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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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00-0014

In re:)
)
Central Livestock Association, Inc.)
)
Respondent)

P & S Docket No.

Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et seq.) by a Complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, alleging that the Respondent willfully violated the Act and the regulations issued thereunder (9 C.F.R. §201.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138).

The Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Findings of Fact

(1) Central Livestock Association, Inc., hereinafter referred to as respondent, is a corporation organized and existing under the laws of the state of Minnesota. Its business mailing address is 34412 County Road 10, Albany Minnesota 56307.

(2) Respondent is, and at all times material herein was:

(1) Engaged in the business of conducting and operating Central Livestock Association, Inc., a posted stockyard subject to the provisions of the Act located in

Albany, Minnesota, hereinafter referred to as “the stockyard”;

(2) Engaged in the business of a market agency buying and selling livestock on a commission basis at the stockyard, and in the business of a dealer buying and selling livestock in commerce for its own account; and

(3) Registered with the Secretary of Agriculture as a market agency to buy and sell livestock in commerce on a commission basis, as a dealer to buy and sell livestock in commerce for its own account, and to furnish stockyard services.

Conclusions

The Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Central Livestock Association, Inc., its agents and employees, directly or indirectly or through any corporate or other device, in connection with activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Engaging in any act, practice, or course of business for the purpose of obtaining money from the purchasers of livestock by false and deceptive practices in connection with the purchase or sale of livestock;

2. Failing to accurately represent to its principals or other purchasers of livestock, or aiding and assisting any person to misrepresent to such principals or other purchasers of livestock, the original purchase prices, weights, freight charges or shrinkage allowances of such livestock;

3. Preparing and issuing, or causing to be prepared and issued, in connection with the purchase or sale of livestock, accounts of purchases, invoices, billings or any other documents showing false, inaccurate or misleading price, weight, freight charges or shrinkage allowances for such livestock;

4. Inserting or failing to insert in accounts of purchase invoices, billings or any other document prepared in connection with the purchase or sale of livestock, any statement or information where such insertion or omission results, in whole or in part, in a false, inaccurate or misleading record of such livestock purchase or sale transaction; and

5. Collecting payment from their principals or from other purchasers of livestock, or aiding and assisting any person to collect from such persons, on the basis of false, inaccurate or misleading invoices or billings.

In accordance with section 312(b) of the Act (7 U.S.C. §123(b)), Respondent Central Livestock Association, Inc. is hereby assessed a civil penalty in the amount of Eight Thousand Dollars (\$8,000).

The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Donald A. Kampmeier
Central Livestock Association, Inc.

Chief Operating Officer
Title

Kimberly D. Hart
Kimberly D. Hart, Esq.
Attorney for Complainant

Issued this 1st day of December, 2000

Donna A. Baker
Administrative Law Judge