SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is entered into by the United States Department of Agriculture (USDA) Agricultural Marketing Service (AMS), and West Wind Farms LLC.

USDA, AMS and West Wind Farms LLC have decided to 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 CFR §§ 205 et seq.).

Accordingly, the parties agree to the following:

1. The Secretary of Agriculture has jurisdiction in this matter.

2. West Wind Farms denies violating the USDA organic regulations willfully.

3. USDA, AMS agrees:

   A. Not to file a formal administrative complaint charging West Wind Farms LLC with alleged violations of the OFPA and the regulations for any actions disclosed by the investigation which gave rise to this agreement.

   B. That to the best of USDA, AMS' knowledge, at the time of execution of this settlement agreement, West Wind Farms LLC has removed from its website and other market information all representations of West Wind Farms LLC as an organic operation, as well as representations of its products as having been produced or handled using organic methods. USDA, AMS had previously identified these representations as noncompliant with the USDA organic regulations and notified West Wind Farms LLC.

   C. To consider a request for reinstatement of organic certification from West Wind Farms LLC upon execution of this settlement agreement.

4. West Wind Farms LLC agrees to the following:

   A. West Wind Farms LLC has been given the opportunity for a hearing and waives such hearing and further procedure for the purpose of settling this proceeding and for such purpose only.

   B. West Wind Farms LLC agrees that failure to comply with the settlement agreement shall automatically void number 3(A) above, and that USDA, AMS may thereafter institute a formal administrative proceeding against West Wind Farms LLC, and pursue any and all remedies available under the OFPA and the regulations.

C. West Wind Farms LLC agrees to comply immediately with the USDA organic regulations and to refrain from representing its products as having been produced or handled using organic methods until and unless its organic certification is reinstated.

D. West Wind Farms LLC agrees to pay a reduced penalty of $2,000.00 in full settlement of this matter, to be paid in monthly installments of $333.33 by certified check or money order made payable to the "Treasurer of the United States." The first such installment payment must be mailed to USDA, AMS, via U.S. Mail, no later than thirty (30) days after the date that this settlement agreement is executed by both parties. All payments must be mailed to:

USDA, National Organic Program
Compliance & Enforcement Division
1400 Independence Ave. SW
Room 2648-S, Mail Stop 0268
Washington, D.C. 20250-0268

(b) (6) [redacted]

Mr. Ralph Cole
Owner
West Wind Farms LLC

Date: 2/17/16

Miles V. McEvoy
Deputy Administrator
National Organic Program, AMS, USDA

Date: 2/18/2016