

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

July 6, 2016

1:00 P.M. – Room 309 – Ag Building
Harrisburg, PA

1. CALL OF MEETING TO ORDER/ROLL CALL:

Chairman Luke Brubaker called the regular Sunshine Meeting of the Pennsylvania Milk Marketing Board to order at 1:00 P.M. in Room 309 of the Agriculture Building in Harrisburg, PA. **Secretary Tim Moyer** called the roll. Those in attendance and constituting a quorum were:

Board Members:

Present: Chairman Luke Brubaker, Consumer Member Lynda Bowman, Member James Van Blarcom

Absent: None

Others Present: Secretary Tim Moyer, Doug Eberly, Esq., Andrew Saylor, Esq., Gary Gojsovich, Earl Fink (PAMD), Allen Warshaw, Esq. (PFMA), Marvin Beshore, Esq. (PADC), Troye Cooper (PADC), Carl Herbein, CPA (PAMD), John Pierce (Lehigh Valley)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the June 1, 2016, Sunshine Meeting.

PRESENTED by: Chairman Brubaker

DISCUSSION: None

MOTION by: Consumer Member Bowman

Moved to accept the minutes as attached of the June 1, 2016 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the July 6, 2016 Sunshine Meeting*). **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom

Dissenting: None

3. PUBLIC INPUT (PERTAINING TO GENERAL ISSUES):

N/A

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

1. Date Change for the August Sunshine Meeting

PRESENTED by: Chairman Brubaker

DISCUSSION: Chairman Brubaker stated that the change is being done from Wednesday, August 3rd, in room 202, to Tuesday, August 2nd, at 1:00 PM in Room 309.

MOTION by: Member Van Blarcom

Moved to accept the date change for the August Sunshine Meeting from August 3rd, to August 2nd. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom

Dissenting: None

2. Pennsylvania Assoc. of Dairy Cooperatives: Hearing Petition for an Over-Order Premium

PRESENTED by: Chairman Brubaker

MOTION by: Consumer Member Bowman

Moved to accept Hearing Petition for Over-Order Premium. **Seconded by Member Van Blarcom.**

DISCUSSION: Chairman Brubaker stated that the Board has scheduled a hearing for the Over-Order Premium for September 7, 2016, and there will be a Special Sunshine meeting on September 14.

Motion carried without dissent.

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom

Dissenting: None

6. REPORT OF CHIEF COUNSEL:

PRESENTED by: Attorney Eberly

DISCUSSION: Attorney Eberly stated he met with Secretary Moyer and the Board Members to review schedules, and to discuss some senior Staff items. No official actions and no deliberations took place. The Board will not meet following this meeting.

7. LEGAL CASE DISPOSITIONS

1. Burris Philadelphia Inc. t/a Honor Foods - sales of controlled products below minimum prices

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CE-16-010 for Burris Philadelphia Inc. t/a Honor Foods** for sales of controlled products below minimum prices. A consent order was signed and a penalty of \$200.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CE-16-010 Burris Philadelphia Inc. t/a Honor Food). Seconded by Consumer Member Bowman. Motion carried without dissent.**

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

2. Acme Markets Inc. late filing of dealer annual financial statement (PMMB-60)

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented 2. **Legal Docket CA- 16-014 for Acme Markets Inc.** for late filing of dealer annual financial statement (PMMB-60). A consent order was signed and a penalty of \$ 150.00 was paid.

MOTION by: Consumer Member Bowman

Moved to accept the consent order as presented. **(2. Legal Docket CA-16-014 - Acme Markets Inc.) Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

3. Dutch Valley Food Co. LLC late filing of dealer annual financial statement (PMMB-60)

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented. **3. Legal Docket CA-16-019 - Dutch Valley Food Co. Inc. for late filing of dealer annual financial statement (PMMB-60).** A consent order was signed and a penalty of \$150.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(3. Legal Docket CA-16-019 Dutch Valley Food Co. Inc.) Seconded by Consumer Member Bowman. Motion carried without dissent.**

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

4. Leiby's Dairy Inc. late filing of dealer annual financial statement (PMMB-60)

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented. **4. Legal Docket CA-16-025 - Leiby's Dairy Inc. for late filing of dealer annual financial statement (PMMB-60).** A consent order was signed and a penalty of \$150.00 was paid.

MOTION by: Consumer Member Bowman

Moved to accept the consent order as presented. **(3. Legal Docket CA-16-025 – Leiby's Dairy Inc.) Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

5. Steamburg Milk Prod. Coop Inc. - late filing of dealer annual financial statement PMMB-60

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented. **5. Legal Docket CA-16-029 – Steamburg Milk Prod. Coop Inc. for late filing of dealer annual financial statement (PMMB-60).** A consent order was signed and a penalty of \$150.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(5. Legal Docket CA-16-029 – Steamburg Milk Producers Coop Inc.) **Seconded by Consumer Member Bowman. Motion carried without dissent.****

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom

Dissenting: None

6. Supervalu TTSJ Inc. late filing of dealer annual financial statement (PMMB-60)

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented. **6. Legal Docket CA-16-031 – Supervalu TTSJ Inc. for late filing of dealer annual financial statement (PMMB-60).** A consent order was signed and a penalty of \$150.00 was paid.

MOTION by: Consumer Member Bowman

Moved to accept the consent order as presented. **(6. Legal Docket CA-16-031 – Supervalu TTSJ Inc.) **Seconded by Member Van Blarcom. Motion carried without dissent.****

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom

Dissenting: None

7. WWF Operating Company (Broomfield CO.) late filing of dealer annual financial statement (PMMB-60)

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented. **7. Legal Docket CA-16-034 – WWF Operating Company (Broomfield CO.) for late filing of dealer annual financial statement (PMMB-60).** A consent order was signed and a penalty of \$150.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(3. Legal Docket CA-16-0119 Dutch Valley Food Co. Inc.) **Seconded by Consumer Member Bowman.****

DISCUSSION: Chairman Brubaker inquired on what is their product sold in PA. Secretary Moyer stated it is organic milk.

Motion carried without dissent.

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom

Dissenting: None

8. LICENSE APPLICATIONS:

1. Home Town Distributor Inc. Subdealer
PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Home Town Distributor Inc. has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk/cream products from an out of state dealer. Applicant will sell packaged milk/cream products to summer camps in Area 3. No bond is required. Appropriate staff has reviewed the application to ensure that all forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. A Provisional license was granted on June 15, 2016. With Board approval of this application, a subdealer license will be issued.

MOTION by: Consumer Member Bowman

Moved to approve a subdealer license to Home Town Distributor Inc.as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

2. Middlecreek Dairy Dealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Middlecreek Dairy has submitted an application for a dealer license, for 2016-2017. Applicant will purchase milk directly from a dealer. Applicant will use milk to manufacture yogurt and sell packaged milk/cream products to stores in Areas 3 and 4. No bond is required. Appropriate staff has reviewed the application to ensure that all forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. With Board approval of this application, a dealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a dealer license to Middlecreek Dairy as presented. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

Assenting: Chairman Luke Brubaker, Consumer Member Bowman, Member Van Blarcom
Dissenting: None

9. REMINDERS:

PRESENTED by: Chairman Brubaker

<u>Sunshine Meeting</u>	<u>Date</u>	<u>Time</u>	<u>Room</u>
Regular Sunshine Meeting	Tues – Aug 2, 2016	1:00 PM	309 Ag Bldg.

10. ADJOURNMENT:

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:16 PM