

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

September 7, 2016  
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 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:** Secretary Tim Moyer, Doug Eberly, Esq., Andrew Saylor, Esq., Gary Gojsovich, Earl Fink (PAMD), Allen Warshaw, Esq. (PFMA), Marvin Beshore, Esq. (PADC), Carl Herbein, CPA (PAMD), John Pierce (Lehigh Valley), John Bell, Esq. (PA Farm Bureau), Dennis Schadd (PADC), Wendy Yovienne, Esq.(OKGS), Troye Cooper (MDVA), Jodi Smith (Upstate Niagara Coop), Ed Schneider (Valley Farms, Arden Tewksbury (Progressive Ag Organization), Gib Martin (MJFC), Sherry Bunting (Farmshine), Mike Eby (NDPO)

**2. ACCEPTANCE OF MINUTES:**

A. Acceptance of Minutes of the August 2, 2016, Sunshine Meeting.

**PRESENTED by:** Chairman Brubaker

**DISCUSSION:** None

**MOTION by:** Consumer Member Bowman

Moved to accept the minutes as attached of the August 2, 2016 Sunshine Meeting. (*Note: Minutes were prepared and distributed to the Board members for their review prior to the September 7, 2016 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):**

**DISCUSSION:** Mr. Arden Tewksbury manager of Progressive Agriculture Organization inquired of the Board if he could distribute to anyone interested, copies of his testimony and associated material

being presented at the Over-Order Premium hearing regarding the level of Premium milk used for fluid purposes in the state of Pennsylvania. Chief Counsel Eberly approved of the distribution.

#### **4. OLD BUSINESS:**

N/A

#### **5. NEW BUSINESS:**

A. 2017 Pennsylvania Farm Show Space Rental Agreement

**DISCUSSION:** Chairman Brubaker asked for a motion for the 2017 Pennsylvania Farm Show Space Rental Agreement.

**MOTION:** Consumer Member Bowman

Moved to accept the 2017 Pennsylvania Farm Show Space Rental Agreement as presented. **Seconded by Member Van Blarcom.**

**DISCUSSION:** Consumer Member Bowman inquired if the cost was changed from the previous year. Secretary Moyer responded that it was the same as the previous year.

**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 stated he met with Secretary Moyer and the Board Members in executive session prior to the Over-Order Premium hearing to review the upcoming hearing, and met during lunch prior to the Sunshine meeting to review the agenda, and the process for case dispositions. No official actions and no deliberations took place. The Board will resume meeting following the Over-Order Premium hearing, to discuss what was presented. A teleconference will take place prior to September 14, for further discussion.

#### **7. LEGAL CASE DISPOSITIONS**

1. Land O'Lakes, Inc. Late filing of dealer annual financial statement

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented **1. Legal Docket CA-16-023 for Land O'Lakes, Inc.** for late filing of dealer annual financial statement (PMMB-60). 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-16-023 for Land O'Lakes Inc.) Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

**Dissenting:** None

2. Aurand Trucking LLC Failure to take samples from milk picked up at farms

**PRESENTED by: Attorney Saylor**

**DISCUSSION:** Attorney Saylor presented 2. Legal Docket CE- 16-039 for Aurand Trucking LLC for failure to take samples from milk picked up at farms. A consent order was signed and a penalty of \$ 250.00 was paid.

**MOTION by:** Consumer Member Bowman

Moved to accept the consent order as presented. (2. Legal Docket CE-16-039 for Aurand Trucking LLC). **Seconded by Member Van Blarcom.**

**DISCUSSION:** Consumer Member Bowman inquired how PMMB became aware of the situation. Attorney Saylor stated that Pennsylvania Department of Agriculture brought it to our attention.

**Motion carried without dissent.**

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

**Dissenting:** None

3. Erivan Dairy Inc. Late filing of monthly milk dealer report

**PRESENTED by: Attorney Saylor**

**DISCUSSION:** Attorney Saylor presented. 3. Legal Docket CA-16-041 –Erivan Dairy Inc. for late filing of dealer monthly report. A consent order was signed and a penalty of \$100.00 was paid.

**MOTION by:** Member Van Blarcom

Moved to accept the consent order as presented. (3. Legal Docket CA-16-041 – Erivan Dairy Inc.) **Seconded by Consumer Member Bowman.**

**DISCUSSION:** Chairman Brubaker inquired on their location. Attorney Saylor stated they are located north of Philadelphia in Oreland, PA.

