

**Transcript of Proceedings - June 20, 2012**  
**Public Meeting**

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THE STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
BEFORE THE NEVADA STATE DAIRY COMMISSION

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TRANSCRIPT OF PROCEEDINGS  
PUBLIC MEETING  
AUDIO CONFERENCE

9:00 A.M., WEDNESDAY, JUNE 20, 2012

NEVADA STATE DAIRY COMMISSION  
KIETZKE PLAZA  
4600 KIETZKE LANE, A-107  
RENO, NEVADA

APPEARANCES:

COMMISSIONERS PRESENT:

CHRISTOPHER COOK, Chairman

ROBERT R. FLETCHER, Commissioner

TROY CROWTHER, Commissioner

LYNN HETTRICK, Executive Director

WARREN GOEDERT, Attorney

REPORTED BY:

SUZANNE KUES ROWE, CCR, RPR

Nevada CCR #127

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1                   WEDNESDAY, MAY 9, 2012, RENO, NEVADA, 9:00 A.M.

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3                   (This meeting is held concurrently in Reno and Las  
4 Vegas via telephonic conferencing.)

5                   CHAIRMAN COOK: Let us convene the June meeting of the  
6 Nevada State Dairy Commission.

7                   Mr. Hettrick, would you begin proceedings, please?

8                   MR. HETTRICK: Yes, sir.

9                   Mr. Chairman, this is the time and place set for a  
10 regularly scheduled meeting of the Nevada State Dairy Commission  
11 for the month of June, 2012.

12                   This meeting has been scheduled and noticed in  
13 compliance with the pertinent statutes, including the open  
14 meeting law.

15                   A copy of the agenda has been handed to the court  
16 reporter, with the request that it be a part of the official  
17 transcript of these proceedings.

18                   My name is Lynn Hettrick, executive director of the  
19 Nevada State Dairy Commission.

20                   Present today are Mr. Christopher Cook, chairman.

21                   Mr. Troy Crowther, member of the commission.

22                   Mr. Bob Fletcher, member of the commission.

23                   And certain members of the Dairy Commission staff.

24                   Those who present statements or evidence to the  
25 commission during this meeting are requested to first be

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1 acknowledged by the chairman and to identify themselves for the  
2 record.

3 CHAIRMAN COOK: Before we begin with the first agenda  
4 item, would everybody present in Las Vegas please announce  
5 themselves?

6 MR. HETTRICK: Did you guys hear that?

7 MR. WEST: Bill West.

8 MR. HETTRICK: All right. Go ahead; we can hear you.

9 COMMISSIONER CROWTHER: Okay. It's just the two of us  
10 right now.

11 MR. HETTRICK: We only heard Bill.

12 COMMISSIONER CROWTHER: Oh. Troy Crowther.

13 MR. HETTRICK: All right. Thank you, Troy.

14 CHAIRMAN COOK: Okay. Mr. Hettrick, would you please  
15 continue?

16 MR. HETTRICK: Yes, sir. Mr. Chairman, number one item  
17 on the meeting agenda is public comment and discussion.

18 Any members of the public who wish to make comments or  
19 discuss any of the items on the agenda are welcome to present at  
20 this time.

21 CHAIRMAN COOK: Anybody have any comments, or anybody  
22 in Vegas have any comments or public discussion?

23 COMMISSIONER CROWTHER: We have no public here.

24 CHAIRMAN COOK: Okay.

25 MR. HETTRICK: We'll move on.

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1           CHAIRMAN COOK: Proceed with number two, please.

2           MR. HETTRICK: Item number two for possible action,  
3 licensed applications, processing distributor and peddler  
4 distributor, the Dannon Company, White Plains, New York, Philippe  
5 Carodec, I'm guessing, VP Registry and Corporate Affairs.

6           The applicant seeks a license to distribute yogurt, ice  
7 cream, sherbert, novelties and frozen yogurt in the Northern and  
8 Southern Nevada Marketing Areas.

