

CERTIFICATE OF COMPLIANCE

OneCert *Certified Organic*



Daniel Lehenbauer
Harry Lehenbauer Inc.
dba Diamond D Organics
2051 State Rd. M
Kingdom City, MO 65262
United States



OneCert has inspected and verified that the above named operation is in compliance with the
USDA National Organic Program
(Organic Food Product Act of 1990 and 7 CFR Part 205)

Type of operation:
Crops

Certified products:

Organic Products	Category
Soybeans	100% Organic
Sorghum	100% Organic
Sweet Corn	100% Organic
Warm Season Grasses	100% Organic
Alfalfa ✓	100% Organic
Wheat	100% Organic

This certificate is valid until certification is surrendered, suspended, or revoked. An updated organic management plan and on-site inspection are required annually.

Effective Date: 19 June 2010

Last Annual Inspection Date: 18 November 2010

[Signature] 6-18-10

This document belongs to *OneCert* and must be returned upon request. Only the original is a valid document. Photocopies or faxed copies are not valid instruments.

OneCert, Inc.

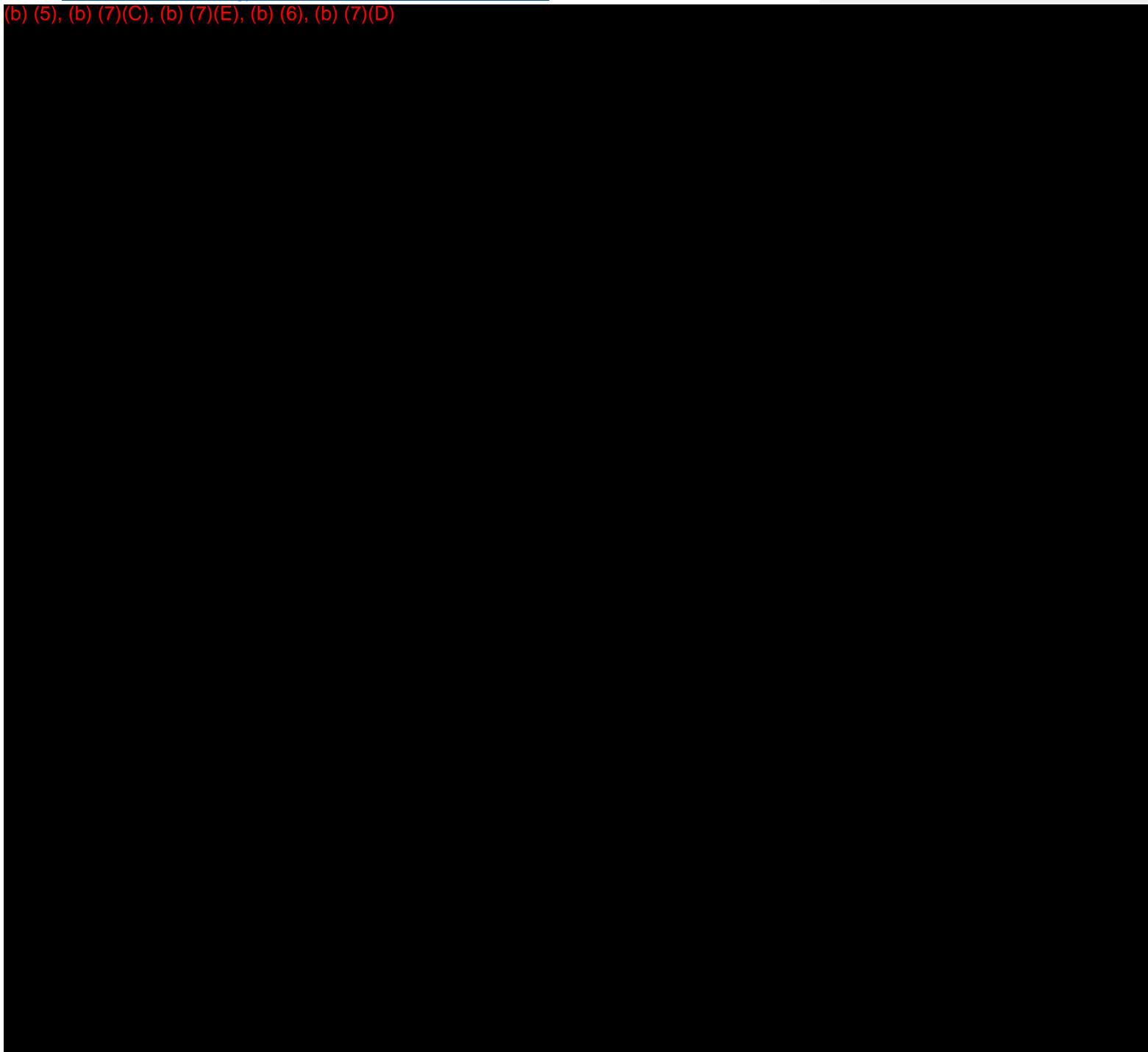
2601 B Street, #1 - Lincoln, NE 68502 USA

Phone: (402) 420-6080 - Fax: (888) 475-6044

Email: info@onecert.net - Website: www.onecert.net

NOPC 044-13 - Chronology of Daniel Lehenbauer's altered certificate:

(b) (5), (b) (7)(C), (b) (7)(E), (b) (6), (b) (7)(D)





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

May 30, 2014

VIA EMAIL

(b) (6), (b) (7)
(C), (b) (7)(D)

Re: NOPC-044-13 and Daniel Lehenbauer, Harry Lehenbauer, Inc.;
(dba: Diamond D Organics)

Dear (b) (7)(C), (b) (6), (b) (7)(D):

On December 19, 2012, the National Organic program (NOP) received your complaint alleging that Daniel Lehenbauer was using an altered certificate to represent its products as organic, after OneCert, Inc. had suspended the operation's certification, in violation of the USDA organic regulations.

WAlthough we were unable to confirm the allegations regarding Mr. Lehenbauer. However, we have posted the fraudulent certificate has been posted to the NOP's website to alert industry and consumers of its use. This investigation is hereby closed.

Thank you for your support of the NOP ~~commitment to organic integrity~~.

Sincerely,

Matthew Michael
Director, Compliance and Enforcement
National Organic Program



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

May 30, 2014

VIA EMAIL

(b) (6), (b) (7)
(C), (b) (7)(D)
[Redacted]

Re: NOPC-044-13 and Daniel Lehenbauer, Harry Lehenbauer, Inc.;
(dba: Diamond D Organics)

Dear (b) (7)(C), (b) (6), (b) (7)(D):

On December 19, 2012, the National Organic program (NOP) received your complaint alleging that Daniel Lehenbauer was using an altered certificate to represent its products as organic, after OneCert, Inc. had suspended the operation's certification, in violation of the USDA organic regulations.

Although we were unable to confirm the allegations, the fraudulent certificate has been posted to the NOP's website. This investigation is hereby closed.

Thank you for your commitment to organic integrity.

Sincerely,

Matthew Michael
Director, Compliance and Enforcement
National Organic Program

Investigation Summary/Closure Memorandum

May 29, 2014

TO: FILE

FROM: Judith Ragonesi
Compliance and Enforcement Division
National Organic Program

CASE NO: NOPC-044-13

SUBJECTS: Daniel and Harry Lehenbauer doing business as Diamond D Organics

CERTIFYING AGENT INVOLVED: One-Cert

COMPLAINANT:

(b) (7)(C), (b) (6), (b) (7)(D)

ALLEGED VIOLATION (b) (7)(C), (b) (6), (b) (7)(D) filed a complaint for the second time (first complaint was in Dec 2010 and was closed due to lack of evidence) against Diamond D Organics for altering a certificate, in violation of USDA organic regulations.

SUMMARY:

The NOP Compliance and Enforcement Division received a second complaint from (b) (6), (b) (7)(C), (b) (7)(D) filed on December 19, 2012, alleging that Daniel Lehenbauer altered its certificate to sell hay as certified organic, in violation of USDA organic regulations. (b) (6), (b) (7)(C), (b) (7)(D) stated that Daniel Lehenbauer owner of Diamond D Organics was suspended on 12/15/2010, and allegedly altered his certificate again to sell hay as organic. (b) (6), (b) (7)(C), (b) (7)(D), called (b) (6), (b) (7)(C), (b) (7)(D) on December 18, 2012 inquiring about the authenticity of the Lehenbauer certificate. In communications with the NOP, (b) (6), (b) (7)(C), (b) (7)(D) purchased hay from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and when it was delivered the driver handed him the Diamond D Organic certificate. He contacted (b) (6), (b) (7)(C), (b) (7)(D).

A request to investigate was sent to GOA, August 22, 2013. That same day GOA responded attaching a copy of the altered certificate found in (b) (6), (b) (7)(C), (b) (7)(D), but could not provide a reason why the certificate was there. GOA stated that she has alerted her staff to be on the lookout for the altered certificate. (b) (6), (b) (7)(C), (b) (7)(D) purchased hay from is not a GOA client but is certified by (b) (6), (b) (7)(C)

A request to investigate was sent to (b) (6), (b) (7)(C) regarding the possible purchase and sale of hay from a suspended operation. (b) (6), (b) (7)(C) could not verify the records during its investigation and stated that

(b) (6), (b) (7)(C)

who in turn allegedly purchased hay from Dan Lehenbauer. (b) (6), (b) (7)(C), (b) (7)(D) had a Diamond D organic certificate in his records but it was the 2009 unaltered version.

(b) (6), (b) (7)(C), (b) (7)(D)

The investigations also do not provide any evidence to determine where, or by whom, the altered certificate originated from. Additionally attempts were made to contact Diamond D Organics which appears to be out of business.

RECOMMENDATION:

This complaint is recommended for closure with the altered certificate posted to the NOP's fraudulent certificate website page.

From: [Ragonesi, Judith - AMS](#)
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Wednesday, May 08, 2013 3:52:00 PM

Good Afternoon (b) (6), (b) (7)(C), (b) (7)(D)

I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (6), (b) (7)(C), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Wednesday, December 19, 2012 5:13 AM
To: AMS - NOPCompliance
Subject: Daniel Lehenbaur certificate fraud

We received a call yesterday from (b) (6), (b) (7)(C), (b) (7)(D)

He told us that his audit turned up (another) fraud certificate from Daniel Lehenbauer (b) (6), (b) (7)(C) read me the dates on the cert. It appears that this is the same (2010) altered cert that we have on file. Purchase made (approx) November 2011.

(b) (6), (b) (7)(C), (b) (7)(D) was asked to fax the cert to us. He said he would in the next few days. He said it was received from Broker, but declined to name broker. He said he would contact him and let him know Daniel had been suspended by OneCert in 2010. (Also said this is the *only* time his broker has given him a supplier cert with a load.)

I am submitting this to your office for investigation. Daniel Lehenbauer was a trucker at the time his certification was suspended by OneCert. At that time, we had heard there were uncertified brokers selling feed as organic in PA. This may be a lead that will uncover more extensive fraud.

ards,

--
(b) (6), (b) (7)(C), (b) (7)(D)

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Ragonesi, Judith - AMS](mailto:Judith.Ragonesi@ams.usda.gov)
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Thursday, May 09, 2013 10:44:31 AM

If he is a certified operator, could you require him to provide information and copies of his records? If he does not, could you propose suspension for failure to comply with 205.400?

On Thu, May 9, 2013 at 9:35 AM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

We do not have authority to subpoena, but I will call him to see if he is willing to cooperate.

