

THE STATE OF NEVADA  
DEPARTMENT OF AGRICULTURE  
DAIRY COMMISSION

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PUBLIC MEETING

Wednesday, July 7, 2013

405 South 21st Street  
Sparks, Nevada

Reported by: Lesley A. Clarkson, CCR #182

JOB NO. 185709

A\_P\_P\_E\_A\_R\_A\_N\_C\_E\_S

COMMISSION MEMBERS PRESENT  
Sparks

CHRISTOPHER COOK, CHAIRMAN  
JOHN COLLIER

Las Vegas - By videoconference

TROY G. CROWTHER

OPERATIONS MANAGER

TOM ORZECH

COMMISSION COUNSEL

WARREN W. GOEDERT, ESQ.

COMMISSION SECRETARY

KATHY EASLY

I\_N\_D\_E\_X

AGENDA ITEM NO.:	PAGE:
1 .....	5
2a .....	5
2b .....	7
3 .....	9
4 .....	10
5 .....	14
6 .....	14
7 .....	17

1 SPARKS, NEVADA, WEDNESDAY, JULY 17, 2013, 9:02 A.M.

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4 CHAIRMAN COOK: Let us convene this July meeting  
5 of the Nevada State Dairy Commission.

6 Mr. Orzech, would you do the formalities, please.

7 MR. ORZECH: Thank you, Mr. Chairman.

8 This is the time and place set for a regularly  
9 scheduled meeting of the Nevada State Dairy Commission for  
10 the month of July 2013. This meeting has been scheduled and  
11 noticed in compliance with the pertinent statutes, including  
12 the open meeting law. A copy of the agenda has been handed  
13 to the court reporter with the request that it be part of  
14 the official transcript of these proceedings.

15 My name is Tom Orzech. I'm the operations manager  
16 for the Nevada State Dairy Commission. Present today are  
17 Mr. Christopher Cook, chairman, Mr. Troy G. Crowther, member  
18 of the commission, Mr. John Collier, member of the  
19 commission, Mr. Warren W. Goedert, counsel for the Nevada  
20 State Dairy Commission, and certain members of the Dairy  
21 Commission staff.

22 Those who present statements or evidence to the  
23 commission during this meeting are requested to first be  
24 acknowledged by the chairman and to identify themselves for  
25 the record.

1 CHAIRMAN COOK: Would you proceed to the first  
2 agenda item, please.

3 AGENDA ITEM NO. 1

4 Public comment and discussion.

5 MR. ORZECH: The first agenda item is for public  
6 comment and discussion.

7 CHAIRMAN COOK: Do we have any members of the  
8 public that would like to make a comment or bring anything  
9 to the table for discussion?

10 Seeing none -- by the way, Troy, how are you?

11 COMMISSIONER CROWTHER: Good. How are you doing?

12 CHAIRMAN COOK: Sorry. I just realized you were  
13 sitting there.

14 Okay. Seeing nothing, let's move to No. 2,  
15 please.

16 AGENDA ITEM NO. 2

17 License Amendment Application:

18 Peddler Distributor License

19 a. Tony's Fine Foods

20 MR. ORZECH: Agenda Item No. 2 for possible action  
21 is a license amendment application. It's a peddler  
22 distributor amendment for Tony's Fine Foods, 3575 Reed  
23 Avenue, Sacramento, California, 95605. Amanda Kostick,  
24 staff accountant.

25 The applicant seeks a license amendment to add

1 frozen yogurt and mixes in the northern and southern Nevada  
2 areas. The applicant's prices and costs have been reviewed  
3 by members of the Dairy Commission staff and are in  
4 compliance with this agency's laws and regulations. The  
5 applicant will be responsible for assessments.

6 CHAIRMAN COOK: Do we have anybody here  
7 representing this applicant?

8 Anybody in Vegas representing this applicant?

9 COMMISSIONER CROWTHER: I don't think so.

10 CHAIRMAN COOK: Anything about this application  
11 that staff would like to add?

12 MR. ORZECH: No, sir, just a simple amendment.

13 CHAIRMAN COOK: Just a simple amendment.

14 No further questions? John, questions?

15 COMMISSIONER COLLIER: None.

16 CHAIRMAN COOK: Troy, any questions?

17 COMMISSIONER CROWTHER: No.

18 CHAIRMAN COOK: No further questions. Any  
19 questions from staff or our audience? Comments? None.

20 Well, then, I will entertain a motion.

21 COMMISSIONER COLLIER: Mr. Chairman, I make a  
22 motion that we accept the peddler's distribution license for  
23 Tony's Fine Foods located in, or headquartered in  
24 Sacramento, California. This applicant seeks a license  
25 amendment to add frozen yogurt and mixes in the northern and

1 southern Nevada marketing areas.

2 COMMISSIONER CROWTHER: Second.

3 CHAIRMAN COOK: Having a motion and a second and  
4 no dissenting votes, the motion carries. The amendment to  
5 the license is granted.

6 b. Shetakis Wholesalers, Inc.

7 MR. ORZECH: Item number 2b is a peddler  
8 distributor license amendment application for Shetakis  
9 Wholesalers, 3400 Western Avenue, Las Vegas, Nevada, 89109.  
10 Gino Gugino, manager.

