

Commission Meeting Held December 16, 2009

Minutes of the meeting of the Commission, held at the Virginia Department of Agriculture and Consumer Services, Oliver Hill Building, in room 220, Richmond, Virginia.

THE COMMISSION:

PRESENT: Susan Stanley, Commissioner; Laura Wood Habr, Commissioner; Kenneth Smith, Commissioner, Fred Calvert, Chairperson; Rodney L. Phillips, Administrator; Shella Tillery, Administrative Assistant; Allen O'Hara, Maryland & VA M.P.A .; Sharon Seymore; Dairy Auditor II; and Dirk Holcomb; Dairy Auditor II.

Absent:

Yolanda Macklin Crewe
Carol Jones
Judy Barnard

Fred Calvert called the meeting to order at 10:00 a.m.

Fred Calvert asked if there were additions or corrections to the previously distributed September minutes. The minutes were accepted with correction.

The Administrator gave a review of Class I sales summary and adjacent market prices.

Commission staff held technical hearings and/or tele-conference interviews with various firms applying for distributor licenses on all Virginia markets. The applicants all agreed to comply with the Rules and Regulations of the Commission and there being no other evidence to the contrary the Administrator recommended the monitoring, granting, canceling &/or issuing of licenses as indicated below. Kenneth Smith made a motion to accept all the following changes, seconded by Susan Stanley effective January 1, 2009. Motion carried.

Licenses Issue/Cancel/Re-issue/Monitor:

Monitor:

<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
SD	Simco Sales Service of PA, Inc* T/A Jack & Jill Ice Cream 106 Commerce Drive Moorestown, NJ 08057	Mark Josephson	All

*Simco Sales Service of PA, Inc., T/A Jack & Jill Ice Cream will be issued a license pending the monitoring of their Virginia sales since their supplier Turkey Hill Dairy is not presently licensed.

Issue:

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
209.001.2	SD	GFA Brands, Inc. T/A Smart Balance 115 W. Century Road Suite 260 Paramus, NJ 07652 (Under: Cumberland Dairy, Incorporated)	Ms. Elizabeth Westlake	All

Cancel:

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
225.005.2	SD	Campass Group Inc. T/A Canteen Correctional 1601 Old Bonair Road Bon Air, VA 24543	Mr. Samuel J. Minotti	All

Cancel:

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
225.001.2	SD	Sysco Food Services of Hampton 7000 Harbor View Blvd Suffolk, VA 23435 (Under Land-O-Sun, Portsmouth, VA)	Todd Kramer	All

Re-issue:

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
231.005.2	SD	Sysco Food Services of Hampton 7000 Harbor View Blvd Suffolk, VA 2343 (Under: Milkco Incorporated)	Todd Kramer	All

Cancel:

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
225.004.2	SD	Dan Valley Foods 540 Mohawk Avenue Roanoke, VA 24013 (Under: Land-O-Sun, Portsmouth, VA)	Gene Linkous	All

Re-issue:

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
210.003.2	SD	Dan Valley Foods 540 Mohawk Avenue Roanoke, VA 24013 (Under: Dairy Fresh LLC)	Gene Linkous	All

Cancel:

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
259.003.3	NPGD	Brown FoodService Inc. P.O. Box 690 Louisa, KY 41230 (Under: Superior Dairy, Inc., Canton, OH)	Wayne L. Brown	All

Re-issue:

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
203.002.3	NPGD	Brown FoodService Inc. P.O. Box 690 Louisa, KY 41230 (Under: Broughton Foods Co., Marietta, OH)	Wayne L. Brown	All

<u>Amend:</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Contact</u>	<u>Markets</u>
293.000.1	PGD	From: Formost Farms USA	Thomas G. LeMense	All

T/A Morning Glory Dairy
3399 South Ridge Road
P.O. Box
DePere, WI 54115

To: Dean Foods of Thomas G. LeMense All
Wisconsin, LLC
4410 Crossings Blvd.
DePere, WI 54115

<u>Amend:</u>	<u>Type of License</u>	<u>From:</u>	<u>Contact</u>	<u>Markets</u>
209.001.3	SD	Golden State Foods Corp 8416 Triad Drive P.O. Box 35447 Greensboro, NC	Robert E. Woods	All
		To: Quality Custom Distribution a Golden State Foods Company 1391 Progress Road Suffolk, VA 23434	Robert E. Woods	All

The Commission reviewed an analysis of presumed cost delivery percentages. Upon motion by Mr. Smith; 2nd by Ms. Stanley the Commission approved to maintain the Presumed Cost Delivery percentages at the 09 level for January 1, 2010 (See pages

The Commission discussed Regulation 2VAC15-20-90 B4 (3.2-3204) the public was given an opportunity to voice their concerns. No concerns were voiced. Upon motion by Mr. Smith; 2nd by Ms. Stanley the Commission approved the change to 2VAC 15-20-90 B4 (3.2-3204). (See pages

The next Commission meeting will be held at the Virginia Department of Agriculture and Consumer Services, Oliver Hill Building, 102 Governor Street Richmond, Virginia in room 220, February 17, 2009, starting at 10:00 a.m.

Chairperson

Administrator