

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

October 4, 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*), John Pierce (Lehigh), John Bell, Esq. (*PAFB*), Jay Howes (*PADC*), Dep Sec. Greg Hostetter (*PDA*)

2. ACCEPTANCE OF MINUTES:

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

PRESENTED by: Chairman Brubaker

MOTION by: Consumer Member Bowman

Moved to accept the minutes as attached of the September 20, 2017 Sunshine Meeting. (*Note:* Minutes were prepared and distributed to the Board members for their review prior to the October 4, 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. January 2018 price announcement date change.

DISCUSSION: Chairman Brubaker announced that PAMD has requested a change of the January 2018 price announcement date from December 21 to December 14. Earl Fink explained that the request was made so that prices could be established prior to the Christmas holiday period.

MOTION: Consumer Member Bowman

Moved to accept the date change of the January 2018 price announcement from December 21 to December 14. **Seconded by Member Van Blarcom. 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 legal case dispositions and a personnel matter. The Board will not meet after the Sunshine meeting. The Board is likely to meet prior to the November Sunshine meeting to discuss similar and possibly additional matters. No official actions or deliberations took place. Chairman Brubaker added that the Board also discussed recent newspaper stories about the Pennsylvania dairy industry.

7. LEGAL CASE DISPOSITIONS

1. Benjamin Foods LLC Late filing of annual subdealer license renewal and fee operating without a license.

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **1. Legal Docket CL-17-045 for Benjamin Foods LLC** for late filing of annual subdealer license renewal and 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 CL-17-045 for Benjamin Foods LLC) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

2. Julius Silvert Inc. Late filing of annual subdealer license renewal and fee operating without a license.

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **2. Legal Docket CL-17-041 for Julius Silvert Inc.** for late filing of annual subdealer license renewal and fee and operating without a current license. 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. **(2. Legal Docket CL-17-041 for Julius Silvert Inc.) Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

3. Lancaster Farm Fresh Cooperative Late filing of annual subdealer license renewal operating without a license.

PRESENTED by: Attorney Saylor

DISCUSSION: Attorney Saylor presented **3. Legal Docket CL-17-042 Lancaster Farm Fresh Cooperative** for late filing of annual subdealer license renewal and fee and operating without a current license. 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. **(3. Legal Docket CL-17-042 for Lancaster Farm Fresh Cooperative) Seconded by Consumer Member Bowman.**

DISCUSSION: Chairman Brubaker asked about Lancaster Farm Fresh Cooperative. Attorney Saylor said it is a nonprofit cooperative located in Lancaster marketing for over 100 family farms, including buying and selling packaged milk. Member Van Blarcom asked whether the penalty is more than the subdealer license fee. Attorney Saylor first explained that the license renewal form is mailed out in April and due by June 15, but typically citations are issued only if the company does not renew before July 1, because at that point they are operating without a license. The base subdealer license fee is \$75.00 with an additional fee based on sales volume.

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

Sunshine Meeting	Date	Time	Room
Regular Sunshine Meeting	Wed. Nov.1, 2017	1:00 PM	202 Ag Bldg

Carl Herbein asked whether dates have been set for the Cost Replacement hearings. Attorney Eberly said that the typical process is for the dealers and Board Staff to agree on a schedule and present it for Board consideration, and nothing has been presented. Attorney Saylor said that dealers had expressed interest for the Cost Replacement hearings to start in December, if the time needed for the Over-Order Premium hearing would allow, but Board Staff had not heard anything further yet.

10. ADJOURNMENT:

Chairman Brubaker, hearing no further matters to come before the Board, adjourned the meeting at 1:16 P.M.