

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

June 1, 2016
1:00 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 1:00 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 (via phone conference), Member James Van Blarcom

Absent: None

Others Present: Secretary Tim Moyer, Doug Eberly, Esq., Andrew Saylor, Esq., Gary Gojsovich, Earl Fink (PAMD), John Bell, Esq. (PA Farm Bureau), Allen Warshaw, Esq. (PFMA), Marvin Beshore, Esq. (PADC), John Howard, Esq. (PDA), Wendy Yovienne, Esq. (PAMD), Dennis Schad (Land'O Lakes)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the May 4, 2016, Sunshine Meeting.

PRESENTED by: Chairman Brubaker

DISCUSSION: None

MOTION by: Member Van Blarcom

Moved to accept the minutes as attached of the May 4, 2016 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the June 1, 2016 Sunshine Meeting). **Seconded by Consumer Member Bowman. 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 with Secretary Moyer and the Board Members to review the budget for the year, and review some senior staff items, along with review of Board members' schedules in preparation if hearings are needed. No official actions and no deliberations took place. The Board will not meet following this meeting.

7. LEGAL CASE DISPOSITIONS

1. Cumberland Valley Creamery LLC late payments to producers

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CE-16-007** for late payments to producers. A consent order was signed and a penalty of \$1,000.00 was paid.

MOTION by: Consumer Member Bowman

Moved to accept the consent order as presented. (**1. Legal Docket CE-16-007 for Cumberland Valley Creamery LLC**). **Secinded by Member Van Blarcom.**

DISCUSSION: Consumer Member Bowman inquired if it's known why they are late, is it due to lack of income or sloppiness. Attorney Saylor responded that we are not aware of the reason.

Motion carried without dissent.

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

Dissenting: None

2. HP HOOD LLC. (Oneida) late filing of dealer monthly report

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **2. Legal Docket CA- 16-008 for HP Hood LLC** for late filing of dealer monthly report. A consent order was signed and a penalty of \$ 100.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. (**2. Legal Docket CA-16-008 for HP Hood LLC**). **Secinded by Consumer Member Bowman. Motion carried without dissent.**

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

Dissenting: None

3. Milk Industry Management Corp late filing of dealer monthly report

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented. **(3. Legal Docket CA-16-012 Milk Industry Management Corp for late filing of dealer monthly report.** 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. **3. Legal Docket CA-16-012 for Milk Industry Management Corp.) **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. Doorstep Dairy Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Doorstep Dairy has submitted an application for a subdealer license, for 2015-2016. Applicant will purchase packaged milk/cream products from dealers. Applicant will sell packaged milk/cream products to restaurants, schools, stores, and home deliveries in Areas 1, 2, 3, and 4. COD letters have 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 subdealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a subdealer license to Doorstep Dairy as presented. **Seconded by Consumer Member Bowman.**

Motion carried without dissent.

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

Dissenting: None

2. Wholesale Dairy Company, LLC Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Wholesale Dairy Company, LLC has submitted an application for a subdealer license, for 2015-2016. Applicant will purchase packaged milk/cream products from a dealer. Applicant will sell packaged milk/cream products to restaurants, schools, and stores in Areas 1. A COD letter have 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 subdealer license will be issued.

MOTION by: Consumer Member Bowman

Moved to approve a subdealer license to Wholesale Dairy Company, LLC as presented.

Seconded by Member Van Blarcom.

DISCUSSION: Chairman stated that business seems to be doing well in Philadelphia area.

Motion carried without dissent.

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

Dissenting: None

3. Roy S. Kolb Sons, LLC dba Kolb's Farm Store Dealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Roy S. Kolb Sons, LLC dba Kolb's Farm Store has submitted an application for a dealer license, for 2015-2016. Applicant will process and sell milk/cream products produced on own farm. Applicant will sell packaged milk/cream products to restaurants, and stores, as well as to wholly owned and operated stores in Area 1. 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 Roy S Kolb Sons, LLC dba Kolb's Farm Store as presented.

Seconded by Consumer Member Bowman. Motion carried without dissent.

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

Dissenting: None

4. Capogiro LLC Dealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Capogiro LLC has submitted an application for a dealer license, for 2015-2016. Applicant will purchase milk directly from an individual producer. Applicant processes and packages milk /cream products to manufacture ice cream and sell to restaurants and in wholly owned or operated stores in Area 1. A COD producer certification and a dealer Stipulation have 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 Capogiro LLC as presented. **Seconded by Consumer**

Member Bowman.

DISCUSSION: Member Van Blarcom inquired on what is the frequency of payment. Attorney Saylor stated that our COD understanding is considered to be weekly.

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	Wed – Jul 6, 2016	1:00 PM	309 Ag Bldg.

10. ADJOURNMENT:

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:17 PM