

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

May 3, 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. Chief Counsel Doug Eberly called the roll, in Secretary Moyer's absence. 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), Ed Schneider (Valley Farms Dairy), Jay Howes, (*PADC*), Marvin Beshore (*PADC*), Greg Hostetter (*PDA*)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the April 5, 2017 Sunshine Meeting.

PRESENTED by: Chairman Brubaker

MOTION by: Member Van Blarcom

Moved to accept the minutes as attached of the April 5, 2017 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the May 3, 2017 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:

1. Schedule Cost Replacement hearings

PRESENTED by: Chairman Brubaker

DISCUSSION: Chairman Brubaker stated that the Cost Replacement hearings for Areas 1, 2, 3, 5 and 6 will take place on June 7th.

MOTION by: Consumer Member Bowman

Moved to approve hearing date for Cost Replacement hearings on June 7th for Areas 1, 2, 3, 5, and 6. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

2. Sunshine Meeting dates for Fiscal Year 2017-2018

PRESENTED by: Chairman Brubaker

Wednesday, July 5, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, August 2, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, September 6, 2017	309 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, October 4, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, November 1, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, December 6, 2017	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, January 3, 2018	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, February 7, 2018	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, March 7, 2018	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, April 4, 2018	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, May 2, 2018	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM
Wednesday, June 6, 2018	202 – Agriculture Building Harrisburg, PA 17110	1:00 PM

MOTION by: Member Van Blarcom

Moved to accept the Sunshine Meeting dates for Fiscal Year 2017-2018. **Seconded by Consumer Member Bowman.**

DISCUSSION: Chairman Brubaker stated that if at any time, there is any conflict with any of the meetings dates we will make the significant change needed, and give the proper notice as required.

Motion by: **carried without dissent.**

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

Dissenting: None

6. REPORT OF CHIEF COUNSEL:

PRESENTED by: Attorney Eberly

DISCUSSION: Attorney Eberly stated he met with the Board Members, just prior to today's meeting to review some senior staff items, and scheduling issues. No official actions or deliberations took place. No further meeting will follow today.

7. LEGAL CASE DISPOSITIONS

1. Four Seasons Produce, 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-16-065 for Four Season Produce, 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 C CL-16-065 for Four Seasons Produce, Inc.) Seconded by Member Van Blarcom.**

DISCUSSION: Chairman Brubaker shared he was not aware of Four Seasons selling milk. Attorney Saylor stated that they do sell milk along with all their other produce.

Motion carried without dissent.

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

2. Julius Silvert 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 **2. Legal Docket CL-16-070 for Julius Silvert 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. (**2. Legal Docket C CL-16-070 for Julius Silvert Inc.) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

3. Maines Paper & Food Service, 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 **3. Legal Docket CL-16-073 for Maines Paper Food Service, 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. **(3. Legal Docket CL-16-073 for Maines Paper & Food Service, Inc.) Secoded by Member Van Blarcom.**

DISCUSSION: Consumer Member Bowman inquired as to why they were late, was it simply they are not primarily milk sellers and forgot to relicense. Attorney Saylor stated that we send out notices early and at times it is simply forgotten or lack of follow through.

Motion carried without dissent.

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

Dissenting: None

4. NW Workman Trucking Inc. Late payment of monthly hauler report

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **4. Legal Docket CA-17-002 for NW Workman Trucking Inc.** for late payment of monthly hauler report. 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-17-002 for NW Workman Trucking Inc.) Secoded by Consumer Member Bowman.**

DISCUSSION: Chairman Brubaker inquired if that was in the hauling of the milk to the processor. Attorney Saylor confirmed it could be bulk milk or picking up at the farms.

Motion carried without dissent.

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

Dissenting: None

5. Brothers Liquid Transport LLC Hauler employed uncertified weigher-sampler to pick up Milk from farms.

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **5. Legal Docket CL-CL17-005 for Brothers Liquid Transport LLC** for hauler employed uncertified weigher-sampler to pick up milk at farms. A consent order was signed and a penalty of \$75.00 was paid.

MOTION by: Consumer Member Bowman

Moved to accept the consent order as presented. **(5. Legal Docket CL-17-005 for Brothers Liquid Transport LLC.) Seconded by Member Van Blarcom.**

DISCUSSION: Member Van Blarcom inquired how do they become certified? Attorney Saylor said it requires taking a test with us to show their knowledge of proper pick up of milk. Once tested they are to renew annually, but at times they lapse on the renewal of license, or they begin to pick up milk without the license in place.

Motion carried without dissent.

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

6. Centerport Milk Hauling Coop Hauler employed uncertified weigher-sampler to pickup Milk from farms.

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **6. Legal Docket CL-17-008 for Centerport Milk Hauling Coop** for hauler employed uncertified weigher-sampler to pick up milk from farms. A consent order was signed and a penalty of \$75.00 was paid.

MOTION by: Consumer Member Bowman

Moved to accept the consent order as presented. **(6. Legal Docket CL-17-008 for Centerport Milk Hauling Coop). Seconded by Member Van Blarcom. Motion carried without dissent.**

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

7. R & R Lawrence, Inc Hauler employed uncertified weigher-sampler to pick up milk from farms.

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **7. Legal Docket CL-17-012 for R & R Lawrence, Inc.** for hauler employed uncertified weigher-sampler to pick up milk from farms. 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. **(7. Legal Docket CL-17-012 for R & R Lawrence, Inc.) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

8. LICENSE APPLICATIONS:

1. Cold Star Inc. Subdealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Cold Star Inc. has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk products from an out of state dealer. Applicant will sell packaged milk products to other distributors in Areas, 1, 2, 3, 4, and 5. 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 subdealer license will be issued.

MOTION by: Consumer Member Bowman

Moved to approve a subdealer license to Cold Star Inc. as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

2. Middlecreek Dairy LLC Dealer

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that Middlecreek Dairy LLC has submitted an application for a dealer license, for 2016-2017. Applicant will purchase bulk milk from a PA dealer. Applicant will use milk/ cream to manufacture yogurt, and will sell to stores in Areas, 1, 2, 3, and 4. 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 Middlecreek Dairy LLC as presented. **Seconded by Consumer Member Bowman. 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. June 7, 2017	1:00 PM.	202 Ag Bldg

10. ADJOURNMENT:

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:20 P.M.