

Agricultural Marketing Service, USDA

§ 29.107

giving the reason for such denial or dismissal; (b) mail a copy of such notification to the Division; and (c) return or release to the appellant, or other person designated by him, any certificate or sample which was filed with the appeal. All expenses incurred in connection with an appeal prior to its refusal or dismissal shall be paid by the appellant, as provided in §29.126.

§ 29.94 When appeal may be withdrawn.

An appeal may be withdrawn by the appellant at any time before an appeal certificate is issued or an appeal sample is prepared, upon the payment of any expenses incurred in connection with the appeal as provided in §29.126.

§ 29.95 Review or second inspection not an appeal.

A review or investigation made in accordance with §29.132, or a second inspection, sampling, or weighing made upon the request of an interested party for the purpose of securing new or later information when the correctness of an old certificate or sample is not questioned, shall not be considered an appeal.

§ 29.96 Order in which made.

Appeals shall be heard and passed upon, so far as practicable, in the order in which they are filed.

§ 29.97 Who shall pass upon appeals.

Appeals shall be passed upon by an appeal inspector designated for the purpose by the Director. When authorized, by the Director, two or more appeal inspectors may jointly pass upon an appeal. The Division may authorize an inspector, supervising inspector, or other person to act as an appeal inspector, but no appeal inspector shall pass upon an appeal involving the correctness of a certificate issued or sample prepared by him.

§ 29.98 Appeal findings.

Immediately after an appeal has been heard and the tobacco involved therein has been reexamined, an appeal certificate shall be issued or an appeal sample prepared by the appeal inspector. Such certificate or sample shall show the finding of the appeal inspector and

shall be labeled "Appeal Certificate" or "Appeal Sample", as the case may be, over the signature of the appeal inspector. An appeal certificate or sample shall supersede all other certificates or samples for the same lot of tobacco and shall refer specifically to the certificate or sample from which the appeal was made. In all other respects the provisions of this subpart relative to certificates or samples shall apply to an appeal certificate or sample. The findings of the appeal inspector as certified shall be final, unless the Director shall direct a review of such findings.

§ 29.99 Superseded certificate or sample.

When superseded under this subpart by an appeal certificate or an appeal sample, such superseded certificate or sample shall become null and void and shall not thereafter be used to represent the tobacco described therein. If the original and the copies of the old certificate were not delivered to the appeal inspector for cancellation, the appeal inspector shall notify such persons or firms as he may consider necessary to prevent fraudulent use of any such null and void certificate.

INSPECTORS, SAMPLERS, AND WEIGHERS

§ 29.106 Who may be employed, licensed, or authorized.

Any persons who is not financially interested directly or indirectly in merchandising tobacco, except as a grower or except in disposing of tobacco previously acquired, and who has demonstrated his competency may be employed, licensed, or authorized to inspect, sample, or weigh tobacco. Licenses issued by the Secretary shall be countersigned by a supervising official of the Division. Licenses to inspect or to sample shall specify the type or types of tobacco which the licensee is authorized to inspect or sample.

§ 29.107 Order of providing service.

When tobacco is to be inspected, sampled, or weighed upon request, such services shall be rendered as far as practicable in the order in which applications were received. In conducting mandatory inspection, the inspection shall start at the beginning of the