**Motion carried without dissent.**

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

**Dissenting:** None

4. Guenther & Sons Inc. Late renewal of hauler license and operating without a license

**PRESENTED by: Attorney Saylor**

**DISCUSSION:** Attorney Saylor presented. 4. Legal Docket CL-16-045 for Guenther & Sons Inc. for later renewal of hauler license and operating without a hauler 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. **(4. Legal Docket CL- 16-045 – Guenther & Sons Inc.)  
Seconded by Member Van Blarcom. Motion carried without dissent.**

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

5. Metzler Brothers Transport Inc. Late renewal of hauler license and operating without a license

**PRESENTED by: Attorney Saylor**

**DISCUSSION:** Attorney Saylor presented. **5. Legal Docket CL-16-046 for Metzler Brothers Transport Inc.** for late renewal of hauler license and operating without a hauler 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. **(5. Legal Docket CL-16-046 Metzler Brothers Transport Inc.) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

6. Radabaugh Enterprises Inc. Late renewal of hauler license and operating without a license

**PRESENTED by: Attorney Saylor**

**DISCUSSION:** Attorney Saylor presented. **6. Legal Docket CL-16-047 for Radabaugh Enterprises Inc.** for late renewal of hauler license and operating without a hauler 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. **(6. Legal Docket CL-16-047 – Radabaugh Enterprises Inc.) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

7. Walls Dairy Transport LLC Late renewal of hauler license and operating without a license

**PRESENTED by: Attorney Saylor**

**DISCUSSION:** Attorney Saylor presented. **7. Legal Docket CL- 16-048 for Walls Dairy Transport LLC for late renewal of hauler license and operating without a hauler 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. **(7. Legal Docket CL-16-048 – Walls Dairy Transport LLC) Seconded by Member Van Blarcom. Motion carried without dissent.**

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

**Dissenting:** None

**8. JW Hunt OTC Inc.** Late renewal of hauler license and operating without a license

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented. **8. Legal Docket CL-16-049 for JW Hunt OTC Inc. for late renewal of hauler license and operating without a hauler 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. **(8. Legal Docket CL-16-049 – JW Hunt OTC Inc.)**  
**Seconded by Member Van Blarcom.**

**DISCUSSION:** Chairman Brubaker inquired on who this Hauler is. Attorney Saylor stated they are located in Bad Axe, Michigan.

**Motion carried without dissent.**

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

**Dissenting:** None

## **8. LICENSE APPLICATIONS:**

**1. Sysco Syracuse, LLC** Subdealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Sysco Syracuse, LLC has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk/cream products from various dealers. Applicant will sell packaged milk/cream products to restaurants, schools, stores, and other institutions in Areas 2, and 3. A bond has been provided. 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:** Member Van Blarcom

Moved to approve a dealer license to Sysco Syracuse, LLC as presented. **Seconded by Consumer Member Bowman. Motion carried without dissent.**

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

**Dissenting:** None

**2. Bichsel Ice Cream Company** Subdealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Bichsel Ice Cream Company has submitted an application for a subdealer license, for 2016-2017. Applicant will purchase packaged milk/cream products from a Pennsylvania dealer. Applicant will sell packaged milk/cream products to stores in Area 5. A COD letter has been provided in lieu of a bond. Applicant has provided a Stipulation that licensee to

licensee discounts are not available for milk it purchases for use in any store owned by applicant or its affiliates. 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 dealer license to Bichsel Ice Cream Company as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

3. Gross Family Dairy Dealer

**PRESENTED by:** Attorney Saylor

**DISCUSSION:** Attorney Saylor presented that Gross Family Dairy has submitted an application for a dealer license, for 2016-2017. Applicant will process and sell milk /cream products produced on own farm. Applicant will process and package whole milk products and sell to stores in Area 3. 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 Gross Family Dairy 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

<u>Sunshine Meeting</u>	<u>Date</u>	<u>Time</u>	<u>Room</u>
Special Sunshine Meeting	Wed – Sept 14, 2016	9:00 AM	309 Ag Bldg.
Regular Sunshine Meeting	Wed – Oct 5, 2016	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 PM.