of Leflore County Poultry Facilities
October 5, 2022	Risk Management Training
October 5, 2022	OWRAP Workgroup
October 5, 2022	Risk Management Conference
October 7, 2022	OGC Staff
October 7, 2022	Arkansas-Oklahoma Agriculture Discussion

### **RULE ACTIVITIES:**

<b>Chapter 17. Water Quality (Emergency FY 2023):</b> Emergency rules were adopted by the Board on September 15, 2022 and are awaiting approval by the Governor.
<b>Chapter 40. Market Development (Emergency FY 2023):</b> Emergency rules were adopted by the Board on July 27, 2022 and approved by the Governor on August 10, 2022. Emergency rule document was filed and rules became effective on August 10, 2022.
<b>Chapter 1. Administrative Operations (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 12, 2022.
<b>Chapter 10. Agricultural Products (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 12, 2022.
<b>Chapter 13. Fuel Alcohol (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 12, 2022.
<b>Chapter 15. Animal Industry (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 12, 2022.
<b>Chapter 30. Consumer Protection (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022 and approved by the Governor on June 21,

2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 12, 2022.
<b>Chapter 37. Food Safety (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 12, 2022.
<b>Chapter 40. Market Development (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 12, 2022.
<b>Chapter 44. AgPDES (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 12, 2022.
<b>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2022):</b> Permanent rules were adopted by the Board on January 26, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 12, 2022.
<b>OHRC</b>
<b>Chapter 40. Veterinarian Practices and Restrictions (Permanent FY 2022):</b> Permanent rules were adopted by the Commission on February 1, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 15, 2022.
<b>Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2022):</b> Permanent rules were adopted by the Commission on February 17, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 15, 2022.
<b>Chapter 60. Running the Race (Permanent FY 2022):</b> Permanent rules were adopted by the Commission on February 17, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 15, 2022.
<b>Chapter 65. Pari-Mutuel Wagering (Permanent FY 2022):</b> Permanent rules were adopted by the Commission on February 17, 2022 and approved by the Governor on June 21, 2022. Permanent rule document was filed on July 7, 2022, and rules became effective on September 15, 2022.

#### **OPEN RECORDS REQUESTS (42):**

AEMS: 8
CPS: 8
AIS: 10
Forestry: 2
Pet Breeders: 9
Admin: 3



### **OKLAHOMA HORSE RACING COMMISSION**

<b>Litigation: Alfredo Gomez and Cruz Villafranco v. OHRC</b> , Oklahoma County District Court Case No. CV-2020-430: Petition served. Response filed. Petitioners' Motion for Partial Summary Judgment responded to. Pending hearing.
<b>L: Oscar Nunez v. OHRC</b> , Oklahoma County Case No. CV-2020-449: Petition filed and served. Answer filed. Reversed and remanded. Rehearing held. Motion to Modify District Court's Order of November 10, 2020 hearing held. Further briefing ordered.
<b>Litigation: Miguel Pena v. OHRC</b> , Oklahoma County District Court Case No. CV-2019-179: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held October 11, 2019. TRO entered. Amended Petition for TRO heard May 15, 2020. TRO denied. Permanent injunction denied. Pending Motion to Dismiss.
<b>Litigation: Jose Sanchez III, et al. V. Global Gaming, Heritage Place and OHRC</b> , Oklahoma County District Court Case No. CJ-2020-2395: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held May 26, 2020. TRO denied. Further action pending.
<b>Litigation: Sammy Howard v. OHRC</b> , Oklahoma County District Court Case No. CV-2020-1921. Petition served. Response filed. Briefs filed. Oral arguments held. Remanded for further proceedings. Order filed. Motion to Reconsider filed. Hearing reset by the Court to August 19, 2022.
<b>LITIGATION: Rogelio Marquez, Jr. V. OHRC</b> , Oklahoma County District Court Case No. CJ-2021-3393. Petition filed. Injunction sought. Hearing held; Injunction denied. Pending further proceedings. (Trailing OHRC v. Heltzel)
<b>Litigation: Carlos Ruiz v. OHRC</b> , Oklahoma County District Court Case No. CV-2021-2591. Petition Served. Response filed. Record filed. Pending briefing.
<b>Litigation: Etniel Sanabria v. OHRC</b> Tulsa County District Court Case No. CV-2022-1899. Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held September 21, 2022. TRO DENIED. Further hearing set for October 12, 2022.
Prepare cases for presentation at Stewards Hearings
Prepare cases for presentation in District Courts
Provide discovery to opposing counsel and Respondents regarding various hearings
Stewards Hearings at Remington Park
Stewards Hearing at Will Rogers Downs
Hearings in District Courts
Prepare and file Response to Petition for Temporary Restraining Order and Petition for Injunction
Prepare response to brief in support of Petition for Appeal
Argue appeals at regular session of the Oklahoma Horse Racing Commission
Discuss possible rule revisions/amendments with Executive Director
Draft proposed rule revisions
Advise Executive Director on extent of delegated authority
Discuss certain policy issues with Executive Director
Review communication from Respondents' counsel in various cases

OHRC regular meeting
Supervise and direct OHRC legal intern
Attend ARCI Rules Committee meeting
Consult with OHRC regarding gaming issues
Attend briefings and meetings regarding Horse Racing Integrity and Safety Act (HISA)
Consult with concerned constituents regarding HISA
Respond to open records requests

**OTHER ACTIVITIES:**

Phone calls or emails with the public: 44
Assistance to AEMS: 15
Assistance to CPS: 4
Assistance to Wildlife Services: 1
Assistance to Forestry: 6
Assistance to AIS: 8
Assistance to Admin: 9
Assistance to Market Development: 5
Assistance to other state or federal agencies: 9
Assistance to Food Safety: 7
Assistance to NASS: 0
Assistance to Executive Office: 8
Assistance to Lab: 2
Assistance to Investigative Services: 6
Assistance to Legislature: 0

Respectfully Submitted,



Teena G. Gunter  
General Counsel

## **FOOD SAFETY REPORT AUGUST 2022**

### **POULTRY& EGG GRADING, PRODUCE AND ORGANIC SECTION**

#### **Poultry and Egg Section**

In Broken Bow at Tyson Foods, USDA poultry grading was performed by ODAFF inspectors on 1,486,905 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA Shell Egg grading on 38,548 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors also provided USDA poultry grading services on poultry products being shipped from OK Foods in Muldrow & Heavener. Also; routine egg quality inspections under the Oklahoma egg law were conducted.

