

To: (b) (6), (b) (7)(C), (b) (7)(D)
From: Cissy Bowman <icollcceo@earthlink.net>
Subject: Re: Fw: ?Organic?
Cc:
Bcc:
Attached:

Thank you, (b) (6), (b) (7)(C), (b)

I want to assure you that we have begun our investigation and we will be doing residue tests on the fields in question, if those are in the Kingsley's Organic System Plan. If they are not claimed to be organic then we have no authority over them and will not do the testing.

Performing an investigation and doing residue tests is a complicated procedure and costly to us so it is very important that we know the location in question as exactly as possible, otherwise we are going to find nothing so if you can help us with a more detailed location that would be wonderful.

As I move forward into this investigation I am going to have questions and I hope you will help me answer them where and if you can. Please do not feel intimidated by my questions but in order to do my job I need as many details as possible. It seems as though (b) (6) (b) (6) Please bear with me as I try to be as thorough as possible in this investigation.

In your first email you indicated that they had been investigated before. We have certified them since 2002 and have never had a complaint before nor have we done an investigation of them. Can you tell me when they were investigated? By whom? Were residue tests done?

Also, in our phone conversation you mentioned that there was a statement made that they were "in good" with the inspector. In the past 3 years they have had a different inspector each time and none of them have a personal or business relationship with the Kingsley's as far as I know. Accusations of a conflict of interest are taken very seriously in our business. I need to know if this is a part of your complaint. If so, I then have to investigate the inspector in question as well. Were you speaking of the 2009 inspection or an earlier one? In the last 3 years the inspectors were:

2007 (b) (6), (b) (7)
2008 (C), (b) (7)(D)
2009

Any additional info you can share with me will help me do my job. I also need to tell you that if for any reason you decide to withdraw your complaint you may do so. For instance, if you should find out that the fields in question are not claimed to be organic, then it is wise to halt this process before it becomes a federal case, or harmful to someone who is innocent.

Thank you again for your dedication to organics and we will work through this together to make sure everything is ok.

Best,

At 01:09 PM 4/30/2010, you wrote:

The article for the Joplin Globe was printed on 8-15-2008, the soybean field featured in the article was east of the hanger on CR 2040 directly behind grain bins. The article was Farming family takes to the skies. I believe the fields of corn that were just sprayed were done on the 14th and 15th of this month, location is the plots surrounding the main farm CR 2040. At the time the corn had just been planted don't believe any of the corn had popped thru quite yet. I am not aware if these fields are claimed under Organic and I am not sure how many and where the fields are that may or may not have been sprayed. If any additional information comes to light that might help, I will certainly get a hold of you again.

--- On Fri, 4/30/10, Cissy Bowman <icollcceo@earthlink.net> wrote:

From: Cissy Bowman <icollcceo@earthlink.net>
Subject: Re: Fw: ?Organic?
To: (b) (6), (b) (7)(D), (b) (7)(C)
Date: Friday, April 30, 2010, 12:25 PM

Hello, (b) (6),
(b) (7)

First of all, your message is confidential.

Thank you for your message and for your concern for organic integrity. The National Organic Program was established to protect consumers from bogus claims and there is a process for addressing complaints.

We do currently certify the operation you name and we will be investigating this asap.

I want you to know, if our investigation of the situation should result in USDA being involved (which would happen at the time we notify them of a noncompliance), USDA may want to talk to you. It is up to you at that time if you want to be identified and to cooperate with them, however their being able to communicate with the complainant helps them take any adverse actions that they need to take.

There are several steps to such investigations and, according to the laws, even if we accuse someone of a noncompliance they do have the right to appeal so it takes a bit of time to get through these issues. Do you wish for me to report back to you or would you like to check in with us in a few weeks to see what we have found?

Thank you for your support of organics!

At 05:25 PM 4/29/2010, you wrote:

-- On Thu, 4/29/10, (b) (6), (b) (7)(C), (b) (7)(D) wrote:

From: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: ?Organic?
To: icollceo@earthlink.net
Date: Thursday, April 29, 2010, 9:23 PM

I first would like to state that I do wish for this information to remain confidential. Second, I am not fully aware if this party is still affiliated with your company, however if they are they are not practicing organics. I do know that they have been investigated in the past and somehow have passed. This party I am speaking of is the Kingsley Brothers Farm LLC in Miller, Missouri. (b) (7)(D)

(b) (7)(D)

be informed! Thank you for your time. Please, again I must request that this remain confidential.

