

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

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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.

16 _____
17 Lesley A. Clarkson, CCR #182
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<p style="text-align: center;">A</p> <p>able 13:9,10 abstain 8:16 accept 6:22 9:24 acceptance 9:22 accountant 5:24 acknowledged 4:24 action 5:20 9:14 add 5:25 6:11 6:25 7:11,20 9:3 10:24 16:18 addresses 11:16 adjourn 17:10 adopted 10:6 agency 10:22 11:11,12 agency's 6:4 7:15 agenda 3:3 4:12 5:2,3,5,16,20 9:11 10:7,10 14:4,19,22 17:1 agriculture 1:2 10:14 agri@nv.gov 11:21 ahead 17:10 airport 16:6 Amanda 5:23 amendment 5:17,21,22,25 6:12,13,25 7:4 7:8,11,23 9:2,9 annually 8:14 anybody 6:6,8 7:18 14:24 16:18 apiece 13:16 appears 18:10 applicant 5:25 6:5,7,8,24 7:11 7:16,19</p>	<p>applicant's 6:2 7:13 application 5:17 5:21 6:10 7:8 9:2,8 Appreciate 14:18 appropriate 8:18 approval 9:12 9:15,17 approve 9:1 area 7:13 9:4 12:23 areas 6:2 7:1 article 13:8 assessments 6:5 7:17 8:1 audience 6:19 8:23 audit 7:24 8:13 audits 8:12 August 15:19 Avenue 5:23 7:9 aware 10:13 a.m 4:1 17:12 A_P_P_E_A_... 2:1</p> <p style="text-align: center;">B</p> <p>b 7:6 barricades 14:15 BARTON 11:5 best 13:12 bigger 12:15 biggest 13:6 bring 5:8 7:24</p> <p style="text-align: center;">C</p> <p>calf 13:16 California 5:23 6:24 12:13,15 12:23 calves 12:17 13:10</p>	<p>carries 7:4 9:8 10:5 caught 9:18 CCR 1:24 18:17 cents 12:14 certain 4:20 Certified 18:5 certify 18:6 chairman 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 changed 11:17 changes 9:17,19 charts 10:16 check 15:12,12 checked 12:12 Christopher 2:6 4:17 Clarkson 1:24 18:5,17 closed 16:6 collected 8:2 Collier 2:6 4:18 6:15,21 8:8 9:5,23 10:1 12:19,23 13:7 13:12,19 16:19 come 15:18,19 15:23 comment 5:4,6 5:8 8:10 comments 6:19 8:23 16:22 17:2,4,8</p>	<p>commission 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 COMMISSIO... 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 commissioners 10:17 completed 10:13 compliance 4:11 6:4 7:15,25 concluded 17:12 concludes 10:23 consideration 14:20,22 contact 10:15 continuing 10:20 contract 10:21 convene 4:4 Cook 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 copy 4:12 9:16 10:14,15</p>	<p>correct 11:4,5 18:12 corrected 7:24 corrections 9:25 10:1 costs 6:2 7:13 counsel 2:14 4:19 14:5,9 County 12:24 18:3 couple 13:11 court 4:13 18:5 cows 13:4 cream 7:12 9:3 Crowther 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 curious 12:9 current 10:22</p> <p style="text-align: center;">D</p> <p>dairy 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 dairymen 13:1 dairy.state.nv... 11:21 date 15:1 Dated 18:14 day 18:14 days 13:11 department 1:2 10:14 digits 15:21 disclosed 8:19 disclosing 8:16 disclosure 8:11 8:15 discussion 5:4,6</p>
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