USDA
OALJ/OHC
2018 SEP 13 PM 12: 10
RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	OFPA Docket No. 18-0042
John L. Zook,	)	
	)	
Respondent.	)	Consent Decision 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 respondent, Cozy Valley Farm, 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 Respondent admits the jurisdictional allegations as set forth herein and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations of the complaint, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding, as well as all remaining alleged violations which may have occurred on or before August 25, 2018, to the entry of this decision.

The Complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent John L. Zook is an individual whose mailing address is (b) (6) [redacted]
(b) (6) [redacted]

2. On August 28, 2013, Respondent was certified organic, as defined by OFPA, by the Ohio Ecological Food and Farm Association (OEFFA), a certifying agent accredited by the United States Department of Agriculture.

CONCLUSION OF LAW

From August 2013 through December 2016, Respondent systematically and repeatedly failed to comply with recordkeeping requirements under the USDA organic regulations at 7 C.F.R. § 205.103.

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

ORDER

1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating 7 C.F.R. § 205.103, a USDA organic Regulation issued under the OFPA.

2. Respondent will maintain, and make available to its certifying agent and to USDA, records concerning the production, harvesting, and handling of agricultural products as required by 7 C.F.R. § 205.103

3. The one-year period of time between September 1, 2018 and August 31, 2019 shall be referred to as the "probation period." Respondent agrees that if Respondent's organic certifier notifies Respondent that it has not complied with recordkeeping requirements for certified operations as set forth in 7 C.F.R. § 205.103, Respondent shall have ten (10) days to correct the noncompliance. If Respondent's organic certifier notifies USDA that Respondent has not corrected the noncompliance by the 10th day, USDA may, without further procedure, suspend Respondent's organic certification for 30 days. On the thirtieth day of the suspension, Respondent may submit to the Secretary or to its certifier a request for reinstatement of its certification, accompanied by evidence demonstrating correction of the noncompliance with the terms of this agreement.

Respondent further agrees to a prospective waiver of its right to notice and opportunity for an administrative hearing pursuant to 7 C.F.R. § 205.681.

The Complainant and Respondent agree that Respondent may seek injunctive, declaratory, or other appropriate relief in the United States District Court for the Middle District of Pennsylvania, or in the United States District Court for the District of Columbia.

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

[redacted]

John L. Zook
Respondent

[redacted]

Lauren Becker
Attorney for Complainant

Done at Washington, D.C.
this 13 day of SEP, 2018

[redacted]

Administrative Law Judge
Jill S. Clifton