



UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	) P & S Docket No. 13-0148, 13-0150
	)
3-State Stockyards, Inc.,	)
	)
TW Cattle Co., LLC	)
	)
Riverside Cattle Co., LLC,	)
	)
Thomas J. Witt a/k/a Tom Witt,	)
	)
Brian J. Witt,	)
	)
Robert J. Witt a/k/a Bob Witt,	)
	)
Respondents	) Consent Decision and Order as to
	) Respondents Riverside Cattle
	) Co., LLC and Brian J. Witt

Consent Decision and Order as to Riverside Cattle Co., LLC and Brian J. Witt

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), by a Complaint filed on January 8, 2013, by the Acting Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (Complainant), alleging that respondents herein willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*).

Respondents Riverside Cattle Co., LLC and Brian J. Witt 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.

This Consent Decision and Order settles this matter only as to Respondents Riverside Cattle Co., LLC and Brian J. Witt.

The complainant agrees to the entry of this decision.

#### Findings of Fact

(A) Respondent Riverside Cattle Co., LLC, is a business organized under the laws of the State of Nebraska with a mailing address of P.O. Box 57, Falls City, NE, 68355. Respondent Riverside Cattle Co., LLC, under the direction, management and control of Respondent Brian J. Witt, is, and at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce for its own account and the account of others;
- (2) Engaged in the business of a market agency buying livestock in commerce on a commission basis;
- (3) A dealer within the meaning of and subject to the Act;
- (4) A market agency within the meaning of and subject to the Act; and

(5) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and registered as a market agency to buy livestock in commerce on a commission basis.

(B) Respondent Brian J. Witt is an individual whose business mailing address is P.O. Box 57, Falls City, NE, 68355. Respondent Brian J. Witt is, and at all times material herein was:

- (1) Sole member, manager and owner of 100% of the stock issued by Respondent Riverside Cattle Co., LLC;
- (2) President of and owner of 33.3% of the stock issued by Respondent 3-State Stockyards, Inc.; and
- (3) Responsible for the direction, management and control of respondents Riverside Cattle Co., LLC and 3-State Stockyards, Inc.

#### Order

Respondents Riverside Cattle Co., LLC and Brian J. Witt, their agents and employees, successors and assigns, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

1. Failing to keep and maintain accounts, records and memoranda as fully and correctly disclose all transactions involved in their business, including but not limited to, purchase and sale invoices, bank statements, canceled checks, and deposit slips; and

2. Failing to, promptly following the purchase of livestock on a commission or agency basis, transmit or deliver to the person for whose account such purchase was made, or the duly authorized agent, a true written account of the purchase showing the number, weight, and price of each kind of animal purchased, the names of the person from whom purchased, the date of purchase, the commission and other lawful charges, and such other facts as may be necessary to complete the account and show fully the true nature of the transaction.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents Riverside Cattle Co., LLC and Brian J. Witt., are assessed, jointly and severally, a civil penalty in the amount of forty-three thousand dollars (\$43,000.00).

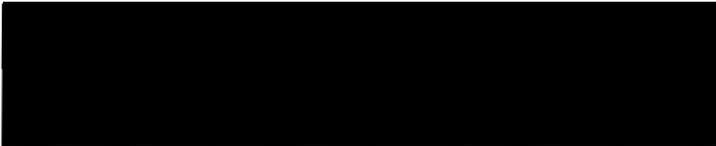
This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth day after service of this consent decision and Order on the respondents.

Copies of this decision shall be served upon the parties.

RCC



Brian J. Witt  
Respondent



Riverside Cattle Co., LLC  
By: Brian J. Witt - Manager and Owner  
Respondent



Krishna G. Ramaraju  
Attorney for Complainant

Done at Washington, D.C.

this 7<sup>th</sup> day of August, 2013



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Peter M. Davenport  
Chief Administrative Law Judge