

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

August 30, 2017
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 1:08 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: Doug Eberly, Esq., Andrew Saylor, Esq., Gary Gojsovich (*PMMB*), Earl Fink (*PAMD*), Allen Warshaw, Esq. (*PFMA*), Carl Herbein, CPA (*Herbein & Co*), Wendy Yovienne, Esq. (*Baker, Donelson, Bearman, Caldwell & Berkowitz*), Marvin Beshore, Esq. (*PADC*), Chip English, Esq. (*Davis Wright Tremaine LLP*), Allison Davis, Esq. (*DWT*), Troye Cooper (*MDVA/PADC*), Ed Schneider (*Valley Farms*), John Pierce (*Lehigh*), John Bell, Esq. (*PAFB*)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the July 5, 2017 Sunshine Meeting.

PRESENTED by: Chairman Brubaker

MOTION by: Consumer Member Bowman

Moved to accept the minutes as attached of the July 5, 2017 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the August 30, 2017 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:

A. Change of September Sunshine Meeting date.

DISCUSSION: Chairman Brubaker stated the scheduled September 6, Sunshine meeting was being moved to September 20th, at 10:00AM in room 309.

MOTION: Consumer Member Bowman

Moved to accept the change of September Sunshine Meeting to September 20th at 10:00 A.M.

Seconded by Member James Van Blarcom. Motion carried without dissent.

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

Dissenting: None

B. Petition for Expedited Hearing to Consider the Level of Over-Order Premium.

MOTION: Member Van Blarcom

Moved to accept the Petition for Expedited Hearing to Consider the Level of Over-Order Premium. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

C. Cost Replacement Order for the Southeastern Milk Marketing Area, Area 1.

MOTION: Consumer Member Bowman

Moved to accept the Cost Replacement Order for the Southeastern Milk Marketing Area, Area 1 as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

D. Cost Replacement Order for the East Central Milk Marketing Area, Area 2.

MOTION: Member Van Blarcom

Moved to accept the Cost Replacement Order for the East Central Milk Marketing Area, Area 2 as presented. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

E. Cost Replacement Order for the Northeastern Milk Marketing Area, Area 3.

MOTION: Consumer Member Bowman

Moved to accept the Cost Replacement Order for the Northeastern Milk Marketing Area, Area 3 as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

F. Cost Replacement Order for the South-Central Milk Marketing Area, Area 4.

MOTION: Member Van Blarcom

Moved to accept the Cost Replacement Order for the South-Central Milk Marketing Area, Area 4 as presented. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

G. Cost Replacement Order for the Western Milk Marketing Area, Area 5.

MOTION: Consumer Member Bowman

Moved to accept the Cost Replacement Order for the Western Milk Marketing Area, Area 5 as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

H. Cost Replacement Order for the West Central Milk Marketing Area, Area 6.

MOTION: Member Van Blarcom

Moved to accept the Cost Replacement Order for the West Central Milk Marketing Area, Area 6 as presented. **Seconded by Consumer Member Bowman.**

DISCUSSION: Chairman Brubaker thanked the Board and everyone for their good work and feedback which was put forth in the hearing.

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 that the Board met after the morning hearing to discuss preliminary thoughts, and waiting upon briefs to reach a decision. The Board will meet following the Over-Order Premium hearing. He stated in reference to the petition request for the expedited hearing to consider the level of Over-Order Premium, the Board expects to hold it in conjunction with the November 1st Sunshine Meeting. Pre-submission schedule should be out by next Tuesday at the latest. No official actions or deliberations took place.

7. LEGAL CASE DISPOSITIONS

1. Midwest Dairy Transport

Late filing of monthly hauler report

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CA-17-019 for Midwest Dairy Transport** for late filing of monthly hauler report. A consent order was signed and a penalty of \$50.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CL-17-019 for Midwest Dairy Transport.) Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

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| 2. Eaton Dairy Inc. | Late filing of hauler license renewal and payment of License fee and operating without a license. |
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PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **2. Legal Docket CA-17-027 for Eaton Dairy Inc.** for late filing of hauler license renewal, and payment of license fee and operating without a license. 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 CL-17-027 for Easton Dairy Inc.) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

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| 3. Hawksworth Co LLC | Late filing of hauler license renewal and payment of License fee and operating without a license |
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PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **3. Legal Docket CA-17-028 for Hawksworth Co LLC** for late filing of hauler license renewal, and payment of license fee and operating without a license. 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 CL-17-028 for Hawksworth Co LLC) Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

8. LICENSE APPLICATIONS:

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| 1. Foremost Farms USA, Cooperative | Dealer |
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PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Foremost Farms USA, Cooperative has submitted an application for a dealer license, for 2017-2018. Applicant will purchase milk from a cooperative in PA. Applicant operates dairy manufacturing plants, and sells bulk milk to dealers. A waiver has been provided in lieu of a bond. 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 Foremost Farms USA, Cooperative as presented. **Seconded by Consumer Member Bowman.**

DISCUSSION: Attorney English inquired if they would be selling milk in PA. Attorney Saylor preferred not to disclose that information, but responded that it was determined that a license is required.

Motion carried without dissent.

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

2. J. Ambrogi Food Distribution Inc. Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that J Ambrogi Food Distribution Inc. has submitted an application for a subdealer license, for 2017-2018. Applicant will purchase milk/cream products from dealers. Applicant will sell packaged milk/cream products to restaurants, and schools in Areas 1, 2, 3, and 4. A bond has been provided. 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 subdealer license will be issued.

MOTION by: Consumer Member Bowman

Moved to approve a subdealer license to J. Ambrogi Food Distribution Inc. as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

9. REMINDERS:

PRESENTED by: Chairman Brubaker

Sunshine Meeting	Date	Time	Room
Regular Sunshine Meeting	Wed. Sept. 2017		Ag Bldg

Chairman Brubaker reminded everyone that the September Sunshine meeting is now scheduled for September 20th, at 10:00 AM in room 309.

DISCUSSION: Consumer Member Bowman recognized fellow Board member Mr. Van Blarcom for his efforts to support the Hurricane victims in Texas.

Mr. Van Blarcom stated that after seeing the devastation in the news in Texas, he along with two other friends are taking a truckload of food with non-perishable items to Texas. They reached out to the Lions, Kiwanis and Rotary clubs, and local churches, for donations. They contacted the foodbank in Houston on what the needs are. And the hope is for the three of them to be on the road to Texas this weekend.

Everyone applauded him for his kind, and generous efforts.

***10.* ADJOURNMENT:**

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:26 P.M.