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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket Nos. 17-0016
	)	17-0017
Glacial Lakes Livestock, Inc.,	)	17-0018
Jim Jensen III, and Rick Woehlhaff,	)	
	)	
Respondents	)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), 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 respondents Glacial Lakes Livestock, Inc., Jim Jensen III, and Rick Woehlhaff willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This 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 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Glacial Lakes Livestock, Inc. (Respondent corporation), is a business organized under the laws of the State of South Dakota, with a physical address of [redacted], [redacted] and a mailing address of P.O. Box 256, Watertown, South Dakota 57201.

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

(a) Engaged in the business of conducting and operating a posted stockyard subject to the provisions of the Act;

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

(c) Registered with the Secretary of Agriculture as a market agency buying and selling livestock in commerce on a commission basis and as a dealer.

3. Jim Jensen III (Respondent Jensen) is an individual whose current address is in the State of South Dakota. His address will not be stated in this consent decision to protect Respondent Jensen's privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this consent decision.

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

(a) The 60.7 percent owner of Respondent corporation; and

(b) A market agency within the meaning of and subject to the provisions of the Act.

5. Rick Woehlhaff (Respondent Woehlhaff) is an individual whose current address is in the State of South Dakota. His address will not be stated in this consent decision to protect Respondent Woehlhaff's privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this consent decision.

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

(a) The manager and 33.33 percent owner of Respondent corporation[1];

(b) Responsible for the day-to-day direction, management, and control of Respondent Corporation; and

(c) A market agency within the meaning of and subject to the provisions of the Act.

Conclusions

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

Order

Respondents Glacial Lakes Livestock, Inc., Jim Jensen III, and Rick Woehlhaff, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

1. Failing to maintain their Custodial Account for Shipper's Proceeds in strict conformity with the requirements of section 201.42 of the regulations (9 C.F.R. § 201.42); and
2. Using funds received from the sale of consigned livestock for any purpose other than payment to consignors of the amount due from the sale of their livestock and the payment of lawful marketing charges, including, but not limited to:

[1] The percent ownership listed herein for Respondents Jensen and Woehlhaff is that which they themselves reported to complainant in their latest annual report. Two additional owners existed at the time, but respondents did not report them to GIPSA until after issuance of the complaint. These two owners did not have management and control responsibilities at the time of the violations alleged in the complaint, and they do not have them now.

a. Transferring custodial account proceeds, which exceeded the amount due the market agency for lawful marketing charges, from the custodial account into general operating accounts, and

b. Permitting their bank to deduct fees from the custodial account.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), the respondents are assessed, jointly and severally, a civil penalty in the amount of seven thousand dollars ($7,000.00). Respondents shall send one or more certified checks or money orders for a total amount of seven thousand dollars ($7,000.00), payable to the Treasurer of the United States, to USDA GIPSA Lockbox, P. O. Box 790335, St. Louis, Missouri 63179-0335 within thirty (30) days from the effective date of this order as determined by the issuing Administrative Law Judge. Respondents shall indicate on the certified check(s) or money order(s) that payment is in reference to P&S Docket Nos. 17-0016, 17-0017, and 17-0018.

The provisions of this order shall become 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.

Glacial Lakes Livestock, Inc.
Respondent

By: [redacted]

Title: President

[redacted]
Rick Woehlhaff
Respondent

[redacted]
Jim Jensen III
Respondent

[redacted]
Thomas J. Linngren, Esq.
Attorney for Respondents

[redacted]
Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 15 day of MAR, 2017

[redacted]
Administrative Law Judge

Jill S. Clifton