#### **Organic Foods Section**

Organic inspectors completed compliance and certification inspections at:

- Seven organic crop producers
- Five organic processors
- Collected four organic samples
- Eleven retail organic inspections
- The organic section had requests for 2,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States. The organic section had 3 requests for organic crop applications, 4 requests for organic processing applications.

#### **Produce Safety Section**

- Contacted 4 farms to determine coverage/exemption under the Produce Safety Rule
- Visited farmers market providing outreach and education to producers and to collect farm inventory
- Quarterly FDA monitoring call
- Completed aggregate data report and financial report to FDA
- Provided remote technical assistance to a farm on the Produce Safety Rule
- Assisted with AFDO Produce Safety Committee conference planning
- Shared information about the Produce Safety Rule and growing safe produce at the Beginning Farmers and Ranchers workshop in Ardmore
- Regular conference calls with TX, LA, AR, NM, MO, CO
- Sent an e-mail newsletter to inform farms of the latest information on Produce Safety

#### **Homemade Food Freedom Act**

- Received 7 complaints on the Homemade Food Freedom Act
  - 2 containing meat, 5 lacking labeling
- Sent 4 warning letters, 1 verbal warning
- Meat Compliance handled 2 complaints
- Sharing factsheets at farmers markets to educate vendors on labeling requirements and sales limits
- Taught at one Homemade Food Freedom Act class with OSU
- Two more classes are scheduled for this fall
- Taught Health Department Sanitarians about the law at a quadrant meeting

## Oklahoma Meat Inspection Services Investigations and Compliance Activities

Planned Compliance Reviews	14
Random Compliance Reviews	129
Person-to-Person Contacts	59
Special Investigations and/or Projects	05
Reports of Apparent Violations	03
Detentions	00
Consumer Complaints	08
Verbal Warnings Issued	09
Letters of Warning Issued	03
Samples Submitted to Lab for Analysis	00
Accident Investigations	02
Administrative Procedures Act	00

### The Oklahoma Highway Patrol notified Meat Inspection Compliance with two (2) truck accident in the month of September 2022

See details below:

ACCIDENT LOCATION	ANIMAL/PRODUCT	DISPOSITION
I-35 South	Frozen 36000 lbs 1500 cases	All product was sent to Pauls Valley Landfill
412 East of Chouteau, OK	71 mixed calves	13 of the 71 calves died. Dead's were buried on owners property.

**Highlighted Activities:** During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out Three (3) Letter of Warning for Violations of the Oklahoma Meat/Poultry Inspection Act and/or State Statutes.

### MEAT INSPECTION

<b>Number of Cattle</b>	<b>923</b>
<b>Total Beef Condemned</b>	<b>20,532 lbs</b>
<b>Number of Swine</b>	<b>312</b>
<b>Total Pork Condemned</b>	<b>1,872 lbs</b>
<b>Number of Sheep and Goats</b>	<b>93</b>
<b>Total Condemned</b>	<b>0 lbs</b>
<b>Number of Rabbits</b>	<b>0</b>
<b>Total Condemns</b>	<b>0 lbs</b>
<b>Number of Exotic Deer</b>	<b>0</b>
<b>Total Condemns</b>	<b>0 lbs</b>
<b>TOTAL MEAT INSPECTED</b>	<b>593,251 lbs</b>

### PROCESSED MEAT INSPECTED

<b>Processed Red Meat</b>	<b>1,178,284 lbs.</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Poultry (Portions)</b>	<b>131,932 lbs</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Rabbit Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Exotic Deer Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>TOTAL PROCESSED MEAT INSPECTED</b>	<b>1,310,216 lbs</b>

Meat Sample activity:

9 Samples Submitted for Analysis  
 9 Samples Analyzed  
 9 Samples Negative Analysis

0 Samples Not Analyzed  
 0 Samples Non-Compliant

Sept. 7

Fehdan processing in Shawnee was approved and operating as a State establishment.

Sept. 22

Cherokee Nation Processing in Tahlequah was granted inspection to be effective Sept. 26 as a T/A establishment.

## DAIRY SECTION

A dairy plant survey was conducted at the Braum's Ice Cream and Dairy plant on September 15<sup>th</sup>, 2022. A passing score was given and can be found on the FDA Interstate Milk Shipper's website.

Dairy staff conducted routine inspections at dairy plants and farms, conducted dairy plant equipment checks and collected ice cream samples, raw milk and retail milk and milk products samples and container samples for laboratory analysis.

Dairy Services staff continues to sample Swans Dairy and Blue Bell in Broken Arrow related to the *Listeria monocytogenes* product contamination.

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive style with a horizontal line underlining the name.

Scott Yates  
Director of Food Safety

## Communications

*Compiled 10/17/22*

### ***Social Media Highlights***



#### **AYC Members attend Session 2 at Oklahoma State**

**University** | On September 28, 2022, AYC members gathered in Stillwater, Oklahoma to learn about the opportunities available at Oklahoma State University and the importance of research in the agricultural industry.

Throughout the day, the group visited with OSU Ferguson College of Agriculture ambassadors and toured the Oklahoma State University Food and Agricultural Products Center, the Ferguson Family Dairy Center and the Greenhouse Learning Center.