9           The applicant's prices and costs have been reviewed by  
10 members of the Dairy Commission staff, and are in compliance with  
11 the agency's laws and regulations. The applicant will be  
12 responsible for the assessments.

13           CHAIRMAN COOK: Okay. Is there anybody representing  
14 this applicant, present?

15           MR. HETTRICK: Nope.

16           CHAIRMAN COOK: Anything the staff can share on this  
17 application? Dannon has been available in this market for a long  
18 time. Are they just bypassing local people and doing it directly  
19 now?

20           MR. HETTRICK: Actually, they, their application said,  
21 I think what they're adding is their own line, so they're the one  
22 who would have provided it to the local purveyor, so I think  
23 they're just doing it correctly, and other than that, I think  
24 it's pretty straightforward. They're simply adding the  
25 materials, maybe, you know, the things they listed directly from

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1 their own distribution.

2 COMMISSIONER CROWTHER: In the past when somebody has  
3 added ice cream and yogurt and that, they have indicated the  
4 brand name on the license application. Is that required?

5 MR. HETTRICK: Yeah. It's not required. I'm looking  
6 at what their, the manufacturer in every single case is the  
7 Dannon Company, so they're manufacturing their own product, and  
8 it's a whole range of products.

9 I don't know whether this is all new or somewhat, or  
10 things are just added, but it's all the items we're all familiar  
11 with. Activia, Light and Fit, Danino, Dananimals, Oikas. It's  
12 all the things that they manufacture directly.

13 CHAIRMAN COOK: Are they setting up their own  
14 distribution operation then, so there are local distributors that  
15 would either be competing with them or dropping that product  
16 line?

17 MR. HETTRICK: From this I can't tell, you know,  
18 whether they're just bringing it into distribute it or listing  
19 new products added, for whatever reason, to go. You can't tell  
20 from this.

21 CHAIRMAN COOK: Okay.

22 All right. I have no further questions.

23 COMMISSIONER FLETCHER: No questions.

24 CHAIRMAN COOK: Troy, any questions?

25 COMMISSIONER CROWTHER: No.

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1           CHAIRMAN COOK:   Okay.   Hearing no questions, any  
2   questions or comments from members of the staff or the audience?

3           Seeing none, I will entertain a motion.

4           COMMISSIONER CROWTHER:   Okay.   I'll start it.   I'll  
5   make a motion to approve the license application by Dannon  
6   Company, White Plains, New York, to distribute yogurt, ice cream,  
7   sherbert, novelties and frozen yogurt in the Northern and  
8   Southern Nevada Marketing Areas.

9           COMMISSIONER FLETCHER:   Second.

10          CHAIRMAN COOK:   Having a motion and a second and no  
11   dissenting votes, the motion carries.   The license is granted.

12          MR. HETTRICK:   All right.   Mr. Chairman, next is a  
13   Peddler Distributor License Amendment Application by C & S  
14   Wholesale Grocers from Keene, New Hampshire, Valerie Leger, Food  
15   Safety Compliance Project Coordinator.

16                 The applicant requests to add the HP Hood label of  
17   fluid milk in the Northern and Southern Nevada Marketing Areas.  
18   Temporary approval was granted by the Executive Director on May  
19   30, 2012.

20                 The applicant's prices and costs have been reviewed by  
21   members of the Dairy Commission staff and are in compliance with  
22   the agency's laws and regulations.

23                 And the applicant will be responsible for the  
24   assessments.

25          CHAIRMAN COOK:   Is there anyone here representing this

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1 applicant?

2           None. Okay. Is there anything you can tell us about  
3 this application?

4           MR. HETTRICK: Basically what I gave is pretty  
5 straightforward. It's just an amendment to add the HP Hood label  
6 of milk. Why they're doing that, I don't know. Maybe it's, you  
7 know, it could be something to do with shipping more bulk and  
8 lowering freight costs. I have no idea.

9           CHAIRMAN COOK: Do we know if this is the Hood milk  
10 coming out of California or is this the Hood milk coming from  
11 back east?

