AGRICULTURE DECISIONS

Agriculture Decisions is an official publication by the Secretary of Agriculture that consists of decisions and orders issued in adjudicatory proceedings conducted for the Department under various statutes and regulations. Selected court decisions concerning the Department’s regulatory programs are also included. The Department is required to publish its rules and regulations in the Federal Register; therefore, rules and regulations are not included in Agriculture Decisions.

FORMAT

The Office of Administrative Law Judges (OALJ) publishes a comprehensive volume of Agriculture Decisions for each calendar year. Two books comprise the annual volume: Book One, which contains the decisions and orders issued from January through June of that year; and Book Two, which contains decisions and orders issued from July through December.

Each Agriculture Decisions book is divided into four sections, or “Parts.” Part One is organized alphabetically, by statute, and contains general decisions and orders (i.e., all decisions and orders other than those that pertain to the Packers and Stockyards Act or to the Perishable Agricultural Commodities Act). Part Two covers decisions and orders relating to the Packers and Stockyards Act. Part Three contains decisions and orders that involve the Perishable Agricultural Commodities Act, including reparations decisions. Part Four includes an alphabetical list of decisions and orders reported and a subject-matter index.

Parts One, Two, and Three of Agriculture Decisions incorporate the following: (1) Initial Decisions issued by the Administrative Law Judges, along with any corresponding appeal decisions by the Judicial Officer; (2) a list of Miscellaneous Orders entered by the Administrative Law Judges and complete texts of any Miscellaneous Orders entered by the Judicial Officer; (3) a list of Default Decisions issued by the Administrative Law Judges; and (4) a list of Consent Decisions. While Agriculture Decisions generally does not include full texts of Miscellaneous Orders, Default Decisions, or Consent Decisions, those decisions and orders are available in their entirety, in portable document format (pdf), via the OALJ website: http://www.dm.usda.gov/oaljdecisions/decision-index.htm.

PUBLICATION

Beginning with Volume 72 (circa 2013), Agriculture Decisions is published exclusively online. Volume 71 (circa 2012) was the final print edition (i.e., “hard copy”) of Agriculture Decisions.¹ All Agriculture Decisions books, including those from older volumes, ² are available for electronic download at http://www.dm.usda.gov/agriculturedecisions.

¹ Individual softbound copies of Volume 71 are available until supplies are exhausted.
² As of June 2015, Volumes 57 (circa 1998) through 72 (circa 2013) are available on the OALJ website. Volumes 39 (circa 1980) through 56 (circa 1997) have been scanned but, due to privacy concerns, do not yet appear online. The Editor of Agriculture Decisions is in the process of redacting personally identifiable information (PII) from these books. Once the appropriate redactions have been completed, Volumes 39 through 56 will be uploaded to the OALJ website.
In addition to uploading *Agriculture Decisions* publications, OALJ also posts “current” decisions and orders, uploading them individually as they are issued. These decisions and orders are displayed in pdf format on the OALJ website and are listed in reverse chronological order. Decisions and orders issued prior to the current year are also available in pdf archives, arranged by calendar year.

Published decisions and orders (i.e., those that appear in *Agriculture Decisions*) may be cited by providing the volume number, page number, and year [e.g., 1 Agric. Dec. 472 (U.S.D.A. 1942)]. Further, decisions and orders posted on the OALJ website may also be cited as primary sources. When citing to a decision or order that appears on the OALJ website but has not yet been published in *Agriculture Decisions*, the docket number and date of decision or order should be included [e.g., Smith, Docket No. 15-0123 (U.S.D.A. Oct. 1, 2015)].

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This 72nd edition of Agriculture Decisions honors Peter M. Davenport, who served as a United States Administrative Law Judge for more than two decades. Judge Davenport worked in the U.S. Department of Agriculture's Office of Administrative Law Judges from 2005 until 2015, when he retired after presiding as Chief Administrative Law Judge for five years.

**PETER M. DAVENPORT**  
CHIEF ADMINISTRATIVE LAW JUDGE

Chief Judge Peter M. Davenport was initially appointed as a United States Administrative Law Judge for the Department of Health and Human Services in May of 1994 and was assigned to the Paducah, Kentucky Office of Hearings and Appeals. In 1995, following the establishment of Social Security Administration as an independent agency, he transferred to that agency and remained in Paducah, Kentucky until May of 1996, when he moved to the Lexington, Kentucky Office of Hearings and Appeals.

In January of 2005, Judge Davenport transferred to the United States Department of Agriculture in Washington, D.C. In June of 2007, he was recalled to active duty as a Colonel in the United States Army for service with the Provincial Reconstruction Team in Anbar Province, Iraq, where he held successive positions as Team Leader for the Rule of Law and Agriculture Teams and before leaving country was given overall responsibility for the Agriculture, Infrastructure and Economic Development Teams. He was named the Acting Chief Judge for the Department of Agriculture in January of 2010 and was appointed Chief Judge in June of 2010. Judge Davenport

Prior to becoming a judge, Judge Davenport spent ten years in the private practice of law in Lexington, Kentucky and served over eleven years as an Assistant United States Attorney for the Eastern District of Kentucky doing both civil and criminal work. His undergraduate and law degrees are from the University of Kentucky, and he has an LLM degree in Taxation from the National Law Center, George Washington University, Washington, D.C. Judge Davenport is a member of the Judicial Division of the American Bar Association and has served as the Secretary, Treasurer, Second and First Vice President, and President of the Federal Administrative Law Judges Conference.

Judge Davenport is married to the former Sherry Arlidge. He has three children from a prior marriage, Katherine Elizabeth Davenport Wisz (David), who is an Administrative Law Judge for the Social Security Administration in Raleigh, North Carolina; Taylor Davenport, who practices intellectual property law in Raleigh, North Carolina; and Second Lieutenant Sara Madison Davenport, USAFR, who is in medical school at the University of Kentucky in Lexington, Kentucky.