

### Commission Meeting Held August 17, 2005

Minutes of the meeting of the Commission held at the Department of Forestry Office Building Room 2054, Charlottesville, Virginia.

#### **THE COMMISSION:**

PRESENT: Kimberly Bridges, Commissioner; John Gillam, Commissioner; Yolanda Macklin, Commissioner; Edward Titmus, Commissioner; Edward C. Wilson, Jr., Deputy Administrator; Rodney L. Phillips, Administrator; Vanessa Jeffries, Administrative & Office Specialist III; Allen O'Hara, Maryland Virginia Milk Producers; Michael Myatt, Cooperative Milk Producers;

John Gillam called the meeting to order at 10:45 a.m.

The Administrator announced that the Governor has appointed two new Commissioners. He advised that Mr. John A. Culter had been appointed to replace Lorna T. Daniels as a Consumer member, and that Mr. Edward B. Titmus had been appointed to replace James Townsend as a producer member.

John Gillam asked for a motion to accept the minutes from the previous meeting Kimberly Bridges moved and Edward Titmus seconded the motion. The minutes were accepted as presented.

The Administrator provided information about the closure of Valley Rich Dairy, Roanoke, Virginia a licensed Processing General Distributor. The closure was effective August 6, 2005. He further informed the Commission that Superbrand Dairy, High Point, North Carolina (Subsidiary of Winn-Dixie Stores, Inc.) will cease operating sometime in the near future as a result of a restructuring of its parent company due to Chapter 11 bankruptcy. The plant is to be sold.

The Deputy Administrator gave a review of Class I sales summary and adjacent market prices. (see pages

The Deputy Administrator provided information to the Commission on the implementation of Regulation 2VAC15-20-81, §D.1 – 6 approved in the May 25, 2005 meeting in regard to the Winn-Dixie Stores, Inc. Chapter 11 Bankruptcy. He advised that funds were collected from licensed producers and/or their cooperative associations, in the amount of \$46,984.49, and a like amount was dispersed to Maryland & Virginia, MPA upon assignment of the debt to the Commission.

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. Edward Titmus made a motion to accept all the following changes, seconded by Kimberly Bridges, effective September 1, 2005. Motion carried. Mr. John Gillam processor member made and signed transactional disclosure statements under the provisions of the Conflict of Interest Act that he was a member of a business group affected by this action and could nevertheless participate fairly, objectively and in the public interest. A copy of this declaration is attached.

**Licenses Issue/Cancel/Re-issue:**

**Issue:**

<b><u>License No.</u></b>	<b><u>Type of License</u></b>	<b><u>Distributor</u></b>	<b><u>Company Rep.</u></b>	<b><u>Markets</u></b>
212.001.3	NPGD	B. K. Miller Co., Inc. 4501 B Auth Place Suitland, MD 20746	Nathan Miller	All
314.000.1	PGD	Coburg Dairy, LLC 5001 Lacross Road North Charleston, SC 29406	Michael Watson	All
305.002.3	NPGD	Preferred Meal Systems, Inc. 18 Railroad Avenue Andover, MA 01810-3570	M. Patrick Costello	All

**AMEND:**

<b><u>License No.</u></b>	<b><u>Type of License</u></b>	<b><u>Distributor</u></b>	<b><u>Company Rep.</u></b>	<b><u>Markets</u></b>
212.000.1	PGD	From: Farmland Dairies, Inc. 520 Main Avenue Wallington, New Jersey 07057	F. Martin	All
		To: Farmland Dairies, LLC 520 Main Avenue Wallington, New Jersey 07057	F. Martin	All
260.000.1	PGD	From: Sunnysdale Farms, Inc. 400 Stanley Avenue Brooklyn, NY 11207	F. Martin	All
		To: Farmland Dairies, LLC 400 Stanley Avenue Brooklyn, NY 11207	F. Martin	All
233.000.1	PGD	From: Parmalat White Knight Packaging Corp. 5252 Clay Avenue SW Grand Rapids, MI 49548	F. Martin	All
		To: Farmland Dairies, LLC 5252 Clay Avenue SW Grand Rapids, MI 49548		All
221.000.1	PGD	From: H.P. Hood Inc. P.O. Box 491 Oneida, NY 13421	Paul Nightingale	All
		To: H.P. Hood, LLC P.O. Box 491		

Oneida, NY 13421

307.000.1            PGD            From: Crowley Foods, LLC Paul Nightingale    All  
1801 Hempstead Rd  
Lancaster, PA 17604

To: H.P. Hood, LLC d/b/a  
Crowley Foods  
1801 Hempstead Rd  
Lancaster, PA 17604

237.000.1            PGD            From: Crowley Foods, LLC Paul Nightingale    All  
10975 Dutton Road  
Philadelphia, PA 19154

To: H.P. Hood, LLC  
d/b/a Crowley Foods  
10975 Dutton Road  
Philadelphia, PA 19154

218.000.1            PGD            From: Giant Food, Inc. David A. Larson    All  
6300 Sheriff Rd  
Landover, MD 20785

To: Giant of Maryland LLC  
6300 Sheriff Road  
Landover, MD 20785

**Cancel:**

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Company Rep.</u>	<u>Markets</u>
254.000.1	PGD	Horizon Organic P.O. Box 17577 Boulder, CO 80308-7577	Cynthia Masterman	All

**Cancel/Re-Issue:**

**Cancel:**

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Company Rep.</u>	<u>Markets</u>
254.001.2	SD	United Natural Foods Inc. P.O. Box 999 Dayville, CT 06241		All

**Re-Issue:**

<u>License No.</u>	<u>Type of License</u>	<u>Distributor</u>	<u>Company Rep.</u>	<u>Markets</u>
291.010.2	SD	United Natural Foods Inc. P.O. Box 999 Dayville, CT 06241 (Under Morningstar/Dean Foods Mount Crawford, VA)		All

The Administrator advised that progress on the Finance Building is slightly behind schedule and the projected timeline for relocation of Commission offices is mid to late September 2005.

The Administrator advised the Commission that the Freedom of Information Act and the Conflict of Interest Act had been amended by the 2005 General Assembly to be effective July 1, 2005. The amendments require that applicable staff and Commissioners must read and familiarize themselves with their provisions annually.

Mr. Phillips advised the Commission that the Code Commission had completed their review of the basic provisions of the Code of Virginia pertaining to the Commission legal authority. This review resulted in proposed amendments that revised and edited old obsolete language in the Commission's code provisions. This process did not permit substantive changes. He briefly reviewed some examples of changes that had been made and advised that in his opinion there were no substantive changes made. These amendments will be introduced as bills in the 2007 General Assembly.

The Next Commission Meeting will be held at Mines and Minerals at the Department of Forestry, Room 2063, Charlottesville, Virginia, on December 15, 2005 starting at 10:45 a. m.