**HPAI Awareness** | Throughout the months of September and October we have featured six posts on our Facebook and Instagram related to HPAI and disease awareness. The posts have been shared in various Facebook groups dedicated to poultry and backyard flock owners specifically.

In total, the posts have reached at least 22,259 Facebook account and have been shared 317 times. This only includes traction from the posts on our page and does not account for the reach of the posts through other accounts after it has been shared.

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Over the past month, social media content has heavily focused on drought relief and animal industry services – more posts are available for viewing through our social channels. A post celebrating National Farmer’s Day also saw success.

**KEEP IT CLEAN.  
KEEP IT SECURE.**

It's time to take  
measures to  
protect your  
flock from  
*Highly*  
*Pathogenic*  
*Avian Influenza.*



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

#### **Facebook**

21,028 total followers

This month:

- Posts and content have reached 57,812 unique Facebook users
- 170 new Facebook users have followed the account
- 

#### **Instagram**

2,693 total followers

This month:

- Posts and page content have reached 6,289 unique Instagram users
- 81 new Instagram users have followed the account

On Facebook, photos perform best, and on Instagram, 'reels' (short videos) see the most results

### ***Communications Projects***

**Attending COSDA Conference** | From October 2 through October 5, Audrey Ochsner attended the Communications Officers of the State Departments of Agriculture conference in Montgomery, Alabama. In addition to viewing the ins and outs of agriculture in another state, making connections with other communications professionals and learning from their experiences was extremely beneficial.

**The ODAFF Oracle** | ODAFF's internal newsletter is back! The letter will be produced monthly to share good news and highlight exceptional employees from across the 12 divisions, in hopes of promoting unity and the celebration of successes within the department. Some components of the letter include an opportunity for divisions to contribute stories, two employee highlights, an important events column and "brag board", and a MIO recipe of the month.

Misc. other projects have also been accomplished in September/October, including setting up a new ODAFF merchandise order, updating service maps on the website, fulfilling photo requests from the Farm to School program, shooting videos and organizing media requests.

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Respectfully submitted,

Audrey Ochsner  
Public Engagement Specialist



# OCTOBER 26, 2022 BOARD MEETING

## **PURCHASES/CONTRACTS**

### **Administrative Services**

**\$7,600 – FY23 - Investigative Services** – Investigative Services is requesting Board Approval for the police outfitting/emergency lighting of a 2022 Ford F-250 to be used by the Law Enforcement Officers, Chief Agent, and Special Agents, of the Oklahoma Department of Agriculture, Food and Forestry to comply with Oklahoma State Statute, Title 47, Chapter 1, Section 1-103.A.3 and B.

**\$13,952.30 - FY23 – Investigative Services** - Investigative Services is requesting Board Approval for the police outfitting/emergency lighting of a 2022 Ford F-150 Crew Cab that is set to arrive in November 2022 and will be used by the Law Enforcement Officers, Chief Agent, and Special Agents, of the Oklahoma Department of Agriculture, Food and Forestry and will comply with Oklahoma State Statute, Title 47, Chapter 1, Section 1-103.A.3 and B.

**\$52,197.50 - FY23 - Investigative Services** - Investigative Service is requesting Board Approval for the purchase of a 2022 Ford F150 Crew Cab including police outfitting/emergency lights to replace a high mileage vehicle currently in our fleet. This vehicle will be used by the Law Enforcement Officers, Chief Agent, and Special Agents, of the Oklahoma Department of Agriculture, Food and Forestry and will comply with Oklahoma State Statute, Title 47, Chapter 1, Section 1-103.A.3 and B.

If investigative services is unable to get this vehicle including all emergency outfitting and lights our agents will be driving a high mileage (195,000+) vehicle that is apt to having various mechanical issues and possibly breaking down leaving our agents in an unsafe and unreliable vehicle.

### **Food Safety Services**

Purchases due to over-billed on the Meat Inspection Grant FFY 2021 closeout - \$5,728.00

### **Forestry Services**

#### **FY23 – Transport Trucks \$850,000 (245 Fund)**

Purchase of four (4) Class 8 Truck Tractors that will be used to carry Type 3 firefighting bulldozers. These are mission critical pieces of equipment that will respond to wildfires and all-hazard situations throughout the entire state. With new transports in service, OFS will be able to provide timely and reliable responses, limiting the threat to life and property. The transports will be replacing trucks that are undersized, has excessive mileage and require frequent, costly repairs. Funding for this entire purchase will come the OFS 245 fund as part of an approved budget revision for FY22.

**FY23 – Laptop Computers \$19,200 (SFA/VFA Grants & 245 Fund)**

Purchase seven (7) laptop computers that will be used for supporting various Fire Management Programs including fire suppression, prescribed burning, dispatching and hazardous fuels mitigation. These machines will be replacing outdated models, equipping newly hired personnel or positions that now require virtual duties. Acquisition cost for each unit is estimated at \$3,200. Funding for this purchase will come from the US Forest Service Grants and 245 Funds.

**FY23 - Dovetail Beds, \$135,000 (245 Fund)**

Purchase of two (2) custom dovetail beds that will be permanently mounted to Class 8 truck tractors for the purpose of hauling firefighting bulldozers. Beds will include headache rack, emergency lighting, blade rest, toolboxes, and hydraulic ramps. These specialized beds will allow OFS to safely secure and transport bulldozers responding to wildfires and all-hazard situations. Funding for this entire purchase will come the OFS 245 fund as part of an approved budget revision for FY22.

**Laboratory Services****FY23 - \$9,063.77 Sartorius Cubis II Analytical Balance**

Purchase of the balance is for analytical testing of dissolved and suspended solids in water for the Inorganic Laboratory. The purchase of the balance will replace outdated equipment that is no longer reliable and will no longer provide accurate results.

