UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 13-0343
William Brackston Lee, III, ) AWA Docket No. 14-0021
an individual, d/b/a )
Laughing Valley Ranch, )
) Respondent ) Remand Order


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.\footnote{Attach. 1.}

To put to rest any Appointments Clause claim that may arise in this proceeding, I remand this proceeding to Chief Administrative Law Judge McCartney who shall:

Issue an order giving the Administrator and Mr. Lee an opportunity to submit new evidence:

Consider the record, including any newly submitted evidence and all her previous substantive and procedural actions;

Determine whether to ratify or revise in any respect all her prior actions; and

Issue an order stating that she has completed consideration of the record and setting forth her determination regarding ratification.

Done at Washington, DC

December 28, 2017

[Signatures]

William G. Jenson
Judicial Officer
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
CERTIFICATE OF SERVICE

William Brackston Lee, III, a/k/a William Brackston Lee, Respondent
Docket: 13-0343
William Brackston Lee, III, d/b/a Laughing Valley Ranch, Respondent
Docket: 14-0021

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the JO REMAND ORDER has been furnished and was served upon the following parties on December 28, 2017 by the following:

USDA (OGC) - Electronic Mail
Colleen A. Carroll, OGC
Colleen.Carroll@ogc.usda.gov
Ada Quick, OGC
Ada.Quick@ogc.usda.gov

USDA (APHIS) - Electronic Mail
IESLegals@aphis.usda.gov
ac.rss.mailbox@aphis.usda.gov

Counsel for Respondent – Electronic Mail
Jay W. Swearingen
Jennifer Reba Edwards, Esq.
jre@theanimallawcenter.com
jws@theanimallawcenter.com

Respectfully Submitted,

[Signature]

Reneé Leach-Carlos, Hearing Clerk
USDA/Office of Administrative Law Judges
Hearing Clerk’s Office, Rm. 1031-S
1400 Independence Ave., SW
Washington, DC 20250-9203