

News Release Archive

2017

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News Release

Release No.: 43-17

Contact:
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GIPSA Seeks Comments on U.S. Standards for Beans

Washington, May 17, 2017 - The USDA Grain Inspection, Packers and Stockyards Administration is seeking comments on a notice proposing to revise the U.S. Standards for Beans published in the Federal Register of May 15, 2017.

GIPSA is proposing to establish a class and grade requirement chart for “chickpea,” also known as “garbanzo bean” and establish a new grade determining factor, definition, factor limits, and visual reference image for “contrasting chickpeas.” The bean standards revisions are made at the request of the pea and lentil industry, with support of the bean industry.

“GIPSA standards serve as the fundamental starting point to define commodity quality in the domestic and global marketplaces,” said GIPSA Acting Administrator Randall Jones. “The proposed changes will help facilitate the marketing of chickpeas and improve the application of the standards.”

Comments on GIPSA’s notice must be submitted by June 14, 2017 to M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue, SW, Room 2530-S, Washington, DC 20250-3604; via email to comments.gipsa@usda.gov; by fax (202) 690-2173; or via Internet at <http://www.regulations.gov>.



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News Release

Release No.: 42-17

Contact:
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GIPSA Seeks Comments on U.S. Standards for Lentils

Washington, May 17, 2017 - The USDA Grain Inspection, Packers and Stockyards Administration is seeking comments on a notice proposing to revise the U.S. Standards for Lentils published in the Federal Register on May 15, 2017.

GIPSA is proposing to establish an additional grading factor, definition, grade requirements, and visual reference images for “wrinkled lentils,” and establish a special grade, definition, special grade requirements, designation, and visual reference images for “green lentils.” The lentil standards revisions are made at the request of the lentil industry.

“GIPSA standards serve as the fundamental starting point to define commodity quality in the domestic and global marketplaces,” said GIPSA Acting Administrator Randall Jones. “The proposed changes will help facilitate the marketing of lentils and improve the application of the standards.”

Comments on GIPSA’s notice must be submitted by June 14, 2017 to M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue, SW, Room 2530-S, Washington, DC 20250-3604; via email to comments.gipsa@usda.gov; by fax (202) 690-2173; or via Internet at <http://www.regulations.gov>.



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News Release

Release No.: 02-17

Contact:

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GIPSA Settles a Case with Guthrie Stock Pavilion Co., Inc. Resulting in a \$2,400 Penalty

WASHINGTON, Jan. 10, 2017 – On Dec. 22, 2016, Guthrie Stock Pavilion Co., Inc. (Guthrie), Guthrie Center, Iowa, waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Guthrie paid a penalty of \$2,400 after GIPSA found that it had custodial account shortages and failed to reimburse the custodial account on the seventh day, when due, from the general account.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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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News Release

Release No.: 05-17

Contact:
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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;
- 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.

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News Release

Release No.: 04-17

Contact:
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GIPSA Alleges Brian D. Jones Violated the Packers and Stockyards Act

WASHINGTON, Feb. 1, 2017 – The U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Brian D. Jones, (Jones), Bennington, Ind.:

- purchased livestock and failed to pay, when due, the full purchase price of the livestock;
- failed to pay the full purchase price of the livestock;
- engaged in the business of a dealer buying and selling livestock in commerce after his surety bond was terminated; and
- issued checks in payment for livestock purchases without maintaining sufficient funds on deposit to pay the checks when presented.

GIPSA filed a complaint against Jones on Nov. 30, 2016. The complaint can be found on the GIPSA website: www.gipsa.usda.gov/psp/enforcement.aspx. If the allegations are admitted, or proven in an oral hearing, Jones may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended, and/or assessed a civil penalty.

Jones was engaged in the business of a dealer buying and selling livestock in commerce.

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News Release

Release No.: 03-17

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Gregg Paskewitz, d/b/a Paskewitz Livestock Assessed a \$6,000 Civil Penalty

WASHINGTON, Feb. 1, 2017 – On Dec. 16, 2016, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision with Gregg Paskewitz (Paskewitz), d/b/a Paskewitz Livestock, Lucan, Minn.

An Administrative Law Judge ordered Paskewitz to cease and desist from:

- failing to pay, when due, the full purchase price of livestock;
- failing to pay the full purchase for livestock: and
- issuing non-sufficient funds checks for the purchase of livestock without having and maintaining sufficient funds on deposit and available in the account that checks are drawn to pay when presented.

Paskewitz has also been assessed a \$6,000 civil penalty.

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News Release

Release No.: 07-17

Contact:
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GIPSA Settles a Case with Robert F. Gregory & Gregory Livestock, LLC for a \$1,000 Penalty

WASHINGTON, Feb. 1, 2017 – On Dec. 21, 2016, Robert F. Gregory and Gregory Livestock, LLC, Gallatin, Tenn., waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). They paid a penalty of \$1,000 after GIPSA found that they added an arbitrary number of pounds to the weights at which cattle were originally purchased. They also failed to disclose the actual weight and the date and location of the weighing on the accountings.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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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News Release

Release No.: 06-17

Contact:
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GIPSA Settles a Case with Jim and Vickey Jacobsen Resulting in a \$1,250 Penalty

WASHINGTON, Feb. 1, 2017 – On Nov. 28, 2016, Jim and Vickey Jacobsen, Norfolk, Neb., waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Jim and Vickey Jacobson paid a penalty of \$1,250 after GIPSA found that they failed to pay, when due, for livestock purchases.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 08-17

Contact:
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GIPSA Settles a Case with Lowell Livestock Auction, Inc. Resulting in a \$675 Penalty

WASHINGTON, Feb. 1, 2017 – On Jan. 3, 2017, Lowell Livestock Auction, Inc. (Lowell), Lowell, Ind., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). Lowell paid a penalty of \$675 after GIPSA found that it failed to test its scale and provide test results in the second half of 2015 and failed to date its scale tickets.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 01-17

Contact:
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GIPSA Settles a Case with Sam Kane Beef Processors, LLC, Resulting in a Cease & Desist Order

WASHINGTON, Feb. 1, 2017 – On Jan. 17, 2017, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a Consent Decision with Sam Kane Beef Processors, LLC (Sam Kane), Corpus Christi, Texas, a packer.

GIPSA documented transactions in which Sam Kane paid livestock sellers between 10 and 25 days after payment was due. Sam Kane, in all of the documented transactions, has paid the sellers in full.

GIPSA filed a complaint on Jan. 12, 2017. To resolve the complaint, Sam Kane agreed to cease and desist from failing to pay livestock sellers when due under the Packers and Stockyards (P&S) Act and Regulations. Sam Kane waived further procedure for the purpose of settling this proceeding and agreed to the entry of the Consent Decision. The Consent Decision became final and effective on Jan. 27, 2017.

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News Release

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GIPSA Settles a Case with Bonnie L. & Craig K. Schafer, Schafer Livestock, LLC, d/b/a Cows R Us Resulting in a \$2,200 Penalty

WASHINGTON, Feb. 2, 2017 – On Jan. 9, 2017, Bonnie L. & Craig K. Schafer, Schafer Livestock, LLC, doing business as Cows R Us, Warden, Wash., waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). They paid a penalty of \$2,200 after GIPSA found that they charged and collected fees from sellers of livestock beyond those mandated by law or statute and inconsistent with the provisions of the Packers and Stockyards (P&S) Act.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the P&S Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 10-17

Contact:
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Farmer Fair Practices Rules Effective Date, Comment Periods Extended

WASHINGTON, February 6, 2017 – Feb. 3, 2017 – The U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) is delaying the effective date of a rule by 60 days, and extending the comment period by 30 days, for three recent regulations, the Farmer Fair Practices Rules, published in the Federal Register Dec. 20, 2016. These actions are being taken in accordance with guidance issued Jan. 20, 2017, to ensure the new policy team has an opportunity to review the rules. This is similar to procedures issued by previous administrations.

The Scope of Sections 202(a) and (b) of the Packers and Stockyards Act, an interim final rule, will have its effective date delayed by 60 days, and the comment period extended by 30 days.