**Market Development Services**

FY2023 – Tulsa Home and Garden Show – booth rental – cost share basis for 10 Made in Oklahoma companies - \$9,080.00

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

**APPROVAL OF CASES**

ON THIS 18<sup>th</sup> day of October 2022, the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture those certain cases summarized on Exhibit A hereto which cases have been resolved by stipulation or consent order. The attached Exhibit A summarizes each action by case name, case number, case type and amount received as a stipulated administrative penalty or by consent order.

**ACCORDINGLY, IT IS THEREFORE ORDERED** by the State Board of Agriculture that the resolution of each of the cases summarized on Exhibit A hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for each such case; and that the penalty imposed by each such stipulation or consent order is hereby adopted and incorporated herein by reference to Exhibit A hereto.

WITNESS My Hand and Official Seal this 18<sup>th</sup> day of October 2022.

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Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**October 18, 2022**

**Cases Resolved by Stipulation**

**Agricultural Environmental Management Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Rodney Abernathy	OGC-22-296	AEMS	\$400.00
Hollie Farms	OGC-22-210	AEMS	\$1,000.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Cate's Recycling	OGC-21-314	CPS	\$1,000.00
Grass Monkey Lawn & Tree	OGC-21-809	CPS	\$500.00
Love's Country Stores, Inc.,	OGC-22-100	CPS	\$300.00
Noah Exclusive Products	OGC-22-240	CPS	\$2,500.00
Outdoor Creations MGMT.	OGC-22-274	CPS	\$1,000.00

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. RODNEY ABERNATHY**  
**Case File No. OGC 22-296**

**Rodney Abernathy**  
**29943 Cherokee Street**  
**Bokoshe, OK 74930**

**Summary of Facts:** Respondent failed to submit an Annual Litter Report.

**Statute or Rule Violation:** 2 O.S. §10-9.18(A)

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

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Richard D. Herren

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

SEP 12 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-22-296

RODNEY ABERNATHY )  
29943 CHEROKEE ST )  
BOKOSHE, OK 74930 )

RESPONDENT. )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars (\$400.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

  
Signature

  
Printed Name and Title:

Date: 9-1-22

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**

JUN 09 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-22-296

RODNEY ABERNATHY )  
29943 CHEROKEE ST )  
BOKOSHE, OK 74930 )

RESPONDENT. )

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on August 11, 2022 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

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

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

#### **DEFAULT**

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



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

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of poultry waste application in Oklahoma.

16. Pursuant to 2 O.S. § 10-1, ODAFF has authority to regulate persons who are poultry waste applicators.

### **ALLEGATIONS OF FACT**

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

18. On or about November 16, 2021 the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Annual Litter Report.

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

20. Respondent failed to submit their Annual Litter Report for 2020-2021.

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

### **ALLEGED CONCLUSIONS OF LAW**

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their Annual Litter Report.

### **ATTORNEY CONFERENCES**

23. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
24. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
25. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

26. Enforcement proceedings may include but are not limited to:
  - a.) Administrative fines or penalties;
  - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
  - c.) Criminal actions, which could involve fines, imprisonment, or both; and
  - d.) Civil actions.
27. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
28. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

29. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

30. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

#### **ENFORCEMENT OF JUDGMENTS**

31. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

34. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

#### **STIPULATION**

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Four Hundred Dollars (\$400.00).

36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check

or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 7TH day of June, 2022.

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

*Richard D. Herren*

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

**CERTIFICATE OF MAILING**

This is to certify that on this 7<sup>th</sup> day of June, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**RODNEY ABERNATHY  
29943 CHEROKEE ST  
BOKOSHE, OK 74930**

A handwritten signature in black ink, appearing to read 'Gina Blaylock', is written over a horizontal line.

GINA BLAYLOCK

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

v.

**RODNEY ABERNATHY**  
**29943 CHEROKEE ST**  
**BOKOSHE, OK 74930**

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars (\$400.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Page 8 of 8

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. HOLLIE FARMS, KERRY HOLLIE AND LETA HOLLIE  
Case File No. OGC 22-210**

**HOLLIE FARMS  
P.O. BOX 271  
BOKOSHE, OK 74930**

**Summary of Facts:** In May of 2022, Hollie Farms applied for a Construction Storm Water General Permit ("AgPDES General Permit") under the Oklahoma Agricultural Pollutant Discharge Elimination System Act ("AgPDES Act") and to register as a new poultry feeding operation under the Oklahoma Registered Poultry Feeding Operation Act ("PFO Act"). Under the AgPDES Act, PFO Act, and associated Rules Hollie Farms was required to obtain a permit to construct and register the poultry facility prior to construction. In violation of the AgPDES Act, PFO Act and Rules, Hollie Farms began construction prior to the Department granting the permit and registration.

**Statute or Rule Violation:** 2 O.S. §10-9.3(A)(1) and 2 O.S. § 2A-1 et seq.

**Proposed Administrative Penalty:** The penalty was assessed at \$1,000. Respondent stipulated and paid the penalty in full.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Richard D. Herren

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

HOLLIE FARMS, KERRY HOLLIE, AND  
LETA HOLLIE  
P.O. BOX 271  
BOKOSHE, OK 74930

RESPONDENT.

**FILED**

SEP 28 2022

STATE BOARD OF AGRICULTURE

Case No: OGC-22-210

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Dollars (\$1,000.00) and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Kerry Hollie - Leta Jean Hollie  
Signature

Kerry Hollie Leta Jean Hollie  
Printed Name and Title: Owners

Date: 9-23-22



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

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

**COMPLAINANT, )**

**v. )**

**HOLLIE FARMS, KERRY HOLLIE, AND )  
LETA HOLLIE )  
P.O. BOX 271 )  
BOKOSHE, OK 74930 )**

**RESPONDENTS. )**

**FILED**

**MAY 20 2022**

**STATE BOARD OF AGRICULTURE**

**Case No: OGC-22-210**

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondents are hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on July 14, 2022** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

---

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

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

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

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

#### **DEFAULT**

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

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

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

14. Respondents have substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondents have, among other things, engaged in the business of owning a proposed poultry feeding operation.

