

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) OFPA Docket No. 08-0134  
)  
Promiseland Livestock, LLC, and )  
Anthony J. Zeman, )  
)  
Respondents ) **Order Lifting Stay**

On October 19, 2010, I issued a Decision and Order in which I found Promiseland Livestock, LLC, and Anthony J. Zeman [hereinafter Respondents] violated the Organic Foods Production Act of 1990, as amended (7 U.S.C. §§ 6501-6523) [hereinafter the Organic Foods Production Act], and the National Organic Program regulations (7 C.F.R. pt. 205).<sup>1</sup>

On December 2, 2010, Respondents filed a motion requesting a stay of the Decision and Order pending judicial review, which I granted.<sup>2</sup> On June 30, 2011, Respondents dismissed with prejudice the complaint they had filed in the United States District Court for the District of Nebraska, thereby, concluding proceedings for judicial

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<sup>1</sup>*In re Promiseland Livestock, LLC*, \_\_ Agric. Dec. \_\_ (Oct. 19, 2010), *dismissed*, No. 8:11-cv-62 (D. Neb. June 30, 2011).

<sup>2</sup>*See In re Promiseland Livestock, LLC (Stay Order)*, \_\_ Agric. Dec. \_\_ (Dec. 2, 2010).

review. On June 30, 2011, the Administrator, Agricultural Marketing Service, United States Department of Agriculture [hereinafter the Administrator], filed Complainant's Unopposed Motion to Lift Stay requesting that I lift the December 2, 2010, Stay Order and make the Order in *In re Promiseland, LLC*, \_\_\_ Agric. Dec. \_\_\_ (Oct. 19, 2010), effective 7 days after service on Respondents of any order lifting stay.

As Respondents do not oppose the Administrator's request that I lift the December 2, 2010, Stay Order and proceedings for judicial review are concluded, the December 2, 2010, Stay Order is lifted and the Order issued in *In re Promiseland Livestock, LLC*, \_\_\_ Agric. Dec. \_\_\_ (Oct. 19, 2010), is effective, as follows:

#### **ORDER**

1. The organic certifications of Promiseland Livestock, LLC, and Anthony J. Zeman are suspended for a period of 5 years.
2. Promiseland Livestock, LLC; Anthony J. Zeman; and any person responsibly connected with Promiseland's certified organic operation are disqualified from receiving certification under the Organic Foods Production Act for a period of 5 years.

3. This Order shall become effective 7 days after service of this Order Lifting Stay on Promiseland Livestock, LLC, and Anthony J. Zeman.

Done at Washington, DC

July 18, 2011

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William G. Jenson  
Judicial Officer