UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Marvin D. Horne and Laura R. Horne, d/b/a Raisin Valley Farms, a partnership and d/b/a Raisin Valley Marketing Association, a/k/a Raisin Valley Marketing, an unincorporated association, Raisin Valley Farms Marketing, LLC, a California limited liability company, Lassen Vineyards, LLC, a California limited liability company, Raisin Valley Farms, LLC, a California limited liability company

and

Marvin D. Horne, Laura R. Horne, Don Durbahn, Lassen Vineyards, The Durbahn Family Trust, d/b/a Lassen Vineyards, a partnership,

Respondents

and

Marvin and Laura Horne, husband and wife d/b/a Raisin Valley Farms; Don Durbahn; Raisin Valley Marketing Association, an entity which does not now exist, but has in the past; Raisin Valley Farms Marketing LLC, a California limited liability company; Lassen Vineyards, LLC, a California limited liability company; and Lassen Vineyards, a California general partnership,

Petitioners.

AMAA Docket Nos.

09-0035; 09-0202;
11-0266; 11-0301;
12-0556; 13-0270 through 13-0279;
14-0137 through 14-0146;
14-0186 through 14-0196

AMAA Docket No.09-0049
The above-listed actions consisted of disciplinary proceedings under the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. § 601 et seq. (the "Act"), the Marketing Order for Raisins Produced from Grapes Grown in California, 7 C.F.R. §§ 989.1-989.95 (the "Order"), and the Rules and Regulations issued pursuant to the Act, 7 C.F.R. §§ 989.102-989.801 (the "Regulations") and a Petition (09-0049) to Modify Raisin Marketing Order Provisions/Regulations and/or Petition to Terminate Specific Raisin Marketing Order Provisions/Regulations, and/or Petition to Exempt Petitioner From Various Provisions of the Raisin Marketing Order and any Obligations Imposed in Connection Therewith that are Not in accordance with Law; Petition to Challenge the Rules and Regulations Enacted by USDA Pursuant to Title 7 C.F.R. 900.50, et seq. As Being Arbitrary, Capricious, Not In Accordance With Law. The Complaints (09-0035; 09-0202; 11-0266; 11-0301; 12-0556; 13-0270 through 13-0279; 14-0137 through 14-0146; and 14-0186 through 14-0196) were served upon Respondents/Petitioners, and Respondents/Petitioners agree that the Secretary has jurisdiction in this matter and waive all further proceedings in this matter. Respondents/Petitioners further waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge’s authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waive any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by Respondents/Petitioners in connection with this proceeding or any action against any USDA employee in their individual capacity. The Respondents/Petitioners neither admit nor deny the remaining allegations of the above-listed complaints, waive oral hearing and further procedure, and consent and agree, for the purpose of settling these proceedings and all matters and/or claims preceding the entry of this decision, and for such purposes only, to entry of this decision.

The parties have now agreed to the entry of a Consent Decision and Order as set forth herein.
Therefore, this Consent Decision and Order is entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.) (Rules of Practice) applicable to this proceeding (7 C.F.R. §1.138).

Findings of Fact

1. Respondents Marvin D. Horne, now deceased, was an individual, and Laura R. Horne is an individual, doing business as Raisin Valley Farms, Raisin Valley Farms Marketing, and Raisin Valley Farms Marketing Association, a/k/a Raisin Valley Marketing whose business mailing address is Respondent Marvin D. Horne and Laura R. Horne neither admit nor deny being a "handler" of California raisins as the term is defined in the Act and the Order.

2. Respondent Lassen Vineyards was a general partnership whose business mailing address is 2267 N. Lassen, Kerman, California 93630, and ceased being a general partnership on October 1, 2008. Respondents Marvin D. Horne, Laura R. Horne, The Estate of Donald A. Durbahn (now dissolved), and The Durbahn Family Trust (now dissolved), were the partners in respondent Lassen Vineyards, and at all times mentioned, until October 1, 2008, were acting on behalf of the partnership and of each other. Respondent Lassen Vineyards neither admits nor denies being a "handler" of California raisins as that term is defined in the Act and the Order.