Thanks-

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Thursday, May 09, 2013 10:22 AM
To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

We never did get a copy of the certificate from (b) (6), (b) (7)(C), (b) (7)(D). It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that (b) (6), (b) (7)(C), (b) (7)(D) is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

It appears to me that there is potential for uncovering fraud on the part of uncertified brokers who do a lot of business sourcing organic feed for PA's organic dairies.

Thanks,
(b) (6), (b) (7)(C), (b) (7)(D)

On Wed, May 8, 2013 at 2:52 PM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Good Afternoon (b) (6), (b) (7)(C), (b) (7)(D)

I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (6), (b) (7)(C), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-

Judy

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He told us that his audit turned up (another) fraud certificate from Daniel Lehenbauer. (b) (7)(C), (b) (7)(D) read me the dates on the cert. It appears that this is the same (2010) altered cert that we have on file. Purchase made (approx) November 2011.

(b) (6), (b) (7)(C), (b) (7)(D) was asked to fax the cert to us. He said he would in the next few days. He said it was received from Broker, but declined to name broker. He said he would contact him and let him know Daniel had been suspended by OneCert in 2010. (Also said this is the *only* time his broker has given him a supplier cert with a load.)


I am submitting this to your office for investigation. Daniel Lehenbauer was a trucker at the time his certification was suspended by OneCert. At that time, we had heard there were uncertified brokers selling feed as organic in PA. This may be a lead that will uncover more extensive fraud.

Regards,

(b) (6), (b) (7)(C), (b) (7)(D)

--

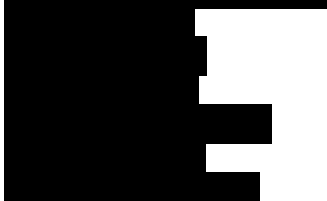
(b) (6), (b) (7)(C), (b) (7)(D)

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--

(b) (6), (b) (7)(C), (b) (7)(D)

A large black rectangular redaction box covers the content of the second section.

--

(b) (6), (b) (7)(C), (b) (7)(D)

A large black rectangular redaction box covers the content of the third section.

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Ragonesi, Judith - AMS](#)
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Sunday, May 12, 2013 11:22:43 AM

Hi Judy,

I'm out of office until Wednesday, but I did find the following in an email that alerted me to this situation:

FYI

I got a call today from (b) (6), (b) (7)(C), (b) (7)(D)

His audit turned up (another) fraud certificate from Daniel Lehenbauer.

(b) (6), (b) (7)(C), (b) (7)(D) read me the dates on the cert. It appears that this is the same (2010) altered cert that is on file. Purchase made (approx) November 2011.

I asked (b) (7)(C), (b) (6), (b) (7)(D) to fax the cert to us. He said he would in the next few days.

Rec'd cert from Broker, declined to name broker, said he would contact him and let him know Daniel had been suspended by OneCert in 2010.

(Also said this is the *only* time his broker has given him a supplier cert with a load.)

We never heard back from (b) (7)(C), (b) (6), (b) (7)(D) so we don't have any more info to share.

I hope you are able to track this down. PCO may know more as I have heard them complain about uncertified brokers in PA.

Thanks,

On Fri, May 10, 2013 at 3:13 PM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

I'm sorry to bother you again, but could you please provide me with more information regarding (b) (6), (b) (7)(C), (b) (7)(D) and his operation. Specifically do you know who certifies (b) (7)(C), (b) (6), (b) (7)(D) and what type of operation he owns? His name is not showing up in the certified operations database and he is not returning my call.

Thanks-

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)

Sent: Thursday, May 09, 2013 10:22 AM
To: Ragonesi, Judith - AMS

Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

We never did get a copy of the certificate from [REDACTED]. It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that [REDACTED] is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

It appears to me that there is potential for uncovering fraud on the part of uncertified brokers who do a lot of business sourcing organic feed for PA's organic dairies.

Thanks,

[REDACTED]

On Wed, May 8, 2013 at 2:52 PM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Good Afternoon [REDACTED]

I have been assigned this complaint and after reviewing your email (see below) I was wondering if [REDACTED] ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-

Judy

From: [REDACTED]
Sent: Wednesday, December 19, 2012 5:13 AM
To: AMS - NOPCompliance
Subject: Daniel Lehenbaur certificate fraud

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[REDACTED]

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I am submitting this to your office for investigation. Daniel Lehenbauer was a trucker at the time his certification was suspended by OneCert. At that time, we had heard there were uncertified brokers selling feed as organic in PA. This may be a lead that will uncover more extensive fraud.

Regards,

[REDACTED]

--

[REDACTED]

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--

[REDACTED]

(b) (6), (b) (7)
(C), (b) (7)(D)

--
(b) (6), (b) (7)(C), (b) (7)(D)

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Ragonesi, Judith - AMS](#)
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Thursday, May 09, 2013 10:22:04 AM

Hi Judy,

We never did get a copy of the certificate from (b) (6), (b) (7)(C), (b) (7)(D). It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that (b) (6), (b) (7)(C), (b) (7)(D) is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

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Thanks,

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Regards,

[REDACTED]

--

[REDACTED]

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--

[REDACTED]

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

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



Global Organic Alliance, Inc.

PO Box 530
3185 Township Road 179
Bellefontaine, OH 43311-0530
Phone: 937 593 1232 Fax 937 593 9507
Email: goaorg@centurylink.net Website: www.goa-online.org

August 2, 2013

Matthew Michael
Director, Compliance & Enforcement Div of NOP
1400 Independence Ave S W
Room 2648-S, STOP 0268
Washington, D C 30350

Re: NOPC 044-13 & Daniel Lehenbauer

Dear Mr. Michael,

Regarding the sale of certified organic hay to our client, (b) (7)(C), (b) (6), (b) (7)(D) I have reviewed the files of (b) (7)(C), (b) (6), (b) (7)(D) for both 2012 and 2013. I also called (b) (6), (b) (7)(C), he does not sell his hay to anyone.

I called (b) (7)(C), (b) (6), (b) (7)(D), and asked him if he had purchased the hay from either of the GOA member/clients. He said that the (b) (7)(C), (b) (6) he buys hay from is certified by PCO, not GOA. (b) (7)(C), (b) (7)(D) stated that he has never purchased hay from (b) (6), (b) (7)(C)

I hope this clears the issue for the GOA members, if there is any other way we can be of service, let us know.

Sincerely,

Betty Kananen
President & CEO
C; Master file, (b) (6), (b) (7)(C), (b) (7)(D)



Global Organic Alliance, Inc.

PO Box 530

3185 Township Road 179

Bellefontaine, OH 43311-0530

Phone: 937 593 1232 Fax 937 593 9507

Email: goaorg@centurylink.net Website: www.goa-online.org

From: [Betty Kananen](#)
To: [Ragonesi, Judith - AMS](#)
Subject: investigation results for (b) (7)(C), (b) (6), (b) (7)(D)
Date: Friday, August 02, 2013 2:05:32 PM
Attachments: [GOA Color Letterhead.doc](#)

Judith,

I have completed the investigation, results attached.

Have great weekend, I will now.

Betty

From: [Michael, Matthew - AMS](#)
To: [Ragonese, Judith - AMS](#)
Subject: RE: NOPC 044-13 & Daniel Lehenbauer altered certificate
Date: Thursday, August 01, 2013 2:13:54 PM

Redline in folder. 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: Ragonese, Judith - AMS
Sent: Wednesday, June 19, 2013 3:26 PM
To: Michael, Matthew - AMS
Subject: NOPC 044-13 & Daniel Lehenbauer altered certificate

Hi Matthew:

I have attached the link to a draft requesting Global Organic Alliance investigate the D. Lehenbauer altered certificate that was issued during a sale transaction for hay between GOA's clients.

[NOPC-044-13\Investigation Request.docx](#)

Thanks-

J

Judith A. Ragonese
Agriculture Marketing Specialist
USDA/AMS
National Organic Program
1400 Independence Avenue, S.W.
Room 2646 (Stop 0268)
Washington, D.C. 20250
(202) 205-5712 (direct line)

Organic Integrity from Farm to Table, Consumers Trust the Organic Label

Register for the NOP Organic Insider, the National Organic Program's email notification service, by visiting <http://bit.ly/NOPOrganicInsiderRegistration>.

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Ragonesi, Judith - AMS](#)
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Sunday, June 02, 2013 1:50:59 AM

Hi Judy,

Were you ever able to contact (b) (6), (b) (7)(C), (b) (7)(D) and get the information you wanted?

(b) (6), (b) (7)(C), (b) (7)(D)

On Sun, May 12, 2013 at 10:22 AM, (b) (6), (b) (7)(C), (b) (7)(D) wrote:
Hi Judy,

I'm out of office until Wednesday, but I did find the following in an email that alerted me to this situation:

FYI

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(Also said this is the *only* time his broker has given him a supplier cert with a load.)

We never heard back from (b) (7)(C), (b) (6), (b) (7)(D) so we don't have any more info to share.

I hope you are able to track this down. (b) (7)(C), (b) (7)(D) may know more as I have heard them complain about uncertified brokers in PA.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

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Thanks-

Judy

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To: Ragonesi, Judith - AMS

Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

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Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)

Sent: Wednesday, December 19, 2012 5:13 AM

To: AMS - NOPCompliance

Subject: Daniel Lehenbaur certificate fraud

We received a call yesterday from (b) (6), (b) (7)(C), (b) (7)(D).

He told us that his audit turned up (another) fraud certificate from Daniel Lehenbaur (b) (6), (b) (7)(D) read me the dates on the cert. It appears that this is the same (2010) altered cert that we have on file. Purchase made (approx) November 2011.

(b) (6), (b) (7)(C), (b) (7)(D) was asked to fax the cert to us. He said he would in the next few days. He said it was received from Broker, but declined to name broker. He said he would contact him and let him know Daniel had been suspended by OneCert in 2010. (Also said this is the *only* time his broker has given him a supplier cert with a load.)

I am submitting this to your office for investigation. Daniel Lehenbauer was a trucker at the time his certification was suspended by OneCert. At that time, we had heard there were uncertified brokers selling feed as organic in PA. This may be a lead that will uncover more extensive fraud.

Regards,

(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

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--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Ragonesi, Judith - AMS](#)
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Monday, June 03, 2013 6:08:52 AM

Good. I'm glad to hear that.

On Sun, Jun 2, 2013 at 4:08 PM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

Yes and I just received the certificate.

Thanks,

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Sunday, June 02, 2013 1:50 AM

To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

Were you ever able to contact (b) (6), (b) (7)(C), (b) (7)(D) and get the information you wanted?

(b) (6), (b) (7)(C), (b) (7)(D)

On Sun, May 12, 2013 at 10:22 AM, (b) (6), (b) (7)(C), (b) (7)(D) wrote:

Hi Judy,

I'm out of office until Wednesday, but I did find the following in an email that alerted me to this situation:

FYI

I got a call today from (b) (6), (b) (7)(C), (b) (7)(D)

His audit turned up (another) fraud certificate from Daniel Lehenbauer.

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We never heard back from (b) (6), (b) (7)(C), (b) (7)(D) so we don't have any more info to share.

I hope you are able to track this down. (b) (6), (b) (7)(D) may know more as I have heard them complain about uncertified brokers in PA.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Fri, May 10, 2013 at 3:13 PM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

I'm sorry to bother you again, but could you please provide me with more information regarding (b) (6), (b) (7)(C), (b) (7)(D) and his operation. Specifically do you know who certifies (b) (6), (b) (7)(D) and what type of operation he owns? His name is not showing up in the certified operations database and he is not returning my call.

