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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Steven C. Finberg, a/k/a Steve Finberg (PACA-APP Docket No. **14-0167**).

Petitioner.

Decision and Order

Appearances:

Stephen P. McCarron, Esq., and Mary Jean Fassett, Esq., McCarron & Diess, Washington, D.C. 20016, for Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg, the Petitioner in this responsibly connected case (PACA-APP case); and

Charles L. Kendall, Esq., with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Ave SW, Washington D.C. 20250, for the Respondent, the Administrator, Specialty Crops Program, Agricultural Marketing Service, United States Department of Agriculture (frequently “the Agency” or “AMS”).

Decision Summary

1. Petitioner Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg, was “**responsibly connected**” with Adams Produce Company LLC during all but the end of Adams Produce Company LLC’s PACA violations August 8, 2011 through May 18, 2012 and is consequently subject to the licensing restrictions under section 4(b) of the PACA (7 U.S.C. § 499d(b)) and the employment restrictions under section 8(b) of the PACA (7 U.S.C. § 499h(b)).

Overview

2. Two aspects are noteworthy: (a) the Petitioner was convicted of a crime connected to his work at Adams Produce Company LLC and its predecessor Adams Produce Company, Inc.; and (b) the Petitioner is the Finberg in *Taylor and Finberg*, cited as *Taylor v. U.S. Dep't of Agric.*, 636 F.3d 608 (D.C. Cir. 2011), which resulted in the USDA Judicial Officer's 2012 Decision and Order on Remand, available at

<http://nationalaglawcenter.org/wp-content/uploads/assets/dccisions/taylor3.pdf>

The Judicial Officer's 2012 Decision and Order on Remand concluded that Steven C. Finberg was NOT "responsibly connected" with Fresh America, as that term is defined by 7 U.S.C. § 499a(b)(9), during February 2002 through February 2003 when Fresh America willfully, repeatedly, and flagrantly violated 7 U.S.C. § 499b(4). *In re Cheryl A. Taylor and In re Steven C. Finberg* PACA-APP Docket Nos. 06-0008 and 06-0009, May 22, 2012; 71 Agric. Dec. 612, 623 (2012); 2012 WL 1909339 (U.S.D.A. 2012), available at

<http://nationalaglawcenter.org/wp-content/uploads/assets/dccisions/taylor3.pdf>

3. Similarities between Steve Finberg's situation in *Taylor and Finberg* described in paragraph 2 and his situation in this case are evident. Both there and here, Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg: (a) was an officer; (b) had an important job with broad duties and responsibilities; (c) primarily marketed and sold produce for his employer (whereas purchasing and payment for produce was done

primarily by others); (d) was not the holder of more than 10 per centum of the outstanding stock; (e) was not a director; and (f) was a credible witness (I heard both cases).

4. Steve Finberg's situation in *Taylor and Finberg* and his situation in this case are distinguishable. The USDA Judicial Officer's 2012 Decision and Order on Remand (*see* paragraph 2 for link and citations regarding *Taylor and Finberg*) concluded in accordance with U.S. Court of Appeals guidance that Steve Finberg was only nominally an officer of Fresh America during the time when Fresh America failed to pay produce sellers; that he was powerless to curb Fresh America's PACA violations and lacked the power and authority to direct and affect Fresh America's operations as they related to payment of produce sellers. The Fresh America Directors had usurped the officers' responsibilities. Not so, here.

5. Here, in contrast to *Taylor and Finberg*, I conclude that Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg, the Petitioner, WAS actively involved in the activities resulting in the PACA violations. Steve Finberg is the least culpable of the three officers of the "Executive Team" or "Executive Committee". The "Executive Team" or "Executive Committee" ran Adams Produce Company LLC and its predecessor Adams Produce Company, Inc., including all but the end of the period during which Adams Produce Company LLC violated the Perishable Agricultural Commodities Act. (The period during which full payment was not made when due was August 8, 2011 through May 18, 2012; Adams Produce Company LLC ceased operations at the end of April 2012, with produce accepted as late as May 1 and May 2, 2012, according to Schedule A

attached to the Complaint filed June 28, 2013 in the disciplinary action, PACA-D Docket No. 13-0284.)