Indiana Certified Organic LLC
Cissy Bowman, CEO
8364 S SR 39
317-539-4317 phone
317-539-2739 fax
317-902-6743 cell
www.indianacertifiedorganic.com

Indiana Certified Organic LLC

Cissy Bowman, CEO

8364 S SR 39

317-539-4317 phone

317-539-2739 fax

317-902-6743 cell

www.indianacertifiedorganic.com

LABORATORY REPORT



COLUMBIA
FOOD LABORATORIES, INC.

36740 E Historic Columbia River Hwy.
PO Box 353
Corbett, Oregon 97019

quality analytical services for the food industry

Invoice # : 26963

Report Date : Tuesday, July 13, 2010

Account # : 380440

Cissy Bowman
Indiana Certified Organics LLC
8364 S SR 39
Clayton IN 46118

Date Received : 6/30/2010

Job Number : B01061

Sample ID : Kingsley-A Matrix : Corn Leaves
Lab No. : 001 Test Code : P090 Test Name : Atrazine

Analyte	Result	Units	Note
Atrazine	ND	mg/kg	MDL: 0.05 mg/kg

Sample ID : Kingsley-B Matrix : Corn Leaves
Lab No. : 002 Test Code : P090 Test Name : Atrazine

Analyte	Result	Units	Note
Atrazine	ND	mg/kg	

Sample ID : Kingsley-F Matrix : Corn Leaves
Lab No. : 003 Test Code : P090 Test Name : Atrazine

Analyte	Result	Units	Note
Atrazine	ND	mg/kg	

Sample ID : Kingsley-JM Matrix : Corn Leaves
Lab No. : 004 Test Code : P090 Test Name : Atrazine

Analyte	Result	Units	Note
Atrazine	ND	mg/kg	

ND = None Detected MDL = Method Detection Limit

kj


Colin Campbell Lee Goin
Laboratory Directors

Invoice

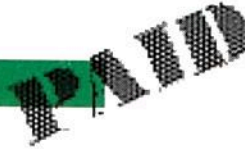


Columbia Food Laboratories, Inc.
PO Box 353
Corbett, OR 97019
Phone (503)695-2287 Fax (503)695-5187
www.columbiafoodlab.com

DATE	INVOICE #
7/13/2010	26963

BILL TO:

380440
Indiana Certified Organics
8364 S SR 39
Clayton IN 46118



P.O. NUMBER	TERMS	PROJECT
	Paid in full	B01061

QUANTITY	DESCRIPTION	RATE	AMOUNT
4	P090 Atrazine	135.00	540.00

Paid by VISA
XXXX XXXX XXXX 1924 exp 04/12
Auth # 04735C

Thank you for your business.

TOTAL \$540.00

X-x: TimeOut
 Date: Thu, 01 Jul 2010 16:14:33 -0700
 From: (b) (6) @columbiafoodlab.com>
 User-Agent: Thunderbird 2.0.0.24 (Windows/20100228)
 To: Indiana Certified Organic <icollc@earthlink.net>
 Subject: SAMPLES RECEIVED
 X-ELNK-Received-Info: spv=0;
 X-ELNK-AV: 0
 X-ELNK-Info: sbv=0; sbrc=.0; sbf=00; sbw=000;
 X-Antivirus: avast! (VPS 100702-0, 07/02/2010), Inbound message
 X-Antivirus-Status: Clean

*Kingsley residues
 test*

COLUMBIA FOOD LABORATORIES, Inc
PO Box 353
CORBETT, OR 97016
888 209-0994

Submitting Company: Indiana Certified Organics LLC

Samples received : 06/30/10

Job Number:Â B01061

Client ID:
 001:Â Kingsley - AÂ Corn Leaves
 002:Â Kingsley - BÂ Corn Leaves
 003:Â Kingsley - FÂ Corn Leaves
 004:Â Kingsley - JMÂ Corn Leaves

*Samples collected by
 (b) (6), (b) (7)(C), (b) (7)(D)
 on site
 inspection 6-29-10
 shipped priority overnight*

Tests to be performed:
 Atrazine

Scheduled to be completed by : 07/15/10

Estimated project cost: \$540.00

Thank you,
 (b) (6)
 Administrative Assistant
 Columbia Food Laboratories, Inc
 (b) (6)
 (b) (6) @columbiafoodlab.com

- CONFIDENTIALITY NOTICE & DISCLAIMER ---

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Indiana Certified Organic, LLC

8364 S SR 39, Clayton, IN 46118, tel: 317-539-4317 fax: 317-539-2739
icolc@earthlink.net
www.indianacertifiedorganic.com

7/19/2010

fill
COPY

Applicant: Kiman Kingsley
3388 Lawrence 1070
Miller, MO 65707
Phone#: 417-452-3831
Certification type: Crops

Dear Kiman Kingsley,

As you know, a sample of your corn was taken during your recent inspection for the purpose of residue testing. Samples from 4 fields were taken and tested for residue of Atrazine. This was a result of a complaint that we received therefore we took samples and had them tested.

