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UNITED STATES DEPARTMENT OF AGRICULTURE - 2 AM 11: 42

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. D-09-0089
)	
Vander Boon Livestock, Inc.,)	
)	
)	
)	Decision Without Hearing
Respondent)	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.*) (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 the Respondent willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (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 Statues (7 C.F.R. § 1.138) (Rules of Practice).

The 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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Vander Boon Livestock, Inc., (Respondent) is a corporation whose mailing address is 6045 Clinton Trail, Clarksville, MI 48815.

2. At all times material herein, Respondent was:

(a) Engaged in the business of buying livestock in commerce on a commission basis and buying and selling livestock in commerce for its own account or the account of others;

(b) Operating as a market agency and dealer within the jurisdiction of the Secretary; and

(c) Registered with the Secretary of Agriculture as a market agency and dealer buying and selling 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 Vander Boon Livestock, Inc., its agents and employees, directly or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from engaging in business in any capacity for which bonding is required under the Act and the regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations.

Respondent, Vander Boon Livestock, Inc., is assessed a civil penalty of three thousand seven hundred fifty dollars (\$3,750.00), payable in six (6) installments of six hundred twenty five dollars (\$625.00) each. Respondent shall send a certified check or money order for the first

installment of six hundred twenty five dollars (\$625.00), payable to the Treasurer of the United States, to:

USDA—GIPSA
P.O. Box 790335
St. Louis, MO 63197-9000

within thirty (30) days from, the effective date of this Order. The certified check or money order shall include the docket number of this proceeding. The second installment of six hundred twenty five dollars (\$625.00) shall be due on or before April 1, 2012, and the remaining four (4) installments of six hundred twenty five dollars (\$625.00) each shall be due on or before the first day of each month thereafter until the three thousand seven hundred fifty dollars (\$3,750.00) civil penalty is paid in full. Each monthly installment shall be paid by a certified check or money order made payable to the Treasurer of the United States at the mailing address listed above. Each certified check or money order shall include the docket number of this proceeding.

Notwithstanding the payment schedule set forth herein, the Respondent may pay off the remaining balance in full at any point during the payment schedule without incurring any penalty costs. If the Respondent fails to pay any part of the three thousand seven hundred fifty dollars (\$3,750.00) civil penalty in accordance with the schedule of payments set forth herein, the Administrator, GIPSA, reserves the right to request a hearing and to seek the full amount of the civil penalties for all violations of the Act and regulations that Respondent is alleged to have committed up to and including the effective date of this order, minus any amount already paid pursuant to this order.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective on the sixth day after service of this order on the Respondent.

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

Done at Washington, D.C.

this 2nd day of February, 2012


Administrative Law Judge


David Vander Boon
Respondent


Mary L. Koewers
Attorney for Respondent


Ciarra A. Toomey
Attorney for Complainant