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In re:) P&S Docket No. 13- 0208
)
 Christopher J. Bartels,)
 d/b/a Bartels Packing,)
)
 Bartels Packing, Inc.,)
)
 Walt's Wholesale Meats, Inc.,)
)
 Respondents) Complaint and Notice of Hearing

There is reason to believe that the respondents named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), therefore this Complaint and Notice of Hearing is issued alleging the following:

I

(a) Christopher J. Bartels, respondent herein, is an individual who previously conducted business as Bartels Packing, and who has a business address of 88091 Central Road, Eugene, Oregon 97402 and a mailing address of P.O. BOX 24208, Eugene, Oregon, 97402.

(b) Bartels Packing, Inc., respondent herein, is a business incorporated under the laws of the State of Oregon. It has a business address of 88091 Central

Road, Eugene, Oregon 97402 and a mailing address of P.O. BOX 24208, Eugene, Oregon, 97402.

(c) Walt's Wholesale Meats, Inc., respondent herein, is a business incorporated under the laws of the State of Washington. It has a business mailing address of 350 S. Pekin Rd., Woodland, Washington, 98674.

(d) Respondent Christopher J. Bartels, who previously was doing business as (d/b/a) Bartels Packing, at all times material herein was:

(1) Engaged in the business of buying livestock in commerce for the purpose of slaughter, and of manufacturing or preparing meats or meat products for sale or shipment in commerce;

(2) A packer within the meaning of, and subject to the provisions of, the Act.

(3) President, Secretary, and Owner of Respondent Bartels Packing, Inc.; and

(4) Responsible for the direction, management and control of Respondent Bartels Packing, Inc.

(e) Respondent Bartels Packing, Inc. was incorporated in October 2011. Respondent Christopher J. Bartels ceased doing business as Bartels Packing on or about December 1, 2012. Since on or about December 1, 2012, Respondent Bartels Packing, Inc., under the direction, management, and control of Respondent Christopher J. Bartels, has been:

(1) Engaged in the business of buying livestock in commerce for the purpose of slaughter, and of manufacturing or preparing meats or meat products for sale or shipment in commerce; and

(2) A packer within the meaning of, and subject to the provisions of, the Act.

(f) Respondent Walt's Wholesale Meats, Inc., at all times material herein was:

(1) Engaged in the business of buying livestock in commerce for the purposes of slaughter and of manufacturing and preparing meats or meat food products for sale or shipment in commerce; and

(2) A packer within the meaning of and subject to the provisions of the Act.

II

On August 4, 2008, a Consent Decision was issued regarding Respondent Christopher J. Bartels d/b/a Bartels Packing, *In re Christopher J. Bartels d/b/a Bartels Packing*, P&S Docket No. D-07-0179. The Order directed the respondent as an individual, and his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Act, to cease and desist from failing to pay, when due, the full purchase price of livestock. The Order also assessed the respondent a civil penalty in the amount of ten thousand five hundred dollars (\$10,500.00).

III

On or about January 6, 2010, the Grain Inspection, Packers and Stockyards Administration (GIPSA) sent Respondent Christopher J. Bartels d/b/a Bartels Packing and Respondent Walt's Wholesale Meats, Inc. Notices of Violation (NOV's). The NOV's stated that GIPSA had information indicating that Respondents Christopher J. Bartels d/b/a Bartels Packing and Walt's Wholesale Meats, Inc. had entered into livestock procurement arrangements with a commission buyer, and that the commissioner buyer also had a procurement arrangement to purchase livestock on a commission basis with one or more competing packers at the same livestock auction markets. The NOV's informed respondents that these arrangements violated section 202 of the Packers and Stockyards Act and section 201.70 of the regulations promulgated thereunder. The NOV stated that failure to correct the violative business practices would result in appropriate disciplinary action.

IV

During the period beginning approximately March 9, 2010, through May 13, 2010, and on other dates, respondents failed to conduct their livestock purchase operations in competition with, and independently of, each other at livestock sales held at the Lebanon Livestock Auction Yard, at the Woodburn Livestock Exchange, and at the Eugene Livestock Auction.

V

By reason of the facts alleged in paragraphs III and IV above, respondents willfully violated section 202(a) of the Act (7 U.S.C. ' 192(a)) and section 201.70 of the regulations (9 C.F.R. ' 201.70).

WHEREFORE, it is hereby ordered that this Complaint and Notice of Hearing shall be served upon respondents for the purpose of determining whether respondents have willfully violated the Act and regulations. Respondents shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this Complaint.

Respondents are hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a place and time to be designated later.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

1. That unless respondents fail to file an answer within the time allowed, or file an answer admitting all the material allegations of this Complaint and Notice of Hearing, this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order or orders be issued, including an order requiring respondents to cease and desist from the violations of the Act and the regulations found to exist, and an order assessing such civil penalties against respondents as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C., this

15th day of April, 2013

Susan B. Keith

Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

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