

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

March 4, 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.

Steven Zalman 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., Steven Zalman, Jim Petrascu, Esq. Joseph Wilson, Gary Gojsovich, Jason Statler, Esq. (PADC), John Bell, Esq. (PA Farm Bureau), Ed Schneider (Valley Farms Dairy), Ron Mong, CPA (Herbein & Co), Kristina Watson (PA Farm Bureau), Allen Warshaw, Esq. (PFMA), Wendy Yovienne, Esq. (PAMD), Greg Hostetter, Dep. Sec. (PDA), John Howard, Esq. (PDA)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the February 3, 2020 Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Hardbarger

Moved to accept the minutes for the February 3, 2020 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the March 4, 2020 Sunshine Meeting). **Seconded by Member Van Blarcom. 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. Move January 2021 resale price announcement date from December 24, 2020 to December 17, 2020

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to approve the move of January 2021 resale price announcement date from December 24, to December 17, 2020 as presented. **Seconded by Consumer Member Hardbarger. 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 the Board had no executive sessions or conferences this past month. They all gathered this morning and discussed the Over-Order premium hearing. The Board will meet this afternoon with John Bell and Kristina Watson, along with Joel Rotz from the PA Farm Bureau. It was mentioned that the legislative initiatives from the Legislative budget and finance committee report, that the Board would be seeking input and have conversation with some of the parties. There will be no deliberations nor official actions taken.

7. LEGAL CASE DISPOSITIONS

1. Walmart Stores, Inc. Dealer failed to timely file Milk Dealer Monthly reports

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented **1. Legal Docket CA-19-015 – Walmart Stores, Inc.** for late filing of dealer monthly reports for June, July, August, September and October 2019. 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. (**1. Legal Docket CA-19-015 – Walmart Stores, Inc. as presented**). **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

Dissenting: None

2. Walmart Stores, Inc. Dealer selling below minimum prices

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented **2. Legal Docket CA-19-016 – Walmart Stores, Inc.** for selling below minimum prices. 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-19-016 – Walmart Stores, Inc. as presented**). **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

8. LICENSE APPLICATIONS:

1. Pot-O-Gold Dairy LLC Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that Pot-O-Gold Dairy LLC has submitted an application for a dealer license for 2019-2020. Applicant will process and sell milk/cream products produced on own farm. Applicant will sell packaged milk/cream products to stores in Areas 5 and 6. A bond is not required. Appropriate staff has reviewed the application to ensure that adequate forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, and with Board approval of this application, a dealer license will be issued.

MOTION by: Consumer Member Hardbarger

Moved to approve a dealer license to Pot-O-Gold Dairy LLC as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger
Dissenting: None

9. REMINDERS:

PRESENTED by: Chairman Barley

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

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

DISCUSSION: Chairman Barley stated that there will be a Special Sunshine meeting on March 19, 2020 for the Over-Order Premium.

10. ADJOURNMENT:

Chairman Barley hearing no further matters to come before the Board, adjourned the meeting at 1:09 P.M.