Thanks-

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)

Sent: Thursday, May 09, 2013 10:22 AM
To: Ragonesi, Judith - AMS

Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

We never did get a copy of the certificate from (b) (6), (b) (7)(C), (b) (7)(D). It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that (b) (6), (b) (7)(C), (b) (7)(D) is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

It appears to me that there is potential for uncovering fraud on the part of uncertified brokers who do a lot of business sourcing organic feed for PA's organic dairies.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Wed, May 8, 2013 at 2:52 PM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Good Afternoon (b) (6), (b) (7)(C), (b) (7)(D)

I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (6), (b) (7)(C), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-

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--

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)
(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

From: [Michael, Matthew - AMS](#)
To: [Ragonesi, Judith - AMS](#)
Subject: RE: NOPC-044-13 Daniel Lehenbauer altered certificate
Date: Friday, May 31, 2013 11:46:17 AM

Hi Judy:

(b) (5), (b) (6), (b) (7)(C), (b) (7)(E)

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: Ragonesi, Judith - AMS
Sent: Friday, May 31, 2013 11:06 AM
To: Michael, Matthew - AMS
Subject: NOPC-044-13 Daniel Lehenbauer altered certificate

Hi Matthew-

You asked that I put together a chronology of the events that have occurred thus far in the investigation of the Daniel Lehenbauer's altered certificate, to determine the next step.

Here's the chronology-

[N:\CE\Complaints\FY 13\Open\NOPC-044-13\Chronology of Daniel Lehenbauer.docx](#)

Thanks-
Judy

Judith A. Ragonesi
Agriculture Marketing Specialist
USDA/AMS
National Organic Program

1400 Independence Avenue, S.W.
Room 2616 (Stop 0268)
Washington, D.C. 20250
(202) 205-5712 (direct line)

Organic Integrity from Farm to Table, Consumers Trust the Organic Label

Register for the NOP Organic Insider, the National Organic Program's email notification service, by visiting <http://bit.ly/NOPOrganicInsiderRegistration>.

From: [Michael, Matthew - AMS](#)
To: [Ragonesi, Judith - AMS](#)
Subject: RE: NOPC-044-13 Daniel Lehenbauer altered certificate
Date: Friday, May 31, 2013 11:36:01 AM

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: Ragonesi, Judith - AMS
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To: Michael, Matthew - AMS
Subject: NOPC-044-13 Daniel Lehenbauer altered certificate

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Thanks-
Judy

Judith A. Ragonesi
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From: [Mann, Renee - AMS](#)
To: [Michael, Matthew - AMS](#)
Cc: [Ragonesi, Judith - AMS](#)
Subject: RE: NOPC-044-13 Daniel Lehenbauer altered certificate
Date: Tuesday, June 04, 2013 10:47:06 AM

Hi Matthew and Judy:

(b) (7)(E), (b) (5)
[Redacted]

[Redacted]

[Redacted]

Thanks,
Renee

Ms. Renee Mann
Agricultural Marketing Specialist
USDA National Organic Program
+1 (202) 690-1312
[NOP website](#)
Sign up for the [NOP Organic Insider](#), NOP's newsletter.

From: Michael, Matthew - AMS
Sent: Friday, May 31, 2013 11:49 AM
To: Mann, Renee - AMS
Cc: Ragonesi, Judith - AMS
Subject: FW: NOPC-044-13 Daniel Lehenbauer altered certificate

Hi Renee:

When you have minute, please review Judy's write-up (only one page) of this investigation. (b)
(b) (7)(E), (b) (5)
[Redacted]

Matthew Michael
Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
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From: Ragonese, Judith - AMS
Sent: Friday, May 31, 2013 11:06 AM
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Subject: NOPC-044-13 Daniel Lehenbauer altered certificate

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From: [Michael, Matthew - AMS](#)
To: [Mann, Renee - AMS](#)
Cc: [Ragonesi, Judith - AMS](#)
Subject: FW: NOPC-044-13 Daniel Lehenbauer altered certificate
Date: Friday, May 31, 2013 11:48:32 AM

Hi Renee:

When you have minute, please review Judy's write-up (only one page) of this investigation. (b)

(b) (7)(E), (b) (5)

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Director, Compliance and Enforcement Division
USDA National Organic Program
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From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Ragonesi, Judith - AMS](#)
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Sunday, June 02, 2013 1:50:59 AM

Hi Judy,

Were you ever able to contact (b) (6), (b) (7)(C), (b) (7)(D) and get the information you wanted?

(b) (6), (b) (7)(C), (b) (7)(D)

On Sun, May 12, 2013 at 10:22 AM, (b) (6), (b) (7)(C), (b) (7)(D) wrote:
Hi Judy,

I'm out of office until Wednesday, but I did find the following in an email that alerted me to this situation:

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Thanks,

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Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

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Good Afternoon (b) (6), (b) (7)(C), (b) (7)(D)

I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (7)(C), (b) (6), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

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(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

[Redacted]

[Redacted]

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Ragonesi, Judith - AMS](#)
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Saturday, May 31, 2014 7:03:58 AM

Hi Judy,

I see that the NOP has finally published a copy of this fraudulent certificate. Please let me know if other sanctions were imposed on Mr. Lehenbaur and the resolution of this complaint.

Thanks.

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

This is a CONFIDENTIAL, PRIVATE, and PRIVILEGED communication. If you are not the intended recipient, please do not read, copy, use, or disclose it to others. Please notify the sender of the delivery error by replying to this message and then delete it from your system. Thank you.

On Tue, Jan 7, 2014 at 11:14 AM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Thanks!

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, January 07, 2014 12:08 PM

To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

It is attached.

FYI, we embed the date issued (in this case, the effective date 19 June 2009) in

the certificate number in the upper right corner of the certificate. The date is in the format YYMMDD in the certificate number, so 090619 should match the effective date.

Let me know if you need anything else.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Tue, Jan 7, 2014 at 10:52 AM, Ragonese, Judith - AMS
<Judith.Ragonese2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

Would you please email me a copy of the original certificate that OneCert, Inc. issued to Daniel Lehenbauer.

Thanks,

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Sunday, May 12, 2013 11:23 AM

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(b) (6), (b) (7)(C), (b) (7)(D)



--

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--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

From: Ragonesi, Judith - AMS
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Monday, June 02, 2014 7:13:00 AM

Hi (b) (6), (b) (7)(C), (b) (7)(D)

The close out letter for your complaint has been drafted and will be forwarded to you early this week.

Thanks-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Saturday, May 31, 2014 7:04 AM
To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

I see that the NOP has finally published a copy of this fraudulent certificate. Please let me know if other sanctions were imposed on Mr. Lehenbaur and the resolution of this complaint.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

This is a CONFIDENTIAL, PRIVATE, and PRIVILEGED communication. If you are not the intended recipient, please do not read, copy, use, or disclose it to others. Please notify the sender of the delivery error by replying to this message and then delete it from your system. Thank you.

On Tue, Jan 7, 2014 at 11:14 AM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:
Thanks!

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, January 07, 2014 12:08 PM

To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

It is attached.

FYI, we embed the date issued (in this case, the effective date 19 June 2009) in the certificate number in the upper right corner of the certificate. The date is in the format YYMMDD in the certificate number, so 090619 should match the effective date.

Let me know if you need anything else.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Tue, Jan 7, 2014 at 10:52 AM, Ragonese, Judith - AMS
<Judith.Ragonese2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

Would you please email me a copy of the original certificate that OneCert, Inc. issued to Daniel Lehenbauer.

Thanks,

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Sunday, May 12, 2013 11:23 AM

To: Ragonese, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbauer certificate

Hi Judy,

I'm out of office until Wednesday, but I did find the following in an email that alerted me to this situation:

FYI

I got a call today from (b) (6), (b) (7)(C), (b) (7)(D)
His audit turned up (another) fraud certificate from Daniel Lehenbauer.

(b) (6), (b) (7)(C), (b) (7)(D) read me the dates on the cert. It appears that this is the same (2010) altered cert that is on file.
Purchase made (approx) November 2011.

I asked (b) (6), (b) (7)(C) to fax the cert to us. He said he would in the next few days.

Rec'd cert from Broker, declined to name broker, said he would contact him and let him know Daniel had been suspended by OneCert in 2010.

(Also said this is the *only* time his broker has given him a supplier cert with a load.)

We never heard back from (b) (6), (b) (7)(C), (b) (7)(D) so we don't have any more info to share.

I hope you are able to track this down. PCO may know more as I have heard them complain about uncertified brokers in PA.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Fri, May 10, 2013 at 3:13 PM, Ragonese, Judith - AMS
<Judith.Ragonese2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

I'm sorry to bother you again, but could you please provide me with more information regarding (b) (6), (b) (7)(C), (b) (7)(D) Specifically do you know who certifies (b) (6), (b) (7)(C), (b) (7)(D) and what type of operation he owns? His name is not showing up in the certified operations database and he is not returning my call.

Thanks-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Thursday, May 09, 2013 10:22 AM
To: Ragonese, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

We never did get a copy of the certificate from (b) (6), (b) (7)(C), (b) (7)(D) It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that (b) (6), (b) (7)(C), (b) (7)(D) is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

It appears to me that there is potential for uncovering fraud on the part of uncertified brokers who do a lot of business sourcing organic feed for PA's organic dairies.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Wed, May 8, 2013 at 2:52 PM, Ragonese, Judith - AMS
<Judith.Ragonese2@ams.usda.gov> wrote:

Good Afternoon (b) (6), (b) (7)(C), (b) (7)(D)

I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (6), (b) (7)(C), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Wednesday, December 19, 2012 5:13 AM

To: AMS - NOPCompliance
Subject: Daniel Lehenbaur certificate fraud

We received a call yesterday from (b) (6), (b) (7)(C), (b) (7)(D).

He told us that his audit turned up (another) fraud certificate from Daniel Lehenbaur (b) (6), (b) (7)(C) read me the dates on the cert. It appears that this is the same (2010) altered cert that we have on file. Purchase made (approx) November 2011.

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I am submitting this to your office for investigation. Daniel Lehenbauer was a trucker at the time his certification was suspended by OneCert. At that time, we had heard there were uncertified brokers selling feed as organic in PA. This may be a lead that will uncover more extensive fraud.

Regards,

(b) (6), (b) (7)(C), (b) (7)(D)

--
(b) (6), (b) (7)(C), (b) (7)(D)

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--
(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

From: [Ragonesi, Judith - AMS](#)
To: [Michael, Matthew - AMS](#)
Subject: FW: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Friday, May 10, 2013 3:16:00 PM

Matthew-

It might be that (b) (6), (b) (7)(C), (b) (7)(D) I just sent (b) (6), (b) (7) an email asking him (b) (6), (b) (7)(C), (b) (7)(D) (his name doesn't show up on our list of certified operations). I'll let you know who certifiers (b) (6), (b) (7)(C), (b) (7)(D) as soon as I hear back from (b) (6), (b) (7)(C), (b) (7)(D)

Thanks-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Thursday, May 09, 2013 10:22 AM
To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

We never did get a copy of the certificate from (b) (7)(C), (b) (6), (b) (7)(D). It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that (b) (7)(C), (b) (6), (b) (7)(D) is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

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Thanks,

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Kind regards-
Judy

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Subject: Daniel Lehenbaur certificate fraud

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--
(b) (6), (b) (7)(C), (b) (7)(D)

From: [Michael, Matthew - AMS](#)
To: [Tucker, Jennifer - AMS](#)
Cc: [Ragonesi, Judith - AMS](#); [Thornblad, Kristin - AMS](#); [Fortner, Charlsia - AMS](#)
Subject: FW: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate
Date: Monday, May 19, 2014 1:04:55 PM

Hi Jenny:

Here is a new fraudulent certificate for posting next week. It will be the first domestic certificate we ever have posted. We know that it is fraudulent and has been used in at least two transactions, but we are unable to contact Mr. Lehenbauer. I spoke with Miles about it a while back and he agreed that we could/should post it.