The Unfair Practices and Undue Preferences in Violation of the Packers and Stockyards Act, and the Poultry Grower Ranking Systems, both proposed rules, will have their comment periods extended by 30 days from the original Feb. 21 closing dates for comments.

All three Farmer Fair Practices documents are scheduled for public display Monday, February 6 and will be published on Tuesday, February 7. The comment periods for all three is extended to March 24, and the effective date for the interim final rule is delayed to April 22.



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News Release

Release No.: 10-17

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GIPSA Alleges Glacial Lakes Livestock, Inc., Jim Jensen, III And Rick Woehlhaff Violated the Packers and Stockyards Act

WASHINGTON, Feb. 9, 2017 – The U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Glacial Lakes Livestock, Inc. (Glacial Lakes), under the direction, management and control of Jim Jensen, III (Jensen) and Rick Woehlhaff (Woehlhaff), Watertown, S.D., failed to properly maintain and use its custodial account by:

- failing to timely deposit into the custodial account an amount equal to the proceeds receivable from the sale of consigned livestock resulting in a custodial account shortage;
- permitting its bank to charge \$2,270 in bank fees to its custodial account and
- transferring \$3,000 in custodial account funds, which were not owed to the market, into the market’s general account.

GIPSA filed a complaint against Glacial Lakes, Jensen and Woehlhaff on December 15, 2016. The complaint can be found on the GIPSA website: www.gipsa.usda.gov/psp/enforcement.aspx. If the allegations are admitted, or proven in an oral hearing, Glacial Lakes, Jensen and Woehlhaff may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended, and/or assessed a civil penalty.

Glacial Lakes is engaged in the business of conducting and operating a posted stockyard subject to the provisions of the P&S Act; engaged in the business of a market agency buying and selling consigned livestock in commerce on a commission basis at the stockyard; and registered with the Secretary of Agriculture.

Jensen was 60.7% owner of Glacial Livestock; responsible for the day-to-day direction, management, and control of Glacial Livestock; and a market agency within the meaning of and subject to the provisions of the P&S Act.

Glacial Lakes Livestock, Inc.
Jim Jensen, III
Rick Woehlhaff
Page 2

Woehlhaff was the manager and 33.33% owner of Glacial Lakes; responsible for the day-to-day direction, management, and control of Glacial Livestock; and a market agency within the meaning of and subject to the provisions of the P&S Act.

GIPSA did not name two other owners in the complaint.

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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News Release

Release No.: 11-17

Contact:
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GIPSA Settles a Case with Johnny Horton Resulting in a \$750 Penalty

WASHINGTON, Feb. 9, 2017 – On Jan. 30, 2017, Johnny Horton, Gravette, Ark., waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). He paid a penalty of \$750 after GIPSA found that he failed to pay, when due, for livestock purchases.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the P&S Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 12-17

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GIPSA Settles a Case with Tulare County Stockyard, Inc. Resulting in a \$600 Penalty

WASHINGTON, Feb. 9, 2017 – On Dec. 20, 2016, Tulare County Stockyard, Inc., Dinuba, Calif., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). Tulare County Stockyard, Inc. paid a penalty of \$600 after GIPSA found that it failed to have its scale tested between July 1 and December 31, 2015.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the P&S Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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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News Release

Release No.: 13-17

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

GIPSA Alleges Southern Colorado Livestock Auction, Incorporated and John R. Malouff, Jr. Violated the Packers and Stockyards Act

WASHINGTON, Feb. 15, 2017 – The U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Southern Colorado Livestock Auction, Incorporated (Southern Colorado) and John R. Malouff, Jr. (Malouff), Monte Vista, Colo., failed to properly maintain their custodial account by:

- failing to timely deposit into the custodial account an amount equal to the proceeds receivable from the sale of consigned livestock, resulting in a custodial account shortage; and
- misusing custodial account funds.

GIPSA filed a complaint against Southern Colorado and Malouff on Dec. 16, 2016. The complaint can be found on the GIPSA website: www.gipsa.usda.gov/psp/enforcement.aspx. If the allegations are admitted, or proven in an oral hearing, Southern Colorado and Malouff may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended, and/or assessed a civil penalty.

Southern Colorado engaged in the business of conducting and operating a posted stockyard subject to the provisions of the P&S Act; engaged in the business of a market agency selling consigned livestock in commerce on a commission basis at the stockyard; and registered with the Secretary of Agriculture.

Malouff is President, sole owner, and registered agent of Southern Colorado. He is responsible for the day-to-day direction, management, and control of Southern Colorado. He is engaged in the business of conducting and operating Southern Colorado; and engaged in the business of a market agency selling livestock in commerce on a commission basis within the meaning of and subject to the provisions of the P&S Act.

Southern Colorado Livestock Auction, Incorporated

John R. Malouff, Jr.

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News Release

Release No.: 14-17

Contact:
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Catherine.M.Grasso@usda.gov

Brian D. Jones Suspended and Assessed a \$36,000 Civil Penalty

WASHINGTON, Feb. 23, 2017 – On Jan. 19, 2016, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision with Brian D. Jones (Jones), Bennington, Ind.

An Administrative Law Judge ordered Jones to cease and desist from:

- operating without being registered;
- operating without a proper bond;
- failing to pay for livestock purchases;
- issuing checks without maintaining sufficient funds; and
- failing to keep and maintain adequate records.

Jones is suspended for a period of two years and has been assessed a civil penalty of \$36,000 that will be held in abeyance for the two-year suspension. Jones affirmed it is his understanding that if he, his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Packers and Stockyards (P&S) Act, commit any future violations of the P&S Act, a request will be made to have the abeyance lifted and Jones will be made accountable for the entire civil penalty. Prior to any dealings under the P&S Act, after the two-year suspension, Jones shall ensure that he is properly registered and adequately bonded.

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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News Release

Release No.: 15-17

Contact:
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GIPSA Settles a Case with Farmers Livestock Marketing, A.A.L. Resulting in a \$3,300 Penalty

WASHINGTON, March 1, 2017 – On Feb. 10, 2017, Farmers Livestock Marketing, A.A.L. (Farmers Livestock), Carthage, Miss., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Farmers Livestock paid a penalty of \$3,300 after GIPSA found that it failed to disclose the buyer by name on the account of sale when the buyer is an employee of the market. Farmers Livestock also made, issued, and circulated false and misleading reports, records, and representations concerning market conditions, price and sale of livestock.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the P&S Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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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News Release

Release No.: 16-17

Contact:
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GIPSA Settles a Case with Gary Thielen Resulting in a \$2,000 Penalty

WASHINGTON, March 2, 2017 – On Feb. 9, 2017, Gary Thielen (Thielen), Dickinson, N.D., waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Thielen paid a penalty of \$2,000 after GIPSA found that he operated without a bond.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the P&S Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 17-17

Contact:
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GIPSA Settles a Case with John Knight. Camelot Cattle Company, L.L.C., d/b/a 101 Livestock Auction Resulting in a \$2,000 Penalty

WASHINGTON, March 9, 2017 – On Feb. 27, 2017, John Knight, Camelot Cattle Company, L.L.C., doing business as 101 Livestock Auction, Morrilton, Ark., waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). They paid a penalty of \$2,000 after GIPSA found that they:

- applied rates or charges for stockyard services on a basis that is unjust, unreasonable and discriminatory;
- failed to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices in furnishing stockyard services; and
- provided stockyard services in an unfair, unjustly discriminatory and deceptive manner.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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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News Release

Release No.: 18-17

Contact:
Catherine M. Grasso, (202) 720-7201
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GIPSA Settles a Case with John Stone, Hardrock Cattle Company, LLC for a \$5,000 Penalty

WASHINGTON, March 9, 2017 – On Feb. 20, 2017, John Stone, Hardrock Cattle Company, LLC, Palestine, Texas, waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). They paid a penalty of \$5,000 after GIPSA found that they failed to pay, when due, for livestock purchases.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 19-17

Contact:
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GIPSA Settles a Case with Oberlin Livestock Auction, Inc., d/b/a St. Francis Auction Market Resulting in a \$4,000 Penalty

WASHINGTON, March 9, 2017 – On Feb. 23, 2017, Oberlin Livestock Auction, Inc. (Oberlin), doing business as St. Francis Auction Market, Oberlin, Kan., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Oberlin paid a penalty of \$4,000 after GIPSA found that it:

- operated with custodial account shortage;
- failed to zero-balance the livestock scale;
- failed to accurately apply tariff fees and charges; and
- failed to maintain adequate records.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 22-17

Contact:
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GIPSA Alleges JJJ Ranch, Inc. and Cesar P. Borges Arroyo Violated Packers & Stockyards Act

WASHINGTON, March 16, 2017 – The U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that JJJ Ranch, Inc. and Cesar P. Borges Arroyo (Arroyo), Naguabo, PR, failed to pay, when due, the full purchase price for livestock.

