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Kusch, Flintoft & Conlin

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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | |
| |) | |
| Robert W. Schenk, |) | Docket No. 13-0357 |
| |) | |
| |) | |
| Respondent |) | |
| |) | 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 the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that multiple Respondents, including Robert W. Schenk, wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

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 purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Robert W. Schenk (Schenk) is an individual, whose business address is 4435 E. Loch Alpine Dr., Ann Arbor, MI 48108.

2. Schenk, at all times material to this amended complaint, is:

- a. Engaged in the business of a dealer, buying and selling livestock in commerce for his own account or the account of others;
- b. Engaged in the business of a market agency, buying livestock in commerce on commission;
- c. Registered with the Secretary of Agriculture as a dealer, buying and selling livestock, and as a market agency to buy livestock on commission for the account of others.

Conclusions

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

Order

Respondent, and his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

1. Agreeing or otherwise arranging to take turns with others in the bidding and buying of livestock at auctions or other livestock markets; and
2. Failing to conduct his livestock buying operations independently of and in

competition with other dealers, market agencies or packers.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of six thousand dollars (\$6,000). The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 31st day of MARCH, 2015

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Administrative Law Judge
JANICE K. BULLARD

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Robert W. Schenk
Respondent

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Peter C. Flintoft
Attorney for Respondent

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Jonathan Gordy
Attorney for Complainant