11 The applicant seeks a license amendment to add ice  
12 cream, sherbet, frozen yogurt, and mixes in the southern  
13 Nevada marketing area. The applicant's prices and costs  
14 have been reviewed by members of the Dairy Commission staff  
15 and are in compliance with this agency's laws and  
16 regulations. The applicant will be responsible for the  
17 assessments.

18 CHAIRMAN COOK: Do we have anybody representing  
19 this applicant present?

20 Seeing none, anything the staff would like to add  
21 to this?

22 MR. ORZECH: This one is another, it's another,  
23 again, it's a simple amendment. This was found during an  
24 audit, and it's being corrected to bring their license into  
25 compliance.

1 CHAIRMAN COOK: Is there past assessments that are  
2 being collected?

3 MR. ORZECH: They are being paid. They have been  
4 paid.

5 CHAIRMAN COOK: Okay. I have no further  
6 questions.

7 John.

8 COMMISSIONER COLLIER: I have none.

9 CHAIRMAN COOK: Troy, any questions?

10 COMMISSIONER CROWTHER: Yeah. I have a comment.  
11 Just for disclosure purposes, Warren, I don't know if this,  
12 maybe you can let me know if this matters. Our firm audits  
13 Shetakis as part of their financial statement audit  
14 annually. I just want to throw that out there as a  
15 disclosure.

16 Do I need to abstain, or am I okay just disclosing  
17 that?

18 MR. GOEDERT: I think it's appropriate that you  
19 disclosed it, but I don't see it as any kind of a problem.

20 COMMISSIONER CROWTHER: Okay. I have no other  
21 questions or issues with this.

22 CHAIRMAN COOK: Are there any other thoughts or  
23 comments from staff or members of the audience?

24 Seeing none, I'll entertain a motion.

25 COMMISSIONER CROWTHER: Mr. Chairman, I'll make a

1 motion to approve the peddler distributor license  
2 application amendment by Shetakis Wholesalers, Inc., Las  
3 Vegas, Nevada, to add ice cream, sherbet, frozen yogurt, and  
4 mixes in the southern Nevada marketing area.

5 COMMISSIONER COLLIER: Mr. Chairman, I'll second  
6 that motion.

7 CHAIRMAN COOK: Having a motion and a second and  
8 no dissenting votes, the motion carries and the application  
9 amendment is granted.

10 Proceed to the next item, please.

11 AGENDA ITEM NO. 3

12 Approval of the minutes for the  
13 June 19, 2013, Dairy Commission Meeting.

14 MR. ORZECH: Item No. 3 for possible action is  
15 approval of the minutes for the June 19, 2013, Dairy  
16 Commission meeting. And you have in your packets a copy of  
17 the changes for approval.

18 CHAIRMAN COOK: Staff caught no other errors or  
19 changes other than those noted?

20 MR. ORZECH: Just as noted.

21 CHAIRMAN COOK: Okay. I'll entertain a motion on  
22 the acceptance the minutes.

23 COMMISSIONER COLLIER: Mr. Chairman, I move we  
24 accept the minutes of our meeting on June 19, 2013.

25 CHAIRMAN COOK: With the noted corrections.

1 COMMISSIONER COLLIER: With the noted corrections.  
2 I'm sorry.

3 COMMISSIONER CROWTHER: Second.

4 CHAIRMAN COOK: Having a motion and a second and  
5 no dissenting votes, the motion carries and the minutes are  
6 adopted.

7 AGENDA ITEM NO. 4

8 Staff report presented by  
9 Tom Orzech, Operations Manager.

10 MR. ORZECH: Item No. 4 on the agenda is a staff  
11 report, a Dairy Commission report for July 2013. It's very  
12 short.

13 As you are aware, we have completed our move to  
14 the department of agriculture offices in Sparks, and a copy  
15 of the new phone and contact information and a copy of the  
16 new organizational charts for the food and nutritional  
17 division is included in your commissioners packets. The  
18 latest estimate on the physical move for the Las Vegas  
19 office is now scheduled for late this year.

20 We are continuing work on renewing Warren's  
21 contract, and we expect to have it in place by September.

22 Our current agency reserve is \$437,430.

23 And that concludes the report.

24 SECRETARY EASLY: I'd like to add something to  
25 that. The list of phone numbers for our three ladies in the

1 south are incorrect on that sheet. We are in the process of  
2 finding out, they haven't switched those numbers over. So  
3 we will either need to get them switched over, or we will  
4 need to correct the sheet.

5 MS. BARTON: Probably correct the sheet.

6 SECRETARY EASLY: Okay. And then we will resend  
7 you the list.

8 CHAIRMAN COOK: The numbers below people's names  
9 refer to what?

10 MR. ORZECH: The first number would be the,  
11 actually the agency number. And then the second number is  
12 actually the position number of the agency.

13 CHAIRMAN COOK: So it's nothing to do with phone  
14 numbers or anything.

15 MR. ORZECH: No, not at all.

16 CHAIRMAN COOK: And the email addresses have  
17 changed as well?

18 MR. ORZECH: Yes, they have.

19 SECRETARY EASLY: The first part remains the same.  
20 Like mine is keasly still, but instead of at  
21 dairy.state.nv.us, it's now agri@nv.gov.