GIPSA filed a complaint against JJJ Ranch, Inc. and Arroyo on Feb. 8, 2017. The complaint can be found on the GIPSA website: www.gipsa.usda.gov/psp/enforcement.aspx. If the allegations are admitted, or proven in an oral hearing, JJJ Ranch, Inc. and Arroyo may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act and/or assessed a civil penalty.

JJJ Ranch, Inc., under the direction, management, and control of Arroyo was 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 is a packer.

Arroyo was the president, registered agent of JJJ Ranch, Inc. and responsible for the direction, management, and control of JJJ Ranch, Inc.

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News Release

Release No.: 20-17

Contact:
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GIPSA Settles a Case with Rodney S. Rasco Resulting in a \$2,000 Penalty

WASHINGTON, March 16, 2017 – On March 2, 2017, Rodney S. Rasco (Rasco), Carthage, Miss., waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Rasco paid a penalty of \$2,000 after GIPSA found that he failed to pay, when due, for livestock purchases. He also made, issued, or circulated false or misleading reports, records, or representations concerning market conditions, prices or sales.

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News Release

Release No.: 21-17

Contact:
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T&J Meat Packing, Inc. Assessed a \$20,000 Civil Penalty

WASHINGTON, March 16, 2017 – On Dec. 12, 2016, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision with T&J Meat Packing, Inc. (T&J), Glenwood, Ill.

An Administrative Law Judge ordered T&J to cease and desist from failing to pay livestock dealers or their duly authorized representatives the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock as required by the Packers and Stockyards (P&S) Act.

T&J has also been assessed a civil penalty in the amount of \$20,000.

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News Release

Release No.: 24-17

Contact:
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Ernest R. Gard, d/b/a Gard Cattle Company Assessed a \$2,700 Civil Penalty

WASHINGTON, March 24, 2017 – On March 14, 2017, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision with Ernest R. Gard (Gard), doing business as Gard Cattle Company, Clovis, N.M.

An Administrative Law Judge ordered Gard to cease and desist from failing to pay, when due, the full purchase price for livestock.

He has been assessed a \$2,700 civil penalty and is suspended as a dealer for a period of 60 days from the effective date of this consent decision.

Pursuant to section 401 of the Packers and Stockyards (P&S) Act, (7 U.S.C. § 221), Gard, his agents and employees, directly or through any corporate or other device, was ordered to maintain complete and accurate records that fully and accurately disclose all transactions.

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News Release

Release No.: 23-17

Contact:
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Oak Lake Cattle Company, Inc. and I.E. Byrd Have Been Assessed a \$4,000 Civil Penalty

WASHINGTON, March 24, 2017 – On April 13, 2016, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision and order with Oak Lake Cattle Company, Inc. (Oak Lake) and I.E. Byrd (Byrd), Okeechobee, Fla.

An Administrative Law Judge ordered Oak Lake and Byrd to cease and desist from failing to pay, when due, the full purchase price for livestock.

They have also been assessed a \$4,000 civil penalty.

The consent decision resolves a complaint that GIPSA filed against Oak Lake and Byrd on March 30, 2016.

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News Release

Release No.: 25-17

Contact:
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Issac Wiesenfeld & Elias Wiesenfeld Each Assessed \$10,000

WASHINGTON, March 24, 2017 – On Oct. 28, 2016, the U.S. Department of Agriculture issued a Default Decision and Order against Issac Wiesenfeld & Elias Wiesenfeld, Stevens, Pa., which became final and effective on Feb. 8, 2017.

An Administrative Law Judge ordered Issac Wiesenfeld & Elias Wiesenfeld to cease and desist from:

- not paying poultry growers in accordance with the Packers and Stockyards (P&S) Act. They, as a live poultry dealer, shall pay live poultry growers in accordance with the P&S Act; and
- each live poultry dealer obtaining live poultry by purchase in a cash sale shall, before the close of the next business day following the purchase of poultry, and each live poultry dealer obtaining live poultry under a poultry growing arrangement shall, before the close of the 15th day following the week in which the poultry is slaughtered, deliver to the cash seller or poultry grower from whom such live poultry dealer obtains the poultry, the full amount due to such cash seller or poultry grower on account of such poultry.

Both Issac Wiesenfeld and Elias Wiesenfeld are ordered to pay civil penalties in the amount of \$10,000 each.

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News Release

Release No.: 26-17

Contact:
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Fresno Livestock Commission, LLC Assessed \$675 Civil Penalty

WASHINGTON, March 29 2017 – On March 10, 2017, Fresno Livestock Commission, LLC, Philip and Cindy Tews, Fresno, Calif., waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). They paid a penalty of \$675 after GIPSA found that they operated with a custodial account shortage.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 28-17

Contact:
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Lake Odessa Livestock Auction, Inc. Assessed \$36,000 Civil Penalty; La Verne Lettinga Assessed \$12,000 Civil Penalty; Paul Lettinga Assessed \$6,000 Civil Penalty; Randy Lettinga Assessed \$6,000 Civil Penalty

WASHINGTON, March 29, 2017 – On Nov. 9, 2016, the U.S. Department of Agriculture issued a decision and order against Lake Odessa Livestock Auction, Inc. (Lake Odessa), La Verne Lettinga, Paul Lettinga and Randy Lettinga, Lake Odessa, Mich.

An Administrative Law Judge ordered Lake Odessa, La Verne Lettinga, Paul and Randy Lettinga to cease and desist from:

- failing to deposit in the Custodial Account for Shippers' Proceeds (custodial account) within the time prescribed amounts equal to the outstanding proceeds received or due from the sale of consigned livestock;
- failing to maintain a balance in the custodial account adequate to pay the consignors the proceeds from the sale of their livestock, even though maintaining that balance may require deposit of borrowed money from the general account, to substitute for slow-pay or no-pay buyers into the custodial account;
- failing to maintain the custodial account in strict conformity with the Packers and Stockyards (P&S) Act;
- using the custodial account funds for any purpose other than authorized such as using custodial funds to pay bank fees, misusing custodial funds in payment of the net proceeds from the sale of consigned livestock when in fact no livestock were consigned or sold, thereby engaging in unfair and deceptive practices and falsifying records by generating false invoices and generating and issuing checks in payment for livestock purchases that did not occur in order to disguise payment; and

Lake Odessa Livestock Auction, Inc.
La Verne Lettinga
Paul Lettinga
Randy Lettinga
Page 2

- failing to keep accounts, records, and memoranda that fully and correctly disclose all transactions involved in their business.

Lake Odessa has been assessed a \$36,000 civil penalty; La Verne Lettinga has been assessed a \$12,000 civil penalty; Paul Lettinga has been assessed a \$6,000 civil penalty; and Randy Lettinga has been assessed a \$6,000 civil penalty

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News Release

Release No.: 27-17

Contact:
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Glacial Lakes Livestock, Inc., Jim Jensen, III and Rick Woehlhaff Have Been Assessed a \$7,000 Civil Penalty

WASHINGTON, March 30, 2017 – On March 15, 2017, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision and order with Glacial Lakes Livestock, Inc. (Glacial Lakes), Jim Jensen, III (Jensen) and Rick Woehlhaff (Woehlhaff), Watertown, S.D.

