

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

AMENDMENT NO. 4 TO CIRCULAR NO. 70.

By virtue of the authority vested in the Secretary of Agriculture by the United States grain standards Act of August 11, 1916 (39 U. S. Statutes at Large, p. 482). I, David F. Houston, Secretary of Agriculture, do make, prescribe, publish and give public notice of the following amendment to the rules and regulations of the Secretary of Agriculture, dated November 6, 1916, under said Act, said amendment to be effective August 15, 1917:

In Regulation 2, section 6, strike out all of the second sentence, and, in lieu thereof insert the following:

Upon a written request and a satisfactory statement of reasons therefor, submitted by a licensed inspector, the Secretary of Agriculture may suspend, for a definite or indefinite period of time, or may cancel, the license issued to such licensed inspector. In all other cases, before a license is suspended, revoked, or canceled, the licensed inspector involved shall be furnished by the Secretary of Agriculture, or by any official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he personally may answer the same in writing and submit affidavits and other proper evidence.

As thus amended, the said section 6 of regulation 2 reads as follows:

SEC. 6. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. Upon a written request and a satisfactory statement of reasons therefor, submitted by a licensed inspector, the Secretary of Agriculture may suspend, for a definite or indefinite period of time, or may cancel, the license issued to such licensed inspector. In all other cases, before a license is suspended, revoked, or canceled, the licensed inspector involved shall be furnished by the Secretary of Agriculture, or by any official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he personally may answer the same in writing and submit affidavits and other proper evidence. If requested by such licensed inspector, within the time allowed for answering, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by, the Secretary of Agriculture, or an official of the Department of Agriculture designated by him for the purpose. The testimony of witnesses at such hearing shall be upon oath or affirmation administered by the official before whom the hearing is held, when required by him. Such hearing may be adjourned by him from time to time. A copy of the charges, the answer thereto, copies of all notices given, and all the evidence shall be made a part of the records of the Department of Agriculture. The records and,

when there has been an oral hearing other than by the Secretary of Agriculture, the recommendation of the official holding the same, shall be transmitted to the Secretary of Agriculture for his consideration.

In Regulation 2, section 7, paragraph 2, after the word "Paragraph," strike out the figure "2," and, in lieu thereof, insert the figure "3"; and, immediately following paragraph 1, insert a new paragraph as follows:

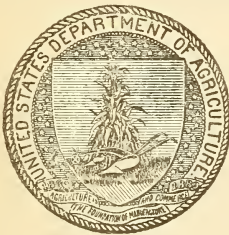
Paragraph 2. Upon a written request and satisfactory evidence of competency, submitted by a person whose license has been suspended or canceled in accordance with the second sentence of section 6 of this regulation, the Secretary of Agriculture, without again requiring compliance with sections 1 and 2 of this regulation, may terminate the period of suspension or may issue to such person a new license for the kind of grain covered by the canceled license.

As thus amended, the said section 7 of regulation 2 reads as follows:

SEC. 7. Paragraph 1. In case a license is suspended or revoked by the Secretary of Agriculture, such license, and the licensed inspector's identification card, shall be returned to the Secretary of Agriculture.

Paragraph 2. Upon a written request and satisfactory evidence of competency, submitted by a person whose license has been suspended or canceled in accordance with the second sentence of section 6 of this regulation, the Secretary of Agriculture, without again requiring compliance with sections 1 and 2 of this regulation, may terminate the period of suspension or may issue to such person a new license for the kind of grain covered by the canceled license.

Paragraph 3. At the expiration of any period of suspension of a license, unless in the meantime revoked, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned with the identification card to the licensed inspector to whom it was originally issued, and shall be posted as prescribed in section 4 of this regulation.



In testimony whereof, I have hereunto set my hand and the official seal of the Department of Agriculture, at Washington, D. C., this 14th day of August, 1917.

D. A. Houston

Secretary of Agriculture.