6. The “Executive Team” or “Executive Committee” were (a) Chief Executive Officer Scott Grinstead, full name Scott David Grinstead; (b) Chief Operating Officer Steven C. (“Steve”) Finberg; and (c) Chief Financial Officer John Stephen (“Steve”) Alexander. As I explain below in the Findings of Fact, paragraphs 14 through 30, each of the three officers on the “Executive Team” or “Executive Committee” has some responsibility for the money stolen from the United States and the Department of Defense through fraudulent invoices and purchase orders (\$481,000.00 to which Adams Produce was not entitled, RX 11, p. 5) and consequently for the ultimate failure of Adams Produce Company LLC to make full payment promptly for the fruits and vegetables it purchased.

Parties and Allegations

7. This Decision and Order ¹ decides a Petition brought by an individual, a non-governmental party, challenging a “responsibly connected” determination made in 2014 by the PACA Director. The cases of 4 Petitioners were consolidated for Hearing. This Petitioner, Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg, was an officer of Adams Produce Company LLC who had been hired in 2007 to be Executive Vice President of Adams Produce Company, Inc. (Tr. 223); who remained an

1. This Decision and Order does not address the Petitions of Jonathan Dyer; and Drew Johnson, also known as Drew R. Johnson; and Michael S. Rawlings, for whom an initial decision was issued on May 19, 2017, now on appeal to the Judicial Officer of the United States Department of Agriculture.

officer, becoming Chief Operating Officer in 2009 (Tr. 230; RX 11, p. 3); and who continued as Chief Operating Officer until Adams Produce Company LLC ceased operations at the end of April 2012 (Tr. 231).

8. The PACA Division is a Division of the Specialty Crops Program, Agricultural Marketing Service, United States Department of Agriculture.

Procedural History

9. The Hearing was held in Dallas, Texas on March 22, 2016; and in Washington, D.C. on August 31, 2016. The Transcript, Tr. 1 - Tr. 317, is in two volumes.

10. Four Petitions were consolidated for Hearing; this Decision addresses one of those four Petitions. Each Petitioner requested review of (appealed) the determination by the Director, PACA Division, Specialty Crops Program, Agricultural Marketing Service, United States Department of Agriculture, that each was “responsibly connected” with Adams Produce Company LLC during August 8, 2011 through May 18, 2012 when Adams Produce Company LLC failed to make full payment promptly of the purchase prices or balances thereof for fruits and vegetables, all being perishable agricultural commodities. The balance not paid when due totaled \$10,735,186.81 as specified in Appendix A to the Complaint in PACA-D Docket No. 13-0284; of that total, \$1,928,417.74 remained unpaid when that Complaint was filed on June 28, 2013, as stated in paragraph III of that Complaint and confirmed by Mr. Kendall in the AMS Brief filed March 10, 2017, p. 2.

11. To understand “responsibly connected”, see section 1(b)(9) of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499a(b)(9):

(9) The term “responsibly connected” means affiliated or connected with a commission merchant, dealer, or broker as (A) partner in a partnership, or (B) officer, director, or holder of more than 10 per centum of the outstanding stock of a corporation or association. A person shall not be deemed to be responsibly connected if the person demonstrates by a preponderance of the evidence that the person was not actively involved in the activities resulting in a violation of this chapter and that the person either was only nominally a partner, officer, director, or shareholder of a violating licensee or entity subject to license or was not an owner of a violating licensee or entity subject to license which was the alter ego of its owners.

