



October 30, 2009

**NOTICE OF PUBLIC HEARING**  
**To Consider the Effectiveness**  
**of the California Cut Flower Commission**

Notice is hereby given that the California Department of Food and Agriculture (CDFA) is calling a public hearing to receive comment on the issue of whether or not the California Cut Flower Commission (CCFC) is effectuating its declared purposes.

The public hearing is scheduled as follows:

<b>Date / Time</b>	<b>Location</b>
Wednesday December 2, 2009 Beginning at 10:30 a.m.	Holiday Inn <i>(Near the San Jose Airport)</i> 1740 North First Street San Jose, California

**CAUSE FOR THE HEARING**

This hearing is being called in response to a petition submitted by cut flower producers requesting that CDFA conduct a two-step suspension process consisting of a public hearing (suspension hearing) and a possible subsequent producer referendum (suspension referendum) to determine whether the CCFC should be suspended. Section 78002 of the Cut Flower Commission Law requires CDFA to conduct a suspension hearing if it receives petitions signed by “not less than 20 percent of the producers by number who produced not less than 20 percent of the gross dollar value of flowers in the immediately preceding marketing year.” Attached to this notice is the petition language submitted by the petitioners along with a list of those individuals who signed the petition. An analysis of the petitions revealed that minimum requirements for a suspension hearing have been satisfied.

**HEARING PROCEDURE**

**All cut flower producers and other interested persons are invited to participate in this hearing. Additionally, written comments will be accepted if sent to this office to the attention of Dennis Manderfield, postmarked or received no later than the date of the hearing which is December 2, 2009.**

At the hearing, CDFA representatives will receive testimony and evidence, both oral and documentary, with respect to the following matters:

1. The production, economic, and marketing conditions affecting the cut flower industry;
2. Whether the California Cut Flower Commission tends to effectuate its declared purposes.



The hearing transcript and written comments will be considered by CDFA in preparing findings for this hearing. If CDFA finds that the petitioners have shown by a preponderance of evidence that the Commission has not tended to effectuate its declared purposes, CDFA will conduct a suspension referendum of qualified cut flower producers to determine if the operations of the Commission shall be suspended. In the absence of such a hearing finding by CDFA, a suspension referendum will not be conducted and the operations of the Commission will continue. However, in that case, the Commission would still need to conduct its regular five-year continuation referendum later in 2010.

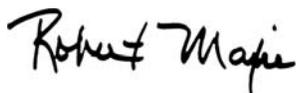
## **HEARING PREPARATION**

At the hearing, those who favor the suspension of the CCFC should provide testimony showing that the Commission is not fulfilling its declared purposes. Conversely, those who favor the continuation of the CCFC should provide testimony and evidence showing that the Commission is fulfilling its declared purposes. Following are some examples of questions that hearing witnesses may wish to consider in preparing their testimony.

- Has the Commission carried out promotion, research, and issues management activities that have been beneficial to California cut flower producers? Please explain in detail.
- Have the activities of the Commission been designed and conducted in a manner so as to potentially benefit all California cut flower producers, regardless of size, type, and location? Please explain in detail.
- Has the Commission effectively monitored and addressed important trends and issues facing the California cut flower industry? Please explain in detail.
- Have Commission assessments been spent wisely, efficiently and effectively and according to the authority granted in the Commission Law? Please explain in detail.
- Does the general public benefit from the Commission's activities? Please explain in detail.

If you have questions regarding this hearing, please call Dennis Manderfield of this office at (916) 341-6005.

Sincerely,



Robert Maxie, Chief  
Marketing Branch

Attachment

## ATTACHMENT TO HEARING NOTICE

Shown below is the wording of the petition signed by those listed at the bottom of the page.

CUT FLOWER COMMISSION PETITION

Petition to hold a hearing and a referendum among producers to determine whether the California Cut Flower Commission should be terminated or continued (California Food and Agricultural Code § 78002(b))

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By executing below I certify that I currently am, and was in the preceding marketing year, an assessed California cut flower producer under the California Cut Flower Commission law (California Food and Agricultural Code §§ 77901 *et seq.*) and hereby petition the Secretary pursuant to § 78002(b) to hold a hearing and conduct a producer referendum to determine whether the California Cut Flower Commission should be terminated or continued as I believe the Commission does not effectuate its declared purposes.

### Persons signing petition:

*Not all petitions submitted by those listed below were deemed to be valid. Of the 34 received, 20 were valid. This still constituted a sufficient number of valid petitions to trigger a public hearing.*

Name	Firm	Name	Firm
Joseph Goldberg	Skyline Flowers	Mark Yamaguchi	Yamaguchi Green House
Jim Tashiro	M. Tashiro Nursery	Don Garibaldi	Ano Nuevo Flower Grwrs
Natal Moulis	Five Star Farms	Kenji Yonemitsu	Central Coast Greenhouse
Owen Tuback	Silvermink Ranch	Stephen Oku	Oku, Inc.
Benno Dobbe	Holland America Flowers	Mark Kitigawa	Kitagawa Nursery
Roland Obertello	Obertello's Nursery	Mike Minami	Minabi Greenhouse
Lou Neve	Neve Bros.	Mary Tsuboi	Kohara Nursery
Brian Caird	Glad A Way	Luis Cervantes	Calmex Wholesale G&S
Daniel Campos	Camflor, Inc.	Walter Van Wingerden	Valley Flowers
Todd Mojonnier	Erwin Mojonnier	Nobu Takahashi	Casitas Gardens
Rodney Stribling	Gallop & Stribling Orch.	John Fluely	Hiltop Flowers, Inc.
Josina Carter	Johannes Flowers	Francisco Rodriguez	Coastal Floral
Joe Ortiz	Joseph & Sons, Inc.	Melissa Garcia	C & F Flower Growers
Robert Ruggeri	Silver Terrace Nurseries	Tsugu Kuramura	Kuramura Nursery, Inc.
Maria Castaneda	A & M Flower Growers	D. J. Luksik	Sun Coast Growers
Eugene Zandarbi	San Martin Roses, Inc.	George Mimaki	Sunrise Ranch
Robert Neve	Neve Roses II	David Onitsuka	Onitsuka Greenhouse