

USDA
OAL/PHC
USDA
OAL/PHC
2012 SEP 13 PM 12:23

UNITED STATES DEPARTMENT OF AGRICULTURE PM 12:11
BEFORE THE SECRETARY OF AGRICULTURE
RECEIVED

In re:) P&S Docket No. 12-0514
)
Intermountain Livestock, Inc.,)
and Dennis Arnzen)
)
Respondents) Consent Decision

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 Respondents Intermountain Livestock, Inc. and Dennis Arnzen willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (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 Statutes (7 C.F.R. § 1.138).

Respondents Intermountain Livestock, Inc. and Dennis Arnzen 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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Respondent Intermountain Livestock, Inc. is a corporation organized under the laws of the State of Oregon, with a mailing address of 60654 Livestock Road, La Grande, Oregon 97850.
2. Respondent Intermountain Livestock, Inc., under the direction, management, and control of Respondent Dennis Arnzen, is, and at all times material to the Complaint was:
 - (a) Engaged in the business of conducting and operating Intermountain Livestock, Inc., a stockyard posted under and subject to the provisions of the Act;
 - (b) Engaged in the business of a dealer buying and selling livestock in commerce and as a market agency buying and selling livestock on a commission basis in commerce; and
 - (c) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce and as a market agency to buy and sell livestock on a commission basis in commerce.
3. Respondent Dennis Arnzen is an individual whose business mailing address is 60654 Livestock Road, La Grande, Oregon 97850.
4. Respondent Dennis Arnzen is, and at all times material to the Complaint was:
 - (a) President of Respondent Intermountain Livestock, Inc.;
 - (b) Owner of 100% of Respondent Intermountain Livestock, Inc.; and
 - (c) Responsible for the direction, management and control of Respondent Intermountain Livestock, Inc.
5. Respondent Dennis Arnzen is, and at all times material to the Complaint was:

- (a) Engaged in the business of conducting and operating Intermountain Livestock, Inc., a stockyard posted under and subject to the provisions of the Act; and
- (b) Engaged in the business of a dealer buying and selling livestock in commerce and as a market agency buying and selling livestock on a commission basis in commerce.

Conclusion

Respondents Intermountain Livestock, Inc. and Dennis Arnzen having admitted the jurisdictional facts, and the parties having agreed to the entry of this consent decision, the consent decision will be entered.

Order

Respondents Intermountain Livestock, Inc. and Dennis Arnzen, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from failing to properly maintain their Custodial Account for Shippers' Proceeds in strict conformity with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42).


In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are further assessed, jointly and severally, a civil penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00).

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

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

Done at Washington, D.C.

this 17th day of October, 2012



Administrative Law Judge


JANICE K. BULLARD


Respondent,
Intermountain Livestock, Inc.

By: 

Title: President


Dennis Arnzen
Respondent


Ernest H. Van Hooser
Attorney for Respondent


Leah C. Battaglioli
Attorney for Complainant