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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-12-0250
Thomas Kinderknecht,)
Barbara Kinderknecht,)
and Quinter Livestock, Inc.,)
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.), (the 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 willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

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.

Complainant agrees to the entry of this decision.

Findings of Fact

- (a) Respondent Quinter Livestock, Inc. is a “for profit” corporation organized and existing under the laws of the State of Kansas. The business mailing address is: 5821 County Road CC, Park , KS 67751. Thomas Kinderknecht and Barbara Kinderknecht are each 50% co-owners of Quinter Livestock, Inc. Taken together, Quinter

Livestock, Inc., Thomas Kinderknecht and Barbara Kinderknecht are herein referred to as respondents.

(b) At all times material herein, Respondents were:

(1) Engaged in the business of a market agency selling livestock on a commission basis; and

(2) Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

(c) Respondent Thomas Kinderknecht is, and at all times material herein, was:

(1) President and 50% co-owner of Respondent Quinter Livestock, Inc.; and

(2) Responsible, jointly with Respondent Barbara Kinderknecht, for the day-to-day management, direction, and control of Respondent Quinter Livestock, Inc.

(d) Respondent Barbara Kinderknecht is, and at all times material herein, was:

(1) Secretary and Treasurer and 50% co-owner of Respondent Quinter Livestock, Inc.; and

(2) Responsible, jointly with Respondent Thomas Kinderknecht, for the day-to-day management, direction, and control of Respondent Quinter Livestock, Inc.

Conclusions

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

Order

1. Respondents, its agents and employees, directly or through any corporate or other device, in connection with activities subject to the Act, shall cease and desist from:

- (a) operating with a shortage in its custodial account in violation of 9 C.F.R. § 201.42(c), section 307(a) (7 U.S.C. § 208), and 312(a) (7 U.S.C. § 213) of the Packers and Stockyards Act; and
- (b) failing to deposit into its custodial accounts, within the time prescribed by section 201.42 of the Regulations (9 C.F.R. § 201.42), an amount equal to the proceeds receivable from the sale of consigned livestock and to the withdrawal of bank charges from their custodial account.

2. In accordance with section 312(b) of the Act (7 U.S.C. 213(b)), Respondents are assessed a civil penalty of \$3,000.00 to be held in abeyance pending a 30-day suspension period and thereafter until Respondents demonstrate that the custodial account is currently in balance (to be verified by a GIPSA audit). If Respondents successfully comply with the suspension order and the GIPSA audit finds that that the custodial account is currently in balance, then no civil penalty will be payable to Complainant. However, if Respondents do not comply with the suspension order and/or the GIPSA audit finds that that the custodial account is currently not in balance, then the \$3,000 civil penalty becomes immediately due and payable to Complainant. The suspension will take effect as of the day this consent decision becomes effective.

The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.

Issued in Washington D.C.

this 26th day of May, 2013

[Redacted Signature]

Administrative Law Judge

[Redacted Signature]

Respondent Thomas Kinderknecht
President and 50% co-owner of
Quinter Livestock, Inc.

Brian Sylvester, Esq.
Counsel for Complainant

[Redacted Signature]

Respondent Barbara Kinderknecht,
Secretary, Treasurer and
50% co-owner of Quinter Livestock, Inc.