7 U.S.C. § 499a(b)(9).

12. The parties’ Updated Stipulation as to Proceedings was filed on June 11, 2015. Petitioners’ Exhibits 1 through 26 (PX 1 - PX 26) were admitted into evidence by stipulation. Tr. 29. Respondent’s Exhibits, one volume of Agency Records for each Petitioner, were admitted into evidence (Tr. 11); and Government Exhibit 11 (RX 11) and Government Exhibit 12 (RX 12), were admitted into evidence (Tr. 272). The evidence from any of the four Petitioners’ cases is available for each case. Tr. 16.

13. The parties filed briefs: (a) January 13, 2017, Petitioners' Opening Brief; (b) March 10, 2017, AMS's Opposition Brief; and (c) April 10, 2017, Petitioners' Reply Brief.

Findings of Fact

14. Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg, the Petitioner, was an officer (Chief Operating Officer) of Adams Produce Company LLC (Adams Produce), until Adams Produce dissolved at the end of April 2012; he was Chief Operating Officer during all but the end of Adams Produce's PACA violations. Tr. 231.

15. Steve Finberg testified on August 31, 2016 in Washington D.C. (Tr. 221 - 279); his testimony was consistent with the other evidence and was credible.

16. Steve Finberg had been hired by Scott Grinstead and Carl Adams in either September or October 2007 to be Executive Vice President of Adams Produce Company, Inc. Tr. 223. Steve Finberg had become Adams Produce's Chief Operating Officer in 2009. Tr. 230; RX 11, p. 3. Steve Finberg was never an owner; although initial documents may have showed him at slightly more than 4 per cent, no ownership materialized. Tr. 275-76.

17. Three officers were the "Executive Team" or "Executive Committee" who ran Adams Produce Company LLC and its predecessor Adams Produce Company, Inc., with all three on board by 2007. Tr. 230-31. They were (a) Chief Executive Officer Scott Grinstead, full name Scott David Grinstead; (b) Chief Operating Officer Steven C. ("Steve") Finberg; and (c) Chief Financial Officer John Stephen ("Steve") Alexander. All three remained in these critically important jobs managing the company during all but the end of the period

during which Adams Produce Company LLC violated the Perishable Agricultural Commodities Act. (The period during which full payment was not made when due was August 8, 2011 through May 18, 2012; Adams Produce Company LLC ceased operations at the end of April 2012, with produce accepted as late as May 1 and May 2, 2012, according to Schedule A attached to the Complaint filed June 28, 2013 in the disciplinary action, PACA-D Docket No. 13-0284.)

18. April 2012 is when Steve Finberg stopped being an Officer (Chief Operating Officer) of Adams Produce, and also when John Stephen ("Steve") Alexander stopped being an Officer (Chief Financial Officer) of Adams Produce. Tr. 231.

19. Scott Grinstead, full name Scott David Grinstead, Adams Produce Company, Inc.'s Chief Executive Officer, was already an owner when Adams Produce became Adams Produce Company LLC on or about September 29, 2010, to absorb the investment of CIC Partners through a wholly-owned subsidiary named API Holdings LLC. Finberg RX 4, pp. 41-93. Scott David Grinstead remained Chief Executive Officer, became a Director with 3 of 6 votes, and owned 44.70% of Adams Produce Company LLC. Finberg RX 1. Tr. 292.

20. Adams Produce's downfall had begun prior to the API Holdings LLC investment, in early 2010, March 11-16 or earlier, when Chief Executive Officer Scott David Grinstead had been "cooking the books" (focusing on 2009; 2009 was to be audited as part of the investment), to make Adams Produce Company Inc. look more profitable by fraudulently increasing income and had enlisted the help of the Chief Financial Officer John Stephen

("Steve") Alexander. The email string at PX 9 documents a portion of the fraudulent alterations of the financial statements and information that Chief Executive Officer Scott David Grinstead ordered be done. PX 9.