Here is the fraudulent certificate:

<N:\CE\Complaints\FY 13\Open\NOPC-044-13\altered cert.pdf>

Here is the info for posting:

<N:\CE\Complaints\FY 13\Open\NOPC-044-13\Info for posting fraud.docx>

And here is text for the WAR. Let me know if you want us to add something about how it's the first domestic certificate we've ever posted.

- Fraudulent Certificate Announcement. Next week, the NOP will announce a notice of a fraudulent NOP organic certificate. An NOP investigation confirmed that the certificate falsely represents operator Daniel Lehenbauer, Harry Lehenbauer, Inc., dba Diamond D Organics as certified organic to the NOP standards. The certifier, Pro-Cert, has confirmed that the certificate is fraudulent and is not responsible for its production. The fraudulent certificate will be posted on the NOP website and announced through the Organic Insider email notification service.

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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Hi Jenny-

Below is the information announcing fraudulent certificates:

- Name of Operation
 - Daniel Lehenbauer, Harry Lehenbauer, Inc.; dba Diamond D Organics
- Operation name and location
 - Daniel Lehenbauer, Harry Lehenbauer, Inc. dba Diamond D Organics, 2051 State Road M, Kingdom City, MO 65262
- Products listed as certified-
 - Soybeans, Sorghum, Sweet Corn, Warm Season Grasses, Alfalfa, Wheat
- USDA accredited certifying agent
 - OneCert, Inc.
- Certificate issue location and date
 - Kingdom City, MO June 19, 2010

Text to included in NOP Organic Insider message:

A fraudulent organic certificate is in use and has recently been reported to the NOP listing the following business:

Daniel Lehenbauer, Harry Lehenbauer, Inc.; dba Diamond D Organics

The certificate falsely represents agricultural products as certified organic under the USDA organic regulations, violating the Organic Foods Production Act of 1990.

The vigilance of the organic community is a vital force in ensuring organic integrity. Organic handlers should continue to review certificates carefully, validate with their certifying agents where needed, and send any suspicious certificates to the NOP Compliance and Enforcement team.

Any use of this certificate or other fraudulent documents to market, label, or sell non-organic agricultural products as organic can result in a civil penalty of up to \$11,000 per violation.

Persons with information regarding the production or use of this or other fraudulent NOP certificates are asked to send information to the NOP Compliance & Enforcement Division.



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

VIA EMAIL

Betty Kananen
Global Organic Alliance, Inc.
P.O. Box 530
3185 Township Road 179
Bellefontaine, Ohio 43311-0530
Email: goaorg@centurylink.net

Re: NOPC 044-13 & Daniel Lehenbauer

Dear Ms. Kananen:

The U.S. Department of Agriculture, National Organic Program (NOP) received a complaint alleging that Daniel Lehenbauer altered and used an expired organic certificate, in violation of USDA organic regulations. Specifically, the complaint states that Daniel Lehenbauer, initially certified by OneCert, was suspended in 2010. Mr. Lehenbauer allegedly altered his certificate and continued to sell and transport hay as organic. The altered certificate was discovered during an audit of (b) (6), (b) (7)(C), (b) (7)(D) operation by Global Organic Alliance (GOA).

The NOP in its communication with your client (b) (6), (b) (7)(C), (b) (7)(D) determined that the altered certificate was given to him by another of GOA's clients, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(D) stated that (b) (6), (b) (7)(C) received the altered certificate when he purchased hay from Daniel Lehenbauer.

GOA has two clients named Ben Stroltfus located in Pennsylvania. The NOP contacted both of these clients. (b) (6), (b) (7)(C) stated he never purchased hay from Daniel Lehenbauer. (b) (6), (b) (7)(C) has not replied to the NOP's request for information.

The NOP requests that you investigate these allegations 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:

Ms. Betty Kananen
Re: NOPC 044-13 & Daniel Lehenbauer
Page 2

- 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;
- For some other reason, you cannot carry out or complete the investigation.

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,

Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program

cc: Cheri Courtney, Director, Accreditation and International Activities Division

From: [Ragonesi, Judith - AMS](#)
To: [Fortner, Charlsia - AMS](#)
Subject: Daniel Lehenbauer fraudulent certificate posting
Date: Wednesday, May 28, 2014 9:24:00 AM

Hi Charlsia-

I wasn't sure if you had the updated links for the fraudulent certificate for the Daniel Lehenbauer; Harry Lehenbauer; dba Diamond D Organics were disabled. This fraudulent certificate was confirmed by OneCert, Inc.

[NOPC-044-13\Info for posting.docx](#)

[NOPC-044-13\altered cert.pdf](#)

Thanks-

Judy

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: Ragonesi, Judith - AMS
To: [Michael, Matthew - AMS](#)
Subject: NOPC 044-13 & Daniel Lehenbauer altered certificate
Date: Wednesday, June 19, 2013 3:25:00 PM

Hi Matthew:

I have attached the link to a draft requesting Global Organic Alliance investigate the D. Lehenbauer altered certificate that was issued during a sale transaction for hay between GOA's clients.

[NOPC-044-13\Investigation Request.docx](#)

Thanks-

J

Judith A. Ragonesi
Agriculture Marketing Specialist
USDA/AMS
National Organic Program
1400 Independence Avenue, S.W.
Room 2646 (Stop 0268)
Washington, D.C. 20250
(202) 205-5712 (direct line)

Organic Integrity from Farm to Table, Consumers Trust the Organic Label

Register for the NOP Organic Insider, the National Organic Program's email notification service, by visiting <http://bit.ly/NOPOrganicInsiderRegistration>.

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Ragonesi, Judith - AMS](#)
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Tuesday, January 07, 2014 12:08:07 PM
Attachments: [Harry Lehenbauer-09-C-NOP.pdf](#)

Hi Judy,

It is attached.

FYI, we embed the date issued (in this case, the effective date 19 June 2009) in the certificate number in the upper right corner of the certificate. The date is in the format YYYYMMDD in the certificate number, so 090619 should match the effective date.

Let me know if you need anything else.

Thanks,

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Sent: Thursday, May 09, 2013 10:22 AM

To: Ragonese, Judith - AMS

Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

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Judy

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Sent: Wednesday, December 19, 2012 5:13 AM
To: AMS - NOPCompliance
Subject: Daniel Lehenbaur certificate fraud

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(b) (6), (b) (7)(C), (b) (7)(D)

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(b) (6), (b) (7)(C), (b) (7)(D)

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(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)


From: Ragonesi, Judith - AMS
To: [Michael, Matthew - AMS](#)
Subject: RE: NOPC-044-13 Daniel Lehenbauer altered certificate
Date: Friday, May 31, 2013 11:48:00 AM

Will do- thanks!

From: Michael, Matthew - AMS
Sent: Friday, May 31, 2013 11:46 AM
To: Ragonesi, Judith - AMS
Subject: RE: NOPC-044-13 Daniel Lehenbauer altered certificate

Hi Judy:

(b) (7)(E), (b) (5), (b) (6), (b) (7)(C)



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: Ragonesi, Judith - AMS
Sent: Friday, May 31, 2013 11:06 AM
To: Michael, Matthew - AMS
Subject: NOPC-044-13 Daniel Lehenbauer altered certificate

Hi Matthew-

You asked that I put together a chronology of the events that have occurred thus far in the investigation of the Daniel Lehenbauer's altered certificate, to determine the next step.

Here's the chronology-

[N:\CE\Complaints\FY 13\Open\NOPC-044-13\Chronology of Daniel Lehenbauer.docx](#)

Thanks-
Judy

Judith A. Ragonesi
Agriculture Marketing Specialist
USDA/AMS
National Organic Program
1400 Independence Avenue, S.W.
Room 2646 (Stop 0268)
Washington, D.C. 20250
(202) 205-5712 (direct line)

Organic Integrity from Farm to Table, Consumers Trust the Organic Label

Register for the NOP Organic Insider, the National Organic Program's email notification service, by visiting <http://bit.ly/NOPOrganicInsiderRegistration>.



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

Approval to Post Fraudulent Certificate Information

Fraudulent Certificate Reported to National Organic Program

Operation name and location: Daniel D. Lehenbauer, Harry Lehenbauer Inc.,
Dbas:Diamond D Organics

Certificate number: ONE-556-09061-C-NOP

Products listed as certified: Soybeans, Sorghum, Sweet Corn, Warm Season Grasses,
Alfalfa, Wheat

USDA accredited certifying agent and location: OneCert, Inc. Lincoln, NE

(OneCert, Inc. has confirmed that the certificate is FRAUDULENT and is NOT responsible for its production).

Certificate issue location and date: Kingdom City, MO June 19, 2010

The information contained herein is approved for posting on the NOP website for fraudulent certificates reported to the NOP.

Matthew Michael

Date

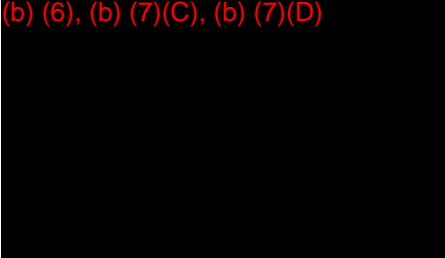


1400 Independence Avenue, S.W.
Room 2646-S, STOP 0268
Washington, D.C. 20250-0268

June 5, 2014

VIA EMAIL

(b) (6), (b) (7)(C), (b) (7)(D)

A large black rectangular redaction box covering the top portion of the letter's body.

Re: NOPC-044-13 and Daniel Lehenbauer, Harry Lehenbauer, Inc.;
(dba: Diamond D Organics)

Dear 

On December 19, 2012, the National Organic program (NOP) received your complaint alleging that Daniel Lehenbauer was using an altered certificate to represent its products as organic, after OneCert, Inc. had suspended the operation's certification, in violation of the USDA organic regulations.

We were unable to confirm the allegations regarding Mr. Lehenbauer. However, we have posted the fraudulent certificate to the NOP's website to alert industry and consumers of its use. This investigation is hereby closed.

Thank you for your support of the NOP.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Michael".

Matthew Michael
Director, Compliance and Enforcement
National Organic Program



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

June 9, 2014

VIA EMAIL

Daniel Lehenbauer
Diamond D Organics
2051 State Rd. M
Kingdom City, MO 65262
Email: (b) (6)

Re: NOPC-151-14 and Diamond D Organics

NOTICE OF WARNING

Dear Mr. Lehenbauer:

The U.S. Department of Agriculture (USDA) National Organic Program (NOP) has concluded its investigation of a complaint filed against Diamond D Organics. The complaint alleged that Diamond D Organics altered its organic certificate after being suspended, to sell hay as organic, in violation of USDA organic regulations.

Our investigation was not able to verify the allegations, however the NOP did confirm that the certificate issued to Diamond D Organics by OneCert, was altered and used in a transaction involving the sale of hay. While this fraudulent certificate may have been created and used without your knowledge, be advised that altering an organic certificate and/or selling agricultural products as organic without certification, is a violation of USDA organic regulations. The certificate has been posted on the NOP webpage at:

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5107771>.