I have attached the results of the tests, which indicate that there is no detectable level of Atrazine in the tissues of the plant. This process was by (b) (6), (b) (7)(C), (b) during your inspection under:

§ 205.670 Inspection and testing of agricultural product to be sold or labeled "organic."

- (a) All agricultural products that are to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" must be made accessible by certified organic production or handling operations for examination by the Administrator, the applicable State organic program's governing State official, or the certifying agent.
- (b) The Administrator, applicable State organic program's governing State official, or the certifying agent may require preharvest or postharvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods. Such tests must be conducted by the applicable State organic program's governing State official or the certifying agent at the official's or certifying agent's own expense.
- (c) The preharvest or postharvest tissue test sample collection pursuant to paragraph (b) of this section must be performed by an inspector representing the Administrator, applicable State organic program's governing State official, or certifying agent. Sample integrity must be maintained throughout the chain of custody, and residue testing must be performed in an accredited laboratory. Chemical analysis must be made in accordance with the methods described in the most current edition of the *Official Methods of Analysis of the AOAC International* or other current applicable validated methodology determining the presence of contaminants in agricultural products.
- (d) Results of all analyses and tests performed under this section:
 - (1) Must be promptly provided to the Administrator; *Except*, That, where a State organic program exists, all test results and analyses shall be provided to the State organic program's governing State official by the applicable certifying party that requested testing; and
 - (2) Will be available for public access, unless the testing is part of an ongoing compliance investigation.
- (e) If test results indicate a specific agricultural product contains pesticide residues or environmental contaminants that exceed the Food and Drug Administration's or the Environmental Protection Agency's regulatory tolerances, the certifying agent must promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded.

Document Status: FINAL

icolc@earthlink.net

Indiana Certified Organic, LLC.
8364 S SR 39, Clayton, IN 46118
tel: 317-539-4317 | fax: 317-539-2739

We have attempted to contact the complainant via phone and email with our results as well and the phone line is reported to be disconnected. We have no response from our email nor do we have their mailing address so we have not been able to report our findings to them. At this time we consider the complaint to be resolved. We will be doing some future testing of your soil and harvested crop as a followup. This testing will cost you no fees and we will inform you as to when they will occur.

Thank you for choosing ICO! Let us know if you have any questions.

Best,

(b) (6)

A large black rectangular redaction box covers the signature area of the letter.

Cecilia A Bowman ("Cissy"), CEO

Cc: National Organic Program

Document Status: FINAL

icollc@earthlink.net

Indiana Certified Organic, LLC.
8364 S SR 39, Clayton, IN 46118
tel: 317-539-4317 | fax: 317-539-2739

Schurkamp, Lynnea - AMS

From: Colson, Thomas - AMS
Sent: Monday, April 14, 2014 3:56 PM
To: Ragonesi, Judith - AMS
Subject: Automatic reply: NOPC 092-13 and OIG Complaint: PS-0530-0640 (AMS Compliance N-008-13)

I am currently out the office but will return on 4/15/14. If you need immediate assistance please contact Leon Reynolds at 202-720-2374 or Dave Trykowski at 202-720-2400.



1400 Independence Avenue, S.W.
Room 2646-S, STOP 0268
Washington, D.C. 20250-0268

CASE CLOSURE MEMORANDUM

TO: Matthew Michael
Director
NOP Compliance & Enforcement Division

FROM: Sasha Strohm
Agricultural Marketing Specialist
NOP Compliance & Enforcement Division (C&E)

SUBJECT: NOPC-092-13 Kingsley Brothers

CERTIFYING AGENTS INVOLVED: Ecocert ICO

COMPLAINANT: Anonymous via OIG Hotline

ALLEGED VIOLATION:

- Kiman Kingsley sprayed and spread fertilizer on wheat that he sold as organic, in violation of the USDA organic regulations.