22 MR. ORZECH: I can get you a full list of those.  
23 We can put those on one sheet. We will put that together.

24 SECRETARY EASLY: Okay.

25 CHAIRMAN COOK: Do we have anything on the

1 pricing? What's been happening?

2 MR. ORZECH: Oh, the pricing sheets.

3 SECRETARY EASLY: Oh, I forgot to pull that.

4 MR. ORZECH: Yes. Yes. That was missing from the  
5 report.

6 SECRETARY EASLY: Do you want to like make a pause  
7 and I can go and try and find it?

8 CHAIRMAN COOK: No, I don't think it's that  
9 important. I'm just curious what the trends are and --

10 MR. ORZECH: It's pretty stable right now.

11 CHAIRMAN COOK: -- margins.

12 MR. ORZECH: We are getting, I just checked it  
13 this morning again on the California prices. It's, I think  
14 it was only a few cents off from last month.

15 One of the bigger problems in California right now  
16 is they are having problems with people stealing dairy  
17 calves. You saw that.

18 CHAIRMAN COOK: I saw that.

19 COMMISSIONER COLLIER: Really.

20 MR. ORZECH: Yes. They got hit pretty hard. 26  
21 of them they stole.

22 CHAIRMAN COOK: Wow.

23 COMMISSIONER COLLIER: What area of California?

24 MR. ORZECH: In Stanislaus County. So we are  
25 just, I mentioned it to Lisa, when she goes out, I mean I

1 have no doubt that our dairymen have heard about it.  
2 Because they figure, originally they thought they were  
3 stealing them for veal purposes, but then they are saying  
4 no, that they were, they are Jersey cows, they are stealing  
5 them for, they are going to sell them. So that was the  
6 biggest thing.

7 COMMISSIONER COLLIER: The submarket there.

8 CHAIRMAN COOK: The article I read said that they  
9 were a little surprised that they were able, the thieves  
10 were able to pull this off, because the calves are fairly  
11 young, within a matter of a couple of days old.

12 COMMISSIONER COLLIER: That's the best time to get  
13 them if you are going to get them.

14 CHAIRMAN COOK: And they are kept in pens that  
15 weigh 300 pounds. So these people are lifting them over  
16 fences, calf and pen together, at 300 pounds apiece.

17 MR. GOEDERT: I can't imagine the guy that lifts  
18 them over the fence. That's a guy I don't want to meet.

19 COMMISSIONER COLLIER: It would probably take two  
20 guys. Two guys and a great lady.

21 CHAIRMAN COOK: Okay. Well, we will worry about  
22 pricing next month. Just as long as the trends are  
23 relatively stable.

24 COMMISSIONER CROWTHER: Tom, on the pricing, the  
25 pricing is on the internet on the website, isn't it?

1 MR. ORZECH: Yes, it is. It is.

2 COMMISSIONER CROWTHER: All right.

3 CHAIRMAN COOK: Okay. Press on.

4 AGENDA ITEM NO. 5

5 Legal report presented by Warren Goedert, Esq.,  
6 legal counsel for the Dairy Commission.

7 MR. ORZECH: Next item is Item No. 5, which is a  
8 legal report presented by Warren Goedert, Esq., legal  
9 counsel for the Dairy Commission.

10 MR. GOEDERT: Well, I don't have really anything  
11 to report of substance. There aren't any lawsuits pending.  
12 They are doing okay. And we are making the transition. So  
13 that seems to be going along pretty smoothly actually.

14 CHAIRMAN COOK: Another month goes by with you at  
15 the barricades keeping us safe.

16 MR. GOEDERT: I keep a loaded gun. Just have to  
17 know that.

18 CHAIRMAN COOK: Appreciate your good efforts.

19 AGENDA ITEM NO. 6

20 Consideration of any other matters  
21 relating to the dairy industry.

22 MR. ORZECH: Agenda Item No. 6 is consideration of  
23 any other matters related to the dairy industry.

24 CHAIRMAN COOK: Anybody have anything they want to  
25 throw out on the table? Or throw up on the table?

1           COMMISSIONER CROWTHER: Could we get a date on the  
2 powder plant in Fallon? Is there any news?

3           MR. ORZECH: The latest news is still looking at  
4 the end of November. Like, you know, the original forecast  
5 was actually they were already going to be taking milk by  
6 July, this month, but now it's November. It's the end of  
7 November.

8           COMMISSIONER CROWTHER: We had talked about  
9 scheduling some kind of a tour or a visit to that plant out  
10 there. What, is there a month that might be good to go,  
11 before or after they open, or --

12          MR. ORZECH: I'll check. I'll have Vanna check  
13 into that to see what would work.

14          COMMISSIONER CROWTHER: If September would work  
15 for them, that would work well for me as well. That might  
16 be a little early for them.

17          CHAIRMAN COOK: Troy, you probably don't want to  
18 come up here in January when it's open, just like we don't  
19 want to come down there in August.

20          COMMISSIONER CROWTHER: September, we are still  
21 pushing triple digits in September, so that works, too, for  
22 me.

23          SECRETARY EASLY: No, I think he should come up  
24 here in the snow, I really do.

25          COMMISSIONER CROWTHER: Last time I was up there

1 in the snow, we had to drive home. I had to drive home with  
2 Mark from Reno.

