

Commission Meeting Held December 17, 2008

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: Judy Barnard, Commissioner; John Cutler, Commissioner; Susan Stanley, Commissioner; Yolanda Macklin Crewe, Commissioner; Carol Jones, Commissioner; Fred Calvert, Commissioner; Edward Titmus, Chairperson; Rodney L. Phillips, Administrator; Shella Tillery, Administrative Assistant; Dirk Holcomb, Dairy Accountant; Michael Myatt, Cooperative Milk Producers Association; and Allen O'Hara, Maryland & VA M.P.A.

Edward Titmus called the meeting to order at 10:00 a.m.

Edward Titmus asked if there were additions or corrections to the previously distributed September minutes. The minutes were accepted as written.

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 granting, canceling &/or issuing of licenses as indicated below. Fred Calvert made a motion to accept all the following changes, seconded by John Cutler effective January 1, 2009. Motion carried.

Issue:

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Company Rep.</u>	<u>Markets</u>
325.000.1	PGD	Dean Foods t/a Garelick Farms 1199 West Central Street Franklin, MA 02038	Steve Tedesco	All

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Company Rep.</u>	<u>Markets</u>
239.001.3	NPGD	Sysco Food Services of Knoxville, LLC. 900 Tennessee Avenue Knoxville, TN 37921	Greg Moats	All

<u>Cancel</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Company Rep.</u>	<u>Markets</u>
238.001.2	SD	B. Green & Co., Inc 1300 S. Monroe Street Baltimore, MD 21230	Eelyn Sauter	All

Amend:
From:

<u>Amend</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Company Rep.</u>	<u>Markets</u>
230.000.1	PGD	Mayfield Dairy Farms Inc P.O. Box 310 Athens, TN 37371-0310	Mark Cox	All

To:
Amend **Type of License** **Distributor** **Company Rep.** **Markets**
230.000.1 PGD Mayfield Dairy Farms LLC Mark Cox All
P.O. Box 310
Athens, TN 37371-0310

Amend:
From:

Amend **Type of License** **Distributor** **Company Rep.** **Markets**
229.002.2 SD Supreme Foods Inc Vickie Ciokiewicz All
P.O. Box 2859
La Crosse, WI 54602-2859

To:
Amend **Type of License** **Distributor** **Company Rep.** **Markets**
229.002.2 SD Reinhart Food Vickie Ciokiewicz All
Service L.L.C.
dba Supreme Foods
1201 Progress Road
Suffolk, VA 23434
(Mailing add: P.O. Box 2859
La Crosse, WI 54602-2859)

The Commission considered 2 Vac 15-20-100 3 G (2) requirement to review the percentages for delivery cost each December. Having heard the analysis by staff and upon a motion by John Cutler and seconded by Carol Jones the following changes were unanimously approved.

	Prior	Effective/2009
More than 99 cases per delivery-Platform cost x	1.1007 (10.07%)	1.0987 (9.87%)
From 14 to 99 cases per delivery-Platform cost x	1.1864 (18.64%)	1.1826 (18.26%)
Less than 14 cases per delivery-Platform cost x	1.3727 (37.27%)	1.3651 (36.51%)

The Commission considered changes to 2VAC 15 -20- 90, 110, 120 as a result of the recodification of 3.1 to 3.2. References to 3.1 were in the regulations 90, 110 and 120 and the changes were to reference the current code citation. On a motion by Fred Calvert and seconded by Yolinda Macklin Crewe approved to adopt the changes and instruct the Administrator to complete the appropriate filings.

The Administrator:

Read and considered a base transfer request under the date of September 25, 2008 and approved the transfer as follows, effective September 16, 2008.

1. Cancel the following license and base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
William R. & Karen H. Webb t/a Serenity Farm 7889 Callaway Road Callaway, VA 24067 (Farm: 7447 Callaway Road)	30,000	27,900	Cooperative MPA

License No. 5011

2. Increase the following base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Walter V. McClure, Sr. t/a Windswept Farm 29 Bucksrape Road Union Hall, VA 24176 (Farm: 265 Hillcrest Drive Rocky Mount, VA 24151) License No. 5128	30,000*	27,900*	Cooperative MPA

*Base is consigned to Cooperative Milk Producers Association.

Read and considered a letter from Ms. Ritu Jeffers, Statistical Assistant, Maryland & Virginia Milk Producers under the date of September 19, 2008 and approved the transfer as follows, effective September 1, 2008.