Falsely representing agricultural products as organic may result in a civil penalty of \$11,000 per violation.

If you have any questions, please contact Judith Ragonesi, Compliance & Enforcement, at (202) 205-5712 or at Judith.ragonesi2@ams.usda.gov.

Sincerely,

Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program



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

June , 2014

VIA EMAIL

Daniel Lehenbauer
Diamond D Organics
2051 State Rd. M
Kingdom City, MO 65262
Email: (b) (6)

Re: NOPC-151-14 and Diamond D Organics

NOTICE OF WARNING

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Our investigation was not able to verify the allegations, however the NOP did confirm that the certificate issued to Diamond D Organics by OneCert, was altered and used in a transaction involving the sale of hay. While this fraudulent certificate may have been created and used without your knowledge, be advised that altering an organic certificate and/or selling agricultural products as organic without certification, is a violation of USDA organic regulations.

Failure to cease and desist representing agricultural products as organic and comply with the NOP regulations may result in a civil penalty of \$11,000 per violation.

If you have any questions, please contact Judith Ragonesi, Compliance & Enforcement, at (202) 205-5712 or at Judith.ragonesi2@ams.usda.gov.

Sincerely,

Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program

From: [Ragonesi, Judith - AMS](#)
To: [Michael, Matthew - AMS](#)
Subject: NOPC 044-13 Daniel lehenbauer
Date: Thursday, June 05, 2014 3:45:00 PM

Matthew-

Based on the discussion at the staff meeting today- concerning fraudulent certificates and the issuance of a notice of warning – I have drafted a NOW for Mr. Lehenbauer

[NOPC-044-13\Notice of Warning.docx](#)

j

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: Ragonesi, Judith - AMS
To: [Michael, Matthew - AMS](#)
Subject: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate
Date: Tuesday, January 07, 2014 12:32:00 PM
Attachments: [Harry Lehenbauer-09-C-NOP.pdf](#)

Matthew

Attached is a copy of the original certificate issued by OneCert to Daniel Lehenbauer on June 12, 2009. The certificate obtained during the investigation, has altered dates of issuance, confirmed by OneCert (see link below).

[NOPC-044-13\altered cert.pdf](#)

I would like to post this altered certificate to the NOP website and have included information for the WAR and links to additional information below...., I also have a letter to the complainant closing the complaint:

- **Fraudulent Certificate Announcement.** The NOP will announce a notice of a fraudulent NOP organic certificate. An NOP investigation confirmed that the certificate falsely represents operator Daniel Lehenbauer, Harry Lehenbauer, Inc., dba Diamond D Organics as certified organic to the NOP standards. The certifier, Pro-Cert, has confirmed that the certificate is fraudulent and is not responsible for its production. The fraudulent certificate will be posted on the NOP website and announced through the Organic Insider email notification service.

[N:\CE\Complaints\FY 13\Open\NOPC-044-13\Info for posting fraud.docx](#)

[N:\CE\Complaints\FY 13\Open\NOPC-044-13\Closure Letter.docx](#)

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, January 07, 2014 12:08 PM
To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

It is attached.

FYI, we embed the date issued (in this case, the effective date 19 June 2009) in the certificate number in the upper right corner of the certificate. The date is in the format YYMMDD in th certificate number, so 090619 should match the effective date.

Let me know if you need anything else.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Tue, Jan 7, 2014 at 10:52 AM, Ragonese, Judith - AMS

<Judith.Ragonese2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

Would you please email me a copy of the original certificate that OneCert, Inc. issued to Daniel Lehenbauer.

Thanks,

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)

Sent: Sunday, May 12, 2013 11:23 AM

To: Ragonese, Judith - AMS

Subject: Re: NOPC 44-13 RE: Daniel Lehenbauer certificate

Hi Judy,

I'm out of office until Wednesday, but I did find the following in an email that alerted me to this situation:

FYI

I got a call today from (b) (6), (b) (7)(C), (b) (7)(D)

His audit turned up (another) fraud certificate from Daniel Lehenbauer.

(b) (6), (b) (7)(C), (b) (7)(D)

read me the dates on the cert. It appears that this is the same (2010)altered cert that is on file.

Purchase made (approx) November 2011.

I asked (b) (6), (b) (7)(C) to fax the cert to us. He said he would in the next few days.

Rec'd cert from Broker, declined to name broker, said he would contact him and let him know Daniel had been suspended by OneCert in 2010.

(Also said this is the *only* time his broker has given him a supplier cert with a load.)

We never heard back from (b) (6), (b) (7)(C), (b) (7)(D) so we don't have any more info to share.

I hope you are able to track this down. PCO may know more as I have heard them complain about uncertified brokers in PA.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Fri, May 10, 2013 at 3:13 PM, Ragonese, Judith - AMS

<Judith.Ragonese2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

I'm sorry to bother you again, but could you please provide me with more information regarding (b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D) Specifically do you know who certifies (b) (6), (b) (7)(C), (b) (7)(D) and what type of

(b) (6), (b) (7)(C), (b) (7)(D)

operation he owns? His name is not showing up in the certified operations database and he is not returning my call.

Thanks-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Thursday, May 09, 2013 10:22 AM
To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

We never did get a copy of the certificate from (b) (7)(C), (b) (6), (b) (7)(D). It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that (b) (6), (b) (7)(C), (b) (7)(D) is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

It appears to me that there is potential for uncovering fraud on the part of uncertified brokers who do a lot of business sourcing organic feed for PA's organic dairies.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)
On Wed, May 8, 2013 at 2:52 PM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:
Good Afternoon (b) (6), (b) (7)(C), (b) (7)(D)

I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (6), (b) (7)(C), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Wednesday, December 19, 2012 5:13 AM
To: AMS - NOPCompliance
Subject: Daniel Lehenbaur certificate fraud

We received a call yesterday from (b) (6), (b) (7)(C), (b) (7)(D)

He told us that his audit turned up (another) fraud certificate from Daniel Lehenbaur (b) (6), (b) (7)(C) read me the dates on the cert. It appears that this is the same (2010) altered cert that we have on file. Purchase made (approx) November 2011.

(b) (6), (b) (7)(C), (b) (7)(D)

was asked to fax the cert to us. He said he would in the next few days. He said it was received from Broker, but declined to name broker. He said he would contact him and let him know Daniel had been suspended by OneCert in 2010. (Also said this is the *only* time his broker has given him a supplier cert with a load.)

I am submitting this to your office for investigation. Daniel Lehenbauer was a trucker at the time his certification was suspended by OneCert. At that time, we had heard there were uncertified brokers selling feed as organic in PA. This may be a lead that will uncover more extensive fraud.

Regards,

(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

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(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

[REDACTED]

From: [Tucker, Jennifer - AMS](#)
To: [Ragonesi, Judith - AMS](#)
Subject: RE: C&E War
Date: Friday, May 23, 2014 2:31:17 PM

Thanks, Judy.

From: Ragonesi, Judith - AMS
Sent: Friday, May 23, 2014 2:28 PM
To: Tucker, Jennifer - AMS
Cc: Thornblad, Kristin - AMS; Michael, Matthew - AMS
Subject: FW: C&E War

Hi Jenny:

I am sorry I did not catch the mistake in C&E's war yesterday, but just noticed it in the NOP's war-- the fraudulent certificate announcement should read "the certifier One-Cert," not Pro-Cert. For posting purposes, the information that was sent to you earlier this week reflects the correct certifier, One-Cert.

Sorry again for not noticing the mistake yesterday-
Judy

From: Thornblad, Kristin - AMS
Sent: Thursday, May 22, 2014 2:18 PM
To: Tucker, Jennifer - AMS
Cc: Michael, Matthew - AMS; Wilburn, Tammie - AMS; Strohm, Sasha - AMS; Schmale, Valerie - AMS; Regalado, Andrew - AMS; Ragonesi, Judith - AMS; Melvin, Jonathan - AMS
Subject: C&E War

Jenny-

Please see below for C&E-related Weekly Activity Report content. Thank you.

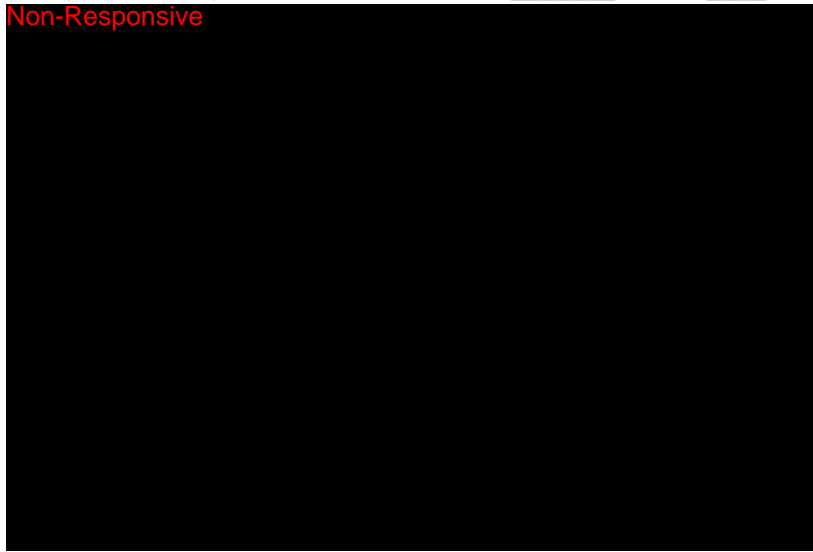
Non-Responsive



- **Fraudulent Certificate Announcement.** Next week, the NOP will announce a notice of a fraudulent NOP organic certificate. An NOP investigation confirmed that the certificate falsely represents operator Daniel Lehenbauer, Harry Lehenbauer, Inc., dba Diamond D Organics, as certified organic to the NOP standard. The certifier, Pro-Cert, has confirmed that the certificate is fraudulent and is not responsible for its production. The fraudulent certificate will be posted on the NOP website and announced through the Organic Insider email notification service.

Complaints Opened

Non-Responsive

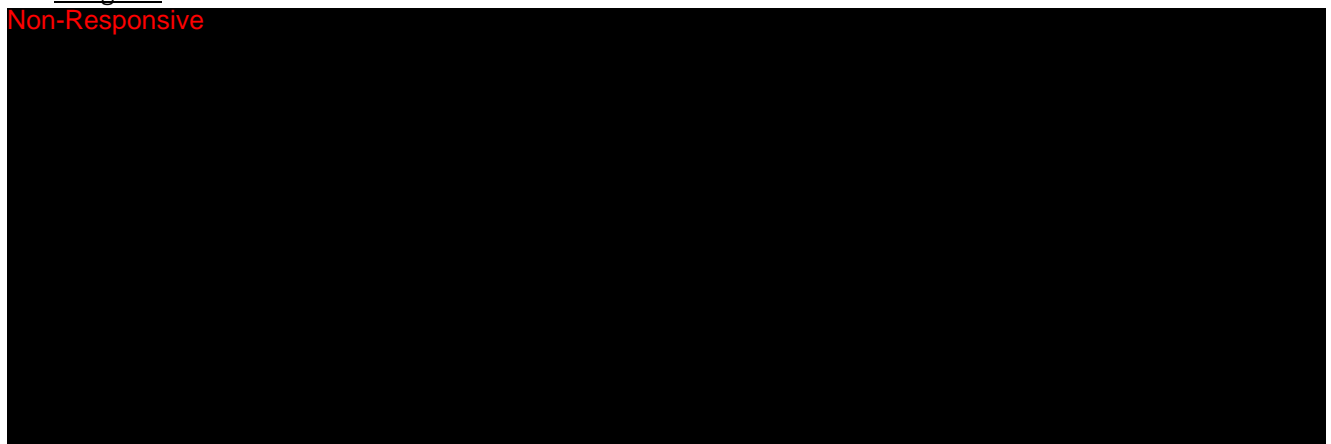
A large black rectangular redaction box covering the majority of the page content.