SUMMARY:

- April 10, 2013: The National Organic Program (NOP) C&E Division received a complaint via the OIG Hotline alleging that Kiman Kingsley (Kingsley) sprayed and spread fertilizer on wheat that he then sold as organic, in violation of the USDA organic regulations. (Exhibit 1) Kingsley owns Kingsley Brothers LLC, which is certified by Ecocert ICO.
- June 4, 2013: This complaint was referred to Ecocert ICO for investigation. (Exhibit 2)
- June 24, 2013: Dave DeCou (DeCou) from Ecocert ICO responded, attaching documents from a similar complaint filed against Kingsley Brothers in 2010, in which residue testing was conducted, but no prohibited substances were found. It was later determined that the complainant (b) (6), (b) (7)(C), (b) (7)(D) Ecocert ICO asked whether the current complaint was related to the 2010 complaint. (Exhibit 3) DeCou also noted that Kingsley also owns a conventional aerial spray operation, which he uses on occasion to apply organic seeds or organic inputs to his organic fields, but properly cleans out the equipment prior to doing so. Further, the complainant's reference to "wheat that he sold as organic," had to imply that the complaint was about the 2012 wheat crop, as the 2013 wheat harvest had not yet occurred at the time the complaint was filed.
- July 1, 2013: DeCou was informed that the complainant had filed the complaint anonymously via the OIG Hotline, so there were no more details regarding the complaint, but that the complainant stated that Sheriff Delay at the Lawrence County Sheriff's

Department had additional information about Kingsley. DeCou noted that their investigation would take longer than 30 days.

- July 15, 2013: George Kalogridis from Ecocert ICO responded, stating that he had spoken with Detective Madewell at the Lawrence County Sheriff's Department, who reported they had no information about Kingsley concerning crops or any other issues. (Exhibit 4) Without additional information, Ecocert ICO was unable to pursue any further investigation in this case.

ACTION REQUESTED: This complaint is recommended for closure. The complaint does not contain enough information for Ecocert ICO to conduct a proper investigation. It indirectly references a 2012 wheat crop, which is no longer in existence and therefore cannot be tested for pesticide residue, and although the complainant provided the name and phone number of a Sheriff who was presumed to have additional information on this case, that Sheriff's office stated they have no additional information.

Complaint Investigation Chronology Log

Case #: NOPC-092-13

Subject: Kingsley Brothers

Compliance Specialist: Sasha Strohm

Date	Activity
4/10/13	<p>Rec'd complaint from OIG hotline. An anonymous complainant alleged that Mr. Kingsley sprayed and spread fertilizer on wheat he sold as organic. The complainant alleged that Sheriff Delay, Lawrence County Sheriff's Department [(417) 466-2131] has additional information about Mr. Kingsley.</p> <p>Kimman Kingsley, 3388 Lawrence 1070, Miller, Missouri</p>
5/21/13	Kingsley Brothers is certified by Ecocert for wheat, etc.
6/4/13	Complaint referred to Ecocert for investigation. Response due 7/19/13.
6/24/13	<p>Response from Ecocert ICO.</p> <p>Ecocert ICO received a similar complaint about Kingsley Brothers in 2010. The fields were tested for pesticides but the records showed no application thereof. Subsequently the complaint (b) (7)(C), (b) (7)(D), (b) (5)</p> <p>DeCou asked whether this complainant was related to the 2010 complainant, and whether the crop in question is from 2012? By the time the complaint was received in April 2013, the 2013 crop had not yet been harvested and "sold" as alleged by the complainant. The 2012 crop is however no longer in existence and therefore can't be tested.</p>
7/1/13	Email to DeCou stating the complainant was anonymous through OIG and therefore we cannot tell if it's related.
7/3/13	Email from DeCou stating investigation will take longer than 30 days.
7/11/13	Email to OIG with update re status of investigation.
7/15/13	Email from Ecocert stating they spoke with the Lawrence County Sheriff's Department. They had no information concerning Mr. Kingsley and crop or other issues. Ecocert cannot complete any further investigation without more specific information.



1400 Independence Avenue, S.W.
Room 2646-S, STOP 0268
Washington, D.C. 20250-0268

VIA EMAIL

Mr. Dave DeCou
Ecocert ICO, LLC
70 East Main Street
Suite B
Greenwood, Indiana 46143
dave.decou@ecocert.com

Re: NOPC-092-13 Kingsley Brothers

Dear Mr. DeCou:

The U.S. Department of Agriculture National Organic Program (NOP) has concluded its investigation of a complaint filed against your client, Kingsley Brothers, on April 10, 2013. The complaint alleged that Kingsley Brothers sprayed and applied fertilizer to wheat that was then sold as organic. The complaint was referred to Ecocert ICO for further investigation.

