



UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0543

In re: Luke Kottke,  
d/b/a Kottke Cattle Company,

Respondent

**Supplemental Order**

This matter is before the Administrative Law Judge upon the Motion of the Complainant for a Supplemental Order directing that the Civil Penalty heretofore held in abeyance be made due and payable immediately without the need for further proceedings. By way of background, this action was settled by the entry of a Consent Decision on December 31, 2012. As part of the Consent Decision, a civil penalty of \$32,000.00 was assessed against the Respondent; however, payment of the penalty was held in abeyance provided that the Respondent complied with the terms and conditions of an Understanding Regarding Consent Decision which required the Respondent to make full restitution to his unpaid livestock creditor in accordance with a plan between Respondent and Turenne Livestock Market of Thorp, Wisconsin. That plan obligated Respondent to pay the creditor a minimum of \$9,000.00 per month until the entire outstanding debt was paid in full, with full payment of the debt to be made no later than January 1, 2014.

Pursuant to the above mentioned Understanding, Complainant's representative personally served the Respondent with a deficiency letter on January 22, 2014, notifying Respondent that he had breached his obligations under the Consent Decision and Order. Respondent failed to respond to the letter, or otherwise give indication that he intended to

pay the debt as required. Complainant then filed its Motion for the Supplemental Order on March 21, 2014, and on May 30, 2014, supplemented its Motion with the affidavit of Glen Turenne, the owner of Turenne Livestock Market indicating that as of June 2, 2014, Respondent still owed the market the sum of \$25,565.45, plus accrued court costs associated with garnishment proceedings.

Being sufficiently advised, it is **ORDERED** that:

So much of the Consent Decision and Order dated December 31, 2012 as held in abeyance the imposition of the Civil Penalty of \$32,000.00 assessed against Respondent Luke Kottke is **VACATED** and **MODIFIED** to provide that the Civil Penalty of \$32,000.00 is and shall be immediately due and payable.

Copies of this Supplemental Order will be served upon the parties by the Hearing Clerk.



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**Peter M. Davenport**  
Chief Administrative Law Judge