

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

November 6, 2019
1:00 P.M. – Room 202 – 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 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 Robert Barley, Consumer Member Carol Hardbarger, Member James Van Blarcom.

Absent: None

Others Present: Andrew Saylor, Esq. (PMMB), Steven Zalman (PMMB), Gary Gojsovich (PMMB), Joseph Wilson (PMMB), Marvin Beshore, Esq. (PADC), John Howard, Esq. (PDA), Wendy Yovienne, Esq. (Baker & Donelson), Ed Schneider (Valley Farm Dairy), John Bell, Esq. (PA Farm Bureau)

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the October 9, 2019 Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to accept the minutes as attached of the October 9, 2019 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the November 6, 2019 Sunshine Meeting). **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Hardbarger,

Dissenting: None

3. PUBLIC INPUT (PERTAINING TO GENERAL ISSUES):

N/A

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

1. 2020 Dairy Summit Exhibitor Booth Agreement - \$400.00

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Hardbarger

Moved to approve the 2020 Dairy Summit Exhibitor Booth Agreement as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

2. Trickling Springs bond distribution.

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented that on October 9, 2019, the Board issued an order making a claim against Trickling Springs, 2019-2020 milk dealer bond. The Board obtained \$453,749.40 to pay producers for license year 2019-2020 for milk shipments to Trickling Springs. This Order would allow each producer to be paid from the bond proceeds accordingly, and as stated in the order:

Quintin Byers: \$19,849.46
Twin Oaks: \$201,666.59
Organic Valley: \$232,233.35

MOTION by: Consumer Member Hardbarger

Moved to approve the Trickling Springs bond distribution as presented and outlined in the Order. **Seconded by Member Van Blarcom.**

DISCUSSION: Chairman Barley commended the Board Staff and Staff Attorney for all the great work done in handling the matter.

Motion carried without dissent.

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

6. REPORT OF CHIEF COUNSEL:

DISCUSSION: Attorney Eberly stated that the Board held 4 Hearings in the morning and followed up with discussion of each one. There is a personnel matter to be discussed with the Board, as well as the discussion of the interviews done for a legal staff position, with Attorney Saylor's retirement in December. No deliberations nor official actions were, nor will be taken.

7. LEGAL CASE DISPOSITIONS

1. MD & VA Milk Producers Cooperative Association Inc. Late filing dealer financial statement

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CA-19-005 - MD & VA Milk Producers Cooperative Association Inc.**, for late filling of dealer financial statement. A consent order was signed and a penalty of \$150.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. (**1. Legal Docket CA-19-005 - MD & VA Milk Producers Cooperative Association Inc.**) **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

Dissenting: None

2. Gordon Food Service Inc. Sale of Controlled products below PMMB wholesale minimum prices

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CE-18-014 Gordon Food Service Inc.** for sale of controlled products below PMMB wholesale minimum prices. A consent order was signed and a penalty of \$250.00 was paid.

Chairman Barley inquired if any reason was given. Attorney Saylor commented that it was not a lot of product and it was not deliberate. We have a zero tolerance and once they were made aware, they cooperated and corrected it right away.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. (**1. Legal Docket CE-18-014 Gordon Food Service Inc.**) **Seconded by Consumer Member Hardbarger. Motion carried without dissent.**

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

Dissenting: None

8. LICENSE APPLICATIONS:

N/A

9. REMINDERS:

PRESENTED by: Chairman Barley

<u>MEETING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Regular Sunshine Meeting	Wed. Dec. 4, 2019	1:00 P.M.	202 – Ag Bldg.

<u>HEARING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Cost Replacement Hearings			
Area 1	Dec. 4, 2019	9:00 A.M.	202 – Ag Bldg.
Area 2	Dec. 4, 2019	9:30 A.M.	202 – Ag Bldg.
Area 4	Dec. 4, 2019	10:00 A.M.	202 – Ag Bldg.

10. ADJOURNMENT:

Chairman Barley, hearing no further matters to come before the Board, adjourned the meeting at 1:10 P.M.