In response, you stated that there is no information available regarding the actions alleged in the complaint, and Ecocert ICO therefore cannot continue its investigation. This investigation is now closed.

Thank you for your cooperation during the investigation of this complaint.

Sincerely,

Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program

cc: Director, Accreditation & International Activities Division



1400 Independence Avenue, S.W.
Room 2648-S, STOP 0268
Washington, D.C. 20250-0268

April 14, 2014

Mr. Thomas J. Colson
Chief of Investigations
AMS Compliance, Safety and Security Division
Email: Thomas.Colson@ams.usda.gov

VIA EMAIL

Re: NOPC-092-13 and Kingsley Brothers LLC.


Dear Mr. Colson:

The U.S. Department of Agriculture, National Organic Program (NOP) has concluded its review of the hotline complaint from the Office of Inspector General (OIG) that was forwarded by the Compliance, Safety and Security Division to this office on April 10, 2013. The complainant, who wishes to remain anonymous, alleges that Kiman Kingsley owner of Kingsley Brothers LLC, sprayed and spread fertilizer on wheat that was sold as organic, in violation of the USDA organic regulations.

Kingsley Brothers LLC, is certified by Ecocert ICO. Ecocert ICO, at the request of the NOP, conducted an investigation. The certifier was unable to substantiate the allegations due to the limited amount of information provided by the complainant. The Lawrence County Sheriff's Department, whose information was included in the complaint, was contacted and had no additional information. This case is hereby closed.

Should you have any questions regarding this matter, you may contact Judith Ragonesi, Compliance & Enforcement, at (202) 205-5712 or Judith.ragonesi2@ams.usda.gov

Sincerely,


for Matthew Michael

Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program

cc: Jeffrey Sotosky, AMS Compliance, Safety and Security Division

Schurkamp, Lynnea - AMS

From: Michael, Matthew - AMS
Sent: Wednesday, April 10, 2013 8:29 AM
To: Thornblad, Kristin - AMS
Subject: FW: OIG Hotline Complaint
Attachments: N-008-13 NOP C&E Referral.pdf

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Colson, Thomas - AMS
Sent: Wednesday, April 10, 2013 8:28 AM
To: Michael, Matthew - AMS
Subject: OIG Hotline Complaint

Matt,

Please find attached another hotline complaint for your resolution. Thx - Tom

Thomas Colson
Chief
AMS Compliance Branch
202-690-4867



1400 Independence Avenue, S.W.
Room 2648-S, STOP 0268
Washington, D.C. 20250-0268

VIA EMAIL

Mr. Dave DeCou
Ecocert ICO, LLC
70 East Main Street
Suite B
Greenwood, Indiana 46143
dave.decou@ecocert.com

Re: NOPC-092-13 Kingsley Brothers

Dear Mr. DeCou:

The U.S. Department of Agriculture, National Organic Program (NOP) received a complaint alleging that Kingsley Brothers LLC, which is certified by Ecocert, violated the USDA organic regulations at 7 CFR Part 205 by spraying pesticides on, and applying fertilizer to, wheat that was then sold as organic.

The NOP requests that you investigate this allegation within 30 days of receiving this letter. Within 45 days of receiving this letter, please notify the NOP of your findings and of any notices of noncompliance or proposed adverse actions that you issued as a result of the investigation. At that time, assuming no additional action is needed, the NOP will inform the complainant of your investigation's outcome. Also, if your investigation will take more than 30 days from the receipt of this letter, please inform the NOP.

Note that you are authorized to investigate complaints of noncompliance under the regulations at § 205.661(a). Further, you are required to have procedures for investigating certified operation noncompliance under the regulations at § 205.504(b)(2). However, we realize that there may be some investigations with which you need assistance and you may refer the investigation back to the NOP for one or more of the following reasons:

- You lack the resources or the specialized expertise needed to adequately investigate the complaint;
- You believe a civil penalty may be warranted for the knowing sale or labeling of agricultural products in violation of the USDA organic regulations;
- You believe the complaint warrants a criminal investigation; or
- For some other reason, you cannot carry out or complete the investigation.

Mr. DeCou
Re: NOPC-092-13 Kingsley Brothers
Page 2

Should you have any questions regarding this matter, please contact Sasha Strohm in the Compliance & Enforcement Division at (202) 260-8209 or sasha.strohm@ams.usda.gov.

