

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

June 7, 2017
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, Member James Van Blarcom

Absent: None

Others Present: Doug Eberly, Esq., Andrew Saylor, Esq., Gary Gojsovich (*PMMB*), Earl Fink (*PAMD*), John Howard, Esq. (*PDA*), Allen Warshaw, Esq. (*PFMA*), Carl Herbein, CPA (*Herbein & Co*), Greg Hostetter (*PDA*), Dennis Schad (*PADC*)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the May 3, 2017 Sunshine Meeting.

PRESENTED by: Chairman Brubaker

MOTION by: Consumer Member Bowman

Moved to accept the minutes as attached of the May 3, 2017 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the June 7, 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):

Dennis Schad announced that he was attending his last Sunshine meeting, as he will be retiring as of June 23rd, after 25 years in the industry. He recalled having many great victories along with many relationships, and thanked everyone. Kai Knutson will be his replacement, but he works out of Minnesota and will not be present at PMMB Sunshine meetings.

Chairman Brubaker thanked him for his many years of service, and wished him well.

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

N/A

6. REPORT OF CHIEF COUNSEL:

PRESENTED by: Attorney Eberly

DISCUSSION: Attorney Eberly stated a pre-hearing conference was held today on a citation that was issued against Tricking Springs. The conference was held with the Board, and Board Staff and Tricking Springs, to lay out what could possibly happen. The Board met just prior to discuss the procedure for the pre-hearing conference. And following that, the Board met to review some normal in-house senior staff items. No official actions or deliberations took place. No further meeting will follow today.

7. LEGAL CASE DISPOSITIONS

1. Nestle USA 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 **1. Legal Docket CL-16-061 for Nestle USA 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: Consumer Member Bowman

Moved to accept the consent order as presented. **(1. Legal Docket CL-16-061 for Nestle USA Inc.) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

2. O'Donnell Bros Transport Inc. Hauler employed uncertified weigher-sampler to pick up milk from farms

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **2. Legal Docket CL-17-011 for O'Donnell Bros Transport Inc.** A consent order was signed and a penalty of \$75.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(2. Legal Docket CL-17-011 for O'Donnell Bros Transport Inc.) Seconded by Consumer Member Bowman.**

DISCUSSION: Chairman Brubaker inquired on why would you send someone out who is not certified.

Attorney Saylor stated milk hauling is a difficult business and there is quite a turnover. And paperwork is not always their forte.

Motion carried without dissent.

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

3. Shenk's Foods, Inc. late filing of monthly dealer report

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **3. Legal Docket CA-17-014 for Shenk's Foods, Inc.**, for late filing of monthly dealer report. 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. **(3. Legal Docket CA-17-014 for Shenk's Foods, Inc) Secoded by Member Van Blarcom. Motion carried without dissent.**

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

4. James F. Denny & Sons late filing of monthly hauler report and late filing of hauler fee

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **4. Legal Docket CA-17-015 for James F. Denny Sons**, for late filing of monthly hauler report and late filing of monthly hauler fees. 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. **(4. Legal Docket CA-17-015 for James F. Denny & Sons) Secoded by Consumer Member Bowman. Motion carried without dissent.**

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

5. Barrick & Stewart Milk Hauling

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **5. Legal Docket CA-17-018 for Barrick & Stewart Milk Hauling**. 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. **(5. Legal Docket CA-17-018 for Barrick & Stewart Milk Hauling) Secoded by Member Van Blarcom. Motion carried without dissent.**

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

8. LICENSE APPLICATIONS:

1. Lancaster Farm Fresh Cooperative Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Lancaster Farm Fresh Cooperative has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk/cream products from various dealers. Applicant will sell packaged milk products to restaurants, schools, and stores 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: Member Van Blarcom

Moved to approve a subdealer license to Lancaster Farm Fresh Cooperative as presented.

Seconded by Consumer Member Bowman.

DISCUSSION: Chairman Brubaker inquired on where are they getting their milk from? Attorney Saylor stated that it is from an organic dealer, who is not located in PA, but does purchase Pennsylvania milk.

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. Jul 5, 2017	1:00 PM.	202 Ag Bldg

Attorney Eberly reminded all that the cost replacement hearings for Areas 1, 2, 3, 5, and 6 scheduled for June 7, 2017, are continued to July 5, 2017.

10. ADJOURNMENT:

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:14 P.M.