An Administration Law Judge ordered Glacial Lakes, Jensen and Woehlhaff to cease and desist from:

- failing to maintain their Custodial Account for Shipper’s Proceeds in strict conformity with the requirements of the Regulations; and
- using funds received from the sale of consigned livestock for any purpose other than payment to consignors of the amount due from the sale of their livestock and the payment of lawful marketing charges, including, but not limited to:
 - transferring custodial account proceeds, which exceeded the amount due the market agency for lawful marketing charges, from the custodial account into general operating accounts, and
 - permitting their bank to deduct fees from the custodial account.

They have also been assessed a \$7,000 civil penalty.

The consent decision resolves a complaint that GIPSA filed against Glacial Lakes, Jensen, and Woehlhaff on Dec. 15, 2016.

The Packers and Stockyards 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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News Release

Release No.: 29-17

Contact:
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Pender Livestock, Inc. Assessed \$5,000 Civil Penalty

WASHINGTON, March 30, 2017 – On March 13, 2017, Pender Livestock, Inc. (Pender), Pender, Neb., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). Pender paid a penalty of \$5,000 after GIPSA found it marked-up invoices, a deceptive trade practice.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 31-17

Contact:
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Bradley S. Beken and Beken Livestock, Inc. Assessed \$3,250 Civil Penalty

WASHINGTON, April 7, 2017 – On March 18, 2017, Bradly S. Beken (Beken) and Beken Livestock, Inc., Weimar, Texas, waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). They paid a penalty of \$3,250 after GIPSA found that they failed to pay, when due, for livestock. They also issued checks in payment for livestock without having sufficient funds on deposit.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 33-17

Contact:
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Frey Cattle Company, Inc. and Alan Halfmann and Barbara Frey Assessed \$2,500 Civil Penalty

WASHINGTON, April 7, 2017 – On March 24, 2017, Frey Cattle Company, Inc. and Alan Halfmann and Barbara Frey, Ballinger, Texas, waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). They paid a penalty of \$2,500 after GIPSA found that they failed to pay, when due, for livestock purchases.

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News Release

Release No.: 30-17

Contact:
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Norbest LLC, d/b/a Moroni Feed Company, Assessed \$2,500 Civil Penalty

WASHINGTON, April 7, 2017 – On March 16, 2017, Norbest, LLC, doing business as Moroni Feed Company, Moroni, Utah, waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Norbest, LLC paid a penalty of \$2,500 after GIPSA found that it failed to pay for live poultry under a poultry growing arrangement. Norbest, LLC also failed to pay for live poultry, when due, under a poultry growing arrangement.

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News Release

Release No.: 32-17

Contact:
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Catherine.M.Grasso@usda.gov

Mark Oberly, d/b/a Oberly Brothers Livestock Assessed \$800 Civil Penalty

WASHINGTON, April 7, 2017 – On March 29, 2017, Mark Oberly (Oberly), doing business as Oberly Brothers Livestock, Dundee, Mich., waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Oberly paid a penalty of \$800 after GIPSA found that he failed to pay, when due, for livestock.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 34-17

Contact:
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Tyler Gresham Assessed \$2,500 Civil Penalty

WASHINGTON, April 10, 2017 – On Dec. 10, 2016, Tyler Gresham (Gresham), Rusk, Texas, waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Gresham paid a penalty of \$2,500 after GIPSA found that he operated with an inadequate bond.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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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News Release

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GIPSA Delays Effective Date of Interim Final

April 11, 2017 – The U.S. Department of Agriculture’s (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) today announced that it is delaying the effective date of the Scope of Sections 202(a) and (b) of the Packers and Stockyards Act Interim Final Rule until October 19, 2017.

In a separate action today, USDA announced that it is also asking the public to comment on four possible actions USDA should take in regards to the disposition of the Interim Final Rule. The comment due date is June 12, 2017.

“The extension allows ample time for stakeholders to review the effects of the Scope Interim Final Rule on their operations, and ensures maximum opportunity for dialogue across every segment of the livestock, meat, and poultry industries,” said GIPSA Acting Administrator Randall Jones.

Details went on display today at the Federal Register and will publish April 12: <https://www.federalregister.gov/agencies/grain-inspection-packers-and-stockyards-administration>.



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News Release

Release No.: 36-17

Contact:
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Justin Larson, d/b/a Larson Livestock Assessed a \$1,800 Civil Penalty

WASHINGTON, May 4, 2017 – On April 7, 2017, Justin Larson (Larson), doing business as Larson Livestock, Monona, Iowa, waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Larson paid a penalty of \$1,800 after GIPSA found that he failed to disclose weight and price mark-ups when buying on commission. He also made and issued false or misleading reports, records, or representations concerning prices or sales.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 37-17

Contact:
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Roanoke Stock Yards, Inc. Assessed \$675 Civil Penalty

WASHINGTON, May 4, 2017 – On April 19, 2017, Roanoke Stock Yards, Inc. (Roanoke), Roanoke, Ala., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Roanoke paid a penalty of \$675 after GIPSA found that it failed to have its scale tested between January 1 and June 30, 2016, and failed to file a scale test report.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 38-17

Contact:
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Pecos Valley Dairy Sales, Inc. Assessed \$2,500 Civil Penalty

WASHINGTON, June 29, 2016 – On June 9, 2016, Randy D. Lowery, President, R. Lowery Investments, Inc., doing business as Anderson County Livestock Auction, Huntington, Texas, waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Randy D. Lowery paid a penalty of \$6,000 after GIPSA found that he was insolvent, misused his custodial account and operated his custodial account with shortages.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the P&S Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 39-17

Contact:
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Concord Fresh Meat Processing Assessed \$3,000 Civil Penalty

WASHINGTON, May 10, 2017 – On April 19, 2017, Concord Fresh Meat Processing (Concord), South St. Paul, Minn., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Concord paid a penalty of \$3,000 after GIPSA found that it failed to pay, when due, for livestock purchases.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 41-17

Contact:
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Fred Berger, Ltd., d/b/a Berger Cattle Company and Fred J. Berger, d/b/a FT Ranch Assessed a \$10,000 Civil Penalty

WASHINGTON, May 15, 2017 – On March 31, 2017, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision with Fred Berger, Ltd., doing business as Berger Cattle Company and Fred J. Berger (Berger), doing business as FT Ranch, Mandan, N.D.

An Administrative Law Judge ordered Fred Berger, Ltd. and Berger to cease and desist from:

- consigning livestock to a market and repurchasing such livestock under the name of any business entity in which Fred Berger, Ltd. or Berger has a financial interest, or any trade name under which Berger buys or sells livestock, to fill an order on a commission basis
 - for the purpose or with the effect of increasing the price of such livestock to the person(s) for whom such purchases are made; and
 - without disclosing to the person(s) for whom such purchases are made, prior to the purchase and in accordance with section 201.44 of the Regulations (9 C.F.R. § 201.44), all relevant information necessary to show fully the true nature of the transaction, including, but not limited to, which head of livestock Fred Berger, Ltd. and Berger have an ownership interest in, any profits realized beyond authorized commissions, and the original purchase price, purchase weight, and purchase location of such livestock: and
- failing to otherwise operate in compliance with section 201.44 of the Regulations (9 C.F.R. § 201.44).

Berger has also been assessed a \$10,000 civil penalty.

The consent decision resolves a complaint that GIPSA filed against Fred Berger, Ltd. and Berger on March 29, 2017.

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News Release

Release No.: 44-17

Contact:
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Zahiba Halal Meats, Inc., Daniel W. Ault, Carrie Ault And Corey Hamilton Assessed \$3,750

WASHINGTON, May 22, 2017 – On Feb. 17, 2017, the U.S. Department of Agriculture issued a Default Decision and Order against Zahiba Halal Meats, Inc. (Zahiba Halal), Daniel W. Ault, Carrie Ault and Corey Hamilton (Hamilton), Fairmont, Ind., which became final and effective on April 3, 2017.

