

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Milk Marketing Board

MINUTES

SUNSHINE MEETING

May 4, 2022

1:00 P.M.

Virtual Meeting

Call in: 267-332-8737 - ID: 145 971 73#

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, which he opened with the pledge of Allegiance , and a moment of reflection.

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 April 6, 2022 Sunshine Meeting.

PRESENTED by: Chairman Barley

MOTION by: Consumer Member Kassimer

Moved to accept the minutes for the April 6, 2022 Sunshine Meeting. *Note:* Minutes were prepared and distributed to the Board members for their review prior to the May 4, 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:

N/A

5. NEW BUSINESS:

1. OGO A-962 (CRO 12) Cost Replacement for Northeastern Milk Marketing Area 3

PRESENTED by: Chairman Barley

MOTION by: Member Van Blarcom

Moved to accept OGO A-962 (CRO 12) Cost Replacement Order for Northeastern Milk Marketing Area 3. **Seconded by Consumer Member Kassimer. Motion carried without dissent.**

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

Dissenting: None

2. Sunshine Meeting dates for new fiscal year 2022-2023

PRESENTED by: Chairman Barley

DISCUSSION: Chairman Barley stated that some are listed as virtual as there was no PDA room availability, but all are subject to change either way. At any point if a meeting needs to be done in person, we will accommodate it in anyway possible.

MOTION by: Consumer Member Kassimer

Moved to approve the Sunshine Meeting dates for new fiscal year as presented. **Seconded by Member Van Blarcom. Motion carried without dissent.**

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

Dissenting: None

6. REPORT OF CHIEF COUNSEL:

DISCUSSION: Attorney Eberly had nothing to report.

7. LEGAL CASE DISPOSITIONS

1. DFA Dairy Brands Fluid, LLC – Garelick - New York Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented **1. Legal Docket No. CE-21-005 DFA Dairy Brands Fluid, LLC – Garelick -New York** provided controlled products at prices below PMMB minimums during the month of September 2021. A consent order was signed and a penalty of \$800.00 was paid.

MOTION by: Member Van Blarcom

Moved to accept the consent order as presented. **(1. Legal Docket CE-21-005 – DFA Dairy Brands Fluid, LLC – Garelick – New York) Seconded by Consumer Member Kassimer. Motion carried without dissent.**

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

Dissenting: None

2. DFA Dairy Brands Fluid, LLC - Lebanon

Dealer

PRESENTED by: Attorney Petruscu

DISCUSSION: Attorney Petruscu presented **1. Legal Docket No. CE-22-001** DFA Dairy Brands Fluid, LLC – Lebanon for submitted bids to The Emergency Food Assistance Program (“TEFAP”) for sales of price-controlled products using bid prices below PMMB minimum prices. A consent order was signed and acknowledging the violation and consenting to the settlement of the citation through the donation of the full amount of bid milk in satisfaction of the awarded bid.

DISCUSSION: Attorney John Howard inquired what was the volume of milk. Attorney Petruscu stated it to be 5 deliveries, each one at the amount of \$12,317.67 from February 1st through March 29th

MOTION by: Consumer Member Kassimer

Moved to accept the consent order as presented. (**1. Legal Docket CE –22-001 DFA Dairy Brands Fluid, LLC – Lebanon**) **Secinded by Member Van Blarcom.**

DISCUSSION: Chairman Barley stated that there have been some misunderstandings between our Staff, under leadership of Dr. Hardbarger, and in working with folks with PDA, and with folks in USDA. There is a plan now, and there should be no misunderstandings on how to bid in Pennsylvania going forward.

Attorney Howard Thanked Dr. Hardbarger on behalf of Dept of Ag, for doing that. He further mentioned that it is certainly much better than several months ago.

Dr. Hardbarger expressed gratitude and credit given to the staff team of 4 who have worked on that. She stated that USDA has assigned a deputy to work with PMMB and she had regular communication with him, plus made themselves available, as well as calculating the minimum bids with each solicitation that comes out. We hope the combined efforts will alleviate any problems in the future. Also, we are happy in seeing that the PA milk dealers are receiving the contract awards, because everyone is following the law.

Motion carried without dissent.

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

Dissenting: None

8. LICENSE APPLICATIONS:

1. B. L. Cream Co.

Subdealer

PRESENTED by: Attorney Petruscu

DISCUSSION: Attorney Petruscu presented that B.L. Cream Co. has submitted an application for a subdealer license for 2021-2022. Applicant will purchase packaged milk/cream products from out of state dealer for resale to stores in Area 5. 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 approve a subdealer license to B.L. Cream Co as presented. **Seconded by Consumer Member Kassimer. Motion carried without dissent.**

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

Dissenting: None

2. DFA Dairy Brands Fluid, LLC - DBA Reiter Dairy Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that DFA Brands Fluid LLC - DBA Reiter Dairy has submitted an application for a dealer license for 2021-2022. Applicant will purchase milk from cooperatives. Applicant will process /package milk products, for resale in all six Areas. Will sell bulk milk/cream to other dealers. 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 dealer license will be issued.

MOTION by: Consumer Member Kassimer

Moved to approve a dealer license to DFA Dairy Brands Fluid, LLC - DBA Reiter Dairy as presented. **Seconded by Member Van Blarcom.**

DISCUSSION: Chairman Barley inquired if they were out of Ohio, in which Attorney Petrascu responded yes.

Motion carried without dissent.

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

Dissenting: None

3. DFA Dairy Brands Fluid, LLC - DBA Schenkels Dairy Dealer

PRESENTED by: Attorney Petrascu

DISCUSSION: Attorney Petrascu presented that DFA Dairy Fluid LLC – DBA Schenkels Dairy has submitted an application for a dealer license for 2021-2022. Applicant will purchase milk from Cooperatives. Applicant will process and package milk/cream products, for applicant will process, package milk/ cream products, for resale in all six Areas. Will also sell bulk milk/cream to other dealers. 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 dealer license will be issued.

MOTION by: Member Van Blarcom

Moved to approve a dealer license to DFA Dairy Brands Fluid, LLC - DBA Schenkels Dairy as presented. **Seconded by Member Van Blarcom. 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. Jun 1, 2022	1:00 P.M.	Room 309 - Ag Bldg.

10. ADJOURNMENT:

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