3 SECRETARY EASLY: I'm sorry.

4 COMMISSIONER CROWTHER: And, yeah, and it wasn't  
5 because Reno was snowed in. It was because the Las Vegas  
6 airport was closed.

7 CHAIRMAN COOK: All right. Lynn just told me  
8 about the new dairy going in in Smith Valley?

9 MR. ORZECH: Yes.

10 CHAIRMAN COOK: Is that not public knowledge?

11 MR. ORZECH: I don't have the information on that.  
12 It's just that, yeah.

13 CHAIRMAN COOK: I'm just thinking that that's got  
14 to be a positive. They will be up and operating in time to  
15 feed milk to --

16 MR. ORZECH: I don't know that.

17 CHAIRMAN COOK: Well, that's encouraging.  
18 Okay. Anybody else have anything to add to this?

19 COMMISSIONER COLLIER: Not I.

20 CHAIRMAN COOK: Troy?

21 COMMISSIONER CROWTHER: No.

22 CHAIRMAN COOK: Thoughts, comments?

23 MR. GOEDERT: Where does the one dollar go today?

24 CHAIRMAN COOK: Put it in the party fund.  
25

1 AGENDA ITEM NO. 7

2 Public comments and discussion.

3 MR. ORZECH: One more item. The last item is No.  
4 7, public comments and discussion.

5 CHAIRMAN COOK: I thought we did that at the  
6 first.

7 MR. ORZECH: We have do it again.

8 CHAIRMAN COOK: Okay. Public comments and  
9 discussion?

10 Hearing none, I guess we can go ahead and adjourn  
11 this meeting. We are done.

12 (9:15 a.m., proceedings concluded.)

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1 STATE OF NEVADA, )  
2 )  
3 COUNTY OF WASHOE. )  
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5 I, LESLEY A. CLARKSON, Certified Court Reporter  
6 for the State of Nevada, do hereby certify:

7 That on Wednesday, July 17, 2013, I was present  
8 and took stenotype notes of the proceedings entitled herein,  
9 and thereafter transcribed the same into typewriting as  
10 herein appears;

11 That the foregoing transcript is a full, true and  
12 correct transcript of my stenotype notes of said  
13 proceedings.

