

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

May 2, 2018  
1:00 P.M. – Room 309 – 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 309 of the Agriculture Building in Harrisburg, PA. **Secretary Tim Moyor** 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*), Jay Howes (*PADC*), Allen Warshaw, Esq. (*PFMA*), Carl Herbein, CPA (*Herbein & Co*), Deputy Sec. Greg Hostetter (*PDA*), Marvin Beshore, Esq. (*PADC*), Alan Zepp (*CDE*), Ed Schneider (Valley Farms), Wendy Yovienne, Esq. (Baker, Donelson)

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the April 4, 2018 Sunshine Meeting.

**PRESENTED by:** Chairman Brubaker

**MOTION by:** Consumer Member Bowman

Moved to accept the minutes as attached of the April 4, 2018 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the May 2, 2018 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:**

N/A

**4. OLD BUSINESS:**

N/A

**5. NEW BUSINESS:**

**A.** Sunshine Meeting dates for fiscal year 2018-2019

**PRESENTED by:** Chairman Brubaker

**DISCUSSION:** Chairman Brubaker stated a change was made to the distributed list for the July meeting, it has been changed to Monday, July 2, 2018. Please note accordingly the dates for the next fiscal year Sunshine meetings.

Monday, July 2, <b>2018</b>	1:00 PM	Room 309
Wednesday, August 1, 2018	1:00 PM	Room 202
Wednesday, September 5, 2018	1:00 PM	Room 202
Wednesday, October 3, 2018	1:00 PM	Room 202
Monday, November 5, 2018	1:00 PM	Room 309
Wednesday, December 5, 2018	1:00 PM	Room 202
Wednesday, January 2, <b>2019</b>	1:00 PM	Room 202
Wednesday, February 6, 2019	1:00 PM	Room 202
Wednesday, March 6, 2019	1:00 PM	Room 202
Wednesday, April 3, 2019	1:00 PM	Room 202
Wednesday, May 1, 2019	1:00 PM	Room 202
Wednesday, June 5, 2019	1:00 PM	Room 202

**MOTION:** Member Van Blarcom

Moved to accept the Sunshine meeting dates as presented. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

**Dissenting:** None

**B.** Hearing Petition: Amendment of 7 Pa Code § 143.31

**DISCUSSION:** Chief Counsel Doug Eberly stated that this is about the PDA petition request to increase the required written notice for terminating a producer from the current period of 28 days.

**MOTION:** Consumer Member Bowman

Moved to have a hearing to consider the proposed amendment. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

**DISCUSSION:** Chairman Brubaker stated that July 2<sup>nd</sup> is the set date for the requested hearing, to consider the amendment as petitioned by the Department of Agriculture.

**6. REPORT OF CHIEF COUNSEL:**

**PRESENTED by:** Attorney Eberly

**DISCUSSION:** Attorney Eberly stated that he met with the Board and Secretary Moyer very briefly to discuss how the listening session was going to take place, and the Board met after the listening session just to review what the Board heard. There were no deliberations nor official actions taken. He clarified that the July 2<sup>nd</sup> hearing, will be a regularity review hearing, and shortly everyone will receive a draft of the proposed regulation, based on the petition from Department of Agriculture.

## **7. LEGAL CASE DISPOSITIONS**

1. Nelson’s Creamery, LLC                      Late payments to producers

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **1. Legal Docket CE-18-002 for Nelson’s Creamery, LLC** for the late payment to producers. A consent order was signed and a penalty of 500.00 was paid.

**MOTION by:** Member Van Blarcom

Moved to accept the consent order as presented. (**1. Legal Docket CE-18-002 for Nelson’s Creamery**) **Seconded by Consumer Member Bowman.**

**DISCUSSION:** Chairman Brubaker commented that due to the high penalty amount paid, it must be due to being consistently late. Attorney Saylor commented that they have been late multiple times.

**Motion carried without dissent.**

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

**Dissenting:** None

## **8. LICENSE APPLICATIONS:**

N/A

## **9. REMINDERS:**

**PRESENTED by:** Chairman Brubaker

<b>Hearing (s)</b>	<b>Date</b>	<b>Time</b>	<b>Room</b>
Pennsylvania Dairy Market Issues Listening Session	5/16/18	9:00 AM	Monongahela Room (E) Farm Show Complex
<b>Sunshine Meeting</b>	<b>Date</b>	<b>Time</b>	<b>Room</b>
Regular Sunshine Meeting	Wed. June 6, 2018	1:00 P.M.	202 Ag Bldg

## **10. ADJOURNMENT:**

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