An Administrative Law Judge ordered Zahiba Halal, Daniel W. Ault, Carrie Ault and Hamilton to cease and desist from:

- operating as a packer without a bond or financial instrument;
- issuing checks in payment for livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which checks are drawn to pay such checks when presented;
- failing to pay for livestock before the close of the next business day following each purchase of livestock, as required by the Packers and Stockyards (P&S) Act; and
- failing to keep and maintain accounts, records, and memoranda which fully and correctly disclose all transactions in their business as a packer subject to the P&S Act, including failing to note the date the checks were issued and failing to maintain cash disbursement records showing the date and amount of cash payment, the identity of the person to whom cash payments were made, and the purchase to which the cash payment should be applied.

They were also ordered to maintain adequate records to document livestock purchase transaction in accordance with section 401 of the P&S Act (7 U.S.C. § 221).

Zahiba Halal, Daniel W. Ault, Carrie Ault and Hamilton are ordered to pay a \$3,750 civil penalty.

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News Release

Release No.: 47-17

Contact:
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Gary L. Vance, LLC, d/b/a South Branch Valley Livestock Exchange and Virginia Cattle Co. Assessed \$2,750 Civil Penalty

WASHINGTON, May 25, 2017 – On May 19, 2017, Gary L. Vance, LLC (Vance), doing business as South Branch Valley Livestock Exchange and Virginia Cattle Co., Moorefield, W. Va., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Vance paid a penalty of \$2,750 after GIPSA found that it had custodial account shortages and failed to reimburse its custodial account.

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News Release

Release No.: 46-17

Contact:
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Madison County Auction, Inc. Assessed \$2,500 Civil Penalty

WASHINGTON, May 25, 2017 – On May 15, 2017, Madison County Auction, Inc. (Madison), Winterset, Iowa, waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Madison paid a penalty of \$2,500 after GIPSA found that it had custodial account shortages and failed to timely reimburse its custodial account.

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News Release

Release No.: 45-17

Contact:
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GIPSA Alleges Robb Taylor and Taylor Livestock, LLC Violated the Packers and Stockyards Act

WASHINGTON, May 25, 2017 – The U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Robb Taylor and Taylor Livestock, LLC, Perkins, Okla.:

- Failed to have and maintain sufficient funds on deposit and available in the account upon which checks were drawn to pay such checks when present. This happened on or about April 15, 2013, and continued through June 17, 2013, in approximately 3 transactions, purchased livestock in the amount of approximately \$1 million dollars; and
- Failed to pay, when due, the full amount of the livestock purchase prices.

GIPSA filed a complaint against Robb Taylor and Taylor Livestock, LLC on April 17, 2017. The complaint can be found on the GIPSA website. If the allegations are admitted, or proven in an oral hearing, Robb Taylor and Taylor Livestock, LLC may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and/or assessed a civil penalty.

On Feb. 18, 2014, USDA Packers and Stockyards Program received a fax from Robb Taylor stating, “As of 7-15-2013, Taylor Livestock, LLC, is no longer in operation. The Bond Has Been Terminated.”

Taylor Livestock, LLC, under the direction, management, and control of Robb Taylor was engaged in the business of a dealer buying and selling livestock in commerce and is registered with the Secretary of Agriculture.

Robb Taylor was sole owner of Taylor Livestock, LLC and responsible for the direction, management and control of Taylor Livestock, LLC and engaged in the business of a dealer buying and selling livestock in commerce.

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News Release

Release No.: 48-17

Contact:
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ZD Halal Meats, Inc. Assessed \$2,400 Civil Penalty

WASHINGTON, June 2, 2017 – On May 22, 2017, ZD Halal Meats, Inc., Fairview, N.J., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). ZD Halal Meats, Inc., paid a penalty of \$2,400 after GIPSA found that it failed to pay, when due, for livestock purchases.

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News Release

Release No.: 49-17

Contact:
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JJJ Ranch, Inc., and Cesar P. Borges Arroyo Have Been Assessed a \$8,000 Civil Penalty

WASHINGTON, June 12, 2017 – On May 30, 2017, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a Consent Decision with JJJ Ranch, Inc., and Cesar P. Borges Arroyo (Arroyo), Naguabo, PR.

In the Consent Decision, an Administrative Law Judge ordered JJJ Ranch, Inc., and Arroyo to cease and desist from failing to pay, when due, the purchase price for livestock.

They were also assessed an \$8,000 civil penalty.

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News Release

Release No.: 50-17

Contact:
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Raywood Livestock Market, Inc. Assessed \$1,500 Civil Penalty

WASHINGTON, June 12, 2017 – On June 1, 2017, Raywood Livestock Market, Inc., Raywood, Texas, waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Raywood Livestock Market, Inc. paid a penalty of \$1,500 after GIPSA found that it had custodial account shortages and failed to reimburse its custodial account in a timely manner. It also failed to have its scale tested.

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News Release

Release No.: 51-17

Contact:
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William “Willie” Hudson Assessed \$4,000 Civil Penalty

WASHINGTON, June 12, 2017 – On May 31, 2017, William “Willie” Hudson (Hudson), Lubbock, Texas, waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Hudson paid a penalty of \$4,000 after GIPSA found that he failed to pay, when due, for livestock purchases.

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News Release

Release No.: 52-17

Contact:
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Southern Colorado Livestock Auction, Incorporated and John R. Malouff, Jr. Have Been Assessed a \$8,250 Civil Penalty

WASHINGTON, June 16, 2017 – On May 25, 2017, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a Consent Decision with Southern Colorado Livestock Auction, Incorporated (Southern Colorado) and John R. Malouff, Jr. (Malouff), Monte Vista, Colo.

In the Consent Decision, an Administrative Law Judge ordered Southern Colorado and Malouff to cease and desist

- Failing to deposit in their Custodial Accounts for Shippers’ Proceeds by the close of the next business day after livestock is sold:
 - the proceeds from the sale of livestock that have been collected, and
 - any amount equal to the proceeds receivable from the sale of livestock due from the respondents, any other owner, officer or employee of the respondents, and any buyer to whom the respondents have extended credit as prescribed in section 201.42 of the Regulations (9 C.F.R. § 201.42);
- Failing to deposit in their Custodial Accounts for Shippers’ Proceeds:
 - all proceeds collected until the account has been reimbursed in full, and,
 - an amount equal to all the remaining proceeds receivable outstanding, whether or not respondents have collected the proceeds, before the close of the seventh day following the sale of livestock, as prescribed in section 201.42 of the Regulations (9 C.F.R. § 201.42);

- Failing to otherwise maintain their Custodial Accounts for Shippers' Proceeds in strict conformity with section 201.42 of the Regulations (9 C.F.R. § 201.42); and
- Using funds received from the sale of consigned livestock for any purpose other than payment to consignors of the amount due from the sale of their livestock and the payment of lawful marketing charges.

They were also assessed an \$8,250 civil penalty.

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News Release

Release No.: 53-17

Contact:
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Brad D. Dickens and Brad Dickens Farms, LLC Assessed \$1,625 Civil Penalty

WASHINGTON, June 26, 2017 – On June 23, 2017, Brad D. Dickens and Brad Dickens Farms, LLC, Union Point, Ga., waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). Brad D. Dickens and Brad Dickens Farms, LLC paid a penalty of \$1,625 after GIPSA found that they failed to pay, when due, for livestock purchases.

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News Release

Release No.: 54-17

Contact:
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GIPSA Alleges Michael Louis Fox Violated The Packers and Stockyards Act

WASHINGTON, Aug. 11, 2017 – The U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Michael Louis Fox (Fox), Scranton, Ark.:

- engaged in unfair, unjustly discriminatory, or deceptive practices by causing to be generated purchase invoices with false information;
- retained the difference between the purchase price at auction and the marked-up prices to his customers; and
- in addition to the commissions Fox charged his customer, the total amount retained by Fox because of marking up the prices during this time period was approximately \$6,256.18.

GIPSA filed a complaint against Fox on July 6, 2017. The complaint can be found on the GIPSA website. If the allegations are admitted, or proven in an oral hearing, Fox may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and/or assessed a civil penalty.