16. As a part of the construction of the poultry feeding operation, Respondents applied for a Construction Storm Water General Permit ("AgPDES General Permit") under the Oklahoma Agricultural Pollutant Discharge Elimination System Act ("AgPDES Act"). (See 2 O.S. § 2A-1 et seq.)

17. The AgPDES Act is part of the Oklahoma Agricultural Code. (See 2 O.S. § 1-1 et seq.)

18. Under the AgPDES Act and associated Rules (See OAC 34:44-1-1 et seq.), Respondents were required to obtain a permit to construct the facility.

19. It shall be unlawful for any person to construct or operate a new poultry feeding operation without having first registered with the State Board of Agriculture. (See 2 O.S. § 10-9.3(A)(1))

### **ALLEGATIONS OF FACT**

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

21. Respondents own a proposed poultry feeding operation in Leflore County, Oklahoma near Bokoshe, Oklahoma.
22. Respondents plan to build four new poultry barns.
23. Respondents have entered into a new contract with Aviagen to provided contractual services utilizing the poultry barns.
24. In early May of 2022, Respondent provided the Department with a poultry feeding operation application for the new facility.
25. Respondents applied for an AgPDES General Permit.
26. Prior to the Department approving the registration of the new facility (PFO# 2034) and granting the AgPDES General Permit, Respondents began construction.

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

27. Based upon the application of the above law to the aforementioned facts, Respondents have violated the Oklahoma Registered Poultry Feeding Operation Act (See 2 O.S. § 10-9.3(A)(1)) and the Agricultural Pollutant Discharge Elimination System Act (“AgPDES Act”) (See 2 O.S. § 2A-1 et seq.) by beginning construction of the new poultry feeding operation without properly registering and obtaining the AgPDES General Permit. Respondents should pay an administrative fine for the violation.

#### **ATTORNEY CONFERENCES**

28. If Respondents desire to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
29. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

30. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

31. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

32. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

34. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

### **ENFORCEMENT OF JUDGMENTS**

35. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

38. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

#### **STIPULATION**

39. If Respondents desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Thousand Dollars (\$1,000.00).

40. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 17TH day of May, 2022.

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

*Richard D. Herren*

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

**CERTIFICATE OF MAILING**

This is to certify that on this 17th day of May, 2022, a true and correct copy of the  
forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**HOLLIE FARMS, KERRY HOLLIE, AND  
LETA HOLLIE  
P.O. BOX 271  
BOKOSHE, OK 74930**



GINA BLAYLOCK

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

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

**COMPLAINANT,**

**v.**

**HOLLIE FARMS, KERRY HOLLIE, AND  
LETA HOLLIE  
P.O. BOX 271  
BOKOSHE, OK 74930**

**RESPONDENT.**

**Case No: OGC-22-210**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Dollars (\$1,000.00) and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_



**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. CATE'S RECYCLING**

**Case File No. OGC-21-314**

**Cate's Recycling  
8800 New Sapulpa Road  
Sapulpa, OK 74131**

**Summary of Facts:** This is a judgment from the ALJ after hearing in which the Respondent failed to appear. This case involved a random inspection. Upon inspection investigators determined that the location was in the business of buying/selling scrap metal, and they did not have a current license.

**Statute or Rule Violation:** 2 O.S. §11-97

**Proposed Administrative Penalty:** The penalty was assessed at \$1000

**Deviations:** Stipulation was signed and paid in full before judgement entered by the board.

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

CATE'S RECYCLING  
8800 NEW SAPULPA RD  
SAPULPA, OK 74131

RESPONDENT.

Case No: OGC-21-314

**FILED**  
SEP 12 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Dollars (\$1,000.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

  
Signature

Donald P. CATES  
Printed Name

OWNER  
Job Title

9/8/22  
Date

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

**FILED**  
JUN 17 2022  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

OGC-21-314

v. )

CATE'S RECYCLING )  
8800 NEW SAPULPA RD )  
SAPULPA, OK 74131 )

RESPONDENT. )

**AMENDED NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on August 11, 2022, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Pre hearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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

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

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

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

#### **DEFAULT**

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

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

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma and owns and operates a certain business ("Cate's Recycling") located at 8800 New Sapulpa Rd, Sapulpa, Oklahoma, functioning as a scrap metal dealer in the State of Oklahoma.
15. Pursuant to Okla. Stat. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.
16. The allegations of fact describe a violation of the Oklahoma Agricultural Code, or rules promulgated thereunder, as follows:

2 O.S. § 11-97 – A person shall not advertise, act, offer to act, hold himself or herself out, or engage in business as a scrap metal dealer in this state without a scrap metal dealer license issued by the Oklahoma Department of Agriculture, Food, and Forestry.

### **ALLEGATIONS OF FACT**

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.
- a. Respondent is a recycling center located at 8800 New Sapulpa Rd, Sapulpa, Oklahoma 74131.
  - b. On July 8, 2021, ODAFF inspectors visited respondent's place of business, inspectors confirmed the entity is a business that buys and sells scrap metal.

- c. Oklahoma law requires scrap metal dealers in Oklahoma to be licensed by the Oklahoma Department of Agriculture, Food, and Forestry.
- d. Respondent does not have a scrap metal dealer's license issued by the Oklahoma Department of Agriculture, Food, and Forestry.
- e. On July 15, 2021, a stop work order was sent to the Respondent warning that Respondent was in violation of Oklahoma law for operating a scrap metal business without a license.
- f. To date, Respondent has neither applied for, nor received an Oklahoma scrap metal dealer's license.

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

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 11-97 by doing business as a scrap metal dealer in the State of Oklahoma without the proper state issued licensure.

#### **ATTORNEY CONFERENCES**

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at (405) 522-5997.
20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

#### **ENFORCEMENT PROCEEDINGS**

22. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;

- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

#### **ENFORCEMENT OF JUDGMENTS**

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

### **STIPULATION**

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Thousand Dollars (\$1,000.00).
32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.



