

UNITED STATES DEPARTMENT OF AGRICULTURE
 BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	HPA Docket No. 17-0119
)	HPA Docket No. 17-0120
Beth Beasley, an individual;)	HPA Docket No. 17-0121
Jarrett Bradley, an individual;	)	HPA Docket No. 17-0122
Jeffrey Page Bronnenberg, an individual;	)	HPA Docket No. 17-0123
Dr. Michael Coleman, an individual;	)	HPA Docket No. 17-0124
Joe Fleming, an individual doing	)	HPA Docket No. 17-0125
business as Joe Fleming Stables;	)	HPA Docket No. 17-0126
Shawn Fulton, an individual;	)	HPA Docket No. 17-0127
Jimmy Grant, an individual;	)	HPA Docket No. 17-0128
Justin Harris, an individual;	)	HPA Docket No. 17-0129
Amelia Haselden, an individual;	)	HPA Docket No. 17-0130
Sam Perkins, an individual;	)	HPA Docket No. 17-0131
Amanda Wright, an individual;)	
G. Russell Wright, an individual;)	
and Charles Yoder, an individual,)	
)	
Respondents	)	Remand Order as to Justin Harris

On April 11, 2017, Chief Administrative Law Judge Bobbie J. McCartney issued a “Default Decision and Order” as to Justin Harris in the instant proceeding. On May 10, 2017, Mr. Harris appealed Chief Administrative Law Judge McCartney’s Default Decision and Order to the Judicial Officer; on June 30, 2017, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [Administrator], filed “Complainant’s Response to Petition for Appeal Filed by Justin Harris;” and on December 6, 2017, the Hearing Clerk, Office of Administrative Law Judges, United States Department of Agriculture, transmitted the record to the Office of the Judicial Officer for consideration and decision.

On November 29, 2017, the Solicitor General, on behalf of the United States, submitted a brief in *Lucia v. SEC*, (No. 17-130), in which the Solicitor General took the position that administrative law judges of the Securities and Exchange Commission are inferior officers for purposes of the Appointments Clause, U.S. Const. Art. II, § 2, cl. 2.

On July 24, 2017, the Secretary of Agriculture ratified the United States Department of Agriculture's prior written appointment of Chief Administrative Law Judge Bobbie J. McCartney, Administrative Law Judge Jill S. Clifton, and Administrative Law Judge Channing Strother and renewed their oaths of office.¹

To put to rest Mr. Harris' Appointments Clause claim, I remand this proceeding as it relates to Mr. Harris to Chief Administrative Law Judge McCartney who shall: (1) consider the record, including all her previous substantive and procedural actions; (2) determine whether to ratify or revise in any respect all her prior actions; and (3) issue an order stating that she has completed consideration of the record and setting forth her determination regarding ratification.

Done at Washington, DC

January 9, 2018

A solid black rectangular redaction box covering the signature of William G. Jenson.

William G. Jenson
Judicial Officer

¹ Attach. 1.

I, Sonny Perdue, Secretary of Agriculture, conducted a thorough review of the qualifications of this Department's administrative law judges. I affirm that in a ceremony conducted on July 24, 2017, I ratified the agency's prior written appointments of Chief Administrative Law Judge Bobbie McCartney, and Administrative Law Judges Jill S. Clifton and Channing Strother before administering their oath of office by making the following statement:

"I hereby ratify the appointments of Bobbie McCartney, Jill Clifton, and Channing Strother as United States Administrative Law Judges for the United States Department of Agriculture and hereby renew their oaths of office."

Signed this 5th day of December, 2017, in Washington, D.C.



Sonny Perdue
Secretary
United States Department of Agriculture

Attachment 1