

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

December 7, 2022

2:00 P.M.

Room 309 – Ag Building

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 2:00 P.M. in room 309 of the Ag Building.

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 November 2, 2022 Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Kassimer

Moved to accept the meeting minutes for the November 2, 2022 Sunshine Meeting. *Note:* Minutes were prepared and distributed to the Board members for their review prior to the December 7, 2022 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:

N/A

4. OLD BUSINESS:

1. Schedule in-store handling cost hearing

DISCUSSION: Mr. Zalman requested that the in-store handling cost hearing be scheduled for February 1, 2023. Time of hearing to be determined.

MOTION: Member Van Blarcom

Moved to accept the in-store handling cost hearing for February 1st, 2023. **Seconded by Consumer Member Kassimer. Motion carried without dissent**

Assenting: Chairman Barley, Consumer Member Kristi Kassimer
Dissenting: None

5. NEW BUSINESS:

1. Schedule December 2022 Special Sunshine Meeting.

DISCUSSION: Chairman Barley called for a motion to schedule a Special Sunshine Meeting to address the Over-Order Premium.

MOTION by: Member Van Blarcom

Moved to schedule Special Sunshine Meeting for December 14th, at 1:00 P.M. **Seconded by Consumer Member Kassimer. Motion carried without dissent**

Assenting: Chairman Barley, Consumer Member Kristi Kassimer
Dissenting: None

2. Change January 4, 2023 Sunshine Meeting to 10:00 A.M.

MOTION by: Consumer Member Kassimer

Moved to change January 4, 2023 Sunshine Meeting time to 10:00 A.M. **Seconded by Member Van Blarcom. Motion carried without dissent**

Assenting: Chairman Barley, Consumer Member Kristi Kassimer
Dissenting: None

3. Hazou Premium Dairy LLC milk dealer license application order

DISCUSSION: Attorney Eberly stated that Mr. Hazou and his business has a long-standing history of noncompliance with various regulations, and provisions of the Milk Marketing law, which are outlined in the attached order handout. This Order will deny Mr. Hazou late filing application for the 2022-2023, which is the current licensing year.

MOTION by: Member Van Blarcom

Moved to **Seconded by Consumer Member Kassimer. Motion carried without dissent**

Assenting: Chairman Barley, Consumer Member Kristi Kassimer
Dissenting: None

4. Schedule January 2023 resale price announcement date per OGO A-978 Section B.b (iv).

DISCUSSION: Mr. Zalman requested the resale price announcement for January 2023, be moved to December 15, 2022

MOTION by: Consumer Member Kassimer

Moved to schedule January 2023 resale price announcement date per OGO A-978 Section B.b
(iv). **Seconded by Member Van Blarcom. Motion carried without dissent**

Assenting: Chairman Barley, Consumer Member Kristi Kassimer
Dissenting: None

6. REPORT OF CHIEF COUNSEL:

DISCUSSION: Attorney Eberly stated that there were no executive sessions by the Board, nor any other Sunshine Act meetings to report. No deliberations nor official actions taken. He stated that the Board hired a new staff attorney, David Kuznia. He had a previous scheduled commitment and was unable to attend.

7. LEGAL CASE DISPOSITIONS

1. Blue Rock Fam LLC Hauler

PRESENTED by: Mr. Steven Zalman

DISCUSSION: Mr. Zalman presented **1. Legal Docket No. CA-22-002 - Blue Rock Farm LLC.** for failure to file its February, March and April 2022 activity hauler reports, and pay the required license fees due, on or before March 30, May 2, and May 30, 2022. A consent order was signed and a negotiated penalty of \$50.00 was paid by Blue Rock Farm LLC.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CA-22-002 – Blue Rock Farm LLC.) Seconded by Consumer Member Kassimer. Motion carried without dissent.**

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

8. LICENSE APPLICATIONS:

1. KeHe Distributors, LLC Subdealer

PRESENTED by: Mr. Steven Zalman

DISCUSSION: Mr. Zalman presented that KeHe Distributors, LLC, Inc. has submitted an application for a subdealer license for 2022-2023. Applicant will purchase packaged milk/cream products from dealers, for resale to stores in all six Areas. 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 license will be issued.

MOTION by: Member Van Blarcom

Moved to accept the subdealer license for KeHe Distributors, LLC, Inc. as presented. **Seconded by Consumer Member Kassimer. Motion carried without dissent.**

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. Jan. 4, 2023	1:00 P.M.	Ag Bldg – Room 309

DISCUSSION: Chairman Barley noted the time change as requested for the January Sunshine Meeting time from 1:00 P.M. to 10:00 A.M.

10. ADJOURNMENT:

Chairman Barley hearing no further matters to come before the Board, adjourned the meeting 2:10 P.M.