

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

November 3, 2021

1:00 P.M.

Telephone Conference

Call: +1 (267) 332-8737, ID: 707 116 839#

1. CALL OF MEETING TO ORDER/ROLL CALL:

Chairman Rob Barley called the regular Sunshine Meeting of the Pennsylvania Milk Marketing Board to order at 1:00 P.M. via Telephone conference. Chairman Barley opened the meeting with a moment of silence and reflection, keeping in mind Jim Van Blarcom's son in law who was in an accident.

Secretary Hardbarger called the roll. Those in attendance and constituting a quorum were:

Board Members:

Present: Chairman Robert Barley, Consumer Member Kristi Kassimer,
Member James Van Blarcom

Absent: None

2. ACCEPTANCE OF MINUTES:

A. Acceptance of Minutes of the October 6, 2021, Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Kissimer

Moved to accept the minutes for the October 6, 2021, Sunshine Meeting. *Note:* Minutes were prepared and distributed to the Board members for their review prior to the November 3, 2021, Sunshine Meeting). **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

3. PUBLIC INPUT (PERTAINING TO GENERAL ISSUES:

Secretary Hardbarger gave Kudos to the MMB staff for the role they played in the flexibilities recently given by the Dept. of Education, to milk dealers and schools, for sales of school milk regardless of fat content, based on the containers available to the dealers.

Chairman Barley seconded the work done by the staff, and in working together with the Dept of Ag in getting done what needed to be done.

4. OLD BUSINESS:

N/A

5. NEW BUSINESS:

1. Hazou Temporary License Order Dealer

PRESENTED by: Chief Counsel Eberly

DISCUSSION: Attorney Eberly stated that Mr. Hazou received a dealer’s license back in 2019 and he has been noncompliant with his monthly reporting requirements, at least 50% of the time, if not more. Mr. Hazou had not renewed his license on time, and when the license renewal came in, Staff has decided that it was too much, and staff requested a hearing, and to bring the noncompliance issues to the Board’s attention and recommended that the Board not grant the license. The Board has decided to grant a temporary license to Mr. Hazou, so he could stay in business, and that is what this order does. The Board will issue an order after we receive the transcripts from the hearing, staff files a brief, and Mr. Hazou has opportunity to respond to that. This just grants a Temporary license under the condition that he does not violate the MMB law again, and if he does the Temporary license is revoked, and we won’t know until Nov. 29th which is when the October dealer report is due, and we will see if he complies, or not at that time.

Chairman Barley stated that the Board decided to make it temporary and hold Mr. Hazou accountable, and if he doesn’t follow through, he will not get a license, and if he does, he will remain in probation to some degree.

MOTION by: Member Van Blarcom

Moved to accept the Temporary license Order for Mr. Hazou. **Seconded by Consumer Member Kassimer. Motion carried without dissent.**

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

Dissenting: None

6. REPORT OF CHIEF COUNSEL:

DISCUSSION: Attorney Eberly reported that the Board did deliberate the Temporary License Order in private, as it is allowed to do.

7. LEGAL CASE DISPOSITIONS

2. Dutch Meadows LLC Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented **1. Legal Docket No. CA-21-003** for Dutch Meadows, LLC a dealer who failed to file its Milk Dealer’s monthly report for May 2021, on or before its due date. A consent order was acknowledged and consenting to the settlement of the Citation with the Board for \$100.00

MOTION by: Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CA-21-003 for Dutch Meadows LLC as presented. Seconded by Consumer Member Kassimer. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Kassimer, Member Van Blarcom
Dissenting: None

3. Naturally Golden Family Farms, Inc. Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented **1. Legal Docket No. CA-21-004 for Naturally Golden Family Farms, Inc.** a dealer who failed to file its Milk Dealer's monthly report for May 2021, on or before its due date. A consent order was acknowledged and consenting to the settlement of the Citation with the Board for \$100.00

MOTION by: Consumer Member Kassimer

Moved to accept the consent order as presented. **(1. Legal Docket CA-21-004 for Naturally Golden Family Farms, Inc.) Seconded by Member Van Blarcom. Motion carried without dissent.**

Assenting: Chairman Barley, Consumer Member Kassimer, Member Van Blarcom
Dissenting: None

8. LICENSE APPLICATIONS:

1. E. K. Martin & Sons Inc DBA Henny Penny Farms Subdealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that E. K. Martin & Sons Inc DBA Henny Penny Farms has applied for a subdealer license for 2021-2022. Applicant will purchase packaged milk/cream for resale to restaurants, and stores in Areas 2, and 3. A bond has been provided. Appropriate staff has reviewed the application to ensure that adequate forms and fees have been received and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, and with Board approval of this application, a subdealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a subdealer license to E. K Martin & Sons Inc DBA Henny Penny Farms as presented. **Seconded by Consumer Member Kassimer. Motion carried without dissent.**

Assenting: Chairman Barley, Member Van Blarcom, Consumer Member Kassimer
Dissenting: None

2. UNFI Distribution Company, LLC Subdealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that UNFI Distribution Company, LLC has submitted an application for a subdealer license for 2021-2022. Applicant will purchase packaged milk/cream products for distribution to stores in Areas, 1, 2, 3, 4, 5, and 6. No bond is required. Appropriate staff has reviewed the application to ensure that adequate forms and fees have been received

and are in order, and that the applicant has met the requirements of the Milk Marketing Law. Board Staff recommends approval, and with Board approval of this application, a subdealer's license will be issued.

MOTION by: Consumer Member Kassimer

Moved to approve a subdealer license to UNFI Distribution Company, LLC as presented.

Seconded by Member Van Blarcom.

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

Dissenting: None

9. REMINDERS:

PRESENTED by: Chairman Barley

<u>MEETING (s)</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Regular Sunshine meeting	Wed. Dec.1 2021	1:00 P.M.	Room 309- Ag Bldg.

DISCUSSION: Member Van Blarcom expressed gratitude for the prayers for his son in law. He is improving daily and should gain all his faculties back. .

10. ADJOURNMENT:

Chairman Barley hearing no further matters to come before the Board, adjourned the meeting 1:13 P.M.