

107

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P. & S. Docket No. D-09-0020
	)	
Vermilion Ranch Company, d/b/a	)	
Billings Livestock Commission	)	
Company	)	
	)	
	)	
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.*; hereinafter "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 (hereinafter "Complainant"), alleging that Respondent willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*; hereinafter "Regulations"). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138; hereinafter "Rules of Practice").

Vermilion Ranch Company, d/b/a Billings Livestock Commission Company admits the jurisdictional allegations in paragraph 1 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 consent decision.

Complainant agrees to the entry of this consent decision.

### Findings of Fact

1. Vermilion Ranch Company, d/b/a Billings Livestock Commission Company (hereinafter "Respondent"), is a corporation organized and existing under the laws of the State of Montana, whose mailing address is 2443 N. Frontage Road, Billings, Montana 59101.

2. At all times material to the Complaint Respondent was:

- (a) Engaged in the business of a market agency buying and selling livestock in commerce on a commission basis; and
- (b) Registered with the Secretary of Agriculture as a market agency to buy and sell livestock in commerce on a commission basis.

### Conclusion

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

### Order

Respondent Vermilion Ranch Company, d/b/a Billings Livestock Commission Company, its agents and employees, directly or through any corporate or other device, in connection with Respondent's operations subject to the Act, shall cease and desist from:

- 1. Failing to deposit in their Custodial Account for Shippers' Proceeds, within the time periods prescribed by section 201.42(c) of the Regulations (9 C.F.R. § 201.42(c)), amounts equal to the proceeds receivable from the sale of consigned livestock;
- 2. Failing to otherwise properly maintain the Custodial Account for Shippers' Proceeds in strict conformity with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42); and
- 3. Permitting its auctioneer to directly or indirectly purchase livestock out of



This order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become final and effective upon issuance.

Copies of this consent decision and order shall be served upon the parties.

Issued in Washington, D.C.

this 23<sup>rd</sup> day of September, 2009

  
\_\_\_\_\_  
Administrative Law Judge

Vermilion Ranch Company, d/b/a Billings Livestock Commission Company  
Respondent.

By: 

Title: Vice President

  
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Malcolm H. Goodrich  
Attorney for Respondent

  
\_\_\_\_\_  
Leah C. Battaglioli  
Attorney for Complainant