

**UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE**

In re:

Stephen Smeal and Mendy Smeal, d/b/a  
Fatted Calf Cattle Farms #6

Respondents.

P&S Docket No. 22-J-0013

P&S Docket No. 22-J-0014

Consent Decision and Order

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This proceeding was initiated under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181, *et seq.*) (the "Act"), by a Complaint filed on November 30, 2021, by the Deputy Administrator, Fair Trade Practices Program, Packers and Stockyards Division, Agricultural Marketing Service (AMS), United States Department of Agriculture (USDA), alleging that Respondent willfully violated the Act. This consent decision is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents Stephen Smeal and Mendy Smeal, d/b/a Fatted Calf Cattle Farms #6 admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by Respondents in connection with this proceeding or any action against any USDA

1 employee in their individual capacity, and consents and agrees, for the purpose of settling this  
2 proceeding and for such purpose only, to the entry of this consent decision.

3 Complainant agrees to the entry of this consent decision.

4 Findings of Fact

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6 1. Respondents Stephen Smeal and Mendy Smeal are individuals and residents of [REDACTED]  
7 [REDACTED] who are equal partners in a partnership d/b/a Fatted Calf Cattle Farms #6. Respondents  
8 address is not included in this Complaint to protect Respondents' privacy, but will be provided to  
9 the Hearing Clerk, USDA, to effect service.

10 2. At all times material herein, Respondents, as equal partners, directed, managed, and  
11 controlled Fatted Calf Cattle Farms #6 were:

12 (1) Engaged in the business of buying and selling livestock in commerce for Respondents'  
13 own account and for the accounts of others;

14 (2) Engaged in the business of a market agency buying livestock on a commission basis;  
15 and,

16 (3) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in  
17 commerce and as a market agency to buy livestock on a commission basis.  
18

19 Conclusions of Law

20 Respondents have admitted the jurisdictional facts and the parties have consented to the  
21 issuance of this Consent Decision and Order without further procedure. This Consent Decision  
22 and Order shall have the same force and effect as a decision issued after a hearing.  
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1 In the event that Respondents violate the Act at any time during the 7 day suspension  
2 period, then any outstanding balance of the Civil Penalty will become immediately due and  
3 payable.

4 Respondents shall comply with all registration requirements under the Act, in connection  
5 with their future operations subject to the Act. This Consent Decision and Order shall become  
6 effective and final upon issuance, as if entered after a full hearing. Copies of this Consent Decision  
7 and Order shall be served on the Respondents and Complainant.  
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9  
10 AGREED TO BY:

11 [Redacted Signature]  
12 \_\_\_\_\_  
13 **Stephen Smeal**

14 [Redacted Signature]  
15 \_\_\_\_\_  
16 **Mendy Smeal**

**MARY**  
**ZOLDAK**  
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**Mary E. Zoldak**  
Attorney for Complainant

1 Done at Washington, D.C.  
This 17th day of June 2022

Jill S. Clifton, Administrative Law Judge

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*Jill S. Clifton*

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