

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket Nos. 20-J-0125
)
Euro-Lumberjack, LLC,) Decision without Hearing
Respondent.) By Reason of Consent

This proceeding was instituted under the Commodity Promotion, Research, and Information Act of 1996, 7 U.S.C. §§ 7411-7425 (1996 Act), by a Complaint filed by the Administrator of the Agricultural Marketing Service, United States Department of Agriculture (AMS), on May 6, 2020, alleging that, pursuant to the 1996 Act, the respondent violated the Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order, 7 C.F.R. §§ 1217.1 – 1217.520 (Softwood Lumber Order).

Euro-Lumberjack, LLC (Respondent) admits the jurisdictional allegations in paragraphs 1 through 3 of the Complaint, specifically admits that the Secretary has jurisdiction in this matter, and admits the remaining allegations as set forth herein as findings of fact and conclusions of law. Respondent waives:

- a. Oral hearing and any further procedure;
- b. All rights to seek judicial review and otherwise challenge or contest the validity of this decision;
- c. Any challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States;
- d. Any right to notice and opportunity for a hearing pursuant to 7 U.S.C. § 7419(c) as to any failure to comply with the terms of this Order.

The parties have agreed to the entry of a Consent Decision and Order as set forth herein. Therefore, this Consent Decision and Order is entered without further procedure or hearing pursuant to the consent decision provisions (7 C.F.R. §1.138) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (Rules of Practice) (7 C.F.R. § 1.130 et seq.) applicable to this proceeding.

Findings of Fact

1. Respondent Euro-Lumberjack, LLC is a South Carolina corporation whose registered agent for service of process is Tim Cornwell, President & CEO, 146 Hooded Merganser Court, Kiawah Island, South Carolina, 29455.

2. The Secretary has jurisdiction to issue an order in this proceeding.

3. At all times material herein, Respondent Euro-Lumberjack:

a. Was an importer of softwood lumber as defined in the 1996 Act, 7 U.S.C. § 7412(6), and the Softwood Lumber Order, 7 C.F.R. § 1217.11; and

b. Imported softwood lumber using importer number 82-175472900 as assigned by U.S. Customs and Border Protection.

4. As of the date of the filing of the complaint, Respondent owed a total of \$15,397.99 in assessments to the Softwood Lumber Board.

5. As of the date of the filing of the complaint, Respondent owed \$1,539.81 in late fees and \$3,223.93 in interest to the Softwood Lumber Board.

Conclusions of Law

1. Respondent has violated §7415(f) of the 1996 Act, and § 1217.52 of the Softwood Lumber Order, by failing to timely remit to the Softwood Lumber Board,

\$15,397.99 in assessments for the second quarter of 2018 through the fourth quarter of 2019, plus late fees and interest thereon.

2. Respondent has violated § 7414(i) of the Act and § 1217.70 of the Order by failing to report quarterly import data as required by the Order from the first quarter of 2018 through the fourth quarter of 2019.

Order

1. Respondent Euro-Lumberjack, LLC, its agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from violating the 1996 Act and the Softwood Lumber Order by, including, failing to remit timely all assessments and failing to report quarterly import data.

2. Respondent will pay \$15,397.99, which is all assessments due and owing through the 4th quarter of 2019, in full to the Softwood Lumber Board by July 1, 2020.

3. Respondent will pay combined late fees and interest of \$2,381.87 to the Softwood Lumber Board by July 1, 2020.

4. Respondent is assessed a civil penalty of \$5,000. However, the civil penalty shall be held in abeyance, provided that the Respondent complies with the terms of this Order. If Respondent fails to comply with the terms of this Order, the civil penalty shall become due and payable to AMS and the Board, as applicable, without further process or procedure five (5) days after Respondent receives notice from the Associate Deputy Administrator of AMS indicating that Respondent has violated the terms of this Order. Should Respondent satisfy the terms of the Order, the civil penalty will be permanently abated without further process or procedure and the case will be effectively closed.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective upon issuance.

Copies of this decision and Order will be served upon the parties.



Tim Cornwell for
Euro-Lumberjack, LLC
Respondent



Lauren E. Becker
Attorney for Complainant

Done at Washington, D.C.
this 22 day of JUN, 2020



Jill S. Clifton
Administrative Law Judge