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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Carolina Soya, LLC,	)	Dkt. No. 15-0007 to
Lynchburg Grain Company,	)	15-0012
Carolina Eastern, Inc.,	)	
J.W. Williamson Ginnery, Inc.,	)	
Alton Phillips, and	)	
Johnny Williamson	)	

Respondents

CONSENT DECISION AND ORDER

This proceeding was instituted under the Soybean Promotion, Research and Consumer Information Act Order(7 C.F.R. §§ 1260.101 - 1260.257) ("Order"), issued pursuant to the Soybean Promotion, Research and Consumer Information Act(7 U.S.C. §§ 6301-6311) ("Act"), and the Rules and Regulations issued pursuant to the Act and Order (7 C.F.R. §§ 1260.301-1260.316) ("Regulations"), by a complaint filed by the Administrator, Agricultural Marketing Service, United States Department of Agriculture, alleging that the Respondents violated the Order issued pursuant to the Act, and the Regulations issued pursuant to the Act and Order. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The Respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purposes only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

A. Carolina Soya, LLC, is a limited liability corporation that processes soybeans. Carolina Soya is located at 253 West 3rd St., Estill, SC 29918-4835. Carolina Soya, Inc. was owned at least through December of 2010 by Lynchburg Grain Company, a partnership that consisted of Carolina Eastern, Inc., J.W. Williamson Ginnery, Inc., South Carolina Farm Bureau Marketing Association, Inc., and Home Place Farms, LLC.

B. At all material times herein Carolina Soya, Inc. was owned, controlled and directed by Johnny Williamson (also known as John W. Williamson III) and Alton C. Phillips. At all material times Lynchburg Grain Company was, owned, controlled and directed by Johnny Williamson and Alton C. Phillips. At all material times herein Carolina Eastern, Inc. was owned, controlled and directed by Alton C. Phillips. At all material times J.W. Williamson Ginnery, Inc., was owned, controlled and directed by Johnny Williamson. The mailing address of Johnny Williamson is (b) (6) [redacted] The mailing address of Alton C. Phillips is (b) (6) [redacted]. The mailing address of Lynchburg Grain Company is 284 W. Willow Grove, Lynchburg, SC 29080. The mailing address of Carolina Eastern, LLC is 1820 Savannah Highway, Charleston, SC 29407. The mailing address of J.W. Williamson Ginnery, Inc. is 16477 Heritage Hywy, Denmark, SC 29042.

C. At all times material herein Carolina Soya, Inc. was the first purchaser, as the term is defined in the Order, of soybeans from a producer. See 7 C.F.R. § 1220.311(a). Carolina Soya, Inc. was required by the Act, Order and Regulations to collect and remit assessments to a Qualified State Soybean Board pursuant to 7 C.F.R. §§ 1220.311 and 1220.312.

D. John W. Williamson III, Alton C. Phillips, J.W. Williamson Ginnery, Inc.,

Carolina Eastern, Inc. and Lynchburg Grain Company as the owners of Carolina Soya, Inc. were required by the Act, Order and Regulations to collect and remit assessments to a Qualified State Soybean Board pursuant to 7 C.F.R. §§ 1220.311 and 1220.312.

E. At all times material herein Carolina Soya, Inc. was required to submit a report of assessments to a Qualified State Soybean Board pursuant to 7 C.F.R. § 1220.312.

F. John W. Williamson III, Alton C. Phillips, J.W. Williamson Ginnery, Inc., Carolina Eastern, Inc. and Lynchburg Grain Company as the owners of Carolina Soya were required by the Act, Order and Regulations to submit a report of assessments to a Qualified State Soybean Board pursuant to 7 C.F.R. § 1220.312.

Conclusions

The Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. The Respondents shall pay their past-due assessments to the United Soybean Board and the South Carolina Soybean Board. The amount of past-due assessments totaled $31,039.13. The payment shall be made by certified check or money order payable to the South Carolina Soybean Board and sent to Sharlene Deskins, USDA OGC MRFSP Div., Mail Stop 1417, 1400 Independence Ave., S.W., Washington, D.C. 20250-1417.

2. The Respondents, their agents and employees, successors and assigns, directly, indirectly or through any corporate or other device, shall cease and desist from violating the Act, Order and Regulations and in particular, shall cease and desist from failing to remit all assessments when due.

This order shall have the same effect as if entered after a full hearing and shall become effective on the first day after service of this decision on the Respondents.

Copies of this decision shall be served upon the parties.

[redacted]

ALTON PHILLIPS for himself
and for Carolina Soya, Inc.
Lynchburg Grain Company
Carolina Eastern, Inc.

[redacted]

SHARLENE DESKINS
Attorney for Complainant

Done at Washington, D.C.

this 13 day of FEB, 2015

[redacted]

JILL S. CLIFTON
Administrative Law Judge