Fox was engaged in the business of a market agency buying livestock in commerce on a commission basis; engaged in the business of a dealer buying and selling livestock in commerce; and is registered with the Secretary of Agriculture.

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News Release

Release No.: 55-17

Contact:
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GIPSA Alleges New Holland Sales Stables, Inc. and David Kolb Violated the Packers and Stockyards Act

WASHINGTON, Aug. 11, 2017 – The U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that New Holland Sales Stables, Inc. (New Holland) under the direction, management and control of David Kolb (Kolb), New Holland, Pa.:

- failed to properly use and maintain its custodial account;
- transferred custodial funds to the market’s general account, in violation of 9 C.F.R. § 201.42; and
- deposited proceeds from the sale of livestock on a commission basis, into an account other than the market’s custodial account, in violation of 9 C.F.R. § 201.42.

GIPSA alleges that on September 30 and December 31, 2015, New Holland had debit items insufficient in amount to cover outstanding checks drawn on its custodial account, resulting in custodial account shortages on those dates.

GIPSA further alleges that the shortages in New Holland’s custodial account were due, in part, to Kolb’s failure to deposit into the account an amount equal to the proceeds receivable from the sale of consigned livestock within the time prescribed by section 201.42 of the Regulations.

GIPSA filed a complaint against New Holland and Kolb on June 15, 2017. The complaint can be found on the GIPSA website. If the allegations are admitted, or proven in an oral hearing, New Holland and Kolb may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and/or assessed a civil penalty.

New Holland was engaged in the business of conducting and operating a posted stockyard subject to the provisions of the P&S Act; engaged in the business of a market agency selling consigned livestock in commerce on a commission basis at the stockyard, and buying and selling livestock in commerce as a dealer; and is registered with the Secretary of Agriculture.

Kolb was an 80% owner and president of New Holland; responsible for the day-to-day direction, management and control of New Holland; and a market agency within the meaning of and subject to the provisions of the P&S Act.

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News Release

Release No.: 56-17

Contact:
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Ozark Regional Stockyards, Inc. Assessed \$5,000 Civil Penalty

WASHINGTON, Aug. 11, 2017 – On June 29, 2017, Ozark Regional Stockyards, Inc., West Plains, Mo., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Ozark Regional Stockyards, Inc., paid a penalty of \$5,000 after GIPSA found that it created false or misleading records in connection with activities subject to the Packers and Stockyards (P&S) Act.

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News Release

Release No.: 57-17

Contact:
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Wali Mayar, d/b/a Stockton Livestock Auction Yards Assessed \$4,500 Civil Penalty

WASHINGTON, Aug. 11, 2017 – On July 1, 2017, Wali Mayar, doing business as Stockton Livestock Auction Yards (Mayar), French Camp, Calif., waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Mayar paid a penalty of \$4,500 after GIPSA found that Mayar had a shortage in his custodial account, had failed to timely reimburse his custodial account, had issued custodial account checks that were returned due to insufficient funds, and that he failed to keep adequate records.

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News Release

Release No.: 58-17

Contact:
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Patricia Loomis and Mercer Livestock Auction, Inc. Assessed \$750 Civil Penalty

WASHINGTON, Aug. 16, 2017 – On Aug. 4, 2017, Patricia Loomis (Loomis) and Mercer Livestock Auction, Inc. (Mercer Livestock), Transfer, Penn., waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Loomis and Mercer Livestock paid a penalty of \$750 after GIPSA found that they failed to have their scale tested in the second half of 2016. The scale was used continually throughout the second half of 2016 and most of the first half of 2017 without being tested.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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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News Release

Release No.: 59-17

Contact:
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Greg Ryken and Stockmen's Livestock, Inc. Assessed \$5,000 Civil Penalty

WASHINGTON, Aug. 16, 2017 – On August 9, 2017, Greg Ryken (Ryken) and Stockmen's Livestock, Inc. (Stockmen's), Yankton, S.D., waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). Ryken and Stockmen's paid a penalty of \$5,000 after GIPSA found that Ryken and Stockmen's altered or fabricated purchase invoices with livestock weights unsupported by documentation and differing in amount from the actual sale weights for the same livestock. They also made, issued, or circulated false or misleading reports, records, or representations concerning the price or sale of livestock.

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News Release

Release No.: 60-17

Contact:
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Interstate Regional Stockyards, Inc. Assessed \$5,000 Civil Penalty

WASHINGTON, Aug. 25, 2017 – On Aug. 7, 2017, Interstate Regional Stockyards, Inc. (Interstate), Cuba, Mo., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Interstate paid a penalty of \$5,000 after GIPSA found that Interstate created false or misleading records in connection with activities subject to the Packers and Stockyards (P&S) Act.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the P&S Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 61-17

Contact:
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Schenk Packing Co., Inc. and Steven G. Lenz Assessed \$4,175 Civil Penalty

WASHINGTON, Aug. 30, 2017 – On Aug. 16, 2017, Schenk Packing Co., Inc. (Schenk Packing) and Steven G. Lenz (Lenz), Stanwood, Wash., waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). Schenk Packing and Lenz paid a penalty of \$4,175 after GIPSA found that Schenk Packing and Lenz failed to pay, when due for livestock. They also failed to maintain a correct and accurate scale.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 64-17

Contact:
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Coleman Livestock Auction Comm. Co., Inc. Assessed \$3,000 Civil Penalty

WASHINGTON, Sept. 8, 2017 – On Aug. 28, 2017, Coleman Livestock Auction Comm. Co., Inc. (Coleman Livestock), Coleman, Texas, waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Coleman Livestock paid a penalty of \$3,000 after GIPSA found that Coleman Livestock had custodial account shortages and failed to reimburse its custodial account.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 63-17

Contact:
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Robb Taylor and Taylor Livestock, LLC Assessed \$12,000

WASHINGTON, Sept. 8, 2017 – On July 11, 2017, the U.S. Department of Agriculture issued a Default Decision and Order against Robb Taylor and Taylor Livestock, LLC, Perkins, Okla., which became final and effective on Aug. 17, 2017.

An Administrative Law Judge ordered Robb Taylor and Taylor Livestock, LLC to cease and desist from purchasing livestock and failing to pay the full amount of the purchase price before the close of the next business day following each purchase of livestock.

They are prohibited from being registered and from engaging in any activities for which registration is required under the Packers and Stockyards (P&S) Act for a period of five years. After the expiration of the five-year period, at such time and thereafter, any application for registration that respondents may file with Grain Inspection, Packers and Stockyards Administration (GIPSA) will be processed in accordance with standard GIPSA procedures.

Robb Taylor and Taylor Livestock, LLC have been ordered to a pay civil penalty in the amount of \$12,000.

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Release No.: 65-17

Contact:
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ACI Halal Meat and Farmers Market, Inc. Assessed \$1,000 Civil Penalty

WASHINGTON, Sept. 13, 2017 – On Sept. 7, 2017, ACI Halal Meat and Farmers Market, Inc., Allentown, Pa., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). ACI Halal Meat and Farmers Market, Inc. paid a penalty of \$1,000 after GIPSA found that it failed to pay, when due, for livestock purchases.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 66-17

Contact:
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Fedo Garcia and Riata Cattle Company, Inc. Assessed \$6,500 Civil Penalty

WASHINGTON, Sept. 14, 2017 – On July 12, 2017, Fedo Garcia and Riata Cattle Company, Inc., Raymondville, Texas, waived their right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). They paid a penalty of \$6,500 after GIPSA found that they failed to pay for livestock within the timeframe required by the Packers and Stockyards (P&S) Act.

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Release No.: 67-17

Contact:
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Costa Live Poultry, Inc. Assessed \$11,000

WASHINGTON, Sept. 18, 2017 – On June 27, 2017, the U.S. Department of Agriculture issued a Decision and Order on the Written Record against Costa Live Poultry, Inc. (Costa), Sunbury, Pa., which became final and effective on Aug. 7, 2017.

