



# News Release

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Contact:  
Catherine M. Grasso, (202) 720-7201  
[Catherine.M.Grasso@usda.gov](mailto:Catherine.M.Grasso@usda.gov)

## **BP Livestock, LLC and Brody Peak Assessed a \$5,000 Civil Penalty**

**WASHINGTON**, Feb. 1, 2017 – On Dec. 20, 2016, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision with BP Livestock, LLC (BP) and Brody Peak (Peak), Emporia, Kan.

An Administrative Law Judge ordered BP and Peak to cease and desist from:

- failing to pay, when due, the full purchase price of livestock;
- failing to keep and maintain records that fully and correctly disclose all of the transactions involved in their business as a dealer; and
- failing to disclose the actual weight of livestock upon which the purchase or sale weight was based.

BP and Peak have been ordered to:

- keep and maintain records which fully and correctly disclose all of the transactions involved in their business as a dealer including the following:
  - purchase invoices should have the true purchase date of cattle, not the invoice date, but the purchase date or the date possession transferred from the seller to BP (the purchase date cannot be after the date the cattle are sold). The invoice should show the gross weight and the negotiated shrink, if applicable;
  - printed scale tickets that meet requirements outlined in 9 C.F.R. section 201.49;
  - trucking records showing when the cattle were shipped from the seller and shipped to the buyer;
  - load make-up sheets if the cattle are sorted before they are sold;

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- sales invoices showing the gross weight of the cattle and negotiated shrink, if applicable. The sales invoices would need to show the date the cattle were sold (transferred from BP's possession to the buyer's possession). This date cannot be before the cattle were purchased;
- records showing when payment was made (check stubs, cancelled checks, bank statements, etc.); and
- if BP is not going to pay for the livestock by the close of the next business day following the transfer of possession, then BP must have written credit agreements in place with its suppliers.

BP was suspended from operating as a dealer, market agency, or in any capacity that is regulated by the Packers and Stockyards (P&S) Act for a full four weeks, effective on the sixth day after service of this order on respondents. This suspension does not apply to Peak or to BP Cattle Company, LLC.

BP and Peak have also been assessed a \$5,000 civil penalty.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.

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