12          MR. HETTRICK: I don't know.

13          CHAIRMAN COOK: Okay. Bob, any questions?

14          COMMISSIONER FLETCHER: No questions.

15          CHAIRMAN COOK: Troy, any questions?

16          COMMISSIONER CROWTHER: No.

17          CHAIRMAN COOK: Okay. Questions from any members of  
18 the audience or the staff? Seeing none, I will entertain a  
19 motion to approve.

20          COMMISSIONER FLETCHER: I move the commission approve  
21 the C & S Wholesale Grocers, Incorporated, Peddler Distributor  
22 License Amendment Application as submitted, and reviewed by the  
23 staff for compliance with the agency's laws and regulations.

24          CHAIRMAN COOK: Did you hear the motion?

25          COMMISSIONER CROWTHER: There's a lot of paper



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1 shuffling right by the microphone.

2 MR. HETTRICK: Sorry, Troy.

3 COMMISSIONER CROWTHER: I could hear it, not real  
4 clearly, but yeah, I heard it.

5 MR. HETTRICK: We need you to make a second.

6 CHAIRMAN COOK: And are you going to make a second?

7 COMMISSIONER CROWTHER: I'll go ahead and second that.

8 CHAIRMAN COOK: Thank you. Having a motion and a  
9 second and no dissenting votes, the application is granted.

10 Please continue, Mr. Hettrick.

11 MR. HETTRICK: All right. Next on the agenda is  
12 approval of the minutes for the May 9th, 2012 Dairy Commission  
13 meeting. There were no corrections, and so we just need a motion  
14 to approve the minutes. Mr. Chairman?

15 CHAIRMAN COOK: Troy, it's your turn.

16 COMMISSIONER CROWTHER: I move to approve the minutes  
17 of the Dairy Commission meeting with no changes.

18 COMMISSIONER FLETCHER: Second.

19 CHAIRMAN COOK: Having a motion and second, no  
20 dissenting votes, the approval of the minutes for the May 9th  
21 meeting is passed.

22 MR. HETTRICK: All right. Mr. Chairman, next on the  
23 agenda, item number five, staff report.

24 Our balance carry forward at the end of May was  
25 456,434.05, that's an increase of 39,105.74 from the end of

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1 April.

2 Our tax holiday letter was sent to licensees  
3 immediately after the May commission meeting, and we should see a  
4 reduction in the reserves in June and July.

5 We have two positions open at this time which have  
6 reduced our expenses, which we actually are budgeted for, so, of  
7 course, that adds to the reserve.

8 We anticipate filling those two positions soon, which  
9 will reduce the amount of revenue that currently is going to the  
10 reserve.

11 Milk price report is in your packet. The pricing was  
12 for Southern Nevada, is supposed to come out today, so it hasn't  
13 been included in this packet. But, you can see the trend is  
14 upward from Northern and I expect Southern to have gone up  
15 slightly as well.

16 Our recruitment to replace Jim Bently in Southern  
17 Nevada is under way and that will be the new, slightly raised  
18 position. I'm losing the word.

19 MS. EASLY: Auditor III.

20 CHAIRMAN COOK: Yeah. It's the auditor III position,  
21 which will be supervising that office. So, that's under way.

22 And James Wright of our staff down there took a  
23 position in another state agency. This has happened to us a  
24 couple three times. And it's very understandable, because what's  
25 happening is state government is obviously not giving pay raises,

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1 and so anybody who wants a pay raise within the system is always  
2 looking to find a position one higher, and they move, and it's  
3 kind of a stepping stone system now, because there are no pay  
4 raises and haven't been for several years.

5 So, it makes it, it's awkward for us, but it's the way  
6 it works, and there's nothing you can do about it.

7 We anticipate moving that auditor position into the  
8 Reno office.

9 As you can see, for instance on today's agenda, many of  
10 our licensees are out-of-state. It really doesn't matter whether  
11 we do the auditing from Reno or from Las Vegas, or where we do  
12 it. We think it makes more sense to have the position here, so I  
13 believe we are going to move that position here to the Reno  
14 office.