Sincerely,

Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program

cc: Director, Accreditation and International Activities Division

Schurkamp, Lynnea - AMS

From: Thornblad, Kristin - AMS
Sent: Thursday, April 10, 2014 3:21 PM
To: Ragonesi, Judith - AMS
Subject: FW: 90 day update
Attachments: Case Closure Memo - Kingsley Brothers.docx; Chron - Kingsley Brothers.docx; Referral to Ecocert.pdf

From: Michael, Matthew - AMS
Sent: Thursday, April 10, 2014 3:03 PM
To: Thornblad, Kristin - AMS
Subject: FW: 90 day update

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Sotosky, Jeffrey - AMS
Sent: Thursday, April 10, 2014 7:25 AM
To: Michael, Matthew - AMS
Subject: FW: 90 day update

Matthew,

Could we get an official closeout letter from you to Tom regarding this matter? Then I can draft our OIG letter and submit this for closure. Thanks.

*Jeffrey Sotosky
Compliance Officer
AMS Compliance Branch
Phone: 202-720-3308
Cell: 202-450-0752*



ECOCERT ICO LLC
70 E. Main Street Suite B,
Greenwood, IN 46143,
Tel: (317) 865-9700 - Fax: (317) 865-9707
Email: info.ecocertico@ecocert.com
Web-site: www.ecocertico.com



June 24, 2013

Sasha Strohm
Marketing Specialist
USDA National Organic Program
1400 Independence Avenue SW
Room 2648-S
Washington, DC 20250

Ms. Strohm,

We received your complaint NOPC-092-13, referencing the Kingsley Brothers.

In 2010 we received a similar complaint on the operations of the Kingsley Brothers; See Attached

An inspector was sent to their farm unannounced, there the inspector took leaf samples and sent them to a lab for testing. The lab reported that no prohibited substances were found.

Subsequently we discovered that the

(b) (7)(C), (b) (7)(D)

(b) (7)(C), (b) (7)(D)

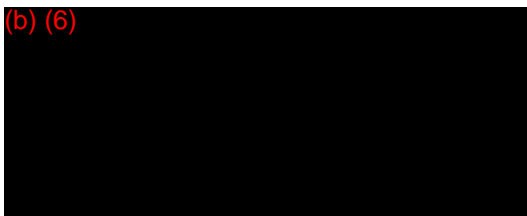
It should be noted that Kiman Kingsley operates a conventional aerial Ag spray operation and at times will fly his organic seed and organic inputs, after proper clean-out, onto his organic fields.

We would like to know if the current complaint is from or associated with the 2010 complainant before we spend additional time and money on this issue.

Additionally the complaint as provided to us indicates that the crop (wheat) in question was from 2012 and sold in 2012. We understand this because the complaint described states that the "wheat was then sold as organic", and given that at the time of the expected harvest for 2013 had not yet occurred in Missouri. No testing of the actual crop will likely be feasible. Can you confirm this, please.

Thank you for your unders

David DeCou
Certification Manager





Indiana Certified Organic, LLC
8364 S SR 39, Clayton, IN 46118, tel: 317-539-4317 fax: 317-539-2739
icollc@earthlink.net
www.indianacertifiedorganic.com

7/19/2010

fill
COPY

Applicant: Kiman Kingsley
3388 Lawrence 1070
Miller, MO 65707
Phone#: 417-452-3831
Certification type: Crops

Dear Kiman Kingsley,

As you know, a sample of your corn was taken during your recent inspection for the purpose of residue testing. Samples from 4 fields were taken and tested for residue of Atrazine. This was a result of a complaint that we received therefore we took samples and had them tested.

I have attached the results of the tests, which indicate that there is no detectable level of Atrazine in the tissues of the plant. This process was by (b) (6), (b) (7)(C), (b) during your inspection under:

§ 205.670 Inspection and testing of agricultural product to be sold or labeled "organic."

- (a) All agricultural products that are to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" must be made accessible by certified organic production or handling operations for examination by the Administrator, the applicable State organic program's governing State official, or the certifying agent.
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- (c) The preharvest or postharvest tissue test sample collection pursuant to paragraph (b) of this section must be performed by an inspector representing the Administrator, applicable State organic program's governing State official, or certifying agent. Sample integrity must be maintained throughout the chain of custody, and residue testing must be performed in an accredited laboratory. Chemical analysis must be made in accordance with the methods described in the most current edition of the *Official Methods of Analysis of the AOAC International* or other current applicable validated methodology determining the presence of contaminants in agricultural products.
- (d) Results of all analyses and tests performed under this section:
 - (1) Must be promptly provided to the Administrator; *Except*, That, where a State organic program exists, all test results and analyses shall be provided to the State organic program's governing State official by the applicable certifying party that requested testing; and
 - (2) Will be available for public access, unless the testing is part of an ongoing compliance investigation.
- (e) If test results indicate a specific agricultural product contains pesticide residues or environmental contaminants that exceed the Food and Drug Administration's or the Environmental Protection Agency's regulatory tolerances, the certifying agent must promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded.