1. Amend the following license:

FROM:

Glen R. Henry

Tracey L Henry

Rural Delivery 2 Box 1325

Port Royal, PA 17082

License No. 4663

TO:

Glen R. Henry

8682 Groninger Valley Rd

Port Royal, PA 17082

License No. 4663

Read and considered letter from Ms. Ritu Jeffers, Statistical Assistant, Maryland & Virginia Milk Producers under date September 19, 2008. Below is the approved change effective September 01, 2008.

1. Cancel the following license:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Delores E. Mellott & Mark V. Mellott Kevin L. Mellott 9911 Hippity Hop Lane Williamsport, MD 21795-9631 License No. 2150	10,313	9,591	Maryland and Virginia MPA

2. Issue the following license with consigned base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
David Z. King Martha Z. King 6524 Nittany Valley Drive Mill Hall, PA 17751 License No. 5129	10,313	9,591	Maryland and Virginia MPA

Read and considered a letter from Ms. Ritu Jeffers, Statistical Assistant, Maryland & Virginia Milk Producers under date of September 30, 2008. Below are the approved changes effective September 1, 2008.

1. Cancel the following license:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Wilmer L. Ocker Dianne E. Ocker 1020 Baltimore Road Shippensburg, PA 17257 License No. 4329	36,687	34,119	Maryland and Virginia MPA

2. Issue the following license with consigned base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Samuel G. Miller 43 Little Beaver Road Strasburg, PA 17579 License No. 5130	36,687	34,119	Maryland and Virginia MPA

Read and considered a letter from Michael B. Todd, from Dairy Farmers of America under the date of October 7, 2008 and approved the transfer as follows, effective October 1, 2008.

1. Cancel the following license:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Farren Dakin Dairy Inc P.O. Box 7 Myakka City, FL 34251 License No. 4971	1,379,150	1,282,610	Dairy Farmers of America

2. Increase the following consigned bases:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Full Circle Dairy, LLC 1479 SE Winquepin Street Lee, FL 32059 License No. 4981	3,596,961	3,345,174	Dairy Farmers of America

Koopman Dairies Inc. 204 Lloyd Road Statesville, NC 28625 License No. 4883	1,453,437	1,351,696	Dairy Farmers of America
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3. Cancel the following license:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
J.C. or Jimmy L. Kidd 162 Kidd Farm Lane Ceres, VA 24318 License No. 2786	49,713	46,233	Dairy Farmers of America

4. Increase the following consigned base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
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Mayer Farms, 717,199
Inc., et al
968 Spearman Road
Newberry, SC 29108
License No. 3847

666,995

Dairy Farmers of America

Read and considered a letter from Ms. Ritu Jeffers, Statistical Assistant, Maryland & Virginia Milk Producers under date of October 20, 2008. Below are the approved changes effective October 1, 2008.

1. Cancel the following license:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
G. Edgar Hawker Jr. David E. Hawker 4722 Hawker Road Frederick, MD 21703-7465 License No. 4987	10,585	9,844	Maryland and Virginia MPA

2. Issue the following license with consigned base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Glen W. Cunningham 5092 Cunningham Road Huntington, PA 16652 License No. 5131	10,585	9,844	Maryland and Virginia MPA

Read and considered a letter from Ms. Ritu Jeffers, Statistical Assistant, Maryland & Virginia Milk Producers under date of October 29, 2008. Below are the approved changes effective October 1, 2008.

1. Cancel the following base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Glisan Farms Inc 12502 Old Annapolis Road Mount Airy, MD 21771-7818 License No. 2676	36,884	34,302	Maryland and Virginia MPA

2. Issue the following licenses with consigned base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Dale L. Sensenig Esther M. Sensenig 50 Lebo Rd. Carlisle, PA 17015 License No. 5134	20,000	18,600	Maryland and Virginia MPA

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Jacob S. King Mary F. King 318 Eden Road	16,884	15,702	Maryland and Virginia MPA

Quarryville, PA 17566
License No. 5135

Read and considered letters from Ms. Ritu Jeffers, Statistical Assistant, Maryland & Virginia Milk Producers of October 31, 2008 and approved the transfer as follows, effective October 1, 2008.