15 Our regulation changes were all approved without even a  
16 question at the May 30 legislative commission meeting. They have  
17 been filed with the Secretary of State, and they're in force at  
18 this time.

19 Francis and Al are here from DFA, and I was going to do  
20 a little report, but Francis corrected me a little bit. I  
21 understood they were going to start driving pilings, but he says  
22 they're just getting close to that, and they are coordinating the  
23 last of the construction efforts, and the construction should  
24 begin on the plant very soon.

25 MR. PACHECO: Very shortly.

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1           MR. HETTRICK: Yeah, from that. So, we are excited  
2 about that, and obviously looking forward to that.

3           CHAIRMAN COOK: Okay.

4           MR. HETTRICK: And that's all I have, Mr. Chairman.

5           CHAIRMAN COOK: Thank you. Press on with the next  
6 item.

7           MR. HETTRICK: All right. Next is the legal report.  
8 Mr. Goedert?

9           MR. GOEDERT: I can be a lot shorter than you were.  
10 There is nothing of a legal nature that's presently of  
11 concern. We're pretty much free of any kind of litigation and  
12 complaints or anything else.

13          CHAIRMAN COOK: Owing to the skills and good job that  
14 our Counsel is doing.

15          MR. HETTRICK: Exactly.

16          MR. GOEDERT: Well, if you hire a hit man, it's a lot  
17 easier.

18          CHAIRMAN COOK: Okay. Thank you, Mr. Goedert.

19          MR. HETTRICK: The next thing on the agenda is  
20 consideration of any other matters relating to the dairy  
21 industry.

22                 And Francis, I don't know if you have an interest in  
23 talking to us about something on the record at this time, or do  
24 you want to just wait?

25          MR. PACHECO: Sure. I'll make a few comments.

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1           CHAIRMAN COOK:   Okay.

2           MR. PACHECO:   Francis Pacheco, with Dairy Farmers of  
3 America.  And I just want to talk about the current marketing  
4 situation and economics that are being faced by the producers in  
5 the last three months.

6           The margins that the producers exist on has dwindled  
7 significantly.  And what we're seeing right now is, even in  
8 Fallon, a couple of the producers there have indicated that they  
9 are reviewing their operation to see if they may be exiting.

10          And even though with the opportunity of a new plant,  
11 the financial situation is burdensome and, you know, if you can't  
12 make the ends meet, you can't make ends meet.

13          So, that's one of the items that we're dealing with in  
14 DFA right now is the amount of membership stress that's out there  
15 in their portfolio of their operation.

16          And it comes into the timing aspect.  Right now a lot  
17 of the producers that have planted corn, they're spring crops, so  
18 they got bills coming in for the working of the ground, the  
19 fertilizer and the seed.

20          So, if your expenditures have gone up because of the  
21 seasonal effect of your operation, versus your milk price going  
22 down, the banks are not as lenient as they were in the past to go  
23 ahead and do an extension.

24          And we have had that conversation with a few of the  
25 producers, and that's the reality currently.

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1           Unfortunately, the situation globally one of the saving  
2   graces has been the global markets, and the global markets  
3   two-fold.

4           The countries that can produce milk out there have been  
5   producing more milk than normal, and the economic side of things  
6   is the economics are getting softer. So you have more milk in a  
7   populous that is consuming less product, a fraction of a less  
8   product, but we are out of whack on those two sides.

9           So, the saving grace is no longer as strong as it was  
10   before. Not to say that it won't come back, but under today's  
11   situation, that's where the producers are looking to see what is  
12   our scenario, what is our turn around time.

13           And there isn't much to be said about that, because we  
14   don't see a strong economic force coming to change the situation.

15           CHAIRMAN COOK: What do you see happening with the feed  
16   costs?

17           MR. PACHECO: You know, it's strange. People are  
18   saying corn is going to go down. But just yesterday, corn went  
19   back up. And there's, you know, it's too soon to be --  
20   everything is driven off of the corn market, pretty much.