14 Dated at Reno, Nevada, this 25th day of  
15 July, 2013.

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17 Lesley A. Clarkson, CCR #182  
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<p style="text-align: center;"><b>A</b></p> <p><b>able</b> 13:9,10  <b>abstain</b> 8:16  <b>accept</b> 6:22 9:24  <b>acceptance</b> 9:22  <b>accountant</b> 5:24  <b>acknowledged</b> 4:24  <b>action</b> 5:20 9:14  <b>add</b> 5:25 6:11 6:25 7:11,20 9:3 10:24 16:18  <b>addresses</b> 11:16  <b>adjourn</b> 17:10  <b>adopted</b> 10:6  <b>agency</b> 10:22 11:11,12  <b>agency's</b> 6:4 7:15  <b>agenda</b> 3:3 4:12 5:2,3,5,16,20 9:11 10:7,10 14:4,19,22 17:1  <b>agriculture</b> 1:2 10:14  <b>agri@nv.gov</b> 11:21  <b>ahead</b> 17:10  <b>airport</b> 16:6  <b>Amanda</b> 5:23  <b>amendment</b> 5:17,21,22,25 6:12,13,25 7:4 7:8,11,23 9:2,9  <b>annually</b> 8:14  <b>anybody</b> 6:6,8 7:18 14:24 16:18  <b>apiece</b> 13:16  <b>appears</b> 18:10  <b>applicant</b> 5:25 6:5,7,8,24 7:11 7:16,19</p>	<p><b>applicant's</b> 6:2 7:13  <b>application</b> 5:17 5:21 6:10 7:8 9:2,8  <b>Appreciate</b> 14:18  <b>appropriate</b> 8:18  <b>approval</b> 9:12 9:15,17  <b>approve</b> 9:1  <b>area</b> 7:13 9:4 12:23  <b>areas</b> 6:2 7:1  <b>article</b> 13:8  <b>assessments</b> 6:5 7:17 8:1  <b>audience</b> 6:19 8:23  <b>audit</b> 7:24 8:13  <b>audits</b> 8:12  <b>August</b> 15:19  <b>Avenue</b> 5:23 7:9  <b>aware</b> 10:13  <b>a.m</b> 4:1 17:12  <b>A_P_P_E_A_...</b> 2:1</p> <p style="text-align: center;"><b>B</b></p> <p><b>b</b> 7:6  <b>barricades</b> 14:15  <b>BARTON</b> 11:5  <b>best</b> 13:12  <b>bigger</b> 12:15  <b>biggest</b> 13:6  <b>bring</b> 5:8 7:24</p> <p style="text-align: center;"><b>C</b></p> <p><b>calf</b> 13:16  <b>California</b> 5:23 6:24 12:13,15 12:23  <b>calves</b> 12:17 13:10</p>	<p><b>carries</b> 7:4 9:8 10:5  <b>caught</b> 9:18  <b>CCR</b> 1:24 18:17  <b>cents</b> 12:14  <b>certain</b> 4:20  <b>Certified</b> 18:5  <b>certify</b> 18:6  <b>chairman</b> 2:6 4:4,7,17,24 5:1 5:7,12 6:6,10 6:13,16,18,21 7:3,18 8:1,5,9 8:22,25 9:5,7 9:18,21,23,25 10:4 11:8,13 11:16,25 12:8 12:11,18,22 13:8,14,21 14:3,14,18,24 15:17 16:7,10 16:13,17,20,22 16:24 17:5,8  <b>changed</b> 11:17  <b>changes</b> 9:17,19  <b>charts</b> 10:16  <b>check</b> 15:12,12  <b>checked</b> 12:12  <b>Christopher</b> 2:6 4:17  <b>Clarkson</b> 1:24 18:5,17  <b>closed</b> 16:6  <b>collected</b> 8:2  <b>Collier</b> 2:6 4:18 6:15,21 8:8 9:5,23 10:1 12:19,23 13:7 13:12,19 16:19  <b>come</b> 15:18,19 15:23  <b>comment</b> 5:4,6 5:8 8:10  <b>comments</b> 6:19 8:23 16:22 17:2,4,8</p>	<p><b>commission</b> 1:3 2:4,14,17 4:5,9 4:16,18,19,20 4:21,23 6:3 7:14 9:12,16 10:11 14:5,9  <b>COMMISSIO...</b> 5:11 6:9,15,17 6:21 7:2 8:8 8:10,20,25 9:5 9:23 10:1,3 12:19,23 13:7 13:12,19,24 14:2 15:1,8,14 15:20,25 16:4 16:19,21  <b>commissioners</b> 10:17  <b>completed</b> 10:13  <b>compliance</b> 4:11 6:4 7:15,25  <b>concluded</b> 17:12  <b>concludes</b> 10:23  <b>consideration</b> 14:20,22  <b>contact</b> 10:15  <b>continuing</b> 10:20  <b>contract</b> 10:21  <b>convene</b> 4:4  <b>Cook</b> 2:6 4:4,17 5:1,7,12 6:6,10 6:13,16,18 7:3 7:18 8:1,5,9,22 9:7,18,21,25 10:4 11:8,13 11:16,25 12:8 12:11,18,22 13:8,14,21 14:3,14,18,24 15:17 16:7,10 16:13,17,20,22 16:24 17:5,8  <b>copy</b> 4:12 9:16 10:14,15</p>	<p><b>correct</b> 11:4,5 18:12  <b>corrected</b> 7:24  <b>corrections</b> 9:25 10:1  <b>costs</b> 6:2 7:13  <b>counsel</b> 2:14 4:19 14:5,9  <b>County</b> 12:24 18:3  <b>couple</b> 13:11  <b>court</b> 4:13 18:5  <b>cows</b> 13:4  <b>cream</b> 7:12 9:3  <b>Crowther</b> 2:9 4:17 5:11 6:9 6:17 7:2 8:10 8:20,25 10:3 13:24 14:2 15:1,8,14,20 15:25 16:4,21  <b>curious</b> 12:9  <b>current</b> 10:22</p> <p style="text-align: center;"><b>D</b></p> <p><b>dairy</b> 1:3 4:5,9 4:16,20,20 6:3 7:14 9:12,15 10:11 12:16 14:5,9,20,23 16:8  <b>dairymen</b> 13:1  <b>dairy.state.nv...</b> 11:21  <b>date</b> 15:1  <b>Dated</b> 18:14  <b>day</b> 18:14  <b>days</b> 13:11  <b>department</b> 1:2 10:14  <b>digits</b> 15:21  <b>disclosed</b> 8:19  <b>disclosing</b> 8:16  <b>disclosure</b> 8:11 8:15  <b>discussion</b> 5:4,6</p>
