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or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§915.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§915.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§915.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§915.69 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§915.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individ-

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ually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§915.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Subpart—Rules and Regulations

§915.110 Exemption certificates.

Exemption certificates under §915.53 shall be issued by the Avocado Administrative Committee pursuant to the following rules and regulations:

(a) The grower must make application for exemption on a form supplied by the committee. A separate application must be made for each variety or classification of avocados and shall contain the following:

(1) Name and address of the applicant, and date of application;

(2) District in which the applicant's grove is located;

(3) Regulation from which exemption is requested;

(4) Variety for which exemption is requested;

(5) Location (by county, highway, rural route, distance from nearest town, etc.) of grove from which avocados are to be shipped pursuant to the requested exemption certificate;

(6) Information as to the average size of such avocados and the reasons why applicant believes he is entitled to an exemption certificate; and

(7) Name of the person who will handle any exempted fruit if different than the applicant.

(b) Upon receipt of an application for exemption certificate, the Avocado Administrative Committee shall check all information furnished by the applicant and shall conduct such investigations concerning the maturity of the applicant's avocados as may be necessary to

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determine whether the application shall be approved or denied.

(c) Approval of the application shall be evidenced by the issuance to the applicant, by the Manager of the Avocado Administrative Committee on its behalf, of one or more exemption certificates which shall authorize the handling of the quantity of the applicant's avocados which the committee has determined is mature.

(d) If the application is denied, the applicant shall be informed of such denial by written notice stating the reasons therefor.

[19 FR 5439, Aug. 26, 1954. Redesignated at 26 FR 12751, Dec. 30, 1961]

§ 915.115 Nomination procedure.

(a) Any grower who resides outside the production area and desires to be represented in a nomination meeting by a duly authorized agent and to have such grower's vote cast by such agent in the nomination and election of nominees for grower members and alternate members to fill positions on the Avocado Administrative Committee, as provided in §915.22(b)(2), shall submit to the committee, not later than January 20, a written statement containing the following:

- (1) Name of grower;
- (2) Mailing address;
- (3) Location of each avocado grove (either legal or from established landmarks);
- (4) Number of avocado trees owned;
- (5) Number of 55-pound units of avocados marketed to date during the current season;
- (6) Name of the handler of the fruit marketed;
- (7) Authorization, including the name and address, of the person who is to represent said grower at the nomination meeting.

(b) Any grower who has not filed the statement as prescribed in paragraph (a) of this section must be present at the nomination meeting to be eligible to have his vote counted in connection with the nomination and election of nominees.

(c) Any grower who, pursuant to the provisions of paragraph (a) of this section, has authorized an agent to cast such grower's vote, may rescind such authorization by appearing at the nom-

ination meeting and exercising his right to vote in person.

[21 FR 78, Jan. 5, 1956. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 48 FR 2519, Jan. 20, 1983]

§ 915.120 Handler registration.

(a) Each handler who desires to handle avocados pursuant to the exceptions in §915.10 shall, prior thereto, register with the committee. Such registration shall be by application for registration filed with the Avocado Administrative Committee on a form, prescribed and furnished by the committee, which shall contain the following information:

- (1) Name and address of applicant;
- (2) Applicant's principal place(s) of business;
- (3) Type of business organization (individual, corporation, partnership, etc.);
- (4) If other than an individual, the names and addresses of officers, partners, etc.;
- (5) Nature of business (handler, trucker, wholesaler, etc.);
- (6) Number of years engaged in avocado business;
- (7) Estimated seasonal volume of avocados handled;
- (8) Place within production area where the avocados will be prepared for market, and name and address of person responsible for such preparation;
- (9) Name and address of three references, one of which shall be a bank;
- (10) Certification of accuracy of information furnished; and
- (11) An agreement to comply with the provisions of this part.

(b) When the committee receives an application for registration, it shall issue the applicant a certificate of registration, if it determines based upon an investigation that the applicant may be expected to handle avocados in accordance with this part.

(c) If it is determined from the available information that the applicant is not entitled to be registered with the committee, he shall be so informed by written notice stating why the certificate of registration was not issued.

(d) Any certificate of registration issued to a handler pursuant to this section may be canceled by the committee under circumstances which