

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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

On September 8, 2016, Chief Administrative Law Judge Bobbie J. McCartney issued a “Decision and Order Granting Summary Judgment” in the instant proceeding. On November 7, 2016, William Brackston Lee, III, filed “Petitioner’s Appeal Petition to Judicial Officer.” on November 18, 2016, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [Administrator], filed “Complainant’s Response to Respondent’s Petition for Appeal” in *Lee, III*, AWA Docket No. 14-0021; and on November 28, 2016, the Administrator filed “Complainant’s Response to Respondent’s Petition for Appeal” in *Lee, III*, AWA Docket No. 13-0343. On January 3, 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.<sup>1</sup>

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



William G. Jenson  
Judicial Officer

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<sup>1</sup> 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 5<sup>th</sup> day of December, 2017, in Washington, D.C.



Sonny Perdue  
Secretary  
United States Department of Agriculture

Attachment 1

**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](mailto:Colleen.Carroll@ogc.usda.gov)

Ada Quick, OGC

[Ada.Quick@ogc.usda.gov](mailto:Ada.Quick@ogc.usda.gov)

USDA (APHIS) - Electronic Mail

[IESLegals@aphis.usda.gov](mailto:IESLegals@aphis.usda.gov)

[ac.rss.mailbox@aphis.usda.gov](mailto:ac.rss.mailbox@aphis.usda.gov)

Counsel for Respondent – Electronic Mail

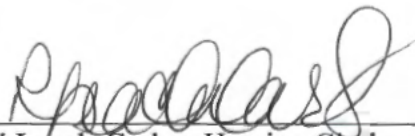
Jay W. Swearingen

Jennifer Reba Edwards, Esq.

[jre@theanimallawcenter.com](mailto:jre@theanimallawcenter.com)

[jws@theanimallawcenter.com](mailto:jws@theanimallawcenter.com)

Respectfully Submitted,



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Renee 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