

USDA  
OAL/JOHC

2012 FEB 24 PM 3:07

FILED

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P&S Docket No. D-12-0205  
)  
)  
Big Dan's Trucking, Inc., )  
)  
) Respondent ) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*) by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, alleging that Respondent willfully violated the Act and section 201.55 of the regulations promulgated thereunder (9 C.F.R. § 201.55) by purchasing livestock on other than actual weights and by failing to make timely payment.

Complainant and Respondent have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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.

Findings of Fact

1. Big Dan's Trucking, Inc.; referred to herein as the Respondent, is a corporation organized and existing under the laws of the State of Minnesota. Its business mailing address is 18457 Bethany Drive, Altura, MN 55910.

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

(a) Engaged in the business of buying and selling livestock in commerce; and

(b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

Conclusions

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

Order

Respondent Big Dan's Trucking, Inc.; its agents and employees, directly or indirectly through any corporate or other device, in connection with its operations subject to the Packers and Stockyards Act, shall cease and desist from:

(a) Purchasing livestock on the basis of estimated or false weights; and

Enclisic

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

2) Purchasing livestock and failing to pay for such livestock purchases within the time period required by the Act.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of two thousand five hundred dollars (\$2,500.00). Respondent's payment shall be made out to "Treasurer of the United States" and sent to USDA-GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. A reference notation to the docket number of this case must be included on the face of the payment instrument.

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

Copies of this Decision shall be served upon the parties.

BIG DAN'S TRUCKING, INC.  
Respondent,

[Redacted]

Owner  
Title

[Redacted]

CHARLES SPICKNALL  
Attorney for Complainant

Issued this 22<sup>A</sup> day of February 2012



ADMINISTRATIVE LAW JUDGE

HP LASERJET FAX

1500

ADJ