3. Respondent Marvin D. Horne was an individual whose business mailing address is At all times mentioned herein, respondent Marvin D. Horne was a general partner in respondent Lassen Vineyards until October 1, 2008, and neither admits nor denies being a "handler" of California raisins as that term is defined in the
Act and the Order.

4. Respondent Laura R. Horne is an individual whose business mailing address is (b) 6. At all times mentioned herein, respondent Laura R. Horne was a general partner in respondent Lassen Vineyards until October 1, 2008, and neither admits nor denies being a "handler" of California raisins as that term is defined in the Act and the Order.

5. Respondent Donald A. Durbahn, now deceased, was an individual whose business mailing address is (b) 6. At all times mentioned, until October 1, 2008, respondent Donald A. Durbahn was a general partner in respondent Lassen Vineyards and neither admits nor denies being a "handler" of California raisins as that term is defined in the Act and the Order. Respondent Donald A. Durbahn died July 15, 2012, and therefore, the Estate of Donald A. Durbahn was added as a Respondent.

6. Respondent The Durbahn Family Trust is a trust whose business mailing address is 2267 N. Lassen, Kerman, California 93630. At all times mentioned herein until October 1, 2008, respondent The Durbahn Family Trust was a general partner in respondent Lassen Vineyards and neither admits nor denies being a "handler" of California raisins as that term is defined in the Act and the Order.

7. Respondent Raisin Valley Farms Marketing, LLC, is a California limited liability company whose business mailing address is 2589 N. Vineland, Kerman, California 93630. Respondent Raisin Valley Farms Marketing, LLC, was a general partner in respondent Lassen Vineyards and Lassen Vineyards, LLC, and neither admits nor denies being a "handler" of California raisins as that term is defined in the Act and the Order.

8. Respondent Lassen Vineyards, LLC, is a California limited liability company whose business
mailing address is 3678 N. Modoc, Kerman, California 93630. At all times mentioned herein until April 1, 2009, respondent Lassen Vineyards, LLC, was a general partner in respondent Lassen Vineyards, Lassen Vineyards, LLC, and Raisin Valley Farms LLC, and neither admits nor denies being a "handler" of California raisins as that term is defined in the Act and the Order.

9. Respondent Lassen Vineyards, Inc., is a California corporation whose business mailing address is 3828 N. Modoc, Kerman, California 93630. At all times mentioned herein after April 1, 2009, respondent Lassen Vineyards, Inc., was a general partner in respondent Lassen Vineyards, Lassen Vineyards, LLC, and Raisin Valley Farms LLC, and neither admits nor denies being a "handler" of California raisins as that term is defined in the Act and the Order.

10. Respondent Raisin Valley Farms, LLC, is a California limited liability company whose business mailing address is 3678 N. Modoc, Kerman, California 93630. At all times mentioned herein until December 31, 2013, respondent Raisin Valley Farms, L.L.C, neither admits nor denies being a "handler" of California raisins as that term is defined in the Act and the Order.

Conclusions

Respondents/Petitioners having admitted the jurisdictional facts, and the parties having agreed to the entry of this Consent Decision, this Consent Decision will be entered.

Order

1. Complainant and Respondents/Petitioners agree to settle all pending matters before the Administrative Law Judge with the entry of this decision.

2. Respondents/Petitioners agreed to a $398,705.12 civil penalty (which represented the assessments owed during the crops years named in the pending complaints). Said civil
penalty was held in abeyance for one year prior to signing this agreement provided that the respondents did not violate the Act and/or Order. Hence, the previously agreed upon civil penalty was waived since the Respondents/Petitioners did not violate the Act and/or the Order during the one-year abeyance period.

3. Henceforth, Respondents/Petitioners agree not to violate the Act and/or Order.

This Order shall become final and effective upon issuance. Copies hereof shall be served upon the parties.

BUREN KIDD
Buren William Kidd
Attorney for Complainant

Digitally signed by BUREN KIDD
Date: 2022.02.08 12:44:11 -05'00'

Date signed

Brian Leighton
For Respondents/Petitioners

2-8-2022
Date signed

Done at Washington, D.C.
this 8 day of February 2022

Jill S. Clifton
Administrative Law Judge