

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	
	)	P&S Docket No. D-12-0453
	)	
Magic Valley Buying	)	
Station, Inc., Eric Drees and	)	
Mindy Drees,	)	
	)	
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 (USDA), alleging that respondent Magic Valley Buying Station, Inc., Eric Drees and Mindy Drees violated the Act. 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

1. Magic Valley Buying Station, Inc., referred to herein as Respondent Magic Valley, at all times material herein, was a corporation whose mailing address is 629 3<sup>rd</sup> Avenue West, Gooding, Idaho 83330.
2. The Respondent Magic Valley was at all times material herein:
  - (a) Engaged in the business of a livestock dealer and market agency buying and selling livestock in commerce on a commission basis; and
  - (b) Registered with the Secretary of Agriculture as a livestock dealer and market agency buying and selling livestock in commerce on a commission basis.
3. The respondent Eric Drees is an individual whose current mailing address is 629 3<sup>rd</sup> Avenue West, Gooding, Idaho 83330.
4. The respondent Eric Drees, at all times material herein, was:
  - (a) President of Respondent Magic Valley;
  - (b) named as the incorporator and registered agent of Respondent Magic Valley in its Articles of Incorporation;
  - (c) an owner of 50% of the stock issued by Respondent Magic Valley;
  - (d) in conjunction with respondent Mindy Drees, responsible for the direction, management and control of Respondent Magic Valley.
5. The respondent Mindy Drees is an individual whose current mailing address is 629 3<sup>rd</sup> Avenue West, Gooding, Idaho 83330.

6. The respondent Mindy Drees, at all times material herein, was:
- (a) Secretary/Treasurer of Respondent Magic Valley;
  - (b) an owner of 50% of the stock issued by Respondent Magic Valley;
  - (c) in conjunction with Respondent Eric Drees, responsible for the direction, management and control of Respondent Magic Valley.

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 Magic Valley, Eric Drees and Mindy Drees, 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 for such livestock purchases the full amount of the purchase price for livestock within the time period required by the Act, 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);
- (2) Engaging in business in any capacity for which registration and bonding are required under the Packers and Stockyards Act, and regulations promulgated thereunder, without properly registering and without filing and maintaining an adequate bond or its equivalent, in accordance with the Act.

Respondent Magic Valley is hereby suspended as a registrant under the Act for a period of five (5) years. Respondents Eric Drees and Mindy Drees, directly or indirectly through any corporate or other device, are prohibited from engaging in business in any capacity for which registration and bond is required under the Act, and the promulgations thereunder, for a period of five (5) years.

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 on the sixth (6th) day after service of this consent decision and order on the respondent.

Copies of this decision shall be served upon the parties.

  
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Tammy Schilling  
Attorney for Respondent

  
\_\_\_\_\_  
Rick Herndon  
Attorney for Complainant

Done at Washington, D.C.

this 21 day of September, 2012

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

Jill S. Clifton