An Administrative Law Judge ordered Costa to cease and desist from purchasing live poultry and failing to pay, when due, the full purchase price of poultry as required by section 410(a) of the Packers and Stockyards (P&S) Act.

Costa has also been ordered to pay a civil penalty in the amount of \$11,000.

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News Release

Release No.: 62-17

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Stonnie Sullivan Permanently Barred from Buying and Selling Livestock

Paid \$31,200 in civil penalties

Agreed to indefinite prohibition from engaging in business for which registration and bonding is required under the Packers and Stockyards Act

Agreed to pay debt to Tennessee livestock market

WASHINGTON Sept. 22, 2017 - On Aug. 31, 2017, the United States Attorney's Office for the Western District of Kentucky, acting on behalf of USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA), settled a civil contempt case against Stonnie Sullivan, of Glasgow, Ky.

Agreed Order to Pay Civil Penalty

On April 11, 2017, Sullivan agreed to pay \$16,200 in civil penalties to the United States for violations of the Packers and Stockyards (P&S) Act and non-compliance with the terms of a Jan. 2012 Consent Decree. He also committed to pay outstanding penalties imposed by the 2012 Consent Decree. The U.S. District Court, Western District of Kentucky (the Court) entered the agreed order to pay civil penalty on April 24, 2017. Sullivan subsequently paid all the penalties, totaling \$31,200. He also filed an application for registration and a \$75,000 bond. However, he needed a \$90,000 bond to fully comply.

Agreed Order of Permanent Injunction

On May 30, 2017, a judge for the Court verbally ordered Defendant Sullivan not to buy livestock without first filing adequate bond. Sullivan continued buying livestock in apparent defiance of the order. The judge scheduled a criminal contempt trial.

On Aug. 18, 2017, in lieu of trial, Defendant Sullivan admitted that he disobeyed the Court's verbal order. The parties entered an agreed order of permanent injunction with the Court on the same day. It bars Sullivan, and any others acting in concert or participation with him for

such purpose, indefinitely, from engaging in business in any capacity requiring registration and bonding under the P&S Act and regulations. Any future violations of the P&S Act or this agreed order by Sullivan and others acting in concert or participation with him, may result in further penalties.

On Aug. 27, 2017, Defendant Sullivan's \$75,000 bond terminated due to claim activity. Sullivan has not filed replacement bond coverage with GIPSA.

Order on Motion for Civil Contempt

On Aug. 31, 2017, the Court declined to penalize Defendant Sullivan for the criminal contempt charge. Due to the agreed permanent injunction, the Court also denied the United States civil contempt motion as moot. However, the United States may refile its motion if Sullivan does not comply with the permanent injunction.

Agreed Order to Pay Debt

The parties entered another agreed order with the Court on Aug. 31, 2017. In it, Defendant Sullivan agreed to compensate a Tennessee market \$8,808.37, within one year. This amount represents the deficiency between the market's expected recovery against Sullivan's \$75,000.00 bond and his total debt of \$83,808.37.

Randall Jones, Acting Administrator of GIPSA, said, "This settlement benefits the industry in two ways. It ensures that Defendant Sullivan pays his obligation and it also deters Sullivan and others from violating the P&S Act and putting livestock sellers at risk."

This case was prosecuted by Assistant US Attorneys Corinne E. Keel and Jessica R. C. Malloy, in consultation with Attorney Elizabeth M. Kruman, USDA's Office of the General Counsel (OGC). GIPSA's Eastern Regional Office conducted the investigation, which OGC referred to the U.S. Attorney's Office for civil enforcement.

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Michael Louis Fox Has Been Assessed a \$5,500 Civil Penalty

WASHINGTON, Sept. 29, 2017 – On Sept. 15, 2017, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a Consent Decision and Order with Michael Louis Fox (Fox), Scranton, Ark.

In the Consent Decision, an Administrative Law Judge ordered Fox to cease and desist:

- engaging in or using any unfair or deceptive practice or device in connection with the purchase or sale of livestock;
- misrepresenting to its principals or to other purchasers of livestock, or aiding and assisting any person to misrepresent to such persons, the original purchases prices, weights or shrinkage allowances of such livestock;
- 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 document showing false, inaccurate or misleading price, weight, or shrinkage allowance entries for such livestock; and
- collecting payment from its 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 accounts of sale, invoices or billings.

Fox was also assessed a \$5,500 civil penalty.

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News Release

Release No.: 70-16

Contact:
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GIPSA Settles a Case with Tyson Fresh Meats, Inc., Resulting in a \$22,500 Civil Penalty and Additional Compensation to Producers

WASHINGTON, Oct. 11, 2016 – On Sept. 30, 2016, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a Consent Decision with Tyson Fresh Meats, Inc. (Tyson), Springdale, Ark.

Tyson changed its carcass trim procedures at two of its plants without prior notification to hog producers. GIPSA inspectors noticed the change and brought the notification issued to Tyson’s attention. Tyson discontinued the new trim procedures at these plants and returned to its traditional trim method. In Oct. 2015, prior to settlement negotiations, Tyson voluntarily compensated hog producers as a result of the temporary change in trimming procedure. GIPSA filed a complaint on Sept. 29, 2016. To resolve the complaint, Tyson agreed to cease and desist from failing to disclose, or otherwise make known to hog producers, prior to purchase, a description of the carcass trim procedure to be used in determining the weight of producer’s hogs. Tyson also paid a civil penalty of \$22,500.

Tyson waived further procedure for the purpose of settling this proceeding and agreed to the entry of the Consent Decision. The Consent Decision became final and effective on Sept. 30, 2016.

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News Release

Release No.: 69-17

Contact:
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Richard R. Saavedra Assessed \$750 Civil Penalty

WASHINGTON, Sept. 29, 2017 – On Aug. 28, 2017, Richard R. Saavedra (Saavedra), Belen, N.M., waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Saavedra paid a penalty of \$750 after GIPSA found that he purchased his own livestock while operating as a market agency buying on commission to fill livestock purchase orders. He also failed to provide a true written account of such purchases to persons that he purchased for.

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News Release

Release No.: 70-17

Contact:
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High Plains Livestock, LLC, Portales, N.M. Suspended Four-Years in Settlement with GIPSA

WASHINGTON, Oct. 5, 2017 - On Sept. 8, 2017, High Plains Livestock, LLC, doing business as Producers Livestock Auction, Michael Flen, Calvin Parco, and Darcie Pareo (High Plains), Portales, N.M., a market agency and dealer, agreed to a four-year suspension of their market agency selling on commission. The suspension prohibits High Plains from operating any livestock auction market, including the livestock auction market owned by High Plains in Portales, N.M., during the four-year suspension period. In addition, High Plains was assessed a civil penalty of \$100,000 with \$90,000 held in abeyance. High Plains has paid the \$10,000 that was due immediately upon the execution of the consent decision.

U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) filed a complaint against High Plains on July 11, 2016. The complaint alleged that High Plains paid sellers of livestock based on altered scale tickets, failed to sell consigned livestock at the highest bid, and failed to properly maintain its Custodial Account for Shippers' Proceeds. To resolve the complaint, High Plains agreed to a four-year suspension of their market agency selling on commission and to cease and desist from the following:

1. When auctioning livestock, failing to sell livestock, to the highest bidder at the price announced in the ring;
2. Recording, or altering information, on scale tickets to inaccurately show purchase price;
3. Delivering accountings or invoices that fail to accurately reflect the cost of livestock of the true purchaser of livestock;
4. Failing to remit, when due, the full purchase price of livestock in strict conformity with section 201.43 of the Regulations (9 C.F.R. § 201.43);
5. Failing to properly maintain its Custodial Account for Shippers' Proceeds in strict conformity with the Packers and Stockyards (P&S) Act and section 201.42 of the Regulations (9 C.F.R. § 201.42); and

6. Using funds received from the sale of consigned livestock for any purpose other than those specifically permitted by section 201.42(d) of the Regulations (9 C.F.R. § 201.42(d)).