21. Steve Finberg had known Scott Grinstead when they both worked at Gourmet Packing. Tr. 256. Steve Finberg worked at Gourmet Packing while he was still in college, beginning his work in the produce industry at age 20 in 1989. Tr. 222. Scott Grinstead began work at Gourmet Packing probably two years after Steve Finberg arrived. Tr. 256.

22. Chief Executive Officer Scott David Grinstead, Director with 3 of 6 votes, through his crimes and fraud and profligate spending, rendered Adams Produce Company LLC's financial statements and information false and misleading beginning with 2009 financial statements and information and continuing thereafter, and destroyed Adams Produce Company LLC's corporate form. For more detail, see my initial decision issued on May 19, 2017, now on appeal to the Judicial Officer of the United States Department of Agriculture, which addressed the Petitions of Jonathan Dyer (PACA-APP Docket No. 14-0166); and Drew Johnson, also known as Drew R. Johnson (PACA-APP Docket No. 14-0168); and Michael S. Rawlings (PACA-APP Docket No. 14-0169), available at

https://www.oaljdecisions.dm.usda.gov/sites/default/files/170519_DO_PACA%2014-0166%2C%2014-0168%2C%2014-0169.pdf

23. Steve Finberg was `oblivious to Scott Grinstead's thievery (Tr. 255-58), although he was aware of Scott Grinstead's "we'll say eccentric behavior, Scott had that same behavior

as long as I've known him. And I've known Scott Grinstead - - I worked with him at Gourmet Packing probably two years after I arrived. He's always been like that. So I would say that was more excessive and exorbitant." Tr. 256. Tr. 245-46.

24. Steve Finberg became indirectly aware of significant problems with the company in the holiday season of 2011. Tr. 238. "Two things were happening. One, we were getting more calls than before to the general manager or to the home office asking about payment." Tr. 238. The second thing was heated conversations between Chief Executive Officer Scott David Grinstead and Chief Financial Officer John Stephen ("Steve") Alexander. Tr. 238-39.

25. By early March 2012, Chief Restructuring Officer (CRO) Tom Donoghue with Deloitte became management of Adams Produce Company LLC, and Steve Finberg remained in management until Adams Produce dissolved at the end of April 2012.

26. Of the "Executive Team" or "Executive Committee", Chief Executive Officer Scott David Grinstead was the worst culprit by far. He was not only Chief Executive Officer but also a Director with 3 of 6 votes, and Scott David Grinstead was an owner. Tr. 290-92. Finberg RX 1. Scott David Grinstead was already an owner when Steve Finberg joined Adams Produce in 2007. Tr. 225-27.

27. Chief Executive Officer Scott David Grinstead, Director with 3 of 6 votes, through his crimes and fraud and profligate spending, destroyed and disrupted the corporate form of Adams Produce Company LLC AND of Grinstead & Associates, LLC, each of which he operated as if he were the lawless sole proprietor. The thievery by Scott David Grinstead

took years and millions of dollars to detect and prove. Scott David Grinstead managed to use Adams Produce as his personal piggy bank. For more detail, see my initial decision issued on May 19, 2017, now on appeal to the Judicial Officer of the United States Department of Agriculture, which addressed the Petitions of Jonathan Dyer (PACA-APP Docket No. 14-0166); and Drew Johnson, also known as Drew R. Johnson (PACA-APP Docket No. 14-0168); and Michael S. Rawlings (PACA-APP Docket No. 14-0169), available at

https://www.oaljdecisions.dm.usda.gov/sites/default/files/170519_DO_PACA%2014-0166%2C%2014-0168%2C%2014-0169.pdf

28. Each of the three “Executive Team” or “Executive Committee” was convicted of a crime connected to his work at Adams Produce Company LLC and its predecessor Adams Produce Company, Inc.: (a) Chief Executive Officer Scott Grinstead, full name Scott David Grinstead; (b) Chief Operating Officer Steven C. (“Steve”) Finberg; and (c) Chief Financial Officer John Stephen (“Steve”) Alexander. PX 1, PX 2, PX 3, PX 4, Government Exhibits 11 & 12 (RX 11, RX 12).

