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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket No. 15-0052
	)	
Nancy Schrock	)	
dba Midwest Exchange Regional Stockyards,	)	
	)	
Respondent	)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (regulations) 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 the respondent willfully violated the Act and the regulations. Complainant and the respondent have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter; neither admits nor denies the remaining allegations, waives oral hearing and further procedure; and consents and agrees, for the purpose of settling this proceeding and for such purposes only, to the entry of this Decision.

Findings of Fact

1. Nancy Schrock, is, and at all times material herein was, 100 percent owner and the sole officer of Midwest Exchange Regional Stockyards, and, formulated, directed, and controlled the policies, practices and activities of Midwest Exchange Regional Stockyards.

2. Nancy Schrock dba Midwest Exchange Regional Stockyards, hereinafter respondent, is an individual with a business mailing address of P.O. Box 246, Mexico, Missouri 65265.

3. Respondent is, and at all times material herein was:

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

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

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, this Consent Decision will be entered.

Order

Respondent, Nancy Schrock dba Midwest Exchange Regional Stockyards, her agents, employees, successors and assigns directly or through any device, in connection with respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from:

(1) Failing to maintain and use properly her custodial account; and

(2) Misusing the custodial account by allowing the transfer of funds from the custodial account to another business account and allowing the deduction of bank fees from the custodial account that were for purposes unrelated to the paying of consignors or lawful market charges.

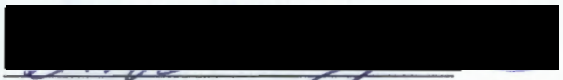
In accordance with section 312(b) of the Act (7 U.S.C. §213(b)), respondent, Nancy Schrock dba Midwest Exchange Regional Stockyards is assessed a civil penalty of five thousand and five hundred dollars ($5,500.00). The civil penalty shall be paid as follows: five hundred and twenty dollars ($520) is immediately due and payable. The remaining balance shall be paid

in twelve equal installments of four hundred and fifteen dollars ($415.00) per month beginning March 15, 2015 and ending February 15, 2016. Each payment must be received by USDA-GIPSA no later than the fifteenth of each consecutive month. The civil penalty payment instrument should be made payable to "Treasurer of the United States" and sent to USDA-GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335.

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

Copies of this decision shall be served upon the parties.

NANCY SCHROCK
DBA MIDWEST EXCHANGE REGIONAL STOCKYARDS
Respondent



DARLENE M. BOLINGER
Attorney for Complainant

Issued in Washington D.C.

this 24 day of February 2015

JILL S. CLIFTON
ADMINISTRATIVE LAW JUDGE