21           Alfalfa hay is unbelievable. You know, so there is no  
22   cheap replacement any longer, so to answer your question about  
23   feed costs, that's the biggest problem right now.

24           CHAIRMAN COOK: That's where the margin squeeze is  
25   coming?

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1           MR. PACHECO: Yeah. But it's unfair to say that that's  
2 a problem, because they deserve an equitable living as well.

3           The hay person, the corn, you know, people raising  
4 grains. The issue is that how does the dairy producer live in  
5 this pricing system equitably, and right now it is feed costs.  
6 It is feed costs. That's the big issue. But we sure don't want  
7 to say to lower the feed costs, because that's going to harm  
8 somebody else.

9           CHAIRMAN COOK: Given the drought that we have had in  
10 the west, I know production is going to be down for Nevada  
11 significantly.

12           MR. PACHECO: It will be.

13           MR. HETTRICK: Hmm. Okay.

14           MR. PACHECO: That ends my comments. I'll take any  
15 questions.

16           CHAIRMAN COOK: Troy, any questions for Francis?

17           COMMISSIONER CROWTHER: No, no. Not right now, no.

18           CHAIRMAN COOK: All right. Thank you, Francis.

19           MR. HETTRICK: All right. The last thing on the agenda  
20 we have here is public comment, again, and discussion.

21           If we have anything on that? And I have one comment  
22 that I want to make, and that is today is technically Bob's last  
23 meeting in terms of his, of his tenure here as a commissioner for  
24 the Nevada Dairy Commission, and we frankly don't know what's  
25 going to happen, whether the Governor's office is appointing

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1 somebody, or when they will appoint, if they have anybody. We  
2 don't know.

3 So, Bob may be back because the law says that if we  
4 don't have an appointment, he may get to come back, but it also  
5 may be that if we get an appointment, he won't be back.

6 So, I just wanted to make some comments about Bob's  
7 tenure on this commission, and the effort he's put in to helping  
8 this commission grow and change. There's been a lot of change in  
9 the last two years, and Bob's been an integral part of that, and  
10 I just think it's important that we recognize that, and thank him  
11 for all the work and time and interest in Nevada dairy, and  
12 agriculture in general.

13 CHAIRMAN COOK: And I will echo that. It's been an  
14 interesting three years, hasn't it?

15 MR. HETTRICK: I think it's been more than three.

16 COMMISSIONER FLETCHER: Three years. Well, thank you.

17 CHAIRMAN COOK: We didn't want you to leave without  
18 some memento of your servitude.

19 COMMISSIONER FLETCHER: I appreciate that.

20 CHAIRMAN COOK: Service. I'm sorry.

21 COMMISSIONER FLETCHER: I think servitude is  
22 appropriate.

23 CHAIRMAN COOK: We appreciate, and the citizens of the  
24 state of Nevada probably unknowingly appreciate it as well.

25 COMMISSIONER FLETCHER: Well, thank you.



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1           MR. HETTRICK: They have benefitted from your expertise  
2 and willingness.

3           COMMISSIONER CROWTHER: Echo that down here. I think  
4 we all do.

5           I do have a question. Now, you know, when something  
6 similar to this happened with Chris and I a couple of years ago,  
7 they had us reapply, and we, anyway, obviously we ended up coming  
8 back on. Is that something, I mean, are you hoping to get back  
9 on, or just not sure what they're going to do?

10          COMMISSIONER FLETCHER: No, I think my personal  
11 situation indicates that I wouldn't want to serve another term,  
12 Troy.

13          COMMISSIONER CROWTHER: Okay. All right. Well, I  
14 appreciate it down here, you taught me a lot.

15          COMMISSIONER FLETCHER: Thank you.

16          MR. HETTRICK: So, we do appreciate and certainly we  
17 don't want you to be a stranger. And if you do end up coming  
18 back because they don't appoint, we will be happy to have you,  
19 and happy to see your smiling face at any of these meetings.

