

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

January 2, 2020
1:00 P.M. – Room 309 – Ag Building
Harrisburg, PA

1. CALL OF MEETING TO ORDER/ROLL CALL:

Chairman Robert Barley 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.

Chairman Barley opened the meeting with the Pledge of Allegiance followed by a moment of reflection.

Tim Moyer called the roll. Those in attendance and constituting a quorum were:

Board Members:

Present: Chairman Robert Barley, Consumer Member Carol Hardbarger, Member James Van Blarcom.

Absent: None

Others Present: Doug Eberly, Esq., Gary Gojsovich, Steven Zalman, Joseph Wilson, Jay Howes (PADC), Jason Statler, Esq. (PADC), Marvin Beshore, Esq. (PADC), Allen Warshaw, Esq. (PFMA), John Bell, Esq. (PA Farm Bureau),

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the December 4, 2019 Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to accept the minutes for the December 4, 2019 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the January 2, 2020 Sunshine Meeting*). **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom

Dissenting: None

3. PUBLIC INPUT (PERTAINING TO GENERAL ISSUES):

N/A

4.. OLD BUSINESS:

N/A

5. NEW BUSINESS:

1. Official General Order No. A-993 CRO 4 Cost Replacement for Southeastern Milk Marketing Area No. 1

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Hardbarger

Moved to approve OGO No. A-993 (CRO 4) as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom

Dissenting: None

2. Official General Order No. A-953 (CRO 11) Cost Replacement for East Central Milk Marketing Area No. 2

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to approve OGO No. A-953 (CRO 11) as presented. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom

Dissenting: None

3. Official General Order No. A-963 (CRO 10) Cost Replacement for South Central Milk Marketing Area No. 4

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to approve OGO No. A-963 (CRO 10) as presented. **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom

Dissenting: None

4. PADC Request – Over Order Premium Hearing.

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Hardbarger

Moved to approve PADC request for Over Order Premium Hearing as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom
Dissenting: None

6. REPORT OF CHIEF COUNSEL:

DISCUSSION: Attorney Eberly stated that on 12/18 the Board met to discuss the Line Item Regulation which will soon be completed and submitted as a final form. The Board also discussed the Board Secretary position, in preparation for the upcoming interviews. No deliberations nor official actions were, nor will be taken.

7. LEGAL CASE DISPOSITIONS

1. Sun Re Cheese Corporation Dealer failed to account and make payment for milk delivered to it by a producer

PRESENTED by: Attorney Eberley

DISCUSSION: Attorney Eberly presented **1. Legal Docket CE-19-017 – Sun Re Corporation**, Milk dealer failed to account and make payment for milk delivered to it by a producer during October 2019, November 2019, and December 2019, in the amount of \$119,255.06. Defendant executed a consent order acknowledging the violation and consenting to the Board withdrawing \$119,255.06 from its security fund balance.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. (**1. Legal Docket CE-19-017 – Sun Re Corporation**) **Seconded by Consumer Member Hardbarger.**

DISCUSSION: Chairman Barley inquired if they need to re-establish the funds in the security account before starting business.

Attorney Eberley commented that Mr. Zalman has been in contact with Sun Re Cheese informing them that they need a 75% bond posted, to start receiving milk again.

Attorney Beshore inquired that the law allows to have a bond instead of the security fund. Attorney Eberly stated that because their security fund was much higher than the bond calculations, they did not have a bond required. They no longer meet that qualification, nor other qualifications in the Security Act, the Board can increase the bond based on financial condition or change in milk purchases. Given that Sun Re Cheese has demonstrated non-payment, the staff would like to see more protection for the producers.

Motion carried without dissent.

Assenting: Chairman Barley, Consumer Member Hardbarger, Member Van Blarcom
Dissenting: None

8. LICENSE APPLICATIONS:

N/A

9. REMINDERS:

PRESENTED by: Chairman Barley

<u>MEETING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Regular Sunshine Meeting	Mon. Feb. 3, 2020	1:00 P.M.	309 – Ag Bldg.

<u>HEARING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
N/A			

10. ADJOURNMENT:

Chairman Barley, hearing no further matters to come before the Board, adjourned the meeting at 1:10 P.M.