Document Status: FINAL

icollc@earthlink.net

Indiana Certified Organic, LLC.
8364 S SR 39, Clayton, IN 46118
tel: 317-539-4317 | fax: 317-539-2739

We have attempted to contact the complainant via phone and email with our results as well and the phone line is reported to be disconnected. We have no response from our email nor do we have their mailing address so we have not been able to report our findings to them. At this time we consider the complaint to be resolved. We will be doing some future testing of your soil and harvested crop as a followup. This testing will cost you no fees and we will inform you as to when they will occur.

Thank you for choosing ICO! Let us know if you have any questions.

Best
(b) (6)

A large black rectangular redaction box covers the signature area of the letter.

Cecilia A Bowman ("Cissy"), CEO

Cc: National Organic Program

Document Status: FINAL

icollc@earthlink.net


Indiana Certified Organic, LLC.
8364 S SR 39, Clayton, IN 46118
tel: 317-539-4317 | fax: 317-539-2739



1400 Independence Avenue, SW.
Room 2095-S, STOP 0203
Washington, DC 20250-0203

April 9, 2013

TO: Matthew Michael
Director
NOP Compliance and Enforcement Division

FROM: Thomas J. Colson 
Branch Chief
AMS Compliance Branch

SUBJECT: Office of Inspector General (OIG) Hotline Complaint PS-0530-0640, Kiman Kingsley, 3388 Lawrence 1070, Miller, Missouri (Lawrence County) - Fraud (N-008-13)

On April 9, 2013, the AMS Compliance Branch received the above referenced Hotline in which an anonymous complainant alleged that Mr. Kingsley had sprayed and spread fertilizer on wheat that he sold as organic. The complainant alleged that Sheriff Delay, Lawrence County Sheriff's Department, (417)-466-2131, had additional information about Mr. Kingsley.

This information is provided for your review and resolution. Please provide us with brief updates regarding the progress of your investigation at least every 90 days, so that we can report the status of the complaint to the OIG as they require.

Public Law 95-452, sec. 7, prohibits the unwarranted disclosure of the complainant's identity or the taking of reprisal action against the complainant. In those instances where the complainant is anonymous or wishes to remain confidential, no attempts should be made to discover the identity of the complainant. The complaint should be provided or discussed only with those who need to resolve the issues. The typed complaint should not be provided to the subject; however, you may discuss with the subject all relevant issues to completely resolve the complaint.

If you have any questions, please contact me at (202)-690-4867 or AMS Compliance Officer Jeffrey Sotosky at (202)-720-3308.

Schurkamp, Lynnea - AMS

From: DE COU Dave <dave.decou@ecocert.com>
Sent: Monday, June 24, 2013 8:15 PM
To: Strohm, Sasha - AMS
Cc: MOREL Vincent; KALOGRIDIS George
Subject: NOPC-092-13 Kingsley Brother
Attachments: 2010 Complaint emails.pdf; 2010 Lab Tests.pdf; Kingsley Complaint.pdf; kingsley followup 2010.pdf

Sasha

Please see the letter attached, "Kingsley Complaint". We have some questions and information which may affect your view of the current complaint. The rest of the documents are supporting information from a previous complaint.

Dave



David DeCOU
Certification Manager
ECOCERT ICO LLC, 70 East Main Street, Ste. B
Greenwood, Indiana 46143
Toll Free: 888-337-8246 Office: 317-865-9700,
Fax: 317-865-9707, Cell: (541) 460-3979 (Oregon)
<mailto:dave.decou@ecocert.com> / www.ecocertico.com

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Schurkamp, Lynnea - AMS

From: Colson, Thomas - AMS
Sent: Tuesday, April 15, 2014 7:50 AM
To: Ragonesi, Judith - AMS
Cc: Sotosky, Jeffrey - AMS
Subject: RE: NOPC 092-13 and OIG Complaint: PS-0530-0640 (AMS Compliance N-008-13)

Thx Judith. Have a great day! - Tom

From: Ragonesi, Judith - AMS
Sent: Monday, April 14, 2014 3:56 PM
To: Colson, Thomas - AMS
Cc: Sotosky, Jeffrey - AMS
Subject: NOPC 092-13 and OIG Complaint: PS-0530-0640 (AMS Compliance N-008-13)

Dear Mr. Colson:

Attached for your review is a notice of closure for the OIG Complaint PS-0530-0640 and AMS Compliance N-008-13. Should you have any questions please feel free to contact me.