DATED THIS 16th day of June, 2022.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA #14574

Kambi Maddy, OBA #13873  
✓ Brady Robison, OBA #33600  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-5997  
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 1 day of June, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CATE'S RECYCLING  
8800 NEW SAPULPA RD  
SAPULPA, OK 74131**

  
Gina Blaylock

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

COMPLAINANT,

v.

CATE'S RECYCLING  
8800 NEW SAPULPA RD  
SAPULPA, OK 74131

RESPONDENT.

**CATE'S RECYCLING**  
**8800 NEW SAPULPA RD**  
**SAPULPA, OK 74131**

**RESPONDENT.**

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Dollars (\$1,000.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

RESPONDENT:

Printed Name

Job Title

Date \_\_\_\_\_

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. OUTDOOR CREATIONS MGMT**

**Case File No. OGC-21-809**

**JUSTIN CAWVEY  
GRASS MONKEY LAWN & TREE  
620 W. HANCOCK  
MUSKOGEE, OK 74401**

**Summary of Facts:** This case arises out of a consumer complaint. A complaint was filed that this company was applying pesticides without a commercial license. Respondent held contracts with a municipality to apply commercial pesticides without having been a licensed applicator first.

**Statute or Rule Violation:** 2 O.S. § 3-86(A)(15), 2 O.S. §3-82(A)(1)

**Proposed Administrative Penalty:** The penalty was assessed at \$500 and the stipulation was signed and paid in full.

**Deviations:** None

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

JUSTIN CAWVEY  
GRASS MONKEY LAWN & TREE  
620 W. HANCOCK  
MUSKOGEE, OK 74401

RESPONDENT.

**FILED**

OCT 03 2022

Case No: OGC 21-000 OF AGRICULTURE

**FILED**

OCT 03 2022

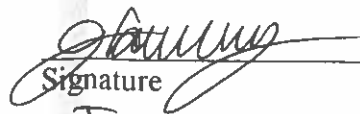
STATE BOARD OF AGRICULTURE

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

  
Signature  
Justin Cawvey / owner  
Printed Name and Title  
Date: 09-28-22

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

**FILED**

**MAY 16 2022**

**STATE BOARD OF AGRICULTURE**

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

**COMPLAINANT, )**

**v. )**

**Case No: OGC-21-809**

**JUSTIN CAWVEY )  
GRASS MONKEY LAWN & TREE )  
620 W. HANCOCK )  
MUSKOGEE, OK 74401 )**

**RESPONDENT. )**

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, July 14<sup>th</sup>, 2022 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

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

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

#### **DEFAULT**

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

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

**JURISDICTION, VENUE, AND APPLICABLE LAW**

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides in the State of Oklahoma.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

**2 O.S. 2-82(A)(1)**

It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.

**2 O.S. 2-86(A)**

- A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and



an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

15. Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged;

16. Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.

#### **ALLEGATIONS OF FACT**

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

- On or about August 27, 2021, a complaint investigation was performed by ODAFF.
- As a result of the investigation, it was reported that Respondent's company contracts the herbicide applications for the town of Ft. Gibson.
- Respondent is not a licensed commercial applicator with ODAFF.
- ODAFF's inspector met with town officials and secured photographs of this contract, which requires year round weed control with 4 broadleaf weed control applications.
- ODAFF's inspector also noted that you subcontract the weed control applications to McKay Outdoor Service, who is a licensed commercial applicator.

- ODAFF's inspector was informed that Grass Monkey Lawn & Tree receives the contractual payments.
- Though Respondent subcontracts work to a licensed company, Respondent is required to be licensed to enter into a pest control contract, subcontract out commercial applications, and receive payments for those applications.
- On or about December 16, 2021 a Letter of Warning detailing the above violation was sent to Respondent.

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

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(15) and (16) by making commercial pesticide applications without the proper licensing.

#### **ATTORNEY CONFERENCES**

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

#### **ENFORCEMENT PROCEEDINGS**

22. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
  - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;

- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

#### **ENFORCEMENT OF JUDGMENTS**

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

**STIPULATION**

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00)**.
32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA #13873

✓ Brady Robison, OBA #33600

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 16 day of May, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**JUSTIN CAWVEY  
GRASS MONKEY LAWN & TREE  
620 W. HANCOCK  
MUSKOGEE, OK 74401**

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

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

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

**COMPLAINANT, )**

**v. )**

**Case No: OGC-21-809**

**JUSTIN CAWVEY )  
GRASS MONKEY LAWN & TREE )  
620 W. HANCOCK )  
MUSKOGEE, OK 74401 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**  
**v. LOVE'S COUNTRY STORE**  
**Case File No: OGC-22-100**

**LOVE'S COUNTRY STORE**  
**301 N LOUIS TITTLE**  
**MANGUM, OK 73554**

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

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

**Proposed Administrative Penalty:** The proposed penalty for this case was Three Hundred Dollars (\$300.00) (Four violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

**Other Actions Required:** None

**OGC Attorney:** Kambi Maddy

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

**FILED**  
JUL 20 2022  
STATE BOARD OF AGRICULTURE

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

**COMPLAINANT,** )

**v.** )

**Case No: OGC 22-100**

**LOVE'S COUNTRY STORE** )  
**301 N LOUIS TITTLE** )  
**MANGUM, OK 73554** )  
)  
)  
)

**RESPONDENT.** )

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on September 8, 2022**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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



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

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

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

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

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

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

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

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

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

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

#### **DEFAULT**

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

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

**JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of Love's Country Store, located at 301 N. Louis Tittle, in Mangum, Oklahoma.

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

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

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation discovered within any twelve-month period will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

### **ALLEGATIONS OF FACT**

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

20. On or about January 24, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Love's Country Store in Mangum, Oklahoma. The inspection revealed that six (6) of the hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J).