29. Ironically, the crimes in the latter half of 2011 brought stolen money INTO Adams Produce, money stolen from the United States and the Department of Defense through fraudulent invoices and purchase orders. Each of the three officers who were the “Executive Team” or “Executive Committee” has some responsibility for the money stolen from the United States and the Department of Defense through fraudulent invoices and purchase

orders (\$481,000.00 to which Adams Produce was not entitled, RX 11, p. 5). That stolen money and a whistle-blower led to the Department of Justice investigation, which led to extraordinary expenditures to uncover Scott Grinstead's crimes and fraud and profligate spending, and consequently led to the ultimate failure of Adams Produce Company LLC to make full payment promptly for the fruits and vegetables it purchased.

30. Steve Finberg is the least culpable of the three officers who were the "Executive Team" or "Executive Committee": his conviction, Misprision of felony, in violation of 18 U.S.C. § 4, might have been avoided if he had reported, as soon as possible, to a United States authority, what he had learned about the scheme to steal from the United States and the Department of Defense. Instead, he reported what he had learned in mid-October 2011 of the fraudulent scheme to overcharge the United States and the Department of Defense, to his direct supervisor, Scott David Grinstead. Tr. 262, 267.

Conclusions

31. The Secretary of Agriculture has jurisdiction over Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg, the Petitioner, and over the subject matter involved herein.

32. A Default Decision and Order was issued against Adams Produce Company LLC, filed with the USDA Hearing Clerk on November 25, 2013 in PACA-D Docket No. 13-0284, by former Chief Judge Peter M. Davenport. That Default Decision is available on the USDA / Office of Administrative Law Judges website, at

<https://www.oaljdecisions.dm.usda.gov/sites/default/files/DD%20-%20Adams%20Produce%20-%2013-0284.pdf>

33. I take official notice of the Default Decision and Order identified in paragraph 32 and conclude accordingly that Adams Produce Company LLC willfully, flagrantly, and repeatedly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)) by failing to make full payment promptly during August 8, 2011 through May 18, 2012 of the purchase prices or balances thereof totaling \$10,735,186.81 for fruits and vegetables, all being perishable agricultural commodities that Adams Produce Company LLC purchased, received, and accepted in the course of interstate commerce, as specified in Appendix A to the Complaint in PACA-D Docket No. 13-0284. I conclude further that \$1,928,417.74 remained unpaid when that Complaint was filed on June 28, 2013, as stated in paragraph III of that Complaint and confirmed by Mr. Kendall in the AMS Brief filed March 10, 2017, p. 2.

34. Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg, the Petitioner, was an officer of Adams Produce Company LLC during Adams Produce Company LLC's PACA violations described in paragraph 33, who WAS actively involved in the activities resulting in the PACA violations.

35. Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg, the Petitioner, was **"responsibly connected"** with Adams Produce Company LLC, as defined by 7 U.S.C. § 499a(b)(9), during August 8, 2011 through May 18, 2012, when Adams

Produce Company LLC willfully, flagrantly, and repeatedly violated the PACA (7 U.S.C. § 499b(4)).

36. Steven C. Finberg, full name Steven Craig Finberg, also known as Steve Finberg, the Petitioner, is subject to licensing restrictions under section 4(b) of the PACA, 7 U.S.C. § 499d(b); and employment sanctions under section 8(b) of the PACA, 7 U.S.C. § 499h(b).

Order

37. This Decision affirms the determination by the Director, PACA Division, Specialty Crops Program, Agricultural Marketing Service, United States Department of Agriculture, that Steven C. Finberg, also known as Steve Finberg, the Petitioner, was “**responsibly connected**” with Adams Produce Company LLC during Adams Produce Company LLC’s PACA violations (of section 2(4) of the PACA, 7 U.S.C. § 499b(4)), August 8, 2011 through May 18, 2012.

