

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

December 8, 2016  
12:00 P.M. – Room 202 – 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 12:00 P.M. in Room 202 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 (PMMB), Earl Fink (PAMD), Allen Warshaw, Esq. (PFMA), Carl Herbein, CPA (PAMD), John Pierce (Lehigh Dairy), Marvin Beshore, Esq. (PADC), Wendy Yoviene, Esq. (PAMD), John Bell, Esq. (PA Farm Bureau), Chip English, Esq. (Dean Foods)

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the November 2, 2016, Sunshine Meeting.

**PRESENTED by:** Chairman Brubaker

**DISCUSSION:** None

**MOTION by:** Consumer Member Bowman

Moved to accept the minutes as attached of the November 2, 2016 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the December 8, 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:**

N/A

**6. REPORT OF CHIEF COUNSEL:**

**PRESENTED by:** Attorney Eberly

**DISCUSSION:** Attorney Eberly stated he met in executive session with Secretary Moyer and the Board Members prior to the hearing today, to discuss the hearing and the Board will meet following the hearing to review. If the hearing continues to another day, the Board will meet prior to that hearing. No official actions and no deliberations took place.

**7. LEGAL CASE DISPOSITIONS**

1. Hardler Farms LLC                      Late filing of dealer annual financial statement

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **1. Legal Docket CA-16-035 for Hardler Farms LLC** for the late filing of dealer annual financial statement. 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. **(1. Legal Docket CA-16-035 for Hardler Farms LLC) Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

**Dissenting:** None

2. Garelick Farms LLC                      Late payment of dealer monthly license fee.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **2. Legal Docket CL-16-043 for Garelick Farms LLC** for late payment of dealer monthly license fee. A consent order was signed and a penalty of \$100.00 was paid.

**MOTION by:** Consumer Member Bowman

Moved to accept the consent order as presented. **(2. Legal Docket CL-16-043 for Garelick Farms LLC) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

3. Hardler Farms LLC.                      Late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **3. Legal Docket CL-16-057 for Hardler Farms LLC** for late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**4. Sorrento Lactalis Inc.** Late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **4. Legal Docket CL-16-060 for Sorrento Lactalis Inc.** for late filing of dealer license renewal, late payment of annual dealer license fee, and operating without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**MOTION by:** Member Van Blarcom

Moved to accept the consent orders as presented. (**3. Legal Docket CL-16-057 for Hardler Farms LLC**) and (**4. Legal Docket CL-16-060 for Sorrento Lactalis Inc.**) **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

**5. Galliker Dairy Company** Sales of controlled products below minimum prices.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **5. Legal Docket CE-16-059 for Galliker Dairy Company** for sales of controlled products below minimum prices. 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. (**5. Legal Docket CE-16-059 for Galliker Dairy Company.**) **Seconded by Member Van Blarcom.**

**DISCUSSION:** Attorney Bell inquired on the fee penalty. It seems the fee is considerably low for sales below minimum price – presuming the situation which prompted it was extremely marginal circumstances, along with the financial impact.

Attorney Saylor stated that it was a marginal circumstance, but nonetheless we need to have dealers and subdealers adhere to the pricing requirements. He further confirmed that the financial impact was marginal as well.

**Motion carried without dissent.**

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

**6. Benjamin Foods LLC** Late filing of subdealer license renewal, late payment of annual dealer license fee, and operating without a current license.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **6. Legal Docket CL-16-063 for Benjamin Foods LLC** for late filing of subdealer license renewal, late payment of annual subdealer license fee, and operating without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**7. Family Dairy Farms LLC** Late filing of subdealer license renewal, late payment of annual subdealer license fee, and operating without a current license.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **7. Legal Docket CL-16-064 for Family Dairy Farms LLC** for late filing of subdealer license renewal, late payment of annual subdealer license fee, and operating without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**8. James Vending Inc.** Late filing of subdealer license renewal, late payment of annual subdealer license fee, and operating without a current license.

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **8. Legal Docket CL-16-068 for James Vending Inc.** for late filing of subdealer license renewal, late payment of annual subdealer license fee, and operating without a current license. A consent order was signed and a penalty of \$150.00 was paid.

**MOTION by:** Member Van Blarcom

Moved to accept the consent orders as presented. (**6. Legal Docket CL-16-063 for BenjaminFoods. 7. Legal Docket CL-16-064 for Family Dairy Farms LLC. 8. Legal Docket CL-16-068 for James Vending Inc.**)

**Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

## **8. LICENSE APPLICATIONS:**

1. Aramark Correctional Services, LLC SubDealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Aramark Correctional Services, LLC has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk/cream products from a subdealer. Applicant will sell milk products to correctional facilities in Areas, 1, 2, 3, 4 and 5. A bond has been provided. A Stipulation has been signed and provided which states they are not eligible for licensee to licensee discount on purchases made for dining facilities they operate. 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 Aramark Correctional Services, LLC as presented.  
**Seconded by Member Van Blarcom.**

**DISCUSSION:** Consumer Member Bowman inquired on applicant purchasing from another subdealer; that is unusual. Attorney Saylor responded that yes it not the norm, but it is what they listed on their initial application, and perhaps they may purchase from a dealer at a later point.

**Motion carried without dissent.**

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

**Dissenting:** None

2. Rudy Yoder dba Farmer Rudolph's Dealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Rudy Yoder dba Farmer Rudolph's has submitted an application for a dealer license, for 2016-2017. Applicant will purchase milk from a Cooperative. Applicant will use the milk to manufacture butter and yogurt, and sell to stores and distributors, to be determined. 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 dealer license will be issued.

**MOTION by:** Member Van Blarcom

Moved to approve a dealer license to Rudy Yoder dba Farmer Rudolph's 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

<b>Sunshine Meeting</b>	<b>Date</b>	<b>Time</b>	<b>Room</b>
Regular Sunshine Meeting	Wed. Jan 4, 2017	1:00 P.M.	202 Ag Bldg.

## 10. ADJOURNMENT:

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:15 P.M.