

Settlement Agreement

THIS SETTLEMENT AGREEMENT is entered into by the United States Department of Agriculture (USDA) Agricultural Marketing Service (AMS), and SUN COFFEE ROASTERS, and any person responsibly connected with SUN COFFEE ROASTERS.

USDA, AMS and SUN COFFEE ROASTERS have agreed to compromise and settle the issues between them related to alleged violations of the Organic Foods Production Act of 1990 (7 U.S.C. §§ 6501 et seq.) (OFPA), and regulations promulgated thereunder (7 C.F.R. part 205).

Accordingly, the parties agree to the following:

1. The Secretary of Agriculture has jurisdiction in this matter.
2. USDA, AMS agrees not to file a formal administrative complaint charging SUN COFFEE ROASTERS with alleged violations of the OFPA and the USDA organic regulations, and which occurred prior to the signing of the agreement.
3. By signing this settlement agreement, SUN COFFEE ROASTERS waives its appeal rights in this matter. By doing so, SUN COFFEE ROASTERS agrees that, if it fails to comply with the terms of this executed agreement, USDA, AMS may file a formal complaint and proceed directly to a formal administrative hearing for the violations that led to this agreement, as well as any violations identified after execution of this agreement. The formal complaint could seek further action against the certification status of SUN COFFEE ROASTERS, as well as civil penalties, if an investigation disclosed that SUN COFFEE ROASTERS knowingly sold or labeled an agricultural product as organic not in accordance with the OFPA and the regulations.
4. SUN COFFEE ROASTERS agrees to the following:
 - A. SUN COFFEE ROASTERS has been given the opportunity for a hearing and waives such hearing and further procedure for the purpose of settling this matter and for such purposes only.
 - B. SUN COFFEE ROASTERS agrees that failure to comply with the settlement agreement shall automatically void paragraph 2 above, and that USDA, AMS may thereafter institute a formal administrative proceeding against SUN COFFEE ROASTERS, and pursue any and all remedies available under the OFPA and the regulations promulgated thereunder.
 - C. SUN COFFEE ROASTERS will immediately cease and desist selling, labeling and representing its agricultural products in violation of the OFPA and USDA organic regulations, and specifically cease and desist from labeling or providing market information that implies, directly or indirectly, that its agricultural products were produced or handled using organic methods.

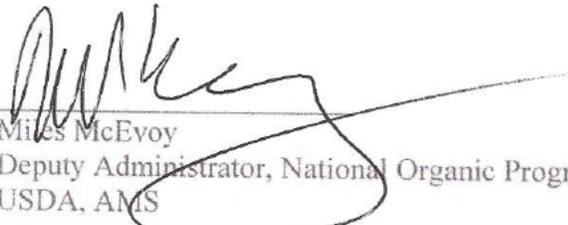
D. SUN COFFEE ROASTERS agrees to pay a total civil penalty of \$1,000 in full settlement of this matter. In the event that SUN COFFEE ROASTERS is not able to pay the amount in full, installment payment options may be arranged.

This agreement will become effective upon receipt of payment.

(b) (6)

Keith Lemnios
Sun Coffee Roasters

Date: 01/19/2016


Miles McEvoy
Deputy Administrator, National Organic Program
USDA, AMS

Date: 01/28/2016