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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2012 JUN 27 PM 2:45

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In re:)	
)	P & S Docket No. D-12-0354
Lester J. Gemmen Jr.,)	
)	
)	
)	
Respondent)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), (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 willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

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. Lester J. Gemmen, Jr., Respondent, is an individual. Respondent's business mailing address is his home address. In order to protect the personal privacy of the Respondent, Complainant is not providing Mr. Gemmen's address in this Decision.
2. Respondent, at all times material herein, was:

(1) Engaged in the business of buying and selling livestock in commerce for its own account as a dealer; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account.

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 failing to pay, when due, the full purchase of livestock as required by section 409 of the Act (7 U.S.C. §228b).

2. In accordance with section 312(b) of the Act (7 U.S.C. 213(b)), Respondent is assessed a civil penalty of \$1,500.00.

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

Copies of this decision shall be served upon the parties.

Issued in Washington D.C.

this 27th day of July, 2012


Administrative Law Judge


Lester J. Gentmen Jr.,
Respondent


Brian P. Sylvester, Esq.
Attorney for Complainant