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5:9 17:2,4,9 <b>dissenting</b> 7:4 9:8 10:5 <b>distribution</b> 6:22 <b>distributor</b> 5:18 5:22 7:8 9:1 <b>division</b> 10:17 <b>doing</b> 5:11 14:12 <b>dollar</b> 16:23 <b>doubt</b> 13:1 <b>drive</b> 16:1,1	<b>firm</b> 8:12 <b>first</b> 4:23 5:1,5 11:10,19 17:6 <b>food</b> 10:16 <b>Foods</b> 5:19,22 6:23 <b>forecast</b> 15:4 <b>foregoing</b> 18:11 <b>forgot</b> 12:3 <b>formalities</b> 4:6 <b>found</b> 7:23 <b>frozen</b> 6:1,25 7:12 9:3 <b>full</b> 11:22 18:11 <b>fund</b> 16:24 <b>further</b> 6:14,18 8:5	<b>headquartered</b> 6:23 <b>heard</b> 13:1 <b>Hearing</b> 17:10 <b>hit</b> 12:20 <b>home</b> 16:1,1	<b>kind</b> 8:19 15:9 <b>know</b> 8:11,12 14:17 15:4 16:16 <b>knowledge</b> 16:10 <b>Kostick</b> 5:23	<b>matter</b> 13:11 <b>matters</b> 8:12 14:20,23 <b>mean</b> 12:25 <b>meet</b> 13:18 <b>meeting</b> 1:8 4:4 4:9,10,12,23 9:12,16,24 17:11 <b>member</b> 4:17,18 <b>members</b> 2:4 4:20 5:7 6:3 7:14 8:23 <b>mentioned</b> 12:25 <b>milk</b> 15:5 16:15 <b>mine</b> 11:20 <b>minutes</b> 9:12,15 9:22,24 10:5 <b>missing</b> 12:4 <b>mixes</b> 6:1,25 7:12 9:4 <b>month</b> 4:10 12:14 13:22 14:14 15:6,10 <b>morning</b> 12:13 <b>motion</b> 6:20,22 7:3,4 8:24 9:1 9:6,7,8,21 10:4 10:5 <b>move</b> 5:14 9:23 10:13,18
<hr/> <b>E</b> <hr/> <b>early</b> 15:16 <b>EASLY</b> 2:18 10:24 11:6,19 11:24 12:3,6 15:23 16:3 <b>efforts</b> 14:18 <b>either</b> 11:3 <b>email</b> 11:16 <b>encouraging</b> 16:17 <b>entertain</b> 6:20 8:24 9:21 <b>entitled</b> 18:8 <b>errors</b> 9:18 <b>Esq</b> 2:15 14:5,8 <b>estimate</b> 10:18 <b>evidence</b> 4:22 <b>expect</b> 10:21	<hr/> <b>G</b> <hr/> <b>G</b> 2:9 4:17 <b>getting</b> 12:12 <b>Gino</b> 7:10 <b>go</b> 12:7 15:10 16:23 17:10 <b>Goedert</b> 2:15 4:19 8:18 13:17 14:5,8 14:10,16 16:23 <b>goes</b> 12:25 14:14 <b>going</b> 13:5,13 14:13 15:5 16:8 <b>good</b> 5:11 14:18 15:10 <b>granted</b> 7:5 9:9 <b>great</b> 13:20 <b>guess</b> 17:10 <b>Gugino</b> 7:10 <b>gun</b> 14:16 <b>guy</b> 13:17,18 <b>guys</b> 13:20,20	<hr/> <b>I</b> <hr/> <b>ice</b> 7:11 9:3 <b>identify</b> 4:24 <b>imagine</b> 13:17 <b>important</b> 12:9 <b>included</b> 10:17 <b>including</b> 4:11 <b>incorrect</b> 11:1 <b>industry</b> 14:20 14:23 <b>information</b> 10:15 16:11 <b>internet</b> 13:25 <b>issues</b> 8:21 <b>item</b> 3:3 5:2,3,5 5:16,20 7:7 9:10,11,14 10:7,10 14:4,7 14:7,19,22 17:1,3,3 <b>I_N_D_E_X</b> 3:1	<hr/> <b>L</b> <hr/> <b>ladies</b> 10:25 <b>lady</b> 13:20 <b>Las</b> 2:8 7:9 9:2 10:18 16:5 <b>late</b> 10:19 <b>latest</b> 10:18 15:3 <b>law</b> 4:12 <b>laws</b> 6:4 7:15 <b>lawsuits</b> 14:11 <b>legal</b> 14:5,5,8,8 <b>Lesley</b> 1:24 18:5 18:17 <b>let's</b> 5:14 <b>license</b> 5:17,18 5:21,25 6:22 6:24 7:5,8,11 7:24 9:1 <b>lifting</b> 13:15 <b>lifts</b> 13:17 <b>Lisa</b> 12:25 <b>list</b> 10:25 11:7 11:22 <b>little</b> 13:9 15:16 <b>loaded</b> 14:16 <b>located</b> 6:23 <b>long</b> 13:22 <b>looking</b> 15:3 <b>Lynn</b> 16:7	<hr/> <b>N</b> <hr/> <b>name</b> 4:15 <b>names</b> 11:8 <b>need</b> 8:16 11:3,4 <b>Nevada</b> 1:1,19 4:1,5,9,16,19 6:1 7:1,9,13 9:3,4 18:1,6,14 <b>new</b> 10:15,16 16:8 <b>news</b> 15:2,3 <b>northern</b> 6:1,25 <b>noted</b> 9:19,20
<hr/> <b>F</b> <hr/> <b>fairly</b> 13:10 <b>Fallon</b> 15:2 <b>feed</b> 16:15 <b>fence</b> 13:18 <b>fences</b> 13:16 <b>figure</b> 13:2 <b>financial</b> 8:13 <b>find</b> 12:7 <b>finding</b> 11:2 <b>Fine</b> 5:19,22 6:23	<hr/> <b>H</b> <hr/> <b>handed</b> 4:12 <b>happening</b> 12:1 <b>hard</b> 12:20	<hr/> <b>J</b> <hr/> <b>January</b> 15:18 <b>Jersey</b> 13:4 <b>JOB</b> 1:25 <b>John</b> 2:6 4:18 6:14 8:7 <b>July</b> 1:16 4:1,4 4:10 10:11 15:6 18:7,15 <b>June</b> 9:12,15,24	<hr/> <b>M</b> <hr/> <b>making</b> 14:12 <b>manager</b> 2:11 4:15 7:10 10:8 <b>margins</b> 12:11 <b>Mark</b> 16:2 <b>marketing</b> 7:1 7:13 9:4	
		<hr/> <b>K</b> <hr/> <b>KATHY</b> 2:18 <b>keasly</b> 11:20 <b>keep</b> 14:16 <b>keeping</b> 14:15 <b>kept</b> 13:14		