Complaints Closed

Staff

Assigned

Non-Responsive

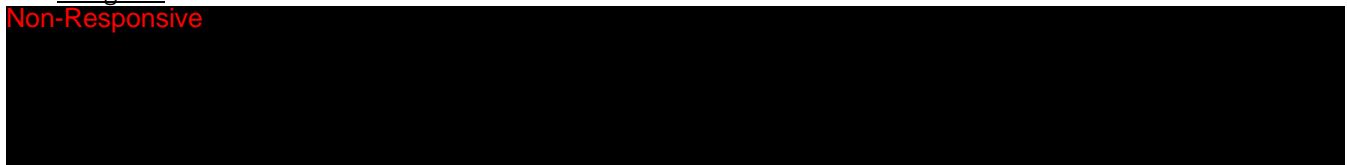
A large black rectangular redaction box covering the majority of the page content.

Requests for Reinstatement Approved

Staff

Assigned

Non-Responsive

A large black rectangular redaction box covering the majority of the page content.

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: [Ragonesi, Judith - AMS](#)
To: [Fortner, Charlsia - AMS](#)
Subject: RE: Daniel Lehenbauer fraudulent certificate posting
Date: Wednesday, May 28, 2014 10:11:00 AM

Thank you soooo much!

From: Fortner, Charlsia - AMS
Sent: Wednesday, May 28, 2014 9:29 AM
To: Ragonesi, Judith - AMS
Subject: RE: Daniel Lehenbauer fraudulent certificate posting

Hi Judy -

Thanks for following up – I'm working on getting them posted right now, and the notice should go out in the next Insider!

Charlsia

From: Ragonesi, Judith - AMS
Sent: Wednesday, May 28, 2014 9:24 AM
To: Fortner, Charlsia - AMS
Subject: Daniel Lehenbauer fraudulent certificate posting

Hi Charlsia-

I wasn't sure if you had the updated links for the fraudulent certificate for the Daniel Lehenbauer; Harry Lehenbauer; dba Diamond D Organics were disabled. This fraudulent certificate was confirmed by OneCert, Inc.

[NOPC-044-13\Info for posting.docx](#)

[NOPC-044-13\altered cert.pdf](#)

Thanks-

Judy

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: Ragonesi, Judith - AMS
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Tuesday, January 07, 2014 12:14:00 PM

Thanks!

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, January 07, 2014 12:08 PM
To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

It is attached.

FYI, we embed the date issued (in this case, the effective date 19 June 2009) in the certificate number in the upper right corner of the certificate. The date is in the format YYMMDD in the certificate number, so 090619 should match the effective date.

Let me know if you need anything else.

Thanks,

On Tue, Jan 7, 2014 at 10:52 AM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Hi

Would you please email me a copy of the original certificate that OneCert, Inc. issued to Daniel Lehenbauer.

Thanks,

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Sunday, May 12, 2013 11:23 AM

To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

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Thanks,

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Thanks-

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)

Sent: Thursday, May 09, 2013 10:22 AM

To: Ragonesi, Judith - AMS

Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

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Thanks,

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<Judith.Ragonesi2@ams.usda.gov> wrote:

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I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (6), (b) (7)(C), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Wednesday, December 19, 2012 5:13 AM
To: AMS - NOPCompliance
Subject: Daniel Lehenbauer certificate fraud

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(b) (6), (b) (7)(C), (b) (7)(D) was asked to fax the cert to us. He said he would in the next few days. He said it was received from Broker, but declined to name broker. He said he would contact him and let him know Daniel had been suspended by OneCert in 2010. (Also said this is the *only* time his broker has given him a supplier cert with a load.)

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Regards,

(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

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--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

From: [Thornblad, Kristin - AMS](#)
To: [Ragonesi, Judith - AMS](#)
Cc: [Michael, Matthew - AMS](#)
Subject: RE: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate
Date: Tuesday, May 27, 2014 8:03:35 AM

No, I'm sorry, Judy! Thanks for the update.

From: Ragonesi, Judith - AMS
Sent: Tuesday, May 27, 2014 8:03 AM
To: Thornblad, Kristin - AMS
Cc: Michael, Matthew - AMS
Subject: RE: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate

Hi Kristin-

Sorry I didn't notice the wrong certifier listed until Jenny's War came out Friday, but it hasn't been posted yet and the links all have One-Cert.....(accept the links don't work anymore)

j

From: Thornblad, Kristin - AMS
Sent: Tuesday, May 27, 2014 7:52 AM
To: Ragonesi, Judith - AMS; Michael, Matthew - AMS
Subject: RE: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate

I apologize, Judy—We used the below language for the C&E War email.

Matthew, I'll touch base with you this morning about next correction steps.

Again, I'm sorry.

Thanks.

From: Michael, Matthew - AMS
Sent: Monday, May 19, 2014 1:05 PM
To: Tucker, Jennifer - AMS
Cc: Ragonesi, Judith - AMS; Thornblad, Kristin - AMS; Fortner, Charlsia - AMS
Subject: FW: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate

Hi Jenny:

Here is a new fraudulent certificate for posting next week. It will be the first domestic certificate we ever have posted. We know that it is fraudulent and has been used in at least two transactions, but we are unable to contact Mr. Lehenbauer. I spoke with Miles about it a while back and he agreed that we could/should post it.

Here is the fraudulent certificate:

<N:\CE\Complaints\FY 13\Open\NOPC-044-13\altered cert.pdf>

Here is the info for posting:

<N:\CE\Complaints\FY 13\Open\NOPC-044-13\Info for posting fraud.docx>

And here is text for the WAR. Let me know if you want us to add something about how it's the first domestic certificate we've ever posted.

- Fraudulent Certificate Announcement. Next week, the NOP will announce a notice of a fraudulent NOP organic certificate. An NOP investigation confirmed that the certificate falsely represents operator Daniel Lehenbauer, Harry Lehenbauer, Inc., dba Diamond D Organics as certified organic to the NOP standards. The certifier, Pro-Cert, has confirmed that the certificate is fraudulent and is not responsible for its production. The fraudulent certificate will be posted on the NOP website and announced through the Organic Insider email notification service.

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: [Ragonesi, Judith - AMS](#)
To: [Thornblad, Kristin - AMS](#)
Cc: [Michael, Matthew - AMS](#)
Subject: RE: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate
Date: Tuesday, May 27, 2014 8:02:00 AM

Hi Kristin-

Sorry I didn't notice the wrong certifier listed until Jenny's War came out Friday, but it hasn't been posted yet and the links all have One-Cert.....(accept the links don't work anymore)

j

From: Thornblad, Kristin - AMS
Sent: Tuesday, May 27, 2014 7:52 AM
To: Ragonesi, Judith - AMS; Michael, Matthew - AMS
Subject: RE: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate

I apologize, Judy—We used the below language for the C&E War email.

Matthew, I'll touch base with you this morning about next correction steps.

Again, I'm sorry.

Thanks.

From: Michael, Matthew - AMS
Sent: Monday, May 19, 2014 1:05 PM
To: Tucker, Jennifer - AMS
Cc: Ragonesi, Judith - AMS; Thornblad, Kristin - AMS; Fortner, Charlsia - AMS
Subject: FW: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate

Hi Jenny:

Here is a new fraudulent certificate for posting next week. It will be the first domestic certificate we ever have posted. We know that it is fraudulent and has been used in at least two transactions, but we are unable to contact Mr. Lehenbauer. I spoke with Miles about it a while back and he agreed that we could/should post it.

Here is the fraudulent certificate:

<N:\CE\Complaints\FY 13\Open\NOPC-044-13\altered cert.pdf>

Here is the info for posting:

<N:\CE\Complaints\FY 13\Open\NOPC-044-13\Info for posting fraud.docx>

And here is text for the WAR. Let me know if you want us to add something about how it's the first domestic certificate we've ever posted.

- Fraudulent Certificate Announcement. Next week, the NOP will announce a notice of a fraudulent NOP organic certificate. An NOP investigation confirmed that the certificate falsely represents operator Daniel Lehenbauer, Harry Lehenbauer, Inc., dba Diamond D Organics as certified organic to the NOP standards. The certifier, Pro-Cert, has confirmed that the certificate is fraudulent and is not responsible for its production. The fraudulent certificate will be posted on the NOP website and announced through the Organic Insider email notification service.

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: [Thornblad, Kristin - AMS](#)
To: [Ragonesi, Judith - AMS](#); [Michael, Matthew - AMS](#)
Subject: RE: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate
Date: Tuesday, May 27, 2014 7:51:37 AM

I apologize, Judy—We used the below language for the C&E War email.

Matthew, I'll touch base with you this morning about next correction steps.

Again, I'm sorry.

Thanks.

From: Michael, Matthew - AMS
Sent: Monday, May 19, 2014 1:05 PM
To: Tucker, Jennifer - AMS
Cc: Ragonesi, Judith - AMS; Thornblad, Kristin - AMS; Fortner, Charlsia - AMS
Subject: FW: Posting info for(NOPC 44-13) Daniel Lehenbaur certificate

Hi Jenny:

Here is a new fraudulent certificate for posting next week. It will be the first domestic certificate we ever have posted. We know that it is fraudulent and has been used in at least two transactions, but we are unable to contact Mr. Lehenbauer. I spoke with Miles about it a while back and he agreed that we could/should post it.

Here is the fraudulent certificate:

<N:\CE\Complaints\FY 13\Open\NOPC-044-13\altered cert.pdf>

Here is the info for posting:

<N:\CE\Complaints\FY 13\Open\NOPC-044-13\Info for posting fraud.docx>

And here is text for the WAR. Let me know if you want us to add something about how it's the first domestic certificate we've ever posted.

- Fraudulent Certificate Announcement. Next week, the NOP will announce a notice of a fraudulent NOP organic certificate. An NOP investigation confirmed that the certificate falsely represents operator Daniel Lehenbauer, Harry Lehenbauer, Inc., dba Diamond D Organics as certified organic to the NOP standards. The certifier, Pro-Cert, has confirmed that the certificate is fraudulent and is not responsible for its production. The fraudulent certificate will be posted on the NOP website and announced through the Organic Insider email notification service.

Thanks.

Matthew Michael

Director, Compliance and Enforcement Division
USDA National Organic Program
1400 Independence Ave SW; Room 2959
Washington, DC 20250-0268
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From: Ragonesi, Judith - AMS
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Sunday, June 02, 2013 5:08:00 PM

Hi (b) (6), (b) (7)(C), (b) (7)(D)

Yes and I just received the certificate.

Thanks,
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Sunday, June 02, 2013 1:50 AM
To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

Were you ever able to contact (b) (6), (b) (7)(C), (b) (7)(D) and get the information you wanted?

(b) (6), (b) (7)(C), (b) (7)(D)

On Sun, May 12, 2013 at 10:22 AM, (b) (6), (b) (7)(C), (b) (7)(D) wrote:
Hi Judy,

I'm out of office until Wednesday, but I did find the following in an email that alerted me to this situation:

FYI

I got a call today from (b) (6), (b) (7)(C), (b) (7)(D)

His audit turned up (another) fraud certificate from Daniel Lehenbauer.

