

ORIGINAL

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. 12-0201
)
Albert J. Huizenga and)
)
Aaron M. Lancaster, d.b.a.)
)
Beefco)
)
Respondents) Consent Decision and Order

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 (GIPSA), United States Department of Agriculture, alleging that respondents Albert J. Huizenga and Aaron M. Lancaster, d.b.a. Beefco, willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.). This decision is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

(a) Respondents Albert J. Huizenga and Aaron M. Lancaster are individuals, doing business as the partnership Beefco. The address will not be stated here to protect the privacy of the respondents.

(b) Respondents Albert J. Huizenga and Aaron M. Lancaster, d.b.a. Beefco were at all times material herein:

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

(2) Registered with the Secretary of Agriculture as a livestock dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis.

Conclusions

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

Order

Respondents Albert J. Huizenga and Aaron M. Lancaster, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

1. Purchasing livestock and failing to pay the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43); and


2. Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the accounts upon which they are drawn to pay such checks when presented.


In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are assessed a civil penalty in the amount of six thousand and two hundred dollars (\$6,200.00).


Respondents shall make payments according to the provisions outlined in the Understanding Regarding Civil Penalty terms entered into by the parties.


The provisions of this order shall become effective on the sixth day after service of this consent decision and order on the respondents.

Copies of this decision shall be served upon the parties.


Albert J. Huizenga
Respondent



Aaron M. Lancaster


James N. Turner
Attorney for Respondents


Lauren C. Axley
Attorney for Complainant

Done at Washington, D.C.

this 23rd day of May, 2012


Administrative Law Judge