<p>9:25 10:1  <b>notes</b> 18:8,12  <b>noticed</b> 4:11  <b>November</b> 15:4  15:6,7  <b>number</b> 7:7  11:10,11,11,12  <b>numbers</b> 10:25  11:2,8,14  <b>nutritional</b>  10:16</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>office</b> 10:19  <b>offices</b> 10:14  <b>official</b> 4:14  <b>Oh</b> 12:2,3  <b>okay</b> 5:14 8:5,16  8:20 9:21 11:6  11:24 13:21  14:3,12 16:18  17:8  <b>old</b> 13:11  <b>open</b> 4:12 15:11  15:18  <b>operating</b> 16:14  <b>operations</b> 2:11  4:15 10:8  <b>organizational</b>  10:16  <b>original</b> 15:4  <b>originally</b> 13:2  <b>Orzech</b> 2:12 4:6  4:7,15 5:5,20  6:12 7:7,22  8:3 9:14,20  10:8,10 11:10  11:15,18,22  12:2,4,10,12  12:20,24 14:1  14:7,22 15:3  15:12 16:9,11  16:16 17:3,7  <b>ooo</b> 1:4 4:2  17:13</p>	<hr/> <p style="text-align: center;"><b>P</b></p> <p><b>packets</b> 9:16  10:17  <b>PAGE</b> 3:3  <b>paid</b> 8:3,4  <b>part</b> 4:13 8:13  11:19  <b>party</b> 16:24  <b>pause</b> 12:6  <b>peddler</b> 5:18,21  7:7 9:1  <b>peddler's</b> 6:22  <b>pen</b> 13:16  <b>pending</b> 14:11  <b>pens</b> 13:14  <b>people</b> 12:16  13:15  <b>people's</b> 11:8  <b>pertinent</b> 4:11  <b>phone</b> 10:15,25  11:13  <b>physical</b> 10:18  <b>place</b> 4:8 10:21  <b>plant</b> 15:2,9  <b>please</b> 4:6 5:2  5:15 9:10  <b>position</b> 11:12  <b>positive</b> 16:14  <b>possible</b> 5:20  9:14  <b>pounds</b> 13:15,16  <b>powder</b> 15:2  <b>present</b> 2:4 4:16  4:22 7:19 18:7  <b>presented</b> 10:8  14:5,8  <b>Press</b> 14:3  <b>pretty</b> 12:10,20  14:13  <b>prices</b> 6:2 7:13  12:13  <b>pricing</b> 12:1,2  13:22,24,25  <b>probably</b> 11:5  13:19 15:17</p>	<p><b>problem</b> 8:19  <b>problems</b> 12:15  12:16  <b>proceed</b> 5:1  9:10  <b>proceedings</b>  4:14 17:12  18:8,13  <b>process</b> 11:1  <b>public</b> 1:8 5:4,5  5:8 16:10 17:2  17:4,8  <b>pull</b> 12:3 13:10  <b>purposes</b> 8:11  13:3  <b>pushing</b> 15:21  <b>put</b> 11:23,23  16:24</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <p><b>questions</b> 6:14  6:14,16,18,19  8:6,9,21</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p><b>read</b> 13:8  <b>realized</b> 5:12  <b>really</b> 12:19  14:10 15:24  <b>record</b> 4:25  <b>Reed</b> 5:22  <b>refer</b> 11:9  <b>regularly</b> 4:8  <b>regulations</b> 6:4  7:16  <b>related</b> 14:23  <b>relating</b> 14:20  <b>relatively</b> 13:23  <b>remains</b> 11:19  <b>renewing</b> 10:20  <b>Reno</b> 16:2,5  18:14  <b>report</b> 10:8,11  10:11,23 12:5  14:5,8,11  <b>Reported</b> 1:24</p>	<p><b>reporter</b> 4:13  18:5  <b>representing</b>  6:7,8 7:18  <b>request</b> 4:13  <b>requested</b> 4:23  <b>resend</b> 11:6  <b>reserve</b> 10:22  <b>responsible</b> 6:5  7:16  <b>reviewed</b> 6:2  7:14  <b>right</b> 12:10,15  14:2 16:7</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>Sacramento</b>  5:23 6:24  <b>safe</b> 14:15  <b>saw</b> 12:17,18  <b>saying</b> 13:3  <b>scheduled</b> 4:9  4:10 10:19  <b>scheduling</b> 15:9  <b>second</b> 7:2,3 9:5  9:7 10:3,4  11:11  <b>SECRETARY</b>  2:17 10:24  11:6,19,24  12:3,6 15:23  16:3  <b>see</b> 8:19 15:13  <b>Seeing</b> 5:10,14  7:20 8:24  <b>seeks</b> 5:25 6:24  7:11  <b>sell</b> 13:5  <b>September</b>  10:21 15:14,20  15:21  <b>set</b> 4:8  <b>sheet</b> 11:1,4,5  11:23  <b>sheets</b> 12:2  <b>sherbet</b> 7:12 9:3</p>	<p><b>Shetakis</b> 7:6,8  8:13 9:2  <b>short</b> 10:12  <b>simple</b> 6:12,13  7:23  <b>sir</b> 6:12  <b>sitting</b> 5:13  <b>Smith</b> 16:8  <b>smoothly</b> 14:13  <b>snow</b> 15:24 16:1  <b>snowed</b> 16:5  <b>sorry</b> 5:12 10:2  16:3  <b>south</b> 1:19 11:1  <b>southern</b> 6:1 7:1  7:12 9:4  <b>Sparks</b> 1:19 2:4  4:1 10:14  <b>stable</b> 12:10  13:23  <b>staff</b> 4:21 5:24  6:3,11,19 7:14  7:20 8:23 9:18  10:8,10  <b>Stanislaus</b> 12:24  <b>State</b> 1:1 4:5,9  4:16,20 18:1,6  <b>statement</b> 8:13  <b>statements</b> 4:22  <b>statutes</b> 4:11  <b>stealing</b> 12:16  13:3,4  <b>stenotype</b> 18:8  18:12  <b>stole</b> 12:21  <b>Street</b> 1:19  <b>submarket</b> 13:7  <b>substance</b> 14:11  <b>surprised</b> 13:9  <b>switched</b> 11:2,3</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p><b>table</b> 5:9 14:25  14:25  <b>take</b> 13:19  <b>talked</b> 15:8</p>
--	--	---	--	---