(b) (6), (b) (7)(C), (b) (7)(D) read me the dates on the cert. It appears that this is the same (2010)altered cert that is on file.

Purchase made (approx) November 2011.

I asked (b) (6), (b) (7)(C) to fax the cert to us. He said he would in the next few days.

Rec'd cert from Broker, declined to name broker, said he would contact him and let him know Daniel had been suspended by OneCert in 2010.

(Also said this is the *only* time his broker has given him a supplier cert with a load.)

We never heard back from (b) (6), (b) (7)(C), (b) (7)(D) so we don't have any more info to share.

I hope you are able to track this down. PCO may know more as I have heard them complain about uncertified brokers in PA.

Thanks,
(b) (6), (b) (7)(C), (b) (7)(D)

On Fri, May 10, 2013 at 3:13 PM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

I'm sorry to bother you again, but could you please provide me with more information regarding (b) (6), (b) (7)(C), (b) (7)(D). Specifically do you know who certifies (b) (6), (b) (7)(C), (b) (7)(D) and what type of operation he owns? His name is not showing up in the certified operations database and he is not returning my call.

Thanks-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Thursday, May 09, 2013 10:22 AM
To: Ragonese, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

We never did get a copy of the certificate from (b) (7)(C), (b) (6), (b) (7)(D). It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that (b) (6), (b) (7)(C), (b) (7)(D) is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

It appears to me that there is potential for uncovering fraud on the part of uncertified brokers who do a lot of business sourcing organic feed for PA's organic dairies.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)
On Wed, May 8, 2013 at 2:52 PM, Ragonese, Judith - AMS
<Judith.Ragonese2@ams.usda.gov> wrote:
Good Afternoon (b) (6), (b) (7)(C), (b) (7)(D)

I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (6), (b) (7)(C), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Wednesday, December 19, 2012 5:13 AM
To: AMS - NOPCompliance
Subject: Daniel Lehenbaur certificate fraud

We received a call yesterday from (b) (6), (b) (7)(C), (b) (7)(D)

He told us that his audit turned up (another) fraud certificate from Daniel Lehenbaur (b) (6), (b) (7)(C) read me

the dates on the cert. It appears that this is the same (2010) altered cert that we have on file. Purchase made (approx) November 2011.

(b) (6), (b) (7)(C), (b) (7)(D) was asked to fax the cert to us. He said he would in the next few days. He said it was received from Broker, but declined to name broker. He said he would contact him and let him know Daniel had been suspended by OneCert in 2010. (Also said this is the *only* time his broker has given him a supplier cert with a load.)

I am submitting this to your office for investigation. Daniel Lehenbauer was a trucker at the time his certification was suspended by OneCert. At that time, we had heard there were uncertified brokers selling feed as organic in PA. This may be a lead that will uncover more extensive fraud.

Regards,

(b) (6), (b) (7)(C), (b) (7)(D)

--
(b) (6), (b) (7)(C), (b) (7)(D)

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(b) (6), (b) (7)(C), (b) (7)(D)

--
(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

From: Ragonesi, Judith - AMS
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: RE: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Thursday, May 09, 2013 11:53:00 AM

Yes you are right – sorry I forgot that (b) (6), (b) (7)(C), (b) (7)(D) is currently certified.

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Thursday, May 09, 2013 10:44 AM
To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

If he is a certified operator, could you require him to provide information and copies of his records? If he does not, could you propose suspension for failure to comply with 205.400?

On Thu, May 9, 2013 at 9:35 AM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:
Hi (b) (6), (b) (7)(C), (b) (7)(D)

We do not have authority to subpoena, but I will call him to see if he is willing to cooperate.

Thanks-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Thursday, May 09, 2013 10:22 AM
To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

We never did get a copy of the certificate from (b) (6), (b) (7)(C), (b) (7)(D). It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that (b) (6), (b) (7)(C), (b) (7)(D) is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

It appears to me that there is potential for uncovering fraud on the part of uncertified brokers who do a lot of business sourcing organic feed for PA's organic dairies.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Wed, May 8, 2013 at 2:52 PM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:
Good Afternoon (b) (6), (b) (7)(C), (b) (7)(D)

I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (6), (b) (7)(C), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-
Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Wednesday, December 19, 2012 5:13 AM
To: AMS - NOPCompliance
Subject: Daniel Lehenbaur certificate fraud

We received a call yesterday from (b) (6), (b) (7)(C), (b) (7)(D)

He told us that his audit turned up (another) fraud certificate from Daniel Lehenbaur (b) (6), (b) (7)(C) read me the dates on the cert. It appears that this is the same (2010) altered cert that we have on file. Purchase made (approx) November 2011.

(b) (6), (b) (7)(C), (b) (7)(D) was asked to fax the cert to us. He said he would in the next few days. He said it was received from Broker, but declined to name broker. He said he would contact him and let him know Daniel had been suspended by OneCert in 2010. (Also said this is the *only* time his broker has given him a supplier cert with a load.)

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Regards,

--

(b) (6), (b) (7)(C), (b) (7)(D)

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(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)
(C), (b) (7)(D)

--
(b) (6), (b) (7)(C), (b) (7)(D)

From: [Fortner, Charlsia - AMS](#)
To: [Ragonesi, Judith - AMS](#)
Subject: RE: Daniel Lehenbauer fraudulent certificate posting
Date: Wednesday, May 28, 2014 9:28:47 AM

Hi Judy -

Thanks for following up – I'm working on getting them posted right now, and the notice should go out in the next Insider!

Charlsia

From: Ragonesi, Judith - AMS
Sent: Wednesday, May 28, 2014 9:24 AM
To: Fortner, Charlsia - AMS
Subject: Daniel Lehenbauer fraudulent certificate posting

Hi Charlsia-

I wasn't sure if you had the updated links for the fraudulent certificate for the Daniel Lehenbauer; Harry Lehenbauer; dba Diamond D Organics were disabled. This fraudulent certificate was confirmed by OneCert, Inc.

[NOPC-044-13\Info for posting.docx](#)

[NOPC-044-13\altered cert.pdf](#)

Thanks-

Judy

Judith A. Ragonesi

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



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

VIA EMAIL

Betty Kananen
Global Organic Alliance, Inc.
P.O. Box 530
3185 Township Road 179
Bellefontaine, Ohio 43311-0530
Email: goaorg@centurylink.net

AUG 02 2013

Re: NOPC 044-13 & Daniel Lehenbauer

Dear Ms. Kananen:

The U.S. Department of Agriculture, National Organic Program (NOP) received a complaint alleging that Daniel Lehenbauer altered and used an expired organic certificate, in violation of USDA organic regulations. Specifically, the complaint states that Daniel Lehenbauer, initially certified by OneCert, was suspended in 2010. Mr. Lehenbauer allegedly altered his certificate and continued to sell and transport hay as organic. The altered certificate was discovered during an audit of (b) (6), (b) (7)(C), (b) (7)(D) operation by Global Organic Alliance (GOA).

The NOP in its communication with your client (b) (6), (b) (7)(C), (b) (7)(D) determined that the altered certificate was given to him by another of GOA's clients, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(D) stated that (b) (7)(C), (b) (6) received the altered certificate when he purchased hay from Daniel Lehenbauer.

GOA has two clients named (b) (6), (b) (7)(C) located in Pennsylvania. The NOP contacted both of these clients, (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) stated he never purchased hay from Daniel Lehenbauer. (b) (6), (b) (7)(C) has not replied to the NOP's request for information.

The NOP requests that you investigate these allegations 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:

Ms. Betty Kananen
Re: NOPC 044-13 & Daniel Lehenbauer
Page 2

- 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;
- For some other reason, you cannot carry out or complete the investigation.

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,



Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program

cc: Cheri Courtney, Director, Accreditation and International Activities Division



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

VIA EMAIL

Marissa Pyle
Organic Certification Specialist/Compliance Manager
Pennsylvania Certified Organic
106 School Street, Suite 201
Spring Mills, PA 16875
Email: marissa@paorganic.org

AUG 23 2013

Re: NOPC 044-13 Daniel Lehenbauer & [Redacted: Non-Responsive (b) (7)(C), (b) (6) Non-]

Dear Ms. Pyle:

Pursuant to our phone conversation, The U.S. Department of Agriculture, National Organic Program (NOP) requests that you investigate and review your client, [Redacted: (b) (7)(C), (b) (6)] records for the purchase and sale of hay for the years 2010-2013, in addition to the operation's organic system plan. As I previously explained, the NOP in its investigation of two separate complaints, (NOPC 044-13 Daniel Lehenbauer and [Redacted: Non-Responsive (b) (6), (b) (7) (C) Non-]), has received information that allegedly involves [Redacted: (b) (7)(C), (b) (6)] in both complaints.

In the first complaint (NOPC 044-13 Daniel Lehenbauer), filed on December 12, 2012, the NOP received information that [Redacted: (b) (7)(C), (b) (6)] allegedly presented an expired and altered organic certificate to Global Organic Alliance's (GOA) client, [Redacted: (b) (7)(C), (b) (6), (b) (7)(C)]. GOA discovered the altered certificate during an audit of Chris Miller in 2012. [Redacted: (b) (7)(C), (b) (6), (b) (7)(C)] stated that he received the certificate from [Redacted: (b) (7)(C), (b) (6)] in approximately November 2011. The certificate originally issued to Daniel Lehenbauer by OneCert, was suspended in 2010. Sometime after the suspension, Daniel Lehenbauer allegedly altered his certificate and continued to sell and transport hay as organic.

In the second complaint [Redacted: Non-Responsive (b) (6), (b) (7) (C) Non-] which was filed by your office on February 15, 2013, [Redacted: (b) (7)(C), (b) (6)] stated to the NOP that the organic hay he handles is stored at [Redacted: (b) (7)(C), (b) (6)] farm and covered under [Redacted: (b) (7)(C), (b) (6)] organic system plan.

The NOP requests that you investigate and review [Redacted: (b) (7)(C), (b) (6)] records for the purchase and sale of hay for the years 2010-2013, along with the organic system plan, 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.

Ms. Marissa Pyle
Re: NOPC 044-13 Daniel Lehenbauer & NOPC 060-13
Page 2

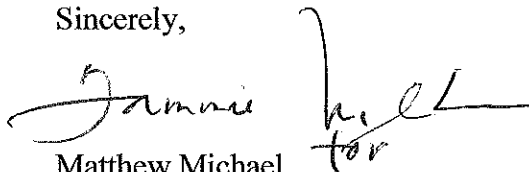
(b)(6), (b)(7)(C), Non-Responsive

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;
- For some other reason, you cannot carry out or complete the investigation.

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,

A handwritten signature in black ink, appearing to read "Matthew Michael" with a stylized flourish at the end.

Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program

cc: Cheri Courtney, Director, Accreditation and International Activities Division

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Ragonesi, Judith - AMS](#)
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate
Date: Monday, June 02, 2014 7:48:29 AM

Thanks. I am very interested in knowing what I could have submitted with my original complaint (NOPC-046-11) on December 15, 2010 that would have resulted in the NOP giving notice that this was a fraudulent certificate at that time.

(b) (6), (b) (7)(C), (b) (7)(D)

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On Mon, Jun 2, 2014 at 6:13 AM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

The close out letter for your complaint has been drafted and will be forwarded to you early this week.