20          CHAIRMAN COOK: And we don't take the plaque back.

21          COMMISSIONER FLETCHER: Change the date.

22          CHAIRMAN COOK: It's yours. We'll just white it out.

23          COMMISSIONER CROWTHER: Something, and we talked about  
24 this three years ago, I think, about the way the statute is  
25 written to where we have to have an ag economist on the

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1 commission, and there was some discussion at that time about the  
2 fact that ag economists are getting fewer and far between, and  
3 about the idea of checking into amending that.

4 MR. HETTRICK: And if you recall, Troy, you are  
5 absolutely right. We have the bill that we put in in the last  
6 session changed that to someone with agricultural background,  
7 because we felt exactly what you expressed, and we have  
8 resubmitted that bill.

9 That's one part of the bill, but we have resubmitted  
10 that bill for consideration at the upcoming legislative session.

11 COMMISSIONER CROWTHER: Okay.

12 CHAIRMAN COOK: Okay. Any other comments from anybody?  
13 Francis?

14 MR. PACHECO: I want go ahead and acknowledge the  
15 efforts of your staff in working with DFA.

16 One of the reasons that Al Trace and myself are here  
17 today is we are going to be meeting with Anna.

18 One of the big aspects of exports, especially with  
19 dairy products, is the spore count in the product. And this is a  
20 new dynamic for the dairy industry domestically.

21 So, Anna is going to be assisting us, through the  
22 commission, and we are here to kind of get some details down, to  
23 get some speakers that are experts in this field, so that we can  
24 train our member base up here to ensure that we get low spore  
25 counts, enabling us to be a premier exporter on the international

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1 market.

2           So, I want to acknowledge the efforts that Anna has  
3 been putting forth, and will be putting forth to work with us,  
4 and I also want to acknowledge the efforts of your Executive  
5 Director, Lynn. We're here to discuss with him the efforts of  
6 bringing in more new members and new producers into the state and  
7 see where we are and where we can improve upon that.

8           So, I want to acknowledge your staff for the good job  
9 that they're doing in working with the Dairy Farmers of America.

10           CHAIRMAN COOK: Thank you. We agree with you, they're  
11 pretty good.

12           MR. PACHECO: Thank you.

13           CHAIRMAN COOK: Anything else? Anybody?

14           COMMISSIONER CROWTHER: Yeah. Dave is here, he'd like  
15 to address us.

16           CHAIRMAN COOK: Dave Coon.

17           MR. COON: Dave Coon, Anderson Dairy.

18           Yes, Mr. Chairman, I would just like to add to the  
19 sentiments concerning Commissioner Fletcher. We have appreciated  
20 working with him, and certainly appreciate all that he has done  
21 for the commission and for the industry.

22           So, Bob, thank you.

23           COMMISSIONER FLETCHER: Thank you, Dave.

24           CHAIRMAN COOK: Okay. Thanks, Dave. Anything else?

25           MR. HETTRICK: No. I have nothing.

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1           CHAIRMAN COOK: Okay. If there is nothing else to be  
2 brought before the commission, we will adjourn the June meeting  
3 of this organization.

4           (Whereupon proceedings concluded at 9:25 a.m.)

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BOARD SIGNATURE PAGE

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CHRISTOPHER COOK, CHAIRMAN

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BOB FLETCHER, MEMBER

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TROY CROWTHER, MEMBER

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1 STATE OF NEVADA )  
 ) Ss.

2 COUNTY OF DOUGLAS )

3

4 I, SUZANNE KUES ROWE, Certified Court Reporter,  
5 licensed in the State of Nevada, License #127, and a Notary  
6 Public in and for the State of Nevada, County of Douglas, do  
7 hereby certify that the foregoing proceeding was reported by me  
8 and was thereafter transcribed under my direction into  
9 typewriting; that the foregoing is a full, complete and true  
10 record of said proceedings.

11 I further certify that I am not of counsel or attorney  
12 for either or any of the parties in the foregoing proceeding and  
13 caption named, or in any way interested in the outcome of the  
14 cause named in said caption.

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18 Date: June 21, 2012

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SUZANNE KUES ROWE, CCR #127

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