<b>Thank</b> 4:7	16:5	<u>1</u>
<b>thieves</b> 13:9	<b>videoconferen...</b>	<b>1</b> 3:4 5:3
<b>thing</b> 13:6	2:8	<b>10</b> 3:8
<b>think</b> 6:9 8:18	<b>visit</b> 15:9	<b>14</b> 3:9,10
12:8,13 15:23	<b>votes</b> 7:4 9:8	<b>17</b> 3:11 4:1 18:7
<b>thinking</b> 16:13	10:5	<b>185709</b> 1:25
<b>thought</b> 13:2	<u>W</u>	<b>19</b> 9:12,15,24
17:5	<b>W</b> 2:15 4:19	<u>2</u>
<b>thoughts</b> 8:22	<b>want</b> 8:14 12:6	<b>2</b> 5:14,16,20
16:22	13:18 14:24	<b>2a</b> 3:5
<b>three</b> 10:25	15:17,19	<b>2b</b> 3:6 7:7
<b>throw</b> 8:14	<b>Warren</b> 2:15	<b>2013</b> 1:16 4:1,10
14:25,25	4:19 8:11 14:5	9:12,15,24
<b>time</b> 4:8 13:12	14:8	10:11 18:7,15
15:25 16:14	<b>Warren's</b> 10:20	<b>21st</b> 1:19
<b>today</b> 4:16	<b>WASHOE</b> 18:3	<b>25th</b> 18:14
16:23	<b>wasn't</b> 16:4	<b>26</b> 12:20
<b>told</b> 16:7	<b>way</b> 5:10	<u>3</u>
<b>Tom</b> 2:12 4:15	<b>website</b> 13:25	<b>3</b> 3:7 9:11,14
10:8 13:24	<b>Wednesday</b>	<b>300</b> 13:15,16
<b>Tony's</b> 5:19,22	1:16 4:1 18:7	<b>3400</b> 7:9
6:23	<b>weigh</b> 13:15	<b>3575</b> 5:22
<b>tour</b> 15:9	<b>Western</b> 7:9	<u>4</u>
<b>transcribed</b>	<b>Wholesalers</b> 7:6	<b>4</b> 3:8 10:7,10
18:9	7:9 9:2	<b>405</b> 1:19
<b>transcript</b> 4:14	<b>work</b> 10:20	<u>5</u>
18:11,12	15:13,14,15	<b>5</b> 3:4,5,9 14:4,7
<b>transition</b> 14:12	<b>works</b> 15:21	<u>6</u>
<b>trends</b> 12:9	<b>worry</b> 13:21	<b>6</b> 3:10 14:19,22
13:22	<b>Wow</b> 12:22	<u>7</u>
<b>triple</b> 15:21	<u>Y</u>	<b>7</b> 1:16 3:6,11
<b>Troy</b> 2:9 4:17	<b>yeah</b> 8:10 16:4	17:1,4
5:10 6:16 8:9	16:12	<u>8</u>
15:17 16:20	<b>year</b> 10:19	<b>8</b> 10:11 14:19,22
<b>true</b> 18:11	<b>yogurt</b> 6:1,25	<u>9</u>
<b>try</b> 12:7	7:12 9:3	<b>9</b> 3:7
<b>two</b> 13:19,20	<b>young</b> 13:11	<b>9:02</b> 4:1
<b>typewriting</b>	<u>\$</u>	<b>9:15</b> 17:12
18:9	<b>\$437,430</b> 10:22	<b>95605</b> 5:23
<u>V</u>	<u>#</u>	
<b>Valley</b> 16:8	<b>#182</b> 1:24 18:17	
<b>Vanna</b> 15:12		
<b>veal</b> 13:3		
<b>Vegas</b> 2:8 6:8		
7:9 9:3 10:18		