



December 17, 2009

**DEPARTMENT DETERMINES THAT CUT FLOWER COMMISSION SHALL CONTINUE  
WITHOUT INDUSTRY SUSPENSION VOTE**

The California Department of Food and Agriculture (Department or CDFA) hereby announces that the California Cut Flower Commission (Commission or CCFC) shall continue to operate without the need to conduct an industry suspension referendum. This determination is based on CDFA's review of the testimony and evidence submitted for a December 2, 2009 hearing regarding the effectiveness of the Commission.

The aforementioned hearing occurred in response to a petition submitted by cut flower producers requesting that CDFA conduct a two-step suspension process consisting of a public hearing regarding the effectiveness of the Commission (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." An analysis of the petitions revealed that qualified petitioners represented 33.9% of the currently assessed producers and that such producers accounted for 21.14% of the total production value. These results exceeded the aforementioned criteria for triggering a hearing and therefore CDFA conducted the hearing as required.

Section 78002 of the Commission Law specifies that a suspension hearing may yield two possible outcomes, depending upon CDFA's review of the hearing record. 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 shall conduct a suspension referendum of qualified producers to determine if the operations of the Commission shall be suspended. In the absence of such a hearing finding by CDFA, the Commission Law specifies that a referendum shall not be conducted and the operations of the Commission will continue.

It is important to note that just minutes before the start of the hearing, several of the petitioners, including the producer who led the petition drive, withdrew their petitions. Subsequently, no oral testimony was offered at the hearing by anyone supporting suspension of the Commission. In contrast, there were nine cut flower producers present at the hearing that testified in support of Commission and its effectiveness in carrying out the objectives of the Commission Law.

**Over**



CDFA has reviewed the hearing record and has determined that petitioners failed to meet the “preponderance of evidence” test as specified by the Cut Flower Commission Law. Thus, a suspension referendum will not be conducted at this time and the Commission will continue to operate. However, the Commission will need to conduct its regular five-year continuation referendum during the upcoming 2010 calendar year as required by Section 78001 of the Commission Law.

Questions regarding the operation of the Commission may be directed to Kasey Cronquist, Executive Director of the CCFC, at (805) 696-5000. Questions regarding the Department’s determination should be directed to Dennis Manderfield of this office at (916) 341-6005.

Sincerely,

A handwritten signature in black ink that reads "Robert Maxie". The signature is written in a cursive, slightly slanted style.

Robert Maxie, Chief  
Marketing Branch