

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) OFPA Docket No. 13-0172
)
)
Erik Johnson and Herbert York,)
d/b/a Sandy River Farms,)
)
) Consent Decision
Respondents.) and Order

This proceeding was instituted under the Organic Foods Production Act of 1990, as amended, 7 U.S.C. 6501-6522 (OFPA), alleging that the respondents willfully violated the National Organic Program Regulations issued thereunder, 7 C.F.R. §§ 205.1-205.699 (NOP Regulations). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations as set forth herein and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations of the complaint, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Conclusions

1. Erik Johnson and Herbert York are individuals doing business as Sandy River Farms, hereinafter referred to as respondents, whose mailing address is 560 Farmington Falls Road, Farmington, Maine 04938.
2. At all times material hereto, respondents were engaged in business as a certified organic livestock (dairy) operation, as defined in the OFPA, and became a certified operation on

July 30, 2002, pursuant to an organic certificate issued by Maine Organic Farmers and Gardeners Association (MOFGA) Certification Services, Inc., accredited certification agent of the United States Department of Agriculture. On June 3, 2002, MOFGA was accredited by USDA as a certifying agent under the NOP Regulations.

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the OFPA and the NOP Regulations issued thereunder.

2. Respondents are jointly and severally assessed a civil penalty of \$11,000.00, with \$2,000.00 due immediately and \$9,000.00 held in abeyance, provided that respondents do not violate the OFPA and the NOP regulations and standards for a period of one year from the effective date of this order.

The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.

[Redacted]

Erik Johnson, d/b/a
Sandy River Farms
Respondent

[Redacted]

Herbert York, d/b/a
Sandy River Farms
Respondent

[Redacted]

Buren W. Kidd
Attorney for Complainant

Done at Washington, D.C.

this 23 day of MAY, 2013

[Redacted]

Administrative Law Judge

Jill S. Clifton