Regards,

Judith

Judith A. Ragonesi

Agriculture Marketing Specialist
USDA/AMS/National Organic Program
1400 Independence Avenue S.W.
Washington, D.C. 20250
Phone- (202) 205-5712

From: Michael, Matthew - AMS
Sent: Thursday, April 10, 2014 4:01 PM
To: Sotosky, Jeffrey - AMS
Cc: Thornblad, Kristin - AMS; Ragonesi, Judith - AMS
Subject: RE: 90 day update

Hi Jeff:

I'm out tomorrow and next week. Judy Ragonesi will be acting for me and will get you the official memo.

Thanks.

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program

1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
Phone: (202) 260-8657
matthew.michael@ams.usda.gov

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From: Sotosky, Jeffrey - AMS
Sent: Thursday, April 10, 2014 7:25 AM
To: Michael, Matthew - AMS
Subject: FW: 90 day update

Matthew,

Could we get an official closeout letter from you to Tom regarding this matter? Then I can draft our OIG letter and submit this for closure. Thanks.

*Jeffrey Sotosky
Compliance Officer
AMS Compliance Branch
Phone: 202-720-3308
Cell: 202-450-0752*

From: Thornblad, Kristin - AMS
Sent: Wednesday, April 09, 2014 3:47 PM
To: Sotosky, Jeffrey - AMS
Subject: RE: 90 day update

Hi Jeff—

It appears that this matter has been closed since last year. Please see attached our records. Of course, I'd be happy to research additional information and explanation. I'm not certain about the circumstances of the delay in reporting the closure.

Thank you.
Kristin

From: Sotosky, Jeffrey - AMS
Sent: Wednesday, April 09, 2014 3:00 PM
To: Thornblad, Kristin - AMS
Subject: 90 day update

Kristin,

Just looking for an update on N-008-13 (Kiman Kingsley). Thanks.

*Jeffrey Sotosky
Compliance Officer
AMS Compliance Branch
Phone: 202-720-3308
Cell: 202-450-0752*



1400 Independence Avenue, S.W.
Room 2648-S, STOP 0268
Washington, D.C. 20250-0268

VIA EMAIL

JUN 4 2013

Mr. Dave DeCou
Ecocert ICO, LLC
70 East Main Street
Suite B
Greenwood, Indiana 46143
dave.decou@ecocert.com

Re: NOPC-092-13 Kingsley Brothers

Dear Mr. DeCou:

The U.S. Department of Agriculture, National Organic Program (NOP) received a complaint alleging that Kingsley Brothers LLC, which is certified by Ecocert, violated the USDA organic regulations at 7 CFR Part 205 by spraying pesticides on, and applying fertilizer to, wheat that was then sold as organic.

The NOP requests that you investigate this allegation within 30 days of receiving this letter. Within 45 days of receiving this letter, please notify the NOP of your findings and of any notices of noncompliance or proposed adverse actions that you issued as a result of the investigation. At that time, assuming no additional action is needed, the NOP will inform the complainant of your investigation's outcome. Also, if your investigation will take more than 30 days from the receipt of this letter, please inform the NOP.


Note that you are authorized to investigate complaints of noncompliance under the regulations at § 205.661(a). Further, you are required to have procedures for investigating certified operation noncompliance under the regulations at § 205.504(b)(2). However, we realize that there may be some investigations with which you need assistance and you may refer the investigation back to the NOP for one or more of the following reasons:

- You lack the resources or the specialized expertise needed to adequately investigate the complaint;
- You believe a civil penalty may be warranted for the knowing sale or labeling of agricultural products in violation of the USDA organic regulations;
- You believe the complaint warrants a criminal investigation; or
- For some other reason, you cannot carry out or complete the investigation.

Mr. DeCou
Re: NOPC-092-13 Kingsley Brothers
Page 2

Should you have any questions regarding this matter, please contact Sasha Strohm in the Compliance & Enforcement Division at (202) 260-8209 or sasha.strohm@ams.usda.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Michael". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program

cc: Director, Accreditation and International Activities Division