

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

July 2, 2018
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. Secretary Tim Moyer called the roll. Those in attendance and constituting a quorum were:

Board Members:

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

Absent: None

Others Present: Doug Eberly, Esq., Andrew Saylor, Esq. Gary Gojsovich (*PMMB*), Earl Fink (*PAMD*), John Howard, Esq. (*PDA*), David Stonesifer, CPA (*Herbein & Co*), Marvin Beshore, Esq. (*PADC*), Wendy Yovienne, Esq. (*Baker, Donelson*), Alan Zepp (*CDE*), Ed Schneider (*Valley Farms*), John Bell, Esq. (*PA Farm Bureau*), Kai Knutson (*Land O Lakes*)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the June 6, 2018 Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to accept the minutes as attached of the June 6, 2018 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the July 2, 2018 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:

Attorney Bell welcomed and congratulated Chairman Barley and Consumer Member Hardbarger.

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

1. Hearing Petition: Over-Order Premium beginning October 1, 2018, for All Milk Marketing Areas.

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Hardbarger

Moved to accept the Petition for a 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:

PRESENTED by: Attorney Eberly

DISCUSSION: Attorney Eberly stated that he met with the Board and Secretary Moyer in the morning prior to the hearing, to review the general regulatory review procedure. The Board had lunch together and no deliberations nor official actions were taken. Following the meeting the Board will gather privately to get to know one another, without him nor Secretary Moyer, and no official actions will be taken.

7. LEGAL CASE DISPOSITIONS

1. NFO Inc. Late Dealer Monthly Reports

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor stated when there is a violation there will be a citation issued and they have the option to meet with the board or pay the penalty. He presented **1. Legal Docket CA-18-008 for NFO Inc.** for late dealer monthly reports. A consent order was signed and a penalty of \$100.00 was paid subject to Board approval.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CA-18-008 for NFO Inc.) Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

Dissenting: None

8. LICENSE APPLICATIONS:

1. HP Hood LLC Batavia Dealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that HP Hood LLC Batavia has submitted an application for a dealer license, for 2018-2019, this is a new plant which is not operational yet but will be soon. Applicant will purchase milk from a cooperative, and bulk milk from an undetermined dealer. Applicant will process and package milk/cream products for resale in all six Areas in PA. No bond is required at this time but will be monitored to see if one is needed when they are in operation. Appropriate staff has reviewed the application to ensure that all forms 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 22, 2018. With Board approval of this application, a dealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a dealer license to HP Hood LLC Batavia as presented. **Seconded by Consumer Member Hardbarger**

DISCUSSION: Member Van Blarcom inquired if they will need a bond. Attorney Saylor stated that it will be monitored until we know their milk source, to determine the bond requirement. There is an existing large bond in place for their other plants.

Motion carried without dissent.

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

Dissenting: None

2. Corey Lewis D/B/A Core Dairy Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Corey Lewis D/B/A Core Dairy has submitted an application for a subdealer license, for 2018-2019. Applicant will purchase packaged milk from an in-state dealer. Applicant will sell to restaurants, schools, and stores in Area 3. A bond has been provided. Appropriate staff has reviewed the application to ensure that all forms 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 19, 2018. With Board approval of this application, a subdealer license will be issued.

MOTION by: Consumer Member Hardbarger

Moved to approve a subdealer license to Core Lewis D/B/A Core Dairy as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

3. Rainforest Distribution Corp. Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Rainforest Distribution Corp. has submitted an application for a subdealer license, for 2018/2019. Applicant will purchase packaged milk from an in-state dealer. Applicant will sell packaged products to restaurants and stores in all six Areas. A COD letter has been provided in lieu of a bond. Appropriate staff has reviewed the application to ensure that all forms 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 4, 2018. With Board approval of this application, a subdealer license will be issued.

DISCUSSION: Mr. Beshore inquired in reference to an earlier request for the Cooperative Milk Procurement Costs hearing and is ready and looking for a possible October hearing. Chairman Barley stated that he would see to have that scheduled.

Mr. Bell inquired if there were any tentative submission dates discussed for that Over-Order Premium. Chairman Barley stated that there was no discussion, but it would be looked at and scheduled.

10. ADJOURNMENT:

Chairman Barley, hearing no further matters to come before the Board, adjourned the meeting at 1:17 P.M.