

# OREGON SEED DEALER, TREVOR ABBOTT DYNAMIC TELLS HIS SIDE TO ODA'S KENTUCKY 31 INVESTIGATION AND SETTLEMENT

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*DYNAMIC AND TREVOR TELLS HIS SIDE TO OREGON DEPARTMENT OF AGRICULTURES KENTUCKY 31 SETTLEMENT*

STAYTON, OREGON, USA, May 11, 2021 /EINPresswire.com/ -- Dynamic Seed Source, LLC ("Dynamic") and [Trevor Abbott](#) release the following statement regarding the administrative enforcement actions of the Oregon Department of Agriculture (ODA) before the Oregon Office of Administrative Hearings (OAH) in case numbers 2019-ABC-03231, -03905, and -03233:

Dynamic and Trevor Abbott have reached a settlement with ODA to resolve its drawn out administrative lawsuit, which ODA initiated in June 2019. The settlement includes ODA's agreement that Dynamic and Trevor Abbott do not admit any of the legal or factual allegations asserted by ODA in the lawsuit.

In the lawsuit, ODA sought to penalize Dynamic, a small business, and Trevor Abbott, its sole operator, for selling blends of improved varieties of tall fescue as non-certified "[Kentucky 31](#)." Industry wholesalers know this usage of "Kentucky 31" has been widespread and commonly accepted for many years and that it benefits their customers by improving the quality of their products. Oregon's seed labeling rules do not clearly prohibit this practice, but ODA wants it to stop. Although Dynamic and Trevor Abbott informed ODA from the start that they would comply with ODA's wishes, ODA was not satisfied with that and sought to make an example of them to send a message to the industry by suing them over sales that occurred in 2016 and 2017. ODA would later admit it had never before enforced its particular interpretation of the rules nor communicated that interpretation to the grass seed industry.

ODA tried to characterize its lawsuit as a form of "education," yet ODA employed two attorneys in its administrative lawsuit who amended ODA's claims multiple times to increase the penalties sought by ODA and threatened additional enforcement action if Dynamic and Trevor Abbott would not waive their numerous legal defenses and concede. Dynamic and Trevor Abbott did not concede and defended themselves for almost two years.

The law limited ODA's claims to no more than \$1,000 per violation, but ODA tried to circumvent this and double its money by alleging separate civil penalties against Dynamic and Trevor Abbott for \$1,000, each even though their conduct was one and the same. When Dynamic and Trevor

Abbott brought this issue before the Administrative Law Judge (ALJ), ODA threatened to over-ride any decision of the ALJ that it did not like.

ODA sought the maximum penalty for each alleged violation and alleged there were no mitigating circumstances that supported a reduction in the penalties. Yet ODA admitted it had no evidence that any one was ever harmed in any way by Dynamic's sales of Kentucky 31.

ODA sought to revoke Dynamic's Oregon wholesale license and threatened to call over 100 witnesses to testify in support of its case.

ODA engaged in these ruthless and unnecessary actions in the midst of the COVID-19 pandemic, which has caused inestimable harm to the seed wholesale industry and to small businesses like Dynamic around the country.

Although Dynamic and Trevor Abbott did not admit to any violation, they wanted to put an end to ODA's threats, harassment, intimidation, and waste of Oregon taxpayer resources. Dynamic and Trevor Abbott therefore agreed to a settlement that awards ODA \$150,000 against each of them. Dynamic also agreed its Oregon wholesale license would be suspended for one year when it expires on June 30, 2021. And ODA agreed it will take no further legal action against Trevor Abbott, Dynamic, or any of their agents because of their conduct prior to the date of the settlement.

After faithfully serving the Oregon seed industry for 35 years as a trusted and knowledgeable grass seed expert respected by his peers, Trevor Abbott has relocated to another state whose regulatory agencies are more reasonable. He looks forward to putting ODA's lawsuit behind him and having more time to spend with his loving wife and three children, who have been incredibly supportive throughout this ordeal.

Trevor Abbott is already pursuing new career opportunities and ways to serve his customers. He and Dynamic appreciate all of their friends and supporters and are thankful the ODA lawsuit has been resolved, although they continue to disagree with ODA's approach to the matter and its unnecessarily punitive actions.

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