High Plains was also ordered to keep and maintain all scale tickets, purchase and sale invoices, balance sheets, income statements, monthly reconciliations and documents necessary to show purchases and payments for livestock and sales of livestock as fully and correctly disclose all transactions involved in the business. High Plains waived further procedure for the purpose of settling this proceeding and agreed to the entry of the Consent Decision. The Consent Decision became final and effective, and High Plains' four-year suspension began on Sept. 8, 2017.

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News Release

Release No.: 73-17

Contact:
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Victor Peak Ordered to Pay the United States \$2,000

WASHINGTON Oct. 24, 2017 - On May 17, 2017, United States District Judge Daniel D. Crabtree entered a Final Judgment against Victor Peak (Peak), a dealer selling livestock in commerce in Emporia, Kan.

On December 7, 2011, the Secretary of Agriculture (Secretary) issued a Consent Order (Order). The Final Judgment reaffirmed that the Order remained in full force and effect. The Order provided that Peak was prohibited from engaging in business subject to the Packers and Stockyards (P&S) Act, until he was in full compliance with the P&S Act and the regulations, and all the terms of the Order.

The Final Judgment also required Peak to pay \$2,000 to the United States.

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News Release

Release No.: 72-17

Contact:
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Jon A. Smith Prohibited from Registering for a Period of Three Years Under the Packers and Stockyards Act

WASHINGTON, Oct. 30, 2017 – On Oct. 4, 2017, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a Consent Decision with Jon A. Smith (Smith), Halls, Tenn.

In the Consent Decision, an Administrative Law Judge ordered Smith to cease and desist:

- purchasing livestock in commerce; and
- failing to pay or failing to pay, when due, the full purchase price of such livestock.

Smith is prohibited from registering under the Packers and Stockyards (P&S) Act for a period of three years. He cannot operate individually or through any corporate or other device.

The Consent Decision resolves a Complaint that was filed against Smith on Oct. 2, 2017.

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News Release

Release No.: 71-17

Contact:
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Lynch Livestock, Inc. Settles False Weight Case with GIPSA. Will Pay Restitution to Livestock Sellers.

WASHINGTON, Oct. 30, 2017 – On Oct. 11, 2017, Lynch Livestock, Inc. (Lynch) of Waucoma, Iowa, a registered dealer under the Packers and Stockyards (P&S) Act, agreed to cease and desist from falsifying the accounts of purchase provided to livestock sellers, pay a \$15,000 civil penalty, and make restitution to livestock sellers who were under paid.

The settlement, in the form of a Consent Decision, was entered concurrently with a complaint filed on Oct. 6, 2017, by the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). The complaint alleged that between May 2016 and March 2017, Lynch falsified the account of purchase provided to livestock producers by arbitrarily recording a false and lower weight for hogs delivered to its buying stations. Lynch created false scale tickets to support the altered weights, which improperly reduced the amount paid for hogs. To resolve the matter, Lynch agreed to make restitution to under paid sellers, pay a \$15,000 civil penalty, and cease and desist from “falsifying the account of purchase provided to livestock sellers by recording false weight for hogs delivered to its buying stations, altering the classification of the hogs delivered, and creating false scale tickets.”

Lynch also agreed to establish institutional controls to assure compliance with the P&S Act, including instituting controls and tracking procedures for weighing livestock, transmitting the weights to producers statements of account, and assuring producers are paid in accordance with the correct weight and classification of the livestock delivered. The Consent Decision became final and effective on Oct. 23, 2017.

Randall Jones, Acting GIPSA Administrator noted, “accurate scales and honest weighing protect the seller’s right to fair value.” Regarding Lynch, Jones said, “Lynch Livestock fully cooperated with GIPSA in the investigation. They were eager to make things right with their customers and improve their processes so that this doesn’t happen again.” GIPSA opened its investigation after Lynch reported some questionable practices by a few of its employees.

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News Release

Release No.: 74-17

Contact:
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Matt Anderson, d/b/a Matt Anderson Cattle Assessed \$2,000 Civil Penalty

WASHINGTON, Nov. 6, 2017 – On Oct. 12, 2017, Matt Anderson, doing business as Matt Anderson Cattle, Crockett, Texas, waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Matt Anderson paid a penalty of \$2,000 after GIPSA found that he failed to pay, when due, for livestock purchases.

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News Release

Release No.: 75-17

Contact:
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Nebraska Beef, Ltd. Assessed \$7,500 Civil Penalty

WASHINGTON, Nov. 6, 2017 – On Oct. 17, 2017, Nebraska Beef, Ltd. (Nebraska), Omaha, Neb., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Nebraska paid a penalty of \$7,500 after GIPSA found that it failed to pay, when due, for livestock purchases.

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News Release

Release No.: 76-17

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MCCS Livestock, Inc., d/b/a LeFlore County Livestock Auction Assessed \$4,400 Civil Penalty

WASHINGTON, Nov. 8, 2017 – On Oct. 19, 2017, MCCS Livestock, Inc. (MCCS), doing business as LeFlore County Livestock Auction, Wister, Okla., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). MCCS paid a penalty of \$4,400 after GIPSA found that it had custodial account shortages. MCCS also failed to reimburse its custodial account.

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Release No.: 78-17

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LI Group, Inc., d/b/a Red River Livestock Auction Assessed \$1,500 Civil Penalty

WASHINGTON, Nov. 16, 2017 – On Oct. 26, 2017, LI Group, Inc. (LI Group), doing business as Red River Livestock Auction, Overbrook, Okla., waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). LI Group paid a penalty of \$1,500 after GIPSA found that it failed to maintain a correct and accurate scale and used such scale to weigh livestock in commerce.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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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STOP 3601
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Web: www.gipsa.usda.gov

News Release

Release No.: 77-17

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

Troy O. Moore, d/b/a TM Cattle Co. Assessed \$4,000 Civil Penalty

WASHINGTON, Nov. 16, 2017 – On Oct. 13, 2017, Troy O. Moore (Moore), doing business as TM Cattle Co., Stephenville, Texas, waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Moore paid a penalty of \$4,000 after GIPSA found that he failed to pay, when due, for livestock purchases.

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News Release

Release No.: 82-18

Contact:
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Dallas Dewees, d/b/a Foy Reynolds Cattle Co. Assessed \$2,500 Civil Penalty

WASHINGTON, Nov. 30, 2017 – On Oct. 20, 2017, Dallas Dewees (Dewees), doing business as Foy Reynolds Cattle Co., Westville, Fla., waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Dewees paid a penalty of \$2,500 after GIPSA found that he failed to pay, when due, for livestock purchases.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 80-17

Contact:

Catherine M. Grasso, (202) 720-7201
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Jamey Stephens, d/b/a Stephens Cattle Company Assessed \$2,400 Civil Penalty

WASHINGTON, Nov. 30, 2017 – On Nov. 14, 2017, Jamey Stephens (Stephens), doing business as Stephens Cattle Company, Bynum, Texas, waived his right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). Stephens paid a penalty of \$2,400 after GIPSA found that he failed to pay, when due, for livestock purchases. He also operated without a bond and kept inadequate records.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 79-17

Contact:
Catherine M. Grasso, (202) 720-7201
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Barnesville Livestock, LLC Assessed \$2,500 Civil Penalty

WASHINGTON, Dec. 4, 2017 – On Nov. 6, 2017, Barnesville Livestock, LLC (Barnesville), New Concord, Ohio, waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Barnesville paid a penalty of \$2,500 after GIPSA found that it misused its custodial account and had custodial account shortages.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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News Release

Release No.: 81-17

Contact:
Catherine M. Grasso, (202) 720-7201
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Verschoor Meats, Inc. Assessed \$5,000 Civil Penalty

WASHINGTON, Dec. 4, 2017 – On Nov. 1, 2017, Verschoor Meats, Inc. (Verschoor), Sioux City, Iowa, waived its right to a hearing and entered into a stipulation agreement with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA). Verschoor paid a penalty of \$5,000 after GIPSA found that it failed to pay, when due, for livestock purchases. Verschoor also failed to fully and accurately explain any adjustment to the actual weight on accountings and maintain records to support such an adjustment.

GIPSA enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards Act. GIPSA may offer alleged violators the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

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.