Thanks-

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Saturday, May 31, 2014 7:04 AM

To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

I see that the NOP has finally published a copy of this fraudulent certificate. Please let me know if other sanctions were imposed on Mr. Lehenbaur and the resolution of this complaint.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

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On Tue, Jan 7, 2014 at 11:14 AM, Ragonesi, Judith - AMS
<Judith.Ragonesi2@ams.usda.gov> wrote:

Thanks!

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, January 07, 2014 12:08 PM

To: Ragonesi, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

It is attached.

FYI, we embed the date issued (in this case, the effective date 19 June 2009) in the certificate number in the upper right corner of the certificate. The date is in the format YYMMDD in th certificate number, so 090619 should match the effective date.

Let me know if you need anything else.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)

On Tue, Jan 7, 2014 at 10:52 AM, Ragonese, Judith - AMS
<Judith.Ragonese2@ams.usda.gov> wrote:

Hi (b) (6), (b) (7)(C), (b) (7)(D)

Would you please email me a copy of the original certificate that OneCert, Inc. issued to Daniel Lehenbauer.

Thanks,

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Sunday, May 12, 2013 11:23 AM

To: Ragonese, Judith - AMS
Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

I'm out of office until Wednesday, but I did find the following in an email that alerted me to this situation:

FYI

I got a call today from (b) (6), (b) (7)(C), (b) (7)(D)

His audit turned up (another) fraud certificate from Daniel Lehenbauer.

(b) (6), (b) (7)(C), (b) (7)(D) read me the dates on the cert. It appears that this is the same (2010)altered cert that is on file. Purchase made (approx) November 2011.

I asked (b) (6), (b) (7)(C) to fax the cert to us. He said he would in the next few days.

Rec'd cert from Broker, declined to name broker, said he would contact him and let him know Daniel had been suspended by OneCert in 2010.

(Also said this is the *only* time his broker has given him a supplier cert with a load.)

We never heard back from (b) (6), (b) (7)(C), (b) (7)(D) so we don't have any more info to share.

I hope you are able to track this down. PCO may know more as I have heard them complain about uncertified brokers in PA.

Thanks,

(b) (6), (b) (7)(C), (b) (7)(D)
On Fri, May 10, 2013 at 3:13 PM, Ragonesi, Judith - AMS
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Hi (b) (6), (b) (7)(C), (b) (7)(D)

I'm sorry to bother you again, but could you please provide me with more information regarding (b) (6), (b) (7)(C), (b) (7)(D). Specifically do you know who certifies (b) (6), (b) (7)(C), (b) (7)(D) and what type of operation he owns? His name is not showing up in the certified operations database and he is not returning my call.

Thanks-

Judy

From: (b) (7)(C), (b) (6), (b) (7)(D)

Sent: Thursday, May 09, 2013 10:22 AM

To: Ragonese, Judith - AMS

Subject: Re: NOPC 44-13 RE: Daniel Lehenbaur certificate

Hi Judy,

We never did get a copy of the certificate from (b) (6), (b) (7)(C), (b) (7)(D). It seems that he was reluctant to do so. It may be that you would have more influence to get a copy from him. What is the NOP's authority to require such information? It appeared that (b) (6), (b) (7)(C), (b) (7)(D) is a certified operator, so I would assume that he could not refuse to provide a copy to the NOP. Is that correct?

It appears to me that there is potential for uncovering fraud on the part of uncertified brokers who do a lot of business sourcing organic feed for PA's organic dairies.

Thanks,

On Wed, May 8, 2013 at 2:52 PM, Ragonese, Judith - AMS

<Judith.Ragonese2@ams.usda.gov> wrote:

Good Afternoon

I have been assigned this complaint and after reviewing your email (see below) I was wondering if (b) (6), (b) (7)(C), (b) (7)(D) ever faxed in the altered certificate? If so would you mind forwarding a copy to me for the complaint file.

Kind regards-

Judy

From: (b) (6), (b) (7)(C), (b) (7)(D)

Sent: Wednesday, December 19, 2012 5:13 AM

To: AMS - NOPCompliance

Subject: Daniel Lehenbaur certificate fraud

We received a call yesterday from (b) (6), (b) (7)(C), (b) (7)(D)

He told us that his audit turned up (another) fraud certificate from Daniel Lehenbauer (b) (6), (b) (7)(C) read me the dates on the cert. It appears that this is the same (2010) altered cert that we have on file. Purchase made (approx) November 2011.

(b) (6), (b) (7)(C), (b) (7)(D) was asked to fax the cert to us. He said he would in the next few days. He said it was received from Broker, but declined to name broker. He said he would contact him and let him know Daniel had been suspended by OneCert in 2010. (Also said this is the *only* time his broker has given him a supplier cert with a load.)

I am submitting this to your office for investigation. Daniel Lehenbauer was a trucker at the time his certification was suspended by OneCert. At that time, we had heard there were uncertified brokers selling feed as organic in PA. This may be a lead that will uncover more extensive fraud.

Regards,

(b) (6), (b) (7)(C), (b) (7)(D)

--

(b) (6), (b) (7)(C), (b) (7)(D)

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

--

(b) (6), (b) (7)(C), (b) (7)(D)

[Redacted]

From: [RPost](#)
To: [Ragonesi, Judith - AMS](#)
Subject: Ack: Request for Investigation NOPC 044-13 & Daniel Lehenbauer
Date: Friday, August 02, 2013 10:56:52 AM

Acknowledgement: Your message has been sent

RPost will send a Registered Receipt™ record within two hours as your proof of delivery, content, and official time.

You have 10 messages left in your free account this month.

If you are using a free account, your limit is 10 Messages per month.

To continue using RPost services after you reach your monthly limit, you may either:

1. Wait until your account usage resets to zero on the first day of the next month, or
2. Purchase a service plan.

To purchase a plan, please visit www.rpost.com/signupnow.

This message certifies that:

Your message (subject):	Request for Investigation NOPC 044-13 & Daniel Lehenbauer
To:	(b) (6)
Cc:	
Was received by the registration service at:	8/2/2013 2:56:47 PM (UTC)* 8/2/2013 2:56:47 PM (Local)
Message ID:	F48F846D2EE22BF8F911F4BE683F9537C7ACFA80
Network ID:	<D4472E6B72B9444F853E898DB499BEF11DB520@001FSN2MPN1-035.001f
Client Code:	

* UTC represents Coordinated Universal Time.

Note: Bcc addresses will be included in your Registered Receipt email. Messages will have been only transmitted to recipient addresses indicated in the Registered Receipt email.

Service Language Preference:	Note: The service does not translate your message or attachments.
English Française Deutsch Español Português Nederlands Русский Indonesian	

For more information about RPost services, visit www.rpost.com.

An RPost Service

From: [Ragonesi, Judith - AMS](#)
To: [Michael, Matthew - AMS](#)
Subject: closure ltr for NOPC 044-13 Daniel Lehenbauer
Date: Wednesday, May 28, 2014 3:36:00 PM

[NOPC-044-13\Closure Letter.docx](#)

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: [Ragonesi, Judith - AMS](#)
To: [Betty Kananen \(globalorganicalliance@hughes.net\)](mailto:Betty.Kananen@globalorganicalliance@hughes.net)
Subject: NOPC 044-13 and Daniel Lehenbauer Request to Investigate
Date: Friday, August 02, 2013 10:48:00 AM

Dear Ms. Kananen:

Attached for your review is a letter from the National Organic Program's, Compliance And Enforcement Division. Should you have any questions please feel free to contact me.

Kind 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

register to receive NOP announcements : <http://bit.ly/NOPOrganicInsiderRegistration>

CERTIFICATE OF COMPLIANCE**OneCert
Certified Organic**

Daniel Lehenbauer
 Harry Lehenbauer Inc.
 dba Diamond D Organics
 2051 State Rd. M
 Kingdom City, MO 65262
 United States



OneCert has inspected and verified that the above named operation is in compliance with the
USDA National Organic Program
 (Organic Food Product Act of 1990 and 7 CFR Part 205)

Type of operation:
Crops

Certified products:

Organic Products	Category
Soybeans	100% Organic
Sorghum	100% Organic
Sweet Corn	100% Organic
Warm Season Grasses	100% Organic
Alfalfa	100% Organic
Wheat	100% Organic

This certificate is valid until certification is surrendered, suspended, or revoked. An updated organic management plan and on-site inspection are required annually.

Effective Date: 19 June 2009

Last Annual Inspection Date: 12 June 2009

Sandy Welch 6-19-09

This document belongs to *OneCert* and must be returned upon request. Only the original is a valid document. Photocopies or faxed copies are not valid instruments.

OneCert, Inc.

2601 B Street, #1 - Lincoln, NE 68502 USA

Phone: (402) 420-6080 - Fax: (888) 475-6044

Email: info@onecert.net - Website: www.onecert.net



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

June 30, 2014

SENT VIA: Registered Mail

Daniel Lehenbauer
Diamond D Organics
2051 State Rd. M
Kingdom City, MO 65262
Email: rafterd@ktis.net

Re: NOPC-044-13 and Diamond D Organics

NOTICE OF WARNING

Dear Mr. Lehenbauer:

The U.S. Department of Agriculture (USDA) National Organic Program (NOP) has concluded its investigation of a complaint filed against Diamond D Organics. The complaint alleged that Diamond D Organics altered its organic certificate after being suspended, to sell hay as organic, in violation of USDA organic regulations.

Our investigation was not able to verify the allegations, however the NOP did confirm that the certificate issued to Diamond D Organics by OneCert, was altered and used in a transaction involving the sale of hay. While this fraudulent certificate may have been created and used without your knowledge, be advised that altering an organic certificate and/or selling agricultural products as organic without certification, is a violation of USDA organic regulations. The certificate has been posted on the NOP webpage at:

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5107771>.

Falsely representing agricultural products as organic may result in a civil penalty of \$11,000 per violation.

If you have any questions, please contact Judith Ragonesi, Compliance & Enforcement, at (202) 205-5712 or at Judith.ragonesi2@ams.usda.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Michael". The signature is written in a cursive, flowing style.

Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program



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

June 30, 2014

SENT VIA Email

Daniel Lehenbauer
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2051 State Rd. M
Kingdom City, MO 65262
Email: rafterd@ktis.net

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Matthew Michael
Director, Compliance & Enforcement Division
National Organic Program

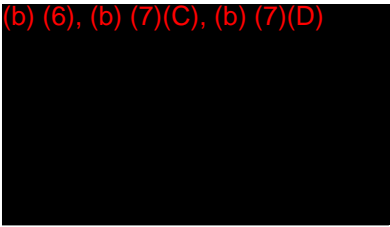


1400 Independence Avenue, S.W.
Room 2646-S, STOP 0268
Washington, D.C. 20250-0268

June 5, 2014

VIA EMAIL

(b) (6), (b) (7)(C), (b) (7)(D)

A large black rectangular redaction box covering the majority of the page's content.

Re: NOPC-044-13 and Daniel Lehenbauer, Harry Lehenbauer, Inc.;
(dba: Diamond D Organics)

Dear (b) (6), (b) (7)(C), (b) (7)(D)

On December 19, 2012, the National Organic program (NOP) received your complaint alleging that Daniel Lehenbauer was using an altered certificate to represent its products as organic, after OneCert, Inc. had suspended the operation's certification, in violation of the USDA organic regulations.

We were unable to confirm the allegations regarding Mr. Lehenbauer. However, we have posted the fraudulent certificate to the NOP's website to alert industry and consumers of its use. This investigation is hereby closed.

Thank you for your support of the NOP.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew Michael".

Matthew Michael
Director, Compliance and Enforcement
National Organic Program