

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-10-0295
)
Vermilion Ranch Co., d/b/a)
Northern Livestock Video Auction,)
)
Respondent) Decision Without Hearing
by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), hereinafter the Act, by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent has willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (Rules of Practice) applicable to this proceeding (7 C.F.R. § 1.138).

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

Complainant agrees to the entry of this decision.

Findings of Fact

- (1) Vermilion Ranch Co., d.b.a. Northern Livestock Video Auction is a corporation organized and existing under the laws of the State of Montana, whose business mailing address is 2443 N. Frontage Road, Billings, MT 59101.
- (2) Respondent, at all times material herein, was:
 - (a) Engaged in the business of buying and selling livestock in commerce for his own account as a market agency; and
 - (b) Registered with the Secretary of Agriculture as a market agency selling livestock on commission.

Conclusions

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

Order

1. Respondent, its agents and employees, directly or through any corporate or other device, in connection with activities subject to the Act, shall cease and desist from:
 - (a) using rejected or inactive scales in the weighment of livestock for the purposes of purchase, sale, acquisition, payment or settlement (9 C.F.R. § 201.71(d) and 9 C.F.R. § 201.72(a)).
2. Respondent shall be assessed a civil penalty of \$9,000.00 to be paid in accordance with the Understanding Regarding Civil Penalty Payment Terms executed by the parties.

The provisions of this Order shall become final and effective on the sixth (6th) day after service upon Respondent.

Copies of this Decision and Order shall be served upon the parties.



John W. Edwards, Esq.
Attorney for Respondent



Brian P. Sylvester, Esq.
Attorney for Complainant

Issued in Washington D.C.

this 22 day of June, 2011



Administrative Law Judge

Jill S. Clifton