1. Cancel the following license and base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Donald L. Knotts Annette L. Knotts 674 Walnut Lane Hyndman, Pa 15545 License No. 3619	10,413	9,684	Maryland and Virginia MPA

2. Issue the following license with consigned base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Henry E. Fisher Salome S. Fisher 243 Pine Grove Road Nottingham, PA 19362 License No. 5132	10,413	9,684	Maryland and Virginia MPA

3. Cancel the following license and base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Glen W. Cunningham 5092 Cunningham Road Huntington, PA 16652 License No. 5131	10,585	9,844	Maryland and Virginia MPA

4. Issue the following license with consigned base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Ephraim S. Esh Annie L. Esh 790 Robert Fulton Hwy Quarryville, PA 17566 License No. 5133	10,585	9,844	Maryland and Virginia MPA

Read certain aggregate base transfers which resulted in the following base assignment, effective November 1, 2008. (See pages

Read certain aggregate base transfers which resulted in the following base assignment, effective December 1, 2008. (See pages

Read and considered a base transfer request under the date of December 1, 2008 and approved the transfer as follows, effective December 1, 2008.

1. Cancel the following license and base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Motley Dairy Inc. FM #2	122,207	113,653	Maryland & Virginia MPA

280 Grandview Farm Road
Chatham, VA 24531
(Farm Address 80 Grandview Farm Road
Chatham, VA 24531)
License No. 3999

2. Increase the following bases:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Ameva Farm, Inc. 11140 Mattoax Lane Amelia, VA 23002 License No. 382	280,809	261,152	Cooperative MPA

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Marvin & Lois Bowman Family L.P. T/a Red-Vale Dairy Farm 911 Red Valley Road Boones Mill, VA 24065 License No. 3585	150,210	139,695	Cooperative MPA

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Bobby L. Blankenship 800 Blankenship Road Rocky Mount, VA 24151 License No. 113	79,197	73,653	Cooperative MPA

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Basil & C. Dale Boitnott 2721 Taylor's Road Boones Mill, VA 24065 License No. 1659	235,972	219,454	Cooperative MPA

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Emery &/or Cheryl Bowman 501 Calico Rock Road Rocky Mount, VA 24151 License No. 4736	125,000	116,250	Cooperative MPA

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Robin & Anna T/a Echo Hill Dairy 144 Holstein Lane Fries, VA 24330 License No. 5055	30,000*	27,900*	Cooperative MPA

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Allen Layman 155 Montgomery Road Wirtz, VA 24184 License No. 3214	138,414	128,725	Cooperative MPA

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Walter V. McClure, Sr. t/a Windswept Farm 265 Hillcrest Drive Rocky Mount, VA 24151 (Farm Add: 29 Bucksrape Road, Union Hall, VA 24176) License No. 5128	44,988*	41,839*	Cooperative MPA

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Jerrold F. Rohrer 217 Cooks Creek Road Harrisonburg, VA 22802 License No. 4532	122,769*	114,175*	Cooperative MPA

3. Issue the following license and base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Byron R. Brooks T/a Byron R. Brooks Farm 975 Ayers Road Glade Hill, VA 24092 License No. 5136	10,000	9,300	Cooperative MPA

*Base is consigned to Cooperative Milk Producers Association.

Due to the above it was further ordered that an adjustment be made (see pages

Read and considered a letter from Michael B. Todd, from Dairy Farmers of America under the date of December 4, 2008 and approved the transfer as follows, effective December 1, 2008.

1. Cancel the following licenses:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Lynch's Dairy Inc. 3032 Buffalo Shoals Road Maiden, NC 28650 License No. 4882	89,030	82,798	Dairy Farmers of America, Inc.

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Cleveland K. Benedict T/A Ben Buck Farm HC 81 Box 75 Lewisburg, WV 24901 License No. 2507	114,687	106,659	Dairy Farmers of America, Inc.

2. Issue the following license with consigned base:

<u>Producer</u>	<u>9 Month Base</u>	<u>3 Month Base</u>	<u>Cooperative</u>
Koopman Dairies, Inc. #2	203,717	189,457	Dairy Farmers of America, Inc.

205 Lloyd Road
Statesville, NC 28625
License No. 5137

Read and considered a letter from Byron R. Brooks, t/a Byron R. Brooks Farm under date of December 10, 2008, received December 15, 2008 requesting that his Virginia Milk Commission base be consigned to Cooperative Milk Producers Association. It was therefore ordered that license No. 5136 issued to Byron R. Brooks, t/a Byron R. Brooks Farm, 975 Ayers Road, Glade Hill, VA be noted as a consigned member of Cooperative Milk Producers Association effective January 1, 2009.

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 on February 18, 2009 starting at 10:00 a.m.

Chairperson

Administrator