

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

November 1, 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*), Carl Herbein, CPA (Herbein & Co), Marvin Beshore, Esq. (*PADC*), Jay Howes (*PADC*), Dep Sec. Greg Hostetter (*PDA*), Wendy Yovienne, Esq. (Baker, Donelson, Bearman, Caldwell & Berkowitz), Alan Zepp (*CDE*), John Howard, Esq. (*PDA*)

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the October 4, 2017 Sunshine Meeting.

**PRESENTED by:** Chairman Brubaker

**MOTION by:** Consumer Member Bowman

Moved to accept the minutes as attached of the October 4, 2017 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the November 1, 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):**

N/A

**4. OLD BUSINESS:**

N/A

**5. NEW BUSINESS:**

- A. Request for Cost Replacement hearings to be held in January for Areas, 1, 5, and 6 –  
And February for Areas 2, 3, and 4.

**MOTION:** Member Van Blarcom

Moved to accept the request for Cost Replacement hearings to be held in January for Areas, 1, 5, and 6 and February for Areas 2, 3 and 4. **Seconded by Consumer Member Bowman.**

**DISCUSSION:** Consumer Member Bowman inquired if snow dates were in the plan for the hearings. Attorney Eberly stated that we don't usually plan for snow dates.

**Motion 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 reported that the Board met prior to the Sunshine meeting and discussed the timeline for the regulations which were just submitted. It is on the Independent Regulatory Review Commission agenda for its public meeting on December 7<sup>th</sup>. We are anticipating that the Over-Order Premium hearing will only take one day, which is scheduled for December 6<sup>th</sup>. Following all the pre-submissions we will review for further consideration. The Board further met to discuss a possible date change with the February meeting, which is currently scheduled for February 7<sup>th</sup>. At the next Sunshine meeting, there may be a request to have that changed to February 6. No official actions or deliberations took place. The Board will not be meeting following this Sunshine meeting.

## **7. LEGAL CASE DISPOSITIONS**

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| 1. Wayne Harman Trucking    | Late filing of monthly hauler reports and late payment of monthly hauler fees. |
| 2. NW Workman Trucking Inc. | Late filing of monthly hauler reports and late payment of monthly hauler fees. |

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **1. Legal Docket CA-17-001 for Wayne Harman Trucking** for late filing of monthly hauler reports and late payment of monthly hauler fees. A consent order was signed and a penalty of \$500.00 was paid. And **2. Legal Docket CA-17-022 for NW Workman Trucking Inc.** for late filing of monthly hauler reports and late payment of monthly hauler fees. A consent order was signed and a penalty of \$100.00 was paid.

**MOTION by:** Member Van Blarcom

Moved to accept the consent orders as presented. (**1. Legal Docket CA-17-001 for Wayne Harman Trucking and 2. Legal Docket CA-17-022 for NW Workman Trucking Inc.**) **Seconded by Consumer Member Bowman.**

**DISCUSSION:** Chairman Brubaker inquired on the heavy penalty for Wayne Harman Trucking. Attorney Saylor stated that they have a history of multiple violations with citations and penalties paid in the past. In August 2015, a penalty fee of \$900.00 was paid for multiple violations. In November 2014, a \$500.00 penalty was paid for multiple citations. Staff has worked extensively with him in the past, and we are hoping this will be a turning point.

**Motion carried without dissent.**

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

**Dissenting:** None

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| 3. McConnell Trucking Inc.  | Hauler employed uncertified weigher-sampler to pick up Milk from farms |
| 4. Edgar M. Herr Inc.       | Hauler employed uncertified weigher-sampler to pick up Milk from farms |
| 5. Old Glory Express Inc.   | Hauler employed uncertified weigher-sampler to pick up Milk from farms |
| 6. NW Workman Trucking Inc. | Hauler employed uncertified weigher-sampler to pick up Milk from farms |

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented. **3. Legal Docket CL-17-006 for McConnell Trucking Inc.** A consent order was signed and a penalty of \$75.00 was paid. **4. Legal Docket–CL-17-007 for Edgar M. Herr, Inc -** A consent order was signed and a penalty of \$75.00 was paid. **5. Legal Docket -CL-17-010 for Old Glory Express Inc. –** A consent order was signed and a penalty of \$150.00 was paid. **6. Legal Docket CL-17-053 for NW Workman Trucking Inc. –** 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. (**3. Legal Docket CL-17-006 for McConnell Trucking Inc. – 4. Legal Docket CL -17-007 for Edgar M. Herr Inc. – 5. Legal Docket CL-17-010 for Old Glory Express Inc. – 6. Legal Docket CL-17-053 for NW Workman Trucking Inc.**)

**Seconded by Member Van Blarcom.**

**DISCUSSION:** Consumer Member Bowman inquired if the Old Glory Express penalty is due to multiple violations, or was it more than one person? Attorney Saylor stated that it was for one violation, they received the citation and didn't respond promptly, and then in the meantime there was a second violation.

**Motion carried without dissent.**

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

**Dissenting:** None

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| 7. Pequea Valley Farms LLC | Late filing of monthly dealer reports and late payment of monthly dealer license fees. |
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**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented. **Legal Docket CL-17-016 for Pequea Valley Farms LLC** for late filing of monthly dealer reports and late payment of monthly dealer license fees. A consent order was signed and a penalty of \$350.00 was paid. They had multiple warnings and multiple prior citations.

**MOTION by:** Member Van Blarcom

Moved to accept the consent order as presented. **(7. Legal Docket CL-17-016 for Pequea Valley Farms LLC) Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

8. Pequea Valley Farms LLC late filing of dealer financial statement

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented. **Legal Docket CA-17-016 for Pequea Valley Farms LLC** for late filing of dealer financial statement. 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. **(8. Legal Docket CA-17-016 for Pequea Valley Farms LLC) Seconded by Member Van Blarcom. 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>Sunshine Meeting</b>	<b>Date</b>	<b>Time</b>	<b>Room</b>
Regular Sunshine Meeting	Wed. Dec. 7, 2017	1:00 PM	202 Ag Bldg

**DISCUSSION:** Chairman Brubaker shared that the February Sunshine meeting may be moved from Wednesday, February 7<sup>th</sup> to Tuesday, February 6<sup>th</sup>. This may be presented at the December Sunshine meeting.

**10. ADJOURNMENT:**

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:15 P.M.