38. Accordingly, Steven C. Finberg, also known as Steve Finberg, is subject to the licensing restrictions under section 4(b) of the PACA (7 U.S.C. § 499d(b)) and the employment restrictions under section 8(b) of the PACA (7 U.S.C. § 499h(b)). The licensing and employment restrictions are effective on the 11th day after this Decision and Order becomes final.

39. Provisions allowing licensing after a finding of responsible connection are found in 7 U.S.C. § 499d.

40. Provisions allowing employment after a finding of responsible connection are found in 7 U.S.C. § 499h.

Finality

41. This Decision and Order shall be final without further proceedings 35 days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within 30 days after service, pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145, see Appendix A).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.

this 25th day of July 2017



Jill S. Clifton

Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
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APPENDIX A

7 C.F.R.:

TITLE 7—AGRICULTURE

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

....

SUBPART H—RULES OF PRACTICE GOVERNING FORMAL

ADJUDICATORY PROCEEDINGS INSTITUTED BY THE SECRETARY UNDER VARIOUS STATUTES

...

§ 1.145 Appeal to Judicial Officer.

(a) *Filing of petition.* Within 30 days after receiving service of the Judge's decision, if the decision is a written decision, or within 30 days after issuance of the Judge's decision, if the decision is an oral decision, a party who disagrees with the decision, any part of the decision, or any ruling by the Judge or who alleges any deprivation of rights, may appeal the decision to the Judicial Officer by filing an appeal petition with the Hearing Clerk. As provided in § 1.141(h)(2), objections regarding evidence or a limitation regarding examination or cross-examination or other ruling made before the Judge may be relied upon in an appeal. Each issue set forth in the appeal petition and the arguments regarding each issue shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations to the record, statutes, regulations, or authorities being relied upon in support of each argument. A brief may be filed in support of the appeal simultaneously with the appeal petition.

(b) *Response to appeal petition.* Within 20 days after the service of a copy of an appeal petition and any brief in support thereof, filed by a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to the appeal and in such response any relevant issue, not presented in the appeal petition, may be raised.

(c) *Transmittal of record.* Whenever an appeal of a Judge's decision is filed and a response thereto has been filed or time for filing a response has expired, the Hearing Clerk shall transmit to the Judicial Officer the record of the proceeding. Such record shall include: the pleadings; motions and requests filed and rulings thereon; the transcript or recording of the testimony taken at the hearing, together with the exhibits filed in connection therewith; any documents or papers filed in connection with a pre-hearing conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Judge's decision; such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding; and the appeal petition, and such briefs in support thereof and responses thereto as may have been filed in the proceeding.

(d) *Oral argument.* A party bringing an appeal may request, within the prescribed time for filing such appeal, an opportunity for oral argument before the Judicial Officer. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such an oral argument. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Judicial Officer may grant, refuse, or limit any request for oral argument. Oral argument shall not be transcribed unless so ordered in advance by the Judicial Officer for good cause shown upon request of a party or upon the Judicial Officer's own motion.

(e) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised in the appeal or in the response to the appeal, except that if the Judicial Officer determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(f) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(g) *Order of argument.* The appellant is entitled to open and conclude the argument.

(h) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Judicial Officer may direct that the appeal be argued orally.

(i) *Decision of the [J]udicial [O]fficer on appeal.* As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Judicial Officer, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Judicial Officer decides that no change or modification of the Judge's decision is warranted, the Judicial Officer may adopt the Judge's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum. A final order issued by the Judicial Officer shall be filed with the Hearing Clerk. Such order may be regarded by the respondent as final for purposes of judicial review without filing a petition for rehearing, reargument, or reconsideration of the decision of the Judicial Officer.

[42 FR 743, Jan. 4, 1977, as amended at 60 FR 8456, Feb. 14, 1995; 68 FR 6341, Feb. 7, 2003]

7 C.F.R. § 1.145