

Ohio Department of Agriculture
State of Ohio

In the matter of:

Order No. 2007-159

Frisian Hijma Dairy LLC
12464 Rd. 100
Kenton, OH 43326

Johannes and Sybolt Hijma
P. O. Box 11
Kenton, OH 43326

Respondent


Order

On March 20, 2007, Respondents received, via certified mail, a Director's Notice of Hearing dated March 15, 2007 from the Ohio Department of Agriculture ("ODA"), pursuant to O.R.C. § 903.16. The Notice of Hearing notified Respondents of ODA's intention to impose a \$10,400.00 penalty upon Respondents based on Respondents' failure to return to compliance with O.A.C. 901:10-2-08(A)(4)(a) by February 22, 2007.

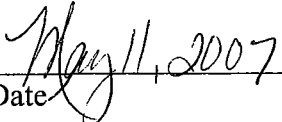
The March 15, 2007 Notice of Hearing also notified Respondents that, pursuant to O.R.C. § 903.16 (A), Respondents had the right to request a formal adjudication hearing if they did not agree with the imposition of the penalty. Respondents were notified that the request for an adjudication hearing was required to be made within thirty days from March 15, 2007. Respondents did not request an adjudication hearing in a timely manner. Therefore, Respondents have waived the opportunity for a hearing.

It is therefore ORDERED that based on Respondents' failure to return to compliance with O.A.C. 901:10-2-08(A)(4)(a) by February 22, 2007, Respondents shall pay a penalty in the amount of \$10,400.00. This penalty shall be made payable to "Treasurer, State of Ohio, for the Livestock Management Fund 5L8," and sent to: Peggy Jackson, Ohio Department of Agriculture, Livestock Environmental Permitting Program, 8995 East Main Street, Reynoldsburg, Ohio 43068. This penalty check shall be sent within ten days after this ORDER is signed and journalized.

Effective date of this ORDER: Upon journalization.



Robert J. Boggs, Director
Ohio Department of Agriculture



Date

Entered, Ohio Department of Agriculture
Journal this 11th day of May, 2007.

By: 

CERTIFICATION

STATE OF OHIO, :
COUNTY OF LICKING, SS : Order No. 2007-159

I, Robert J. Boggs , Director, Ohio Department of Agriculture, do hereby certify that the annexed instrument is a true and correct copy of ORDER 2007- 159 which was entered upon the order journal of the Ohio Department of Agriculture on this 11th day of May, 2007.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Ohio Department of Agriculture at Columbus, Ohio, this 11th day of May, 2007.

Robert J. Boggs
Robert J. Boggs, Director
Ohio Department of Agriculture



NOTICE OF APPEAL RIGHTS

This ORDER and the assessment of the civil penalty may be appealed. The provisions of Section 119.12 of the ORC govern your appeal. Notice of appeal shall be filed with the Department within fifteen days after the mailing of the notice of this ORDER and shall set forth the ORDER appealed from and the grounds of the party's appeal. A copy of such notice of appeal shall also be filed to the court of common pleas of Franklin County.