22. On or about March 24, 2022, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Love's Country Store in Mangum, Oklahoma. The inspection revealed that four (4) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J).

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

### **ATTORNEY CONFERENCES**

25. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-5997.
26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.
27. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

28. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
  - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
  - c.) Criminal actions, which could involve fines, imprisonment, or both; and
  - d.) Civil actions.
29. Pursuant to 2 O.S. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
30. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

### **ENFORCEMENT OF JUDGMENTS**

31. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

34. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

#### **STIPULATION**

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Three Hundred Dollars. (4 violations at \$75.00 per violation).**

36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 19th day of July, 2022.

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

*Kambi Maddy*

---

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

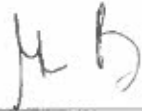
Telephone: (405) 522-5997

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

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

**LOVE'S CORPORATE OFFICE  
10601 N. PENNSYLVANIA AVENUE  
OKLAHOMA CITY, OK 73120**



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

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

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

**COMPLAINANT, )**

**v. )**

**Case No: OGC 22-100**

**LOVE'S COUNTRY STORE )  
301 N LOUIS TITTLE )  
MANGUM, OK 73554 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Hundred Dollars (\$300.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Date



OKLAHOMA DEPARTMENT OF AGRICULTURE  
FOOD, AND FORESTRY  
PRICE VERIFICATION REPORT

CPS 152 Rev 1/06

INSPECTOR NUMBE 22-RLF-0056

DATE\* 3/24/2022

COUNTY Greer

LOCATION\*

CORPORATE

AGN NUMBER AGN042732

AGN NUMBER

LOVE'S COUNTRY STORE

301 N LOUIS TITTLE

MANGUM

OK

MANAGER

INSPECTION TYP Followup

Original Insp# 22-RLF-0035

TELEPHONE\* (580) 782-2603

Other Store Type

ITEM STATUS

NON-SALE

TYPE OF STORE CONVENIENCE STORE

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
<u>Love's 24pk bottled water</u>	<u>603430735773</u>	<u>\$5.49</u>	<u>\$5.99</u>	<u>(\$0.50)</u>
<u>Love's water 1 gallon</u>	<u>603430735810</u>	<u>\$2.99</u>	<u>\$3.09</u>	<u>(\$0.10)</u>
<u>Hostess glazed donut 4oz</u>	<u>888109012670</u>	<u>\$2.39</u>	<u>\$2.59</u>	<u>(\$0.20)</u>
<u>Nabisco chips ahoy mini cookies 3oz</u>	<u>044000047368</u>	<u>\$1.69</u>	<u>\$1.79</u>	<u>(\$0.10)</u>

REC'D CPS  
2022 MAR 29 A 9:58

Total Number Checked 50 Total Number Of Violation 4 Accuracy 92 % Inspection Result Notice of Violati

REMARKS

Scanned with ODAFF scanned gun

WITNESS

Albion Fricovsky

INSPECTOR\*

Richard Folsom

[Signature]



OKLAHOMA DEPARTMENT OF AGRICULTURE  
FOOD, AND FORESTRY  
PRICE VERIFICATION REPORT

CPS 152 Rev 1/06

INSPECTOR NUMBER 22-RLF-0035

DATE\* 1/24/2022

COUNTY Greer

LOCATION\*

CORPORATE

AGN NUMBER AGN042732

AGN NUMBER \_\_\_\_\_

LOVE'S COUNTRY STORE

301 N LOUIS TITTLE

MANGUM

OK

MANAGER \_\_\_\_\_

INSPECTION TYP Initial

Original Insp#

TELEPHONE\* (580) 782-2603

Other Store Type \_\_\_\_\_

ITEM STATUS

NON-SALE

TYPE OF STORE CONVENIENCE STORE

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
Dunkin Ice Coffee Mocha 13.7 oz	049000072389	\$3.09	\$3.29	(\$0.20)
Love's 50/50 antifreeze 1 gal	603430735759	\$15.99	\$16.99	(\$1.00)
Hostess Iced Honey Bun 4.75 oz	888109010676	\$2.39	\$2.59	(\$0.20)
<del>Teddy Grahams 3 oz</del>	<del>044000000016</del>	<del>\$1.69</del>	<del>\$1.00</del>	<del>(\$0.69)</del>
Love's Premium water 20 oz	603430735612	\$1.79	\$1.89	(\$0.10)
Gatorade Cool Blue 28 oz	052000135176	\$2.99	\$3.09	(\$0.10)
LifeWater 1 liter	012000161155	\$2.69	\$2.89	(\$0.20)

2-7-2022

REC'D OAS  
2022 FEB - 1 A 11:09

94%

100

2-7-2022

Total Number Checked 100 Total Number Of Violation 6 Accuracy 94% Inspection Result Notice of Violation

REMARKS

Scanned with ODAFF scanned gun

WITNESS

D Ramirez

INSPECTOR\*

Richard Folsom

R Folsom

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. NOAH EXCLUSIVE PRODUCTS**

**Case File No. OGC-22-240**

**NOAH EXCLUSIVE PRODUCTS**

**897 CR 1310**

**CHICKASHA, OK 73108**

**Summary of Facts:** This case involved a referral from the OMMA Lab, where a batch of medical marijuana failed inspection. Inspectors visited the grow operation and discovered several pesticide products in use at the facility including Beethoven TR. The active ingredient in Beethoven TR is Etoxazole and is not labeled for use in marijuana cultivation. Only pesticides approved and registered with ODAFF may be used in medical marijuana. Respondent was using products off-label.

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

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

**Deviations:** None

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

NOAH EXCLUSIVE PRODUCTS  
897 CR. 1310  
CHICKASHA, OK 73108

RESPONDENT.

Case No: OGC-22-240

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Thousand Five Hundred Dollars (\$2500.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:



Signature

Tialiang Xu

Printed Name and Title

Date: 9/8/2022

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT, )

v. )

NOAH EXCLUSIVE PRODUCTS )  
897 CR. 1310 )  
CHICKASHA, OK 73108 )

RESPONDENT. )

Case No: OGC-22-240

**FILED**  
JUN 08 2022  
STATE BOARD OF AGRICULTURE

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on the 8<sup>th</sup> day of September** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

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

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

#### **DEFAULT**

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

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

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

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

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

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

### **ALLEGATIONS OF FACT**

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

18. On or about the 9<sup>th</sup> day of May, 2022, the Consumer Protective Services Division of the Department conducted a use inspection of your medical marijuana grow operation in Chickasha. This inspection is in response to the Oklahoma Medical Marijuana Authority lab reporting a batch sample that tested positive for pesticides. Specifically Etoxazole.

19. Upon inspecting your grow operation, our inspector found several pesticide products at your facility, including Beethoven TR; the active ingredient in Beethoven TR is Etoxazole and the product is not labeled for use with medical marijuana production. Only pesticides that are registered with and approved by ODAFF are able to be used with medical marijuana/hemp.

According to our investigation, you have been using pesticides off label in opposition to state statute.

### **ALLEGED CONCLUSIONS OF LAW**

20. Based upon the application of the above law to the aforementioned facts, you have been using pesticides in a manner inconsistent with the manufacturer's label. This is a violation of 2 O.S. §3-86(A)(4) which reads:

- "(A.) It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (4.) a person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board."

### **ATTORNEY CONFERENCES**

21. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

22. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.



23. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

24. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
  - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
  - c.) Criminal actions, which could involve fines, imprisonment, or both; and
  - d.) Civil actions.
25. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
26. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
27. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

28. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

### **ENFORCEMENT OF JUDGMENTS**

29. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

32. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

### STIPULATION

33. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two-Thousand Five Hundred Dollars (\$2500.00).

34. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 7<sup>TH</sup> day of June, 2022.

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

*Brady Robison*

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

× Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 8 day of June, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**NOAH EXCLUSIVE PRODUCTS  
897 CR. 1310  
CHICKASHA, OK 73108**

  
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Gina Blaylock

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**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. OUTDOOR CREATIONS MGMT**

**Case File No. OGC-22-274**

**OUTDOOR CREATIONS MGMT  
16085 ROLLING HILLS ROAD  
YUKON, OK 73099**

**Summary of Facts:** This case arises out of a consumer complaint. A complaint was filed that this company was applying pesticides without a commercial license. Respondent paid their renewal the day after our investigation began. Respondent also supplied a report to inspectors that was missing information. This company was previously engaged in the same act in 2020.

**Statute or Rule Violation:** 2 O.S. § 3-86(A)(15), 2 O.S. §3-82(A)(1), 2 O.S. §3-83 (A)

**Proposed Administrative Penalty:** The penalty was assessed at \$1000 and the stipulation was signed and paid in full.

**Deviations:** None

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

OUTDOOR CREATIONS MGMT  
16085 ROLLING HILLS RD  
YUKON, OK 73099

RESPONDENT.

Case No: OGC-22-274


**FILED**  
SEP 08 2022  
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One thousand Dollars (\$1000.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

  
Signature

Kyle Balthrop Owner  
Printed Name and Title:

Date: 9-6-22

**FILED**  
JUN 22 2022  
STATE BOARD OF AGRICULTURE

**Case No: OGC-22-274**

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



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

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

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

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

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

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

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

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

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

#### **DEFAULT**

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

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

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial pesticide application located at Yukon, Oklahoma.

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

### **ALLEGATIONS OF FACT**

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

18. On or about the 20<sup>th</sup> day of April, 2022, the Consumer Protective Services Division of the Department conducted a complaint investigation against you.

19. Upon investigating the complaint, it was found that you have been conducting business, and making applications of commercial pesticides without a valid license to do so. It was also determined that the records that you had supplied to the department were incomplete and missing information. Both infractions are a violation of Oklahoma statutes.

### **ALLEGED CONCLUSIONS OF LAW**

20. Based upon the application of the above law to the aforementioned facts, you were conducting business without a license in April, 2022, this is in violation of 2 O.S. §3-86(A)(15) which states:

- “(A.)It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (15.) Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged.”

21. Additionally, this is in violation of 2 O.S. §3-82 (A)(1) which states:

- “(A). LICENSE REQUIRED – (1.) It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.”

22. Finally, by providing incomplete or inaccurate records to ODAFF inspectors you are in violation of 2 O.S. §3-83(A) which states:

- “Every commercial and noncommercial applicator shall keep accurate records pertaining to pesticide activities, applications, and wood infestation reports, as required by the State Board of Agriculture. The records of the applicator shall be kept intact at the principal business location in this state for at least two (2) years after their date of expiration and copies shall be furnished to any authorized agent of the Board, immediately upon request in person, at any time during the regular business hours of the applicator. Copies of records shall be furnished to any authorized agent of the Board within seven (7) working days of a written request, in summary form, by mail, fax, e-mail, web site, or any other electronic media customarily used.”

#### **ATTORNEY CONFERENCES**

23. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

24. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

25. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

#### **ENFORCEMENT PROCEEDINGS**

26. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

27. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

29. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

30. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

#### **ENFORCEMENT OF JUDGMENTS**

31. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

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

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

34. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

### STIPULATION

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Thousand Dollars (\$1000.00).

36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS <sup>21<sup>st</sup></sup> ~~21<sup>st</sup>~~ day of June, 2022.

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



Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Kambi Maddy, OBA # 13873

✗ Brady Robison, OBA # 33600

Richard D. Herren, OBA # 13829

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 21 day of June, 2022, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**OUTDOOR CREATIONS MGMT  
16085 ROLLING HILLS RD  
YUKON, OK 73099**



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Gina Blaylock

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

v.

**RESPONDENT.